

TRIAL OF GERMAN WAR CRIMINALS

OPENING ADDRESS

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FOR THE

UNITED STATES OF AMERICA

IN THE

TRIAL OF GERMAN WAR CRIMINALS
TOGETHER WITH A COPY OF THE INDICTMENT
AGAINST THE SAID GERMAN WAR CRIMINALS



PRESENTED BY MR. GUFFEY

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TRIAL OF GERMAN WAR CRIMINALS

INTERNATIONAL MILITARY TRIBUNAL

No. I

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS—AGAINST—HERMANN WILHELM GÖRING, RUDOLPH HESS, JOACHIM VON RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK, WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR SCHACHT, GUSTAV KRUPP VON BOHLEN UND HALBACH, KARL DONITZ, ERICH RAEDER, BALDUR VON SCHIRACH, FRITZ SAÜCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ VON PAPEN, ARTUR SEYSS-INQUART, ALBERT SPEER, CONSTANTIN VON NEURATH, AND HANS FRITZSCHE, INDIVIDUALLY AND AS MEMBERS OF ANY OF THE FOLLOWING GROUPS OR ORGANIZATIONS TO WHICH THEY RESPECTIVELY BELONGED, NAMELY: DIE REICHSREGIERUNG (REICH CABINET); DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, COMMONLY KNOWN AS THE "GESTAPO"); DIE STURMARTEILUNGEN DER NSDAP (COMMONLY KNOWN AS THE "SA") AND THE GENERAL STAFF AND HIGH COMMAND OF THE GERMAN ARMED FORCES, ALL AS DEFINED IN APPENDIX B, DEFENDANTS.

OPENING ADDRESS FOR THE UNITED STATES OF AMERICA

By Robert H. Jackson, Representative and Chief of Counsel for the
United States of America

May It Please Your Honors:

The privilege of opening the first trial in history for crimes against the peace of the world imposes a grave responsibility. The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating that civilization cannot tolerate their being ignored because it cannot survive their being repeated. That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that power ever has paid to reason.

This tribunal, while it is novel and experimental, is not the product of abstract speculations, nor is it created to vindicate legalistic

theories. This inquest represents the practical effort of 4 of the most mighty of nations, with the support of 14 more, to utilize international law to meet the greatest menace of our times—aggressive war. The common sense of mankind demands that law shall not stop with the punishment of petty crimes by little people. It must also reach men who possess themselves of great power and make deliberate and concerted use of it to set in motion evils which leave no home in the world untouched. It is a cause of this magnitude that the United Nations will lay before Your Honors.

In the prisoners' dock sit twenty-odd broken men. Reproached by the humiliation of those they have led almost as bitterly as by the desolation of those they have attacked, their personal capacity for evil is forever past. It is hard now to perceive in these miserable men as captives the power by which—as Nazi leaders they once dominated much of the world and terrified most of it. Merely as individuals, their fate is of little consequence to the world.

What makes this inquest significant is that these prisoners represent sinister influences that will lurk in the world long after their bodies have returned to dust. They are living symbols of racial hatreds, of terrorism and violence, and of the arrogance and cruelty of power. They are symbols of fierce nationalisms and of militarism, of intrigue and war making which have embroiled Europe generation after generation, crushing its manhood, destroying its homes, and impoverishing its life. They have so identified themselves with the philosophies they conceived and with the forces they directed that any tenderness to them is a victory and an encouragement to all the evils which are attached to their names. Civilization can afford no compromise with the social forces which would gain renewed strength if we deal ambiguously or indecisively with the men in whom those forces now precariously survive.

What these men stand for we will patiently and temperately disclose. We will give you undeniable proofs of incredible events. The catalog of crimes will omit nothing that could be conceived by a pathological pride, cruelty, and lust for power. These men created in Germany, under the Führerprinzip, a National Socialist despotism equaled only by the dynasties of the ancient East. They took from the German people all those dignities and freedoms that we hold natural and inalienable rights in every human being. The people were compensated by inflaming and gratifying hatreds toward those who were marked as scapegoats. Against their opponents, including Jews, Catholics, and free labor, the Nazis directed such a campaign of arrogance, brutality, and annihilation as the world has not witnessed since the pre-Christian ages. They excited the German ambition to be a master race, which, of course, implies serfdom for others. They led their people on a mad gamble for domination. They diverted social energies and resources to the creation of what they thought to be an invincible war machine. They overran their neighbors. To sustain the master race in its war making, they enslaved millions of human beings and brought them into Germany, where these hapless creatures now wander as "displaced persons." At length, bestiality and bad faith reached such excess that they aroused the sleeping strength of imperiled civilization. Its united efforts have ground the German war machine to fragments. But the struggle has left Europe a liberated yet prostrate land where a demoralized society

struggles to survive. These are the fruits of the sinister forces that sit with these defendants in the prisoners' dock.

In justice to the nations and the men associated in this prosecution, I must remind you of certain difficulties which may leave their mark on this case. Never before in legal history has an effort been made to bring within the scope of a single litigation the developments of a decade, covering a whole continent and involving a score of nations, countless individuals, and innumerable events. Despite the magnitude of the task, the world has demanded immediate action. This demand has had to be met, though perhaps at the cost of finished craftsmanship. In my country established courts, following familiar procedures, applying well-thumbed precedents, and dealing with the legal consequences of local and limited events, seldom commence a trial within a year of the event in litigation. Yet less than 8 months ago today the courtroom in which you sit was an enemy fortress in the hands of German SS troops. Less than 8 months ago nearly all our witnesses and documents were in enemy hands. The law had not been codified, no procedures had been established, no tribunal was in existence, no usable courthouse stood here, none of the hundreds of tons of official German documents had been examined, no prosecuting staff had been assembled, nearly all the present defendants were at large, and the four prosecuting powers had not yet joined in common cause to try them. I should be the last to deny that the case may well suffer from incomplete researches and quite likely will not be the example of professional work which any of the prosecuting nations would normally wish to sponsor. It is, however, a completely adequate case to the judgment we shall ask you to render, and its full development we shall be obliged to leave to historians.

Before I discuss particulars of evidence, some general considerations which may affect the credit of this trial in the eyes of the world should be candidly faced. There is a dramatic disparity between the circumstances of the accusers and of the accused that might discredit our work if we should falter, in even minor matters, in being fair and temperate.

Unfortunately, the nature of these crimes is such that both prosecution and judgment must be by victor nations over vanquished foes. The world-wide scope of the aggressions carried out by these men has left but few real neutrals. Either the victors must judge the vanquished or we must leave the defeated to judge themselves. After the First World War we learned the futility of the latter course. The former high station of these defendants, the notoriety of their acts, and the adaptability of their conduct to provoke retaliation make it hard to distinguish between the demand for a just and measured retribution, and the unthinking cry for vengeance which arises from the anguish of war. It is our task so far as humanly possible, to draw the line between the two. We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow. To pass these defendants a poisoned chalice is to put it to our own lips as well. We must summon such detachment and intellectual integrity to our task that this trial will commend itself to posterity as fulfilling humanity's aspiration to do justice.

At the very outset, let us dispose of the contention that to put these men to trial is to do them an injustice entitling them to some

special consideration. These defendants may be hard-pressed but they are not ill-used. Let us see what alternative they would have to being tried.

More than a majority of these prisoners surrendered to or were tracked down by forces of the United States. Could they expect us to make American custody a shelter for our enemies against the just wrath of our allies? Did we spend American lives to capture them only to save them from punishment? Under the principles of the Moscow declaration, those suspected war criminals who are not to be tried internationally must be turned over to individual governments for trial at the scene of their outrages. Many less responsible and less culpable American-held prisoners have been and will be turned over to other United Nations for local trial. If these defendants should succeed, for any reason, in escaping the condemnation of this tribunal, or if they obstruct or abort this trial, those who are American-held prisoners will be delivered up to our continental allies. For these defendants, however, we have set up an international tribunal and have undertaken the burden of participating in a complicated effort to give them fair and dispassionate hearings.

That is the best known protection to any man with a defense worthy of being heard.

If these men are the first war leaders of a defeated nation to be prosecuted in the name of the law, they are also the first to be given a chance to plead for their lives in the name of the law. Realistically, the charter of this tribunal which gives them a hearing is also the source of their only hope. It may be that these men of troubled conscience, whose only wish is that the world forget them, do not regard a trial as a favor. But they do have a fair opportunity to defend themselves—a favor which these men, when in power, rarely extended, even to their fellow countrymen. Despite the fact that public opinion already condemns their acts, we agree that here they must be given a presumption of innocence, and we accept the burden of proving criminal acts and the responsibility of these defendants for their commission.

When I say that we do not ask for convictions unless we prove crime, I do not mean mere technical or incidental transgression of international conventions. We charge guilt on planned and intended conduct that involves moral as well as legal wrong. And we do not mean conduct that is a natural and human, even if illegal, cutting of corners, such as many of us might well have committed had we been in the defendants' positions. It is not because they yielded to the normal frailties of human beings that we accuse them. It is their abnormal and inhuman conduct which brings them to this bar.

We will not ask you to convict these men on the testimony of their foes. There is no count of the indictment that cannot be proved by books and records. The Germans were always meticulous record keepers, and these defendants had their share of the Teutonic passion for thoroughness in putting things on paper. Nor were they without vanity. They arranged frequently to be photographed in action. We will show you their own films. You will see their own conduct and hear their own voices as these defendants reenact for you, from the screen, some of the events in the course of the conspiracy.

We would also make clear that we have no purpose to incriminate the whole German people. We know that the Nazi Party was not

put in power by a majority of the German vote. We know it came to power by an evil alliance between the most extreme of the Nazi revolutionists, the most unrestrained of the German reactionaries, and the most aggressive of the German militarists. If the German populace had willingly accepted the Nazi program, no Stormtroopers would have been needed in the early days of the party and there would have been no need for concentration camps or the Gestapo, both of which institutions were inaugurated as soon as the Nazi gained control of the German State. Only after these lawless innovations proved successful at home were they taken abroad.

The German people should know by now that the people of the United States hold them in no fear, and in no hate. It is true that the Germans have taught us the horrors of modern warfare, but the ruin that lies from the Rhine to the Danube shows that we, like our allies, have not been dull pupils. If we are not awed by German fortitude and proficiency in war, and if we are not persuaded of their political maturity, we do respect their skill in the arts of peace, their technical competence, and the sober, industrious and self-disciplined character of the masses of the German people. In 1933 we saw the German people recovering prestige in the commercial, industrial, and artistic world after the set-back of the last war. We beheld their progress neither with envy nor malice. The Nazi regime interrupted this advance. The recoil of the Nazi aggression has left Germany in ruins. The Nazi readiness to pledge the German word without hesitation and to break it without shame has fastened upon German diplomacy a reputation for duplicity that will handicap it for years. Nazi arrogance had made the boast of the master race a taunt that will be thrown at Germans the world over for generations. The Nazi nightmare has given the German name a new and sinister significance throughout the world which will retard Germany a century. The German, no less than the non-German, world has accounts to settle with these defendants.

The fact of the war and the course of the war, which is the central theme of our case, is history. From September 1, 1939, when the German armies crossed the Polish frontiers, until September 1941, when they met epic resistance at Stalingrad, German arms seemed invincible. Denmark and Norway, the Netherlands and France, Belgium and Luxembourg, the Balkans and Africa, Poland and the Baltic States, and parts of Russia, all had been overrun and conquered by swift, powerful, well-aimed blows. That attack upon the peace of the world is the crime against international society which brings into international cognizance crimes in its aid and preparation which otherwise might be only internal concerns. It was aggressive war, which the nations of the world had renounced. It was war in violation of treaties, by which the peace of the world was sought to be safeguarded.

This war did not just happen—it was planned and prepared for over a long period of time and with no small skill and cunning. The world has perhaps never seen such a concentration and stimulation of the energies of any people as that which enabled Germany, 20 years after it was defeated, disarmed, and dismembered, to come so near carrying out its plan to dominate Europe. Whatever else we may say of those who were the authors of this war, they did achieve a stupendous work in organization, and our first task is to examine the means by which

these defendants and their fellow conspirators prepared and incited Germany to go to war.

In general, our case will disclose these defendants all uniting, at some time, with the Nazi Party in a plan which they well knew could be accomplished only by an outbreak of war in Europe. Their seizure of the German State, their subjugation of the German people, their terrorism and extermination of dissident elements, their planning and waging of war, their calculated and planned ruthlessness in the conduct of warfare, their deliberate and planned criminality toward conquered peoples—all these are ends for which they acted in concert; and all these are phases of the conspiracy, a conspiracy which reached one goal only to set out for another and more ambitious one. We shall also trace for you the intricate web of organizations which these men formed and utilized to accomplish these ends. We will show how the entire structure of offices and officials was dedicated to the criminal purposes and committed to use of the criminal methods planned by these defendants and their coconspirators, many of whom war and suicide have put beyond reach.

It is my purpose to open the case, particularly under count 1 of the indictment, and to deal with the common plan or conspiracy to achieve ends possible only by resort to crimes against peace, war crimes, and crimes against humanity. My emphasis will not be on individual barbarities and perversions which may have occurred independently of any central plan. One of the dangers ever present is that this trial may be protracted by details of particular wrongs, and that we will become lost in a wilderness of single instances. Nor will I now dwell on the activity of individual defendants except as it may contribute to exposition of the common plan.

The case as presented by the United States will be concerned with the brains and authority back of all the crimes. These defendants were men of a station and rank which does not soil its own hands with blood. They were men who knew how to use lesser folk as tools. We want to reach the planners and designers, the inciters and leaders, without whose evil architecture the world would not have been for so long scourged with the violence and lawlessness, and wracked with the agonies and convulsions, of this terrible war.

THE LAWLESS ROAD TO POWER

The chief instrumentality of cohesion in plan and action was the National Socialist German Workers Party, known as the Nazi Party. Some of the defendants were with it from the beginning. Others joined only after success seemed to have validated its lawlessness or power had invested it with immunity from the processes of the law. Adolf Hitler became its supreme leader, or Führer, in 1921.

On the 24th of February 1920, at Munich, it publicly had proclaimed its program. Some of its purposes would commend themselves to many good citizens, such as the demands for "profit-sharing in the great industries," "generous development of provision for old age," "creation and maintenance of a healthy middle class," "a land reform suitable to our national requirements,"—and "raising the standard of health." It also made a strong appeal to that sort of nationalism which in ourselves we call patriotism and in our rivals chauvinism. It demanded "equality of rights for the German people in its dealing

with other nations and the evolution of the peace treaties of Versailles and St. Germaine." It demanded the "union of all Germans on the basis of the right of self-determination of peoples to form a great Germany." It demanded "land and territory (colonies) for the enrichment of our people and the settlement of our surplus population." All these, of course, were legitimate objectives if they were to be attained without resort to aggressive warfare.

The Nazi Party from its inception, however, contemplated war. It demanded "the abolition of mercenary troops and the formation of national army." It proclaimed that—

In view of the enormous sacrifice of life and property demanded of a nation by every war, personal enrichment through war must be regarded as a crime against the nation. We demand, therefore, the ruthless confiscation of all war profits.

I do not criticize this policy. Indeed, I wish it were universal. I merely point out that in a time of peace, war was a preoccupation of the party, and it started the work of making war less offensive to the masses of the people. With this it combined a program of physical training and sports for youth that became, as we shall see, the cloak for a secret program of military training.

The Nazi Party declaration also committed its members to an anti-Semitic program. It declared that no Jew nor any person of non-German blood could be a member of the nation. Such persons were to be disfranchised, disqualified for office, subject to the alien laws, and entitled to nourishment only after the German population had first been provided for. All who had entered Germany after August 2, 1914, were to be required forthwith to depart, and all non-German immigration was to be prohibited.

The party also avowed, even in those early days, an authoritarian and totalitarian program for Germany. It demanded creation of a strong central power with unconditional authority, nationalization of all businesses which had been "amalgamated," and a "reconstruction" of the national system of education which "must aim at teaching the pupil to understand the idea of the state (state sociology)." Its hostility to civil liberties and freedom of the press was distinctly announced in these words:

It must be forbidden to publish newspapers which do not conduce to the national welfare. We demand the legal prosecution of all tendencies in art or literature of a kind likely to disintegrate our life as a nation and the suppression of institutions which might militate against the above requirements.

The forecast of religious persecution was clothed in the language of religious liberty, for the Nazi program stated, "We demand liberty for all religious denominations in the state." But it continues with the limitation, "so far as they are not a danger to it and do not militate against the morality and moral sense of the German race."

The party program foreshadowed the campaign of terrorism. It announced, "We demand ruthless war upon those whose activities are injurious to the common interests," and it demanded that such offenses be punished with death.

It is significant that the leaders of this party interpreted this program as a belligerent one certain to precipitate conflict. The party platform concluded:

The leaders of the party swear to proceed regardless of consequences—if necessary, at the sacrifice of their lives—toward the fulfillment of the foregoing points.

It is this leadership corps of the party, not its entire membership, that stands accused as a criminal organization.

Let us now see how the leaders of the party fulfilled their pledge to proceed regardless of consequences. Obviously, their foreign objectives, which were nothing less than to undo international treaties and to wrest territory from foreign control, as well as most of their internal program, could be accomplished only by possession of the machinery of the German State. The first effort, accordingly, was to subvert the Weimar Republic by violent revolution. An abortive putsch at Munich in 1923 landed many of them in jail. The period of meditation which followed produced *Mein Kampf*, henceforth the source of law for the party workers and a source of considerable revenue to its supreme leader. The Nazi Party plans for the violent overthrow of the feeble Republic then turned to plans for its capture.

No greater mistake could be made than to think of the Nazi Party in terms of the loose organizations which we of the Western World call political parties. In discipline, structure, and method, the Nazi Party was not adapted to the democratic process of persuasion. It was an instrument of conspiracy and of coercion. The party was not organized to take over power in the German State by winning support of a majority of the German people. It was organized to seize power in defiance of the will of the people.

The Nazi Party, under the Führerprinzip, was bound by an iron discipline into a pyramid, with the Führer, Adolf Hitler, at the top, and broadening into a numerous leadership corps, composed of overlords of a very extensive party membership at the base. By no means all of those who may have supported the movement in one way or another were actual party members. The membership took the party oath which, in effect, amounted to an abdication of personal intelligence and moral responsibility. This was the oath:

I vow inviolable fidelity to Adolf Hitler; I vow absolute obedience to him and to the leaders he designates for me.

The membership in daily practice followed its leaders with an idolatry and self-surrender more oriental than western.

We will not be obliged to guess as to the motives or goal of the Nazi Party. The immediate aim was to undermine the Weimar Republic and the order to all party members to work to that end was given in a letter from Hitler of August 24, 1931, to Rosenberg, of which we will produce the original (Doc. 047-PS, from Rosenberg file). Captured film enables us to present the defendant, Alfred Rosenberg, who from the screen will himself tell you the story. The SA practiced violent interference with elections. We have here the reports of the SD describing in detail how its members later violated the secrecy of elections in order to identify those who opposed them (Doc. No. R-142; report from files of SD at Kochem).

The party activity, in addition to all of the familiar forms of political contest, took on the aspect of a rehearsal for warfare. It utilized a party formation, die sturmabteilungen, commonly known as the SA. This was a voluntary organization of youthful and fanatical Nazis trained for the use of violence under semimilitary discipline. Its members began by acting as bodyguards for the Nazi leaders, and rapidly expanded from defensive to offensive tactics. They became disciplined ruffians for the breaking up of opposition meetings and the

terrorization of adversaries. They boasted that their task was to make the Nazi Party "master of the streets." The SA was the parent organization of a number of others. Its offspring include die schutzstaffeln, commonly known as the SS, formed in 1925 and distinguished for the fanaticism and cruelty of its members, and der sicherheitsdienst, known as the SD. Die Geheime Staatspolizei, the Secret State Police, the infamous Gestapo, was formed in 1934 after Nazi accession to power.

A glance at a chart of the party organization is enough to show how completely it differed from the political parties we know. It had its own source of law in the Führer and sub-Führers. It had its own courts and its own police. The conspirators set up a government within the party to exercise outside the law every sanction that any legitimate state could exercise and many that it could not. Its chain of command was military, and its formations were martial in name as well as in function. They were composed of battalions, set up to bear arms under military discipline, motorized corps, flying corps, and the infamous Deaths Head Corps, which was not misnamed. The party had its own secret police, its security units, its intelligence and espionage division, its raiding forces, and its youth forces. It established elaborate administrative mechanisms to identify and liquidate spies and informers, to manage concentration camps, to operate death vans, and to finance the whole movement. Through these concentric circles of authority the Nazi Party, as its leadership later boasted, eventually organized and dominated every phase of German life—but not until they had waged a bitter internal struggle characterized by brutal criminality. In preparation for this phase of their struggle, they created a party police system. This became the pattern and the instrument of the police State, which was the first goal in their plan.

The party affiliates and formations, including the leadership corps of the Party, the SD, the SS, the SA, and the infamous Secret State Police, or Gestapo—all these stand accused before you as criminal organizations; organizations which, as we will prove from their own documents, were recruited only from recklessly devoted Nazis, ready in conviction and temperament to do the most violent of deeds to advance the common program. They terrorized and silenced democratic opposition and were able at length to combine with political opportunists, militarists, industrialists, monarchists, and political reactionaries.

On January 30, 1933, Adolf Hitler became Chancellor of the German Republic. An evil combination, represented in the prisoners' dock by its most eminent survivors, had succeeded in possessing itself of the machinery of the German Government, a facade behind which they thenceforth would operate to make a reality of the war of conquest they so long had plotted. The conspiracy had passed into its second phase.

THE CONSOLIDATION OF NAZI POWER

We shall now consider the steps, which embraced the most hideous of crimes against humanity, to which the conspirators resorted in perfecting control of the German State and in preparing Germany for the aggressive war indispensable to their ends.

The Germans of the 1920's were a frustrated and baffled people as a result of defeat and the disintegration of their traditional government. The democratic elements, which were trying to govern Germany through the new and feeble machinery of the Weimar Republic, got inadequate support from the democratic forces of the rest of the world. It is not to be denied that Germany, when world-wide depression was added to her other problems, was faced with urgent and intricate pressures in her economic and political life which necessitated bold measures.

The internal measures by which a nation attempts to solve its problems are ordinarily of no concern to other nations. But the Nazi program, from the first, was recognized as a desperate program for a people still suffering the effects of an unsuccessful war. The Nazi policy embraced ends always recognized as attainable only by a renewal and a more successful outcome of war. The conspirators' answer to Germany's problems was nothing less than a plot the regaining of territories lost in the First World War and the acquisition of other fertile lands of central Europe by dispossessing or exterminating those who inhabited them. They also contemplated destroying or permanently weakening all other neighboring peoples so as to win virtual domination of Europe and, thereby, of the world. The precise limits of their ambition we need not define for it was and is illegal to wage aggressive war for small stakes as for large ones.

We find at this period two governments in Germany—the real and the ostensible. The forms of the German Republic were maintained for a time, and it was the outward and visible government. But the real authority in the state was outside of and above the law and rested in the leadership corps of the Nazi Party.

On February 27, 1933, less than a month after Hitler became Chancellor, the Reichstag building was set on fire. The burning of this symbol of free parliamentary government was so providential for the Nazis that it was believed they staged the fire themselves. Certainly, when we contemplate their known crimes, we cannot believe they would shrink from mere arson. It is not necessary, however, to resolve the controversy as to who set the fire. The significant point is in the use that was made of the fire and of the state of public mind it produced. The Nazis immediately accused the Communist Party of instigating and committing the crime, and turned every effort to portray this single act of arson as the beginning of a Communist revolution. Then, taking advantage of the hysteria, the Nazis met this phantom revolution with a real one. In the following December the Supreme Court, with commendable courage and independence, acquitted the accused Communists, but it was too late to influence the tragic course of events which the Nazi conspirators had set rushing forward.

Hitler, on the morning after the fire, obtained from the aged and ailing President Hindenburg a Presidential decree suspending the extensive guaranties of individual liberty contained in the Constitution of the Weimar Republic. It must be said in fairness to von Hindenburg that the Constitution itself authorized him temporarily to suspend these fundamental rights "if the public safety and order in the German Reich are considerably disturbed or endangered." It must also be acknowledged that President Ebert previously had invoked this power.

But the National Socialist coup was made possible because the terms of the Hitler-Hindenburg decree departed from all previous ones in which the power of suspension had been invoked. Whenever Ebert had suspended constitutional guaranties of individual rights, his decree had expressly revived the Protective Custody Act adopted by the Reichstag in 1916 during the previous war. This act guaranteed a judicial hearing within 24 hours of arrest, gave a right to have counsel and to inspect all relevant records, provided for appeal, and authorized compensation from Treasury funds for erroneous arrests.

The Hitler-Hindenburg decree of February 28, 1933, contained no such safeguards. The omission may not have been noted by Von Hindenburg. Certainly he did not appreciate its effect. It left the Nazi police and Nazi Party formations, already existing and functioning under Hitler, completely unrestrained and irresponsible. Secret arrest and indefinite detention, without charges, without evidence, without hearing, without counsel, became the method of inflicting inhuman punishment on any whom the Nazi police suspected or disliked. No court could issue an injunction or writ of habeas corpus or certiorari. The German people were in the hands of the police, the police were in the hands of the Nazi Party, and the party was in the hands of a ring of evil men of whom the defendants here before you are surviving and representative leaders.

The Nazi conspiracy, as we shall show, always contemplated not merely overcoming current opposition, but exterminating elements which could not be reconciled with its philosophy of the state. It not only sought to establish the Nazi "new order" but to secure its sway, as Hitler predicted, "for a thousand years." Nazis were never in doubt or disagreement as to what these dissident elements were. They were concisely described by one of them, Colonel General von Fritsch, on December 11, 1938, in these words:

Shortly after the first war I came to the conclusion that we should have to be victorious in three battles if Germany were to become powerful again: 1. The battle against the working class—Hitler has won this. 2. Against the Catholic Church, perhaps better expressed against ultramontaniam. 3. Against the Jews (Doc. No. 1947-PS).

The warfare against these elements was continuous. The battle in Germany was but a practice skirmish for the world-wide drive against them. We have in point of geography and of time two groups of crimes against humanity—one within Germany before and during the war, the other in occupied territory during the war. But the two are not separated in Nazi planning. They are a continuous unfolding of the Nazi plan to exterminate peoples and institutions which might serve as a focus or instrument for overturning their "new world order" at any time. We consider these crimes against humanity in this address as manifestations of the one Nazi plan and discuss them according to General von Fritsch's classification.

1. The battle against the working class

When Hitler came to power, there were in Germany three groups of trade unions. The General German Trade Union Confederation (ADGB) with 28 affiliated unions, and the General Independent Employees Confederation (AFA) with 13 federated unions, together numbered more than 4,500,000 members. The Christian Trade Union had over 1,250,000 members.

The working people of Germany, like the working people of other nations, had little to gain personally by war. While labor is usually brought around to the support of the nation at war, labor, by and large, is a pacific, though by no means a pacifist, force in the world. The working people of Germany had not forgotten in 1933 how heavy the yoke of the war lord can be. The Nazi program required that this part of the German population not only be stripped of power to resist diversion of its scanty comforts to armament, but also be wheedled or whipped into new and unheard of sacrifices as a part of the Nazi war preparation. Labor must be cowed, and that meant its organizations and means of cohesion and defense must be destroyed.

The purpose to regiment labor for the Nazi Party was avowed by Robert Ley in a speech to workers, on May 2, 1933, as follows:

You may say what else do you want, you have the absolute power. True, we have the power, but we do not have the whole people, we do not have you workers 100 percent, and it is you whom we want; we will not let you be until you stand with us in complete, genuine acknowledgment.

The first Nazi attack was upon the two larger unions. On April 21, 1933, an order not even in the name of the Government, but of the Nazi Party, was issued by the conspirator Robert Ley, as "chief of staff of the political organization of the NSDAP," applicable to the Trade Union Confederation and the Independent Employees Confederation. It directed seizure of their properties and arrest of their principal leaders. The party order directed party organs which we here denounce as criminal associations, the SA and the SS, "to be employed for the occupation of the trade union properties, and for the taking into custody of personalities who come into question." And it directed taking into "protective custody" of all chairmen and district secretaries of such unions and branch directors of the labor bank.

These orders were carried out on May 2, 1933. All funds of the labor unions, including pension and benefit funds, were seized. Union leaders were sent to concentration camps. A few days later, on May 10, 1933, Hitler appointed Ley leader of the German Labor Front (Deutsche Arbeitsfront), which succeeded to the confiscated union funds. The German Labor Front, a Nazi-controlled labor bureau, was set up under Ley to teach the Nazi philosophy to German workers and to weed out from industrial employment all who were backward in their lessons. "Factory troops" were organized as an "ideological shock squad within the factory." The party order provided that "outside of the German Labor Front, no other organization (whether of workers or of employees) is to exist." On June 24, 1933, the remaining Christian trade-unions were seized pursuant to an order of the Nazi Party signed by Ley.

On May 19, 1933, this time by Government decree, it was provided that "trustees" of labor, appointed by Hitler, should regulate the conditions of all labor contracts, replacing the former process of collective bargaining. On November 30, 1934, a decree "regulating national labor" introduced the Führer principle into industrial relations. It provided that the owners of enterprises should be the Führers and the workers should be the followers. The enterpriser-Führer should "make decisions for employees and laborers in all matters concerning the enterprise." It was by such bait that the great German industrialists were induced to support the Nazi cause, to their own ultimate ruin.

Not only did the Nazis dominate and regiment German labor, but they forced the youth into the ranks of the laboring people they had thus led into chains. Under a compulsory labor service decree of June 28, 1935, young men and women between the ages of 18 and 25 were conscripted for labor. Thus was the purpose to subjugate German labor accomplished. In the words of Ley, this accomplishment consisted—

in eliminating the association character of the trade-union and employees' associations, and in its place we have substituted the conception, "soldiers of work."

The productive manpower of the German Nation was in Nazi control. By these steps the defendants won the battle to liquidate labor unions as potential opposition and were enabled to impose upon the working class the burdens of preparing for aggressive warfare.

Robert Ley, the field marshal of the battle against labor, answered our indictment with suicide. Apparently he knew no better answer.

2. The battle against the churches

The Nazi Party always was predominantly anti-Christian in its ideology. But we who believe in freedom of conscience and of religion base no charge of criminality on anybody's ideology. It is not because the Nazis themselves were irreligious or pagan, but because they persecuted others of the Christian faith that they become guilty of crime, and it is because the persecution was a step in the preparation for aggressive warfare that the offense becomes one of international consequence. To remove every moderating influence among the German people and to put its population on a total war footing, the conspirators devised and carried out a systematic and relentless repression of all Christian sects and churches.

We will ask you to convict the Nazis on their own evidence. Martin Bormann, in June 1941, issued a secret decree on the relation of Christianity and national socialism. The decree provided:

All influences which might impair or damage the leadership of the people exercised by the Führer with the help of the NSDAP must be eliminated. More and more the people must be separated from the churches and their organs, the pastors. * * * Just as the deleterious influence of astrologers, seers, and other fakers are eliminated and suppressed by the state, so must the possibility of church influence also be totally removed. * * * Not until this has happened does the state leadership have influence on the individual citizens. Not until then are the people and Reich secure in their existence for all time.

And how the party had been securing the Reich from Christian influence will be proved by such items as this telegram from the Gestapo, Berlin, to the Gestapo, Nürnberg, on July 24, 1938. Let us hear their own account of events in Rottenburg:

The party, on the 23d July 1938, starting at 2100, carried out the third demonstration against Bishop Sproll. About 2,500 to 3,000 participants from outlying areas were brought along in busses, etc. The Rottenburg population did not take part in the demonstration. * * * The demonstrators stormed the palace. Broke in the gates and doors. About 150 to 200 men penetrated into the palace, searched the rooms, threw documents out of the windows and rooted up the beds in the rooms of the palace. One bed was set afire. * * * The bishop was at prayer in the chapel with Archbishop Groeber, of Freiburg, and the men and women of his entourage. Approximately 25 to 30 persons broke into the chapel and molested those present there. Bishop Groeber was taken for Bishop Sproll, seized by the robe, and pushed around. (Doc. 848 PS.)

Later, Defendant Rosenberg wrote to Bormann reviewing the proposal of Kerrl as Church Minister to place the Protestant church

under state tutelage and proclaim Hitler its supreme head. Rosenberg was opposed, hinting that nazism was to suppress the Christian church completely after the war.

The persecution of all pacifist and dissenting sects, such as Jehovah's Witnesses and the Pentecostal Association, was peculiarly relentless and cruel. The policy toward the Evangelical churches, however, was to use their influence for the Nazis' own purposes. In September 1933 Mueller was appointed the Führer's representative with power to deal with the "affairs of the Evangelical Church" in its relations to the state. Eventually, steps were taken to create a Reich bishop vested with power to control this church. A long conflict followed, Pastor Niemoeller was sent to concentration camp, and extended interference with the internal discipline and administration of the churches occurred.

A most intense drive was directed against the Roman Catholic Church. After a strategic concordat with the Holy See, signed in July 1933 in Rome, which never was observed by the Nazi Party, a long and persistent persecution of the Catholic Church, its priesthood and its members, was carried out. Church schools and educational institutions were suppressed or subject to requirements of Nazi teaching inconsistent with the Christian faith. The property of the church was confiscated and an inspired vandalism directed against church property was left unpunished. Religious instruction was impeded and the exercise of religion made difficult. Priests and bishops were laid upon, riots were stimulated to harass them, and many were sent to concentration camps.

After occupation of foreign soil, these persecutions went on with greater vigor than ever. We will present to you the earnest protests made by the Vatican to Ribbentrop, summarizing the persecutions to which the priesthood and the church had been subjected in this twentieth century under the Nazi regime. Ribbentrop never answered them.

3. Crimes against the Jews

The most savage and numerous crimes planned and committed by the Nazis were those against the Jews. Those in Germany in 1933 numbered about 500,000. In the aggregate, they had made for themselves positions which excited envy, and had accumulated properties which excited the avarice of the Nazis. They were few enough to be helpless and numerous enough to be held up as a menace.

Let there be no misunderstanding about the charge of persecuting Jews. What we charge against these defendants is not those arrogances and pretensions which frequently accompany the intermingling of difficult peoples and which are likely, despite the honest efforts of government, to produce regrettable crimes and convulsions. It is my purpose to show a plan and design, to which all Nazis were fanatically committed, to annihilate all Jewish people. These crimes were organized and promoted by the party leadership, executed and protected by the Nazi officials, as we shall convince you by written orders of the secrete state police itself.

The persecution of the Jews was a continuous and deliberate policy. It was a policy directed against other nations as well as against the Jews themselves. Anti-Semitism was promoted to divide and embitter the democratic peoples and to soften their resistance to the Nazi aggression. As Robert Ley declared,

The second German secret weapon is anti-Semitism, because if it is constantly pursued by Germany, it will become a universal problem which all nations will be forced to consider.

Anti-Semitism also has been aptly credited with being a "spearhead of terror." The ghetto was the laboratory for testing repressive measures. Jewish property was the first to be expropriated, but the custom grew and included similar measures against anti-Nazi Germans, Poles, Czechs, Frenchmen, and Belgians. Extermination of the Jews enabled the Nazis to bring a practiced hand to similar measures against Poles, Serbs, and Greeks. The plight of the Jew was a constant threat to opposition or discontent among other elements of Europe's population—pacifists, conservatives, Communists, Catholics, Protestants, Socialists. It was, in fact, a threat to every dissenting opinion and to every non-Nazi's life.

The persecution policy against the Jews commenced with nonviolent measures, such as disfranchisement and discriminations against their religion, and the placing of impediments in the way of success in economic life. It moved rapidly to organized mass violence against them, physical isolation in ghettos, deportation, forced labor, mass starvation, and extermination. The Government, the party formations indicted before you as criminal organizations, the secret state police, the Army, private and semipublic associations, and "spontaneous" mobs that were carefully inspired from official sources, were all agencies concerned in this persecution. Nor was it directed against individual Jews for personal bad citizenship or unpopularity. The avowed purpose was the destruction of the Jewish people as a whole, as an end in itself, as a measure of preparation for war, and as a discipline of conquered peoples.

The conspiracy or common plan to exterminate the Jew was so methodically and thoroughly pursued that despite the German defeat and Nazi prostration, this Nazi aim largely has succeeded. Only the remnants of the European Jewish population remain in Germany, in the countries which Germany occupied, and in those which were her satellites or collaborators. Of the 9,600,000 Jews who lived in Nazi-dominated Europe, 60 percent are authoritatively estimated to have perished. 5,700,000 Jews are missing from the countries in which they formerly lived, and over 4,500,000 cannot be accounted for by the normal death rate nor by immigration; nor are they included among displaced persons. History does not record a crime ever perpetrated against so many victims or one ever carried out with such calculated cruelty.

You will have difficulty, as I have, to look into the faces of these defendants and believe that in this twentieth century human beings could inflict such sufferings as will be proved here on their own countrymen as well as upon their so-called inferior enemies. Particular crimes, and the responsibility of defendants for them, are to be dealt with by the Soviet Government's counsel, when committed in the east, and by counsel for the Republic of France when committed in the west. I advert to them only to show their magnitude as evidence of a purpose and a knowledge common to all defendants, of an official plan rather than of a capricious policy of some individual commander, and to show such a continuity of Jewish persecution from the rise of the Nazi conspiracy to its collapse as forbids us to believe that any

person could be identified with any part of Nazi action without approving this most conspicuous item of its program.

The indictment itself recites many evidences of the anti-Semitic persecutions. The defendant, Streicher, led the Nazis in anti-Semitic bitterness and extremism. In March 1942 he complained that Christian teachings have stood in the way of "radical solution of the Jewish question in Europe," and quoted enthusiastically as the twentieth century solution the Führer's proclamation of February 24, 1942, that "the Jew will be exterminated" (Doc. 1957 PS). And on November 4, 1943, Streicher declared that the Jews—

have disappeared from Europe and that the Jewish "Reservoir of the East" from which the Jewish plague has for centuries beset the people of Europe, has ceased to exist (Doc. 1965 PS, November 4, 1943).

Streicher now has the effrontery to tell us he is "only a Zionist"—he says he wants only to return the Jews to Palestine. But on May 7, 1942 (Doc. 1979-PS), he wrote:

It is also not only an European problem. The Jewish question is a world question. Not only is Germany not safe in the face of the Jews as long as one Jew lives in Europe, but also the Jewish question is hardly solved in Europe so long as Jews live in the rest of the world.

And the defendant Hans Frank, a lawyer by profession, I say with shame, summarized in his diary, in 1944, the Nazi policy thus:

The Jews are a race which has to be eliminated; whenever we catch one, it is his end (Doc. 2233-PS, vol. 1944, p. 26).

And earlier, speaking of his function as Governor General of Poland, he confided to his diary this sentiment:

Of course, I cannot eliminate all lice and Jews in only a year's time (Doc. 2233-PS, vol. IV, 1940, pl. 1158).

I could multiply endlessly this kind of Nazi ranting, but I will leave it to the evidence and turn to the fruit of this perverted thinking.

The most serious of the actions against Jews were outside of any law, but the law itself was employed to some extent. There were the infamous Nürnberg decrees of September 15, 1935 (R-613-L. I., p. 1146). The Jews were segregated into ghettos and put into forced labor; they were expelled from their professions; their property was expropriated; all cultural life, the press, the theater, and schools were prohibited them, and the SD was made responsible for them (Docs. 112-PS, 212-PS, 069-PS). This was an ominous guardianship.

The anti-Jewish campaign became furious in Germany following the assassination in Paris of the German Legation Councillor von Rath. Heydrich, Gestapo head, sent a teletype to all Gestapo and SD offices with directions for handling "spontaneous" uprisings anticipated for the nights of November 9 and 10, 1938, so as to aid in destruction of Jewish-owned property and protect only that of Germans (Doc. 765-PS). No more cynical document ever came into evidence. Then there is a report by an SS brigade leader to Himmler (Doc. L-180), which recites that—

Following our orders, the security police had decided to solve the Jewish question with all possible means and with every determination. But it was desirable that the security police should not put in an immediate appearance, at least in the beginning, since the extraordinarily severe measures were apt to stir even German circles. We arranged to prove to the public that the native population itself took the first action by way of natural reaction against the suppression by Jews during

several decades and against the terror exercised by the Communists during the preceding period (pp. 4, 5).

Of course, it is self-evident that these "uprisings" were managed by the Government and the Nazi Party. If we were in doubt, we could resort to Streicher's memorandum of April 14, 1939, which says:

The anti-Jewish action of November 1938 did not arise spontaneously from the people * * *. Parts of the party formation have been charged with the execution of the anti-Jewish action (Doc. 406-PS).

Jews as a whole were fined a billion reichsmarks. They were excluded from all businesses and claims against insurance companies for their burned properties were confiscated, all by decree of the defendant Göring (Reich Law Register, 1938, teil I, No. 189, pp. 1579-1582; Doc. L-1).

Synagogues were the objects of a special vengeance. On November 10, 1938, the following order was given:

By order of the group commander, all Jewish synagogues in the area of Brigade 50 have to be blown up or set afire * * *. The operation will be carried out in civilian clothing * * *. Execution of the order will be reported * * * (Doc. 1721-PS).

Some 40 teletype messages from various police headquarters will tell the fury with which all Jews were pursued in Germany on those awful November nights. The SS troops were turned loose and the Gestapo supervised. Jewish-owned property was authorized to be destroyed. The Gestapo ordered twenty to thirty thousand "well-to-do Jews" to be arrested. Concentration camps were to receive them. Healthy Jews, fit for labor, were to be taken (Doc. L-13; Doc. L-33).

As the German frontiers were expanded by war, so the campaign against the Jews expanded. The Nazi plan never was limited to extermination in Germany; always it contemplated extinguishing the Jew in Europe and often in the world. In the West, the Jews were killed and their property taken over. But the campaign achieved its zenith of savagery in the East. The eastern Jew has suffered as no people ever suffered. Their sufferings were carefully reported to the Nazi authorities to show faithful adherence to the Nazi design. I shall refer only to enough of the evidence of these to show the extent of the Nazi design for killing Jews.

If I should recite these horrors in words of my own, you would think me intemperate and unreliable. Fortunately, we need not take the word of any witness but the Germans themselves. I invite you now to look at a few of the vast number of captured German orders and reports that will be offered in evidence, to see what a Nazi invasion meant. We will present such evidence as the report of Einsatzgruppe (Action Group) A of October 15, 1941, which boasts that in over-running the Baltic States—

Native anti-Semitic forces were induced to start pogroms against the Jews during the first hours after occupation * * * (Doc. L-180, p. 4).

The report continues:

From the beginning it was to be expected that the Jewish problem in the East could not be solved by pogroms alone. In accordance with the basic orders received, however, the cleansing activities of the security police had to aim at a complete annihilation of the Jews. Special detachments reinforced by selected units—in Lithuania partisan detachments, in Latvia units of the Latvian auxiliary

police—therefore performed extensive executions both in the towns and in rural areas. The actions of the execution detachments were performed smoothly.

The sum total of the Jews liquidated in Lithuania amounts to 71,105. During the pogroms in Kowno, 3,800 Jews were eliminated; in the smaller towns about 1,200 Jews.

In Latvia, up to now, a total of 30,000 Jews were executed. Five hundred were eliminated by pogroms in Riga.

This is a captured report from the commissioner of Sluzk on October 20, 1941, which describes the scene in more detail. It says:

* * * The first lieutenant explained that the police battalion had received the assignment to effect the liquidation of all Jews here in the town of Sluzk within 2 days. * * * Then I requested him to postpone the action 1 day. However, he rejected this with the remark that he had to carry out this action everywhere and in all towns, and that only 2 days were allotted for Sluzk. Within these 2 days, the town of Sluzk had to be cleared of Jews by all means. * * * All Jews, without exception, were taken out of the factories and shops and deported, in spite of our agreement. It is true that part of the Jews were moved by way of the ghetto where many of them were processed and still segregated by me, but a large part were loaded directly on trucks and liquidated without further delay outside of the town. * * * For the rest, as regards the execution of the action, I must point out to my deepest regret that the latter bordered already on sadism. The town itself offered a picture of horror during the action. With indescribable brutality on the part of both the German police officers and particularly the Lithuanian partisans, the Jewish people, but also among them White Ruthenians, were taken out of their dwellings and herded together. Everywhere in the town shots were to be heard and in different streets the corpses of shot Jews accumulated. The White Ruthenians were in greatest distress to free themselves from the encirclement. Regardless of the fact that the Jewish people, among whom were also tradesmen, were mistreated in a terribly barbarous way in the face of the White Ruthenian people, the White Ruthenians themselves were also worked over with rubber clubs and rifle butts. There was no question of an action against the Jews any more. It rather looked like a revolution. * * *

There are reports which merely tabulate the numbers slaughtered. An example is an account of the work of Einsatzgruppen of Sipo and SD in the East (Doc. R-102), which relates that—

In Estonia, all Jews were arrested immediately upon the arrival of the Wehrmacht (p. 7). Jewish men and women above the age of 16 and capable of work were drafted for forced labor (p. 8). Jews were subjected to all sorts of restrictions and all Jewish property was confiscated (p. 8).

All Jewish males above the age of 16 were executed, with the exception of doctors and elders. Only 500 of an original 4,500 Jews remained (p. 8).

37,180 persons have been liquidated by the Sipo and SD in White Ruthenia during October.

In one town, 337 Jewish women were executed for demonstrating a "provocative attitude" (p. 13). In another, 380 Jews were shot for spreading vicious propaganda (p. 13).

And so the report continues, listing town after town where hundreds upon hundreds of Jews were murdered.

In Witebsk 3,000 Jews were liquidated because of the danger of epidemics.

In Kiev, 33,771 Jews were executed on September 29 and 30 in retaliation for some fires which were set off there (p. 18).

In Shitomir, 3,145 Jews "had to be shot" because, judging from experience, they had to be considered as the carriers of Bolshevik propaganda (p. 18).

In Cherson, 410 Jews were executed in reprisal against acts of sabotage.

In the territory east of the Djnepr, the Jewish problem was "solved" by the liquidation of 4,891 Jews (p. 19) and by putting the remainder into labor battalions of up to 1,000 persons.

Other accounts tell not of the slaughter so much as of the depths of degradation to which the tormentors stooped. For example, we will show the report made to Defendant Rosenberg about the Army

and the SS in the area under Rosenberg's jurisdiction, which recited the following (Doc. R-135):

Details: In presence of SS men, a Jewish dentist has to break all gold teeth and fillings out of mouth of German and Russian Jews before they are executed (Doc. B).

Men, women, and children are locked into barns and burned alive (Doc. A).

Peasants, women, and children are shot on pretext that they are suspected of belonging to bands (Doc. C).

We of the Western World heard of gas wagons in which Jews and political opponents were asphyxiated. We could not believe it. But here we have the report of May 16, 1942, from the German SS officer, Becker, to his supervisor in Berlin, which tells this story (Doc. 656, PS, dated May 16, 1942):

Gas vans in C group can be driven to execution spot, which is generally stationed 10 to 15 kilometers from main road only in dry weather. Since those to be executed become frantic if conducted to this place, such vans become immobilized in wet weather (letter, p. 1).

Gas vans in D group camouflaged as cabin trailers, but vehicles well known to authorities and civilian population, which calls them death vans (letter, p. 2).

Writer of letter (Becker) ordered all men to keep as far away as possible during gassing. Unloading van has "atrocious spiritual and physical effect" on men and they should be ordered not to participate in such work (letter, p. 2).

I shall not dwell on this subject longer than to quote one more sickening document which evidences the planned and systematic character of the Jewish persecutions. I hold a report written with Teutonic devotion to detail, illustrated with photographs to authenticate its almost incredible text, and beautifully bound in leather with the loving care bestowed on a proud work. It is the original report of the SS Brigadier General Strop, in charge of the destruction of the Warsaw Ghetto, and its title page carries the inscription, "The Jewish Ghetto in Warsaw No Longer Exists." It is characteristic that one of the captions explains that the photograph concerned shows the driving out of Jewish "bandits"; those whom the photograph shows being driven out are almost entirely women and little children. It contains a day-by-day account of the killings, mainly carried out by the SS organization, too long to relate, but let me quote from his own summary (Doc. No. 1061 PS, p. 5).

General Strop's report relates the following:

The resistance put up by the Jews and bandits could only be suppressed by energetic actions of our troops day and night. The Reichsführer SS ordered, therefore, on April 23, 1943, the cleaning out of the ghetto with utter ruthlessness and merciless tenacity. I, therefore, decided to destroy and burn down the entire ghetto without regard to the armament factories. These factories were systematically dismantled and then burned. Jews usually left their hideouts, but frequently remained in the burning buildings and jumped out of the windows only when the heat became unbearable. They then tried to crawl with broken bones across the street into buildings which were not afire. Sometimes they changed their hideouts during the night into the ruins of burned buildings. Life in the sewers was not pleasant after the first week. Many times we could hear loud voices in the sewers. SS men or policemen climbed bravely through the manholes to capture these Jews. Sometimes they stumbled over Jewish corpses; sometimes they were shot at. Tear gas bombs were thrown into the manholes and the Jews driven out of the sewers and captured. Countless numbers of Jews were liquidated in sewers and bunkers through blasting. The longer the resistance continued the tougher became the members of the Waffen SS, police, and Wehrmacht, who always discharged their duties in an exemplary manner. Frequently Jews who tried to replenish their food supplies during the night or to communicate with neighboring groups were exterminated.

This action eliminated, says the SS commander—

a proved total of 56,065. To that we have to add the number of those killed through blasting, fire, etc., which cannot be counted.

We charge that all atrocities against Jews were the manifestation and culmination of the Nazi plan to which every defendant here was a party. I know very well that some of these men did take steps to spare some particular Jew for some personal reason from the horrors that awaited the unrescued Jew. Some protested that particular atrocities were excessive, and discredited the general policy. While a few defendants may show efforts to make specific exceptions to the policy of Jewish extermination, I have found no instance in which any defendant opposed the policy itself or sought to revoke or even modify it.

Determination to destroy the Jews was a binding force which at all times cemented the elements of this conspiracy. On many internal policies there were differences among the defendants. But there is not one of them who has not echoed the rallying cry of Nazism "Deutschland erwache, Juda verreckel!" (Germany awake, Jewry perish!)

TERRORISM AND PREPARATION FOR WAR

How a government treats its own inhabitants generally is thought to be no concern of other governments or of international society. Certainly few oppressions or cruelties would warrant the intervention of foreign powers. But the German mistreatment of Germans is now known to pass in magnitude and savagery any limits of what is tolerable by modern civilization. Other nations, by silence, would take a consenting part in such crimes. These Nazi persecutions, moreover, take character as international crimes because of the purpose for which they were undertaken.

The purpose, as we have seen, of getting rid of the influence of free labor, the churches, and the Jews was to clear their obstruction to the precipitation of aggressive war. If aggressive warfare in violation of treaty obligation is a matter of international cognizance, the preparations for it must also be of concern to the international community. Terrorism was the chief instrument for securing the cohesion of the German people in war purposes. Moreover, these cruelties in Germany served as atrocity practice to discipline the membership of the criminal organizations to follow the pattern later in occupied countries.

Through the police formations that before you are accused as criminal organizations, the Nazi Party leaders, aided at some point in their basic and notorious purpose by each of the individual defendants, instituted a reign of terror. These espionage and police organizations were utilized to hunt down every form of opposition and to penalize every nonconformity. These organizations early founded and administered concentration camps—Buchenwald in 1933, Dachau in 1934. But these notorious names were not alone. Concentration camps came to dot the German map and to number scores. At first they met with resistance from some Germans. We have a captured letter from Minister of Justice Guertner to Hitler which is revealing (Doc. 787-PS). A Gestapo official had been prosecuted for crimes committed in the camp at Hohnstein, and the Nazi Governor

of Saxony had promptly asked that the proceeding be quashed. The Minister of Justice in June of 1935 protested because, as he said:

In this camp unusually grave mistreatments of prisoners has occurred at least since summer 1933. The prisoners not only were beaten with whips without cause, similarly as in the Concentration Camp Bredow near Stettin, till they lost consciousness, but they were also tortured in other manners—e. g., with the help of a dripping apparatus constructed exclusively for this purpose, under which prisoners had to stand until they were suffering from serious purulent wounds of the scalp * * *.

I shall not take time to detail the ghastly proceedings in these concentration camps. Beatings, starvings, tortures, and killings were routine—so routine that the tormentors became blase and careless. We will show you a report that in Ploetzens one night, 186 persons were executed while there were orders for only 180 (Doc. 653-PS). Another report describes how the family of one victim received two urns of ashes by mistake (Doc. 843-PS). Inmates were compelled to execute each other. In 1942, they were paid 5 reichsmarks per execution, but on June 27, 1942, SS General Gluecks ordered commandants of all concentration camps to reduce this honorarium to three cigarettes (Doc. 1934-PS). On 1943, the Reich leader of the SS and Chief of German Police ordered the corporal punishments on Russian women to be applied by Polish women and vice versa, but the price was not frozen. "As reward a few cigarettes" was authorized (Doc. 804-PS). Under the Nazis, human life had been progressively devalued until it finally became worth less than a handful of tobacco—ersatz tobacco. There were, however, some traces of the milk-of-human-kindness. On August 11, 1942, an order went from Himmler to the commandants of 14 concentration camps that "only German prisoners are allowed to beat other German prisoners" (Doc. No. 1654-PS).

Mystery and suspenses was added in order to spread torture from the inmate to his family and friends. Men and women disappeared from their homes or business or from the streets, and no word came of them. The omission of notice was not due to overworked staff; it was due to policy. The Chief of the SD and Sipo reported that in accordance with orders from the Führer anxiety should be reated in the minds of the family of the arrested person (Doc. 668-PS). Deportations and secret arrests were labeled, with a Nazi wit which seems a little ghoulish, "Nacht und Nebel (night and fog)" (Doc. 833-PS).

To clumsy cruelty, scientific skill was added. "Undesirables" were exterminated by injection of drugs into the bloodstream, by asphyxiation in gas chambers. They were shot with poison bullets, to study the effects (Doc. 1974-PS).

Then, to cruel experiments the Nazi added obscene ones. These were not the work of underling degenerates but of master minds high in the Nazi conspiracy. On May 20, 1942, General Field Marshal Milch authorized SS General Wolff to go ahead at Dachau Camp with so-called "cold experiments," and four female gypsies were supplied for the purpose (Doc. 400-PS). Himmler gave permission to carry on these "experiments" also in Auschwitz and Lublin camps (Docs. 1617-PS; 1617-PS; 1971-PS). At Dachau, the reports of the "doctor" in charge show that victims were immersed in cold water until their body temperature was reduced to 28° C. (82.4° F.), when

they all died immediately (Doc. 1618-PS). This was in August 1942. But the "doctor's" technique improved. By February 1943 he was able to report that 30 persons were chilled to 27° to 29°, their hands and feet frozen white, and their bodies "rewarmed" by a hot bath. But the Nazi scientific triumph was "rewarming with animal heat." The victim, all but frozen to death, was surrounded with bodies of living women until he revived and responded to his environment by having sexual intercourse (reports of Dr. Rascher, Doc. 1616-PS). Here Nazi degeneracy reached its nadir.

I dislike to encumber the record with such morbid tales, but we are in the grim business of trying men as criminals, and these are the things their own agents say happened. We will show you these concentration camps in motion pictures, just as the Allied armies found them when they arrived, and the measures General Eisenhower had to take to clean them up. Our proof will be disgusting and you will say I have robbed you of your sleep. But these are the things which have turned the stomach of the world and set every civilized hand against Nazi Germany.

Germany became one vast torture chamber. Cries of its victims were heard round the world and brought shudders to civilized people everywhere. I am one who received during this war most atrocity tales with suspicion and skepticism. But the proof here will be so overwhelming that I venture to predict not one word I have spoken will be denied. These defendants will only deny personal responsibility or knowledge.

Under the clutch of the most intricate web of espionage and intrigue that any modern state has endured, and persecution and torture of a kind that has not been visited upon the world in many centuries, the elements of the German population which were both decent and courageous were annihilated. Those which were decent but weak were intimidated. Open resistance, which had never been more than feeble and irresolute, disappeared. But resistance, I am happy to say, always remained, although it was manifest only in such events as the abortive effort to assassinate Hitler on July 20, 1944. With resistance driven underground, the Nazi had the German State in his own hands.

But the Nazis not only silenced discordant voices. They created positive controls as effective as their negative ones. Propaganda organs, on a scale never before known, stimulated the party and party formations with a permanent enthusiasm and abandon such as we democratic people can work up only for a few days before a general election. They inculcated and practiced the Führer Prinzip, which centralized control of the party and of the party-controlled state over the lives and thought of the German people, who are accustomed to look upon the German State by whomever controlled with a mysticism that is incomprehensible to my people.

All these controls from their inception were exerted with unparalleled energy and single-mindedness to put Germany on a war footing. We will show from the Nazis' own documents their secret training of military personnel, their secret creation of a military air force. Finally, a conscript army was brought into being. Financiers, economists, industrialists joined in the plan and promoted elaborate alterations in industry and finance to support an unprecedented concentration of resources and energies upon preparations for war. Germany's rearmament so outstripped the strength of her neighbors that in about a year

she was able to crush the whole military force of continental Europe, exclusive of that of Soviet Russia, and then to push the Russian armies back to the Volga. These preparations were of a magnitude which surpassed all need of defense and every defendant, and every intelligent German, well understood them to be for aggressive purposes.

EXPERIMENTS IN AGGRESSION

Before resorting to open aggressive warfare, the Nazis undertook some cautious experiments to test the spirit and resistance of those who lay across their path. They advanced, but only as others yielded, and kept in a position to draw back if they found a temper that made persistence dangerous.

On March 7, 1936, the Nazis reoccupied the Rhineland and then proceeded to fortify it in violation of the Treaty of Versailles and the Pact of Locarno. They encountered no substantial resistance and were emboldened to take the next step, which was the acquisition of Austria. Despite repeated assurances that Germany had no designs on Austria, invasion was perfected. Threat of attack forced Schuschnigg to resign as Chancellor of Austria and put the Nazi defendant, Seyss-Inquart, in his place. The latter immediately opened the frontier and invited Hitler to invade Austria "to preserve order." On March 12, the invasion began. The next day, Hitler proclaimed himself Chief of the Austrian State, took command of its armed forces, and a law was enacted annexing Austria to Germany.

Threats of aggression had succeeded without arousing resistance. Fears nevertheless had been stirred. They were lulled by an assurance to the Czechoslovak Government that there would be no attack on that country. We will show that the Nazi government already had detailed plans for the attack. We will lay before you the documents in which these conspirators planned to create an incident to justify their attack. They even gave consideration to assassinating their own Ambassador at Prague in order to create a sufficiently dramatic incident. They did precipitate a diplomatic crisis which endured through the summer. Hitler set September 28 as the day when troops should be ready for action. Under the threat of immediate war, the United Kingdom and France concluded a pact with Germany and Italy at Munich on September 29, 1938, which required Czechoslovakia to acquiesce in the cession of the Sudetenland to Germany. It was consummated by German occupation on October 1, 1938.

The Munich Pact pledged no further aggression against Czechoslovakia, but the Nazi pledge was lightly given and quickly broken. On the 15th of March 1939, in defiance of the treaty of Munich itself, the Nazis seized and occupied Bohemia and Moravia, which constituted the major part of Czechoslovakia not already ceded to Germany. Once again the West stood aghast, but it dreaded war, it saw no remedy except war, and it hoped against hope that the Nazi fever for expansion had run its course. But the Nazi world was intoxicated by these unresisted successes in open alliance with Mussolini and covert alliance with France. Then, having made a deceitful, delaying peace with Russia, the conspirators entered upon the final phase of their plan of war.

WAR OF AGGRESSION

I will not prolong this address by detailing the steps leading to the war of aggression which began with the invasion of Poland on September 1, 1939. The further story will be unfolded to you from documents, including those of the German high command itself. The plans had been laid long in advance. As early as 1935 Hitler appointed the defendant Schacht to the position of General Deputy for the War Economy (Doc. 2261-PS). We have the diary of General Jodl (Doc. 1780-PS); the Plan Otto, Hitler's own order for attack on Austria in case trickery failed (Doc. C-102); the Plan Green, which was the blueprint for attack on Czechoslovakia; the plan for the war in the west (Doc. 375-PS); Funk's letter to Hitler dated August 25, 1939, detailing the long course of economic preparation (Doc. 699-PS); the top secret mobilization order for 1939-40 prescribing secret steps to be taken during a "period of tension" during which no—

"state of war" will be publicly declared, even if open war measures against the foreign enemy will be taken.

This latter order (Doc. 1639-PS) is in our possession despite a secret order issued on March 16, 1945, when Allied troops were advancing into the heart of Germany, to burn these plans (Doc. 1640-PS). We have also Hitler's directive dated December 18, 1940, for the Barbarossa Contingency outlining the strategy of the attack upon Russia (Doc. 446-PS). We have detailed information concerning Case White, the plan for attack on Poland (Doc. 2327-PS). Not the least incriminating are the minutes of Hitler's meetings with his high advisors.

As early as November 5, 1937, Hitler told defendants Göring, Raeder, and Neurath, among others, that German rearmament was practically accomplished and that he had decided to secure by force, starting with a lightning attack on Czechoslovakia and Austria, greater living space for Germans in Europe by no later than 1943-45, and perhaps as early as 1938 (Doc. L-12). On the 23d of May 1939 the Führer advised his staff that—

"It is a question of expanding our living space in the East and of securing our food supplies * * * over and above the natural fertility, thoroughgoing German exploitation will enormously increase the surplus."

* * * * *

"There is therefore no question of sparing Poland, and we are left with the decision: To attack Poland at the first suitable opportunity. We cannot expect a repetition of the Czech affair. There will be war."

On August 22, 1939, Hitler again addressed members of the high command, telling them when the start of military operations would be ordered. He disclosed that for propaganda purposes he would provoke a good reason.

"It will make no difference,"

he announced—

"whether this reason will sound convincing or not. After all, the victor will not be asked whether he talked the truth or not. We have to proceed brutally. The stronger is always right." (Doc. 1014-PS.)

We know the bloody sequel. Frontier incidents were staged. Demands were made for cession of territory. When Poland refused, the German forces invaded on September 1, 1939. Warsaw was

destroyed; Poland fell. The Nazis, in accordance with plan, moved swiftly to extend their aggression throughout Europe and to gain the advantage of surprise over their unprepared neighbors. Despite repeated and solemn assurances of peaceful intentions, they invaded Denmark and Norway on April 9, 1940; Belgium, the Netherlands, and Luxembourg on May 10, 1940; and Yugoslavia and Greece on April 6, 1941.

As part of the Nazi preparation for aggression against Poland and her allies, Germany, on August 23, 1939, had entered into a nonaggression pact with Soviet Russia. It was only a delaying treaty intended to be kept no longer than necessary to prepare for its violation. On June 22, 1941, pursuant to long-matured plans, the Nazis hurled troops into Soviet territory without any declaration of war. The entire European world was aflame.

CONSPIRACY WITH JAPAN

The Nazi plans of aggression called for use of Asiatic allies, and they found among the Japanese men of kindred mind and purpose. They were brothers, under the skin.

Himmler records a conversation he had on January 31, 1939, with General Oshima, Japanese Ambassador at Berlin. He wrote:

Furthermore, he (Oshima) had succeeded up to now to send 10 Russians with bombs across the Caucasian frontier. These Russians had the mission to kill Stalin. A number of additional Russians, whom he had also sent across, had been shot at the frontier (Doc. 2195-PS).

On September 27, 1940, the Nazis concluded a German-Italian-Japanese 10-year military and economic alliance by which those powers agreed—

to stand by and cooperate with one another in regard to their efforts in Greater East Asia and regions of Europe respectively wherein it is their prime purpose to establish and maintain a new order of things * * *

On March 5, 1941, a top secret directive was issued by Defendant Keitel. It stated that "The Führer has ordered instigation of Japan's active participation in the war," and directed that "Japan's military power has to be strengthened by the disclosure of German war experiences, and support of a military, economic, and technical nature has to be given." The aim was stated to be to crush England quickly and "keep the United States out of this war" (Docs. 384-PS; 1489-PS).

On March 29, 1941, Ribbentrop told Matsuoka, the Japanese Foreign Minister, that the German Army was ready to strike against Russia. Matsuoka reassured Ribbentrop about the Far East. Japan, he reported, was acting at the moment as though she had no interest whatever in Singapore, but "intends to strike when the right moment comes" (Doc. 1877-PS). On April 5, Ribbentrop urged Matsuoka that entry of Japan into the war would "hasten the victory" and would be more in the interest of Japan than of Germany since it would give Japan a unique chance to fulfill her national aims and to play a leading part in eastern Asia (Doc. 1882-PS).

The proofs in this case will also show that the leaders of Germany were planning war against the United States from its Atlantic as well as instigating it from its Pacific approaches. A captured memorandum from the Führer's headquarters, dated October 29, 1940, signed

by General Falkenstein, asks certain information as to air bases and supply and reports further that—

The Führer is at present occupied with the question of the occupation of the Atlantic islands with a view to the prosecution of war against America at a later date. Deliberations on this subject are being embarked upon here (Doc. 376-PS).

On December 7, 1941, a day which the late President Roosevelt declared "will live in infamy," victory for German aggression seemed certain. The Wehrmacht was at the gates of Stalingrad. Taking advantage of the situation, and while her plenipotentiaries were creating a diplomatic diversion in Washington, Japan, without declaration of war, treacherously attacked the United States at Pearl Harbor and the Philippines. Attacks followed swiftly on the British Commonwealth, French Indochina, and the Netherlands in the Southwest Pacific. These aggressions were met in the only way they could be met, with instant declarations of war and with armed resistance which mounted slowly through many long months of reverses until finally the Axis was crushed to earth and deliverance for its victims was won.

CRIMES IN THE CONDUCT OF WAR

Even the most warlike of peoples have recognized in the name of humanity some limitations on the savagery of warfare. Rules to that end have been embodied in international conventions to which Germany became a party. This code had prescribed certain restraints as to the treatment of belligerents. The enemy was entitled to surrender and to receive quarter and good treatment as a prisoner of war. We will show by German documents that these rights were denied, that prisoners of war were given brutal treatment and often murdered. This was particularly true in the case of captured airmen, often my countrymen.

On June 1, 1944, it was ordered that captured English and American airmen should no longer be granted the status of prisoners of war. They were to be treated as criminals and the Army was ordered to refrain from protecting them against lynching by the populace (Docs. R-153; R-13; R-19; R-110; R-117; R-118; R-119). The Nazi government, through its propaganda agencies, took pains to incite the civilian population to attack and kill airmen who crash-landed. Similarly, we will show Hitler's top secret order that commandos, regardless of condition, were to be killed to the last man after capture (Doc. 498-PS). We will show the circulation of secret orders, to be passed orally to civilians, that enemy parachutists were to be arrested or liquidated (Doc. 062-PS). By such means were murders incited and directed.

This Nazi campaign of ruthless treatment of enemy forces assumed its greatest proportions in the fight against Russia. Eventually all prisoners of war were taken out of control of the Army and put in the hands of Himmler and the SS (Doc. 058-PS). In the East, the German fury spent itself. Russian prisoners were ordered to be branded (Doc. 1191-PS). They were starved (Doc. 1105-PS). I shall quote passages from a letter written February 28, 1942, by Defendant Rosenberg to Defendant Keitel (Doc. 081-PS):

The fate of the Soviet prisoners of war in Germany is, on the contrary, a tragedy of the greatest extent. Of 3.6 millions of prisoners of war, only several hundred

thousand are still able to work fully. A large part of them have starved, or died, because of the hazards of the weather. Thousands also died from spotted fever.

The camp commanders have forbidden the civilian population to put food at the disposal of the prisoners, and they have rather let them starve to death.

In many cases, when prisoners of war could no longer keep up on the march because of hunger and exhaustion, they were shot before the eyes of the horrified civilian population, and the corpses were left.

In numerous camps no shelter for the prisoners of war was provided at all. They lay under the open sky during rain or snow. Even tools were not made available to dig holes or caves.

Finally, the shooting of prisoners of war must be mentioned; for instance, in various camps, all the "Asiatics" were shot.

Civilized usage and conventions to which Germany was a party had prescribed certain immunities for civilian populations unfortunate enough to dwell in lands overrun by hostile armies. The German occupation forces, controlled or commanded by men on trial before you, committed a long series of outrages against the inhabitants of occupied territory that would be incredible except for captured orders and reports showing the fidelity with which these orders were executed. We deal here with a phase of common criminality designed by the conspirators as part of the common plan. We can appreciate why these crimes against their European enemies were not of a casual character but were planned and disciplined crimes when we get at the reason for them. Hitler told his officers, on August 22, 1939, that—

The main objective in Poland is the destruction of the enemy and not the reaching of a certain geographical line (Doc. 1014-PS).

The project of deporting promising youth from occupied territories was approved by Rosenberg on the theory that "a desired weakening of the biological force of the conquered people is being achieved" (Doc. 031-PS). To Germanize or to destroy was the program. As Himmler announced—

Either we win over any good blood that we can use for ourselves and give it a place in our people or, gentlemen—you may call this cruel, but nature is cruel—we destroy this blood.

As to "racially good types" Himmler further advised:

Therefore, I think that it is our duty to take their children with us, to remove them from their environment, if necessary, by robbing or stealing them (Doc. L-70).

We urged deportation of Slavic children to deprive potential enemies of future soldiers.

The Nazi purpose was to leave Germany's neighbors so weakened that even if she should eventually lose the war, she would still be the most powerful nation in Europe. Against this background we must view the plan for ruthless warfare, which means a plan for the commission of war crimes and crimes against humanity.

Hostages in large numbers were demanded and killed. Mass punishments were inflicted, so savage that whole communities were extinguished. Rosenberg was advised of the annihilation of three unidentified villages in Slovakia (Doc. No. 970-PS). In May of 1943 another village of about 40 farms and 220 inhabitants was ordered wiped out. The entire population was ordered shot, the cattle and property impounded, and the order required that "the village will be destroyed totally by fire" (Doc. 163-PS). A secret report from Rosenberg's Reich Ministry of Eastern Territory reveals that:

Food rations allowed the Russian population are so low that they fail to secure their existence and provide only for minimum subsistence of limited duration.

The population does not know if they will still live tomorrow. They are faced with death by starvation.

* * * * *

The roads are clogged by hundreds of thousands of people, sometimes as many as 1,000,000, according to the estimate of experts, who wander around in search of nourishment.

* * * * *

Sauckel's action has caused great unrest among the civilians. Russian girls were deloused by men, nude photos in forced positions were taken, women doctors were locked into freight cars for the pleasure of the transport commanders, women in nightshirts were fettered and forced through the Russian towns to the railroad station, etc. All this material has been sent to the OKH.

Perhaps the deportation to slave labor was the most horrible and extensive slaving operation in history. On few other subjects is our evidence so abundant or so damaging. I have here a speech of the defendant Frank, Governor General of Poland, made on January 25, 1944, in which he boasted, "I have sent 1,300,000 Polish workers into the Reich" (Doc. 095-PS, p. 2). The defendant Sauckel reported that "out of the 5,000,000 foreign workers who arrived in Germany not even 200,000 came voluntarily."

This fact was reported to the Führer and Defendants Speer, Göring, and Keitel (Doc. R-124). Children of 10 to 14 years were impressed into service (Doc. 200-PS). When enough labor was not forthcoming, prisoners of war were forced into warwork in flagrant violation of international conventions (Doc. 016-PS). Slave labor came from France, Belgium, Holland, Italy, and the East (Doc. 208-PS). Methods of recruitment were violent (Docs. R-124; 018-PS; 204-PS). The treatment of these slave laborers was stated in general terms, not difficult to translate into concrete deprivations, in a letter to the defendant Rosenberg from the defendant Sauckel, which stated:

All the men (prisoners of war and foreign civilian workers) must be fed, sheltered, and treated in such a way as to exploit them to the highest possible extent at the lowest conceivable degree of expenditure (Doc. 016-PS).

In pursuance of the Nazi plan permanently to reduce the living standards of their neighbors and to weaken them physically and economically, a long series of crimes were committed. There was extensive destruction, serving no military purpose, of the property of civilians. Dikes were thrown open in Holland almost at the close of the war, not to achieve military ends, but to destroy the resources and retard the economy of the thrifty Netherlanders.

There was carefully planned economic siphoning off of the assets of occupied countries. An example of the planning is shown by a report on France dated December 7, 1942, made by the economic research department of the Reichsbank. The question arose whether French occupation costs should be increased from RM. 15,000,000 per day to RM. 25,000,000 per day. The Reichsbank analyzed French economy to determine whether it could bear the burden. It pointed out that the armistice had burdened France to that date to the extent of RM. 18,500,000,000, equaling F. 370,000,000,000. It pointed out that the burden of these payments within 2½ years equaled the aggregate French national income in the year 1940, and that the amount of payments handed over to Germany in the first 6 months of 1942 corresponded to the estimate for the total French revenue for that whole year.

The report concluded:

In any case, the conclusion is inescapable that relatively heavier tributes have been imposed on France since the armistice in June 1940 than upon Germany after the World War. In this connection, it must be noted that the economic powers of France never equaled those of the German Reich, and that vanquished France could not draw on foreign economic and financial resources in the same degree as Germany after the last World War.

The defendant Funk was the Reichsminister of Economics and president of the Reichsbank; the defendant Ribbentrop was Foreign Minister; the defendant Göring was Plenipotentiary for the 4-year plan; and all of them participated in the exchange of views of which this captured document is a part. Notwithstanding this analysis by the Reichsbank, they proceeded to increase the imposition on France from RM. 10,000,000 daily to RM. 25,000,000 daily (Doc. 2149-PS).

It is small wonder that the bottom has been knocked out of French economy. The plan and purpose of the thing appears in a letter from General Stulpnagle, head of the German Armistice Commission, to the defendant Jodl as early as September 14, 1940, when he wrote:

The slogan "Systematic weakening of France" has already been surpassed by far in reality (Doc. 1756-PS).

Not only was there a purpose to debilitate and demoralize the economy of Germany's neighbors for the purpose of destroying their competitive position, but there was looting and pilfering on an unprecedented scale. We need not be hypocritical about this business of looting. I recognize that no army moves through occupied territory without some pilfering as it goes. Usually the amount of pilfering increases as discipline wanes. If the evidence in this case showed no looting except of that sort, I certainly would ask no conviction of these defendants for it.

But we will show you that looting was not due to the lack of discipline or to the ordinary weaknesses of human nature. The German organized plundering, planned it, disciplined it, and made it official, just as he organized everything else, and then he compiled the most meticulous records to show that he had done the best job of looting that was possible under the circumstances. And we have those records.

The defendant Rosenberg was put in charge of a systematic plundering of the art objects of Europe by a direct order of Hitler dated September 17, 1940. On the 16th of April 1943 Rosenberg reported that up to the 7th of April 92 railway cars with 2,775 cases containing art objects had been sent to Germany; and that 53 pieces of art had been shipped to Hitler direct, and 594 to the defendant Göring. The report mentioned something like 20,000 pieces of seized art and the main locations where they were stored (Doc. 015-PS).

Moreover, this looting was glorified by Rosenberg. Here we have 39 leather-bound, tabulated volumes of his inventory, which in due time we will offer in evidence. One cannot but admire the artistry of this Rosenberg report. The Nazi taste was cosmopolitan. Of the 9,455 articles inventoried, there were included 5,255 paintings, 297 sculptures, 1,372 pieces of antique furniture, 307 textiles, and 2,224 small objects of art. Rosenberg observed that there were approximately 10,000 more objects still to be inventoried (Doc. 015-PS). Rosenberg himself estimated that the values involved would come close to a billion dollars (Doc. 090-PS).

I shall not go into further details of the war crimes and crimes against humanity committed by the Nazi gangster ring whose leaders are before you. It is not the purpose in my part of this case to deal with the individual crimes. I am dealing with the common plan or design for crime and will not dwell upon individual offenses.

My task is only to show the scale on which these crimes occurred, and to show that these are the men who were in the responsible positions and who conceived the plan and design which renders them answerable, regardless of the fact that the plan was actually executed by others.

At length, this reckless and lawless course outraged the world. It recovered from the demoralization of surprise attack, assembled its forces, and stopped these men in their tracks. Once success deserted their banners, one by one, the Nazi satellites fell away. Sawdust Caesar collapsed. Resistance forces in every occupied country arose to harry the invader. Even at home, Germans saw that Germany was being led to ruin by these madmen, and the attempt on July 20, 1944, to assassinate Hitler, an attempt fostered by men of highest station, was a desperate effort by internal forces to stop short of ruin. Quarrels broke out among the failing conspirators, and the decline of the Nazi power was more swift than its ascendancy. German armed forces surrendered, its Government disintegrated, its leaders committed suicide by the dozen, and by the fortunes of war these defendants fell into our hands. Although they are not by any means all the guilty ones, they are survivors among the most responsible. Their names appear over and over in the documents, and their faces grace the photographic evidence. We have here the surviving top politicians, militarists, financiers, diplomats, administrators, and propagandists of the Nazi movement. Who was responsible for these crimes if they were not?

THE LAW OF THE CASE

The end of the war and capture of these prisoners presented the victorious Allies with the question whether there is any legal responsibility on high-ranking men for acts which I have described. Must such wrongs either be ignored or redressed in hot blood? Is there no standard in the law for a deliberate and reasoned judgment on such conduct?

The charter of this tribunal evidences a faith that the law is not only to govern the conduct of little men, but that even rulers are, as Lord Chief Justice Coke put it to King James, "under God and the law." The United States believed that the law long has afforded standards by which a juridical hearing could be conducted to make sure that we punish only the right men and for the right reasons. Following the instructions of the late President Roosevelt and the decision of the Yalta Conference, President Truman directed representatives of the United States to formulate a proposed international agreement which was submitted during the San Francisco Conference to Foreign Ministers of the United Kingdom, the Soviet Union, and the Provisional Government of France. With many modifications, that proposal has become the charter of this tribunal.

But the agreement which sets up the standards by which these prisoners are to be judged does not express the views of the signatory

nations alone. Other nations with diverse but highly respected systems of jurisprudence also have signified adherence to it. These are Belgium, the Netherlands, Denmark, Norway, Czechoslovakia, Luxembourg, Poland, Greece, Yugoslavia, Ethiopia, Australia, Haiti, Honduras, and Panama. You judge, therefore, under an organic act which represents the wisdom, the sense of justice, and the will of 18 governments, representing an overwhelming majority of all civilized people.

The charter by which this tribunal has its being embodies certain legal concepts which are inseparable from its jurisdiction and which must govern its decision. These, as I have said, also are conditions to the grant of any hearing to defendants. The validity of the provisions of the charter is conclusive upon us all, whether we have accepted the duty of judging or of prosecuting under it, as well as upon the defendants, who can point to no other law which gives them a right to be heard at all. My able and experienced colleagues believe, as do I, that it will contribute to the expedition and clarity of this trial if I expound briefly the application of the legal philosophy of the charter to the facts I have recited.

While this declaration of the law by the charter is final, it may be contended that the prisoners on trial are entitled to have it applied to their conduct only most charitably if at all. It may be said that this is new law, not authoritatively declared at the time they did the acts it condemns and that this declaration of the law has taken them by surprise.

I cannot, of course, deny that these men are surprised that this is the law; they really are surprised that there is any such thing as law. These defendants did not rely on any law at all. Their program ignored and defied all law. That this is so will appear from many acts and statements, of which I cite but a few. In the Führer's speech to all military commanders on November 23, 1939, he reminded them that at the moment Germany had a pact with Russia, but declared, "Agreements are to be kept only as long as they serve a certain purpose." Later on in the same speech he announced, "A violation of the neutrality of Holland and Belgium will be of no importance" (Doc. 789-PS, pp. 5 and 11). A top secret document entitled "Warfare as a Problem of Organization," dispatched by the chief of the high command to all commanders on April 19, 1938, declared that—

the normal rules of war toward neutrals may be considered to apply only on the basis whether operation of rules will create greater advantages or disadvantages for belligerents (Doc. L-211, p. 28 of translation).

And from the files of the German Navy Staff, we have a "Memorandum on Intensified Naval War," dated October 15, 1939, which begins by stating a desire to comply with international law. "However," it continues,

if decisive successes are expected from any measure considered as a war necessity, it must be carried through even if it is not in agreement with international law (Doc. L-184, p. 3).

International law, natural law, German law, any law at all, was to these men simply a propaganda device to be invoked when it helped and to be ignored when it would condemn what they wanted to do. That men may be protected in relying upon the law at the

time they act is the reason we find laws of retrospective operation unjust. But these men cannot bring themselves within the reason of the rule which in some systems of jurisprudence prohibits *ex post facto* laws. They cannot show that they ever relied upon international law in any state, or paid it the slightest regard.

The third count of the indictment is based on the definition of war crimes contained in the charter. I have outlined to you the systematic course of conduct toward civilian populations and combat forces which violates international conventions to which Germany was a party. Of the criminal nature of these acts at least, the defendants had, as we shall show, clear knowledge. Accordingly, they took pains to conceal their violations. It will appear that the defendants Keitel and Jodl were informed by official legal advisers that the orders to brand Russian prisoners of war, to shackle British prisoners of war, and to execute commando prisoners were clear violations of international law. Nevertheless, these orders were put into effect. The same is true of orders issued for the assassination of General Giraud and General Weygand, which failed to be executed only because of a ruse on the part of Admiral Canaris, who was himself later executed for his part in the plot to take Hitler's life on July 20, 1944.

The fourth count of the indictment is based on crimes against humanity. Chief among these are mass killings of countless human beings in cold blood. Does it take these men by surprise that murder is treated as a crime?

The first and second counts of the indictment add to these crimes the crime of plotting and waging wars of aggression and wars in violation of nine treaties to which Germany was a party. There was a time, in fact, I think the time of the First World War, when it could not have been said that war-inciting or war-making was a crime in law, however reprehensible in morals.

Of course, it was under the law of all civilized peoples a crime for one man with his bare knuckles to assault another. How did it come that multiplying this crime by a million and adding firearms to bare knuckles made a legally innocent act? The doctrine was that one could not be regarded as criminal for committing the usual violent acts in the conduct of legitimate warfare. The age of imperialistic expansion during the eighteenth and nineteenth centuries added the foul doctrine, contrary to the teachings of early Christian and international law scholars such as Grotius, that all wars are to be regarded as legitimate wars. The sum of these two doctrines was to give war making a complete immunity from accountability to law.

This was intolerable for an age that called itself civilized. Plain people, with their earthy common sense, revolted at such fictions and legalisms so contrary to ethical principles, and demanded checks on war immunity. Statesmen and international lawyers at first cautiously responded by adopting rules of warfare designed to make the conduct of war more civilized. The effort was to set legal limits to the violence that could be done to civilian populations and to combatants as well.

The common sense of men after the First World War demanded, however, that the law's condemnation of war reach deeper, and that the law condemn not merely uncivilized ways of waging war, but also the waging in any way of uncivilized wars—wars of aggression.

The world's statesmen again went only as far as they were forced to go. Their efforts were timid and cautious and often less explicit than we might have hoped. But the 1920's did outlaw aggressive war.

The reestablishment of the principle that there are unjust wars and that unjust wars are illegal is traceable in many steps. One of the most significant is the Briand-Kellogg Pact of 1928, by which Germany, Italy, and Japan, in common with practically all the nations of the world, renounced war as an instrument of national policy, bound themselves to seek the settlement of disputes only by pacific means, and condemned recourse to war for the solution of international controversies. This pact altered the legal status of a war of aggression. As Mr. Stimson, the United States Secretary of State, put it in 1932, such a war—

Is no longer to be the source and subject of rights. It is no longer to be the principle around which the duties, the conduct, and the rights of nations revolve. It is an illegal thing. * * * By that very act, we have made obsolete many legal precedents and have given the legal profession the task of reexamining many of its codes and treatises.

The Geneva Protocol of 1924 for the Pacific Settlement of International Disputes, signed by the representatives of 48 governments, declared that "a war of aggression constitutes * * * an international crime." The Eighth Assembly of the League of Nations in 1927, on unanimous resolution of the representatives of 48 member nations, including Germany, declared that a war of aggression constitutes an international crime. At the Sixth Pan-American Conference of 1928, the 21 American Republics unanimously adopted a resolution stating "that war of aggression constitutes an international crime against the human species."

A failure of these Nazis to heed, or to understand the force and meaning of this evolution in the legal thought of the world is not a defense or a mitigation. If anything, it aggravates their offense and makes it the more mandatory that the law they have flouted be vindicated by juridical application to their lawless conduct. Indeed, by their own law—had they heeded any law—principles were binding on these defendants. Article 4 of the Weimar Constitution provided that—

The generally accepted rules of international law are to be considered as binding integral parts of the law of the German Reich (Doc. 2050-PS).

Can there be any doubt that the outlawry of aggressive war was one of the "generally accepted rules of international law" in 1939?

Any resort to war—to any kind of a war—is a resort to means that are inherently criminal. War inevitably is a course of killings, assaults, deprivations of liberty, and destruction of property. An honestly defensive war is, of course, legal and saves those lawfully conducting it from criminality. But inherently criminal acts cannot be defended by showing that those who committed them were engaged in a war, when war itself is illegal. The very minimum legal consequence of the treaties making aggressive wars illegal is to strip those who incite or wage them of every defense the law ever gave, and to leave warmakers subject to judgment by the usually accepted principles of the law of crime.

But if it be thought that the charter, whose declarations concededly bind us all, does contain new law I still do not shrink from demand-

ing its strict application by this tribunal. The rule of law in the world, flouted by the lawlessness incited by these defendants, had to be restored at the cost to my country of over a million casualties, not to mention those of other nations. I cannot subscribe to the perverted reasoning that society may advance and strengthen the rule of law by the expenditure of morally innocent lives but that progress in the law may never be made at the price of morally guilty lives.

It is true, of course, that we have no judicial precedent for the charter. But international law is more than a scholarly collection of abstract and immutable principles. It is an outgrowth of treaties and agreements between nations and of accepted customs. Yet every custom has its origin in some single act, and every agreement has to be initiated by the action of some state. Unless we are prepared to abandon every principle of growth for international law, we cannot deny that our own day has the right to institute customs and to conclude agreements that will themselves become sources of a newer and strengthened international law. International law is not capable of development by the normal processes of legislation for there is no continuing international legislative authority. Innovations and revisions in international law are brought about by the action of governments designed to meet a change in circumstances. It grows, as did the common law, through decisions reached from time to time in adapting settled principles to new situations. The fact is that when the law evolves by the case method, as did the common law and as international law must do if it is to advance at all, it advances at the expense of those who wrongly guessed the law and learned too late their error. The law, so far as international law can be decreed, had been clearly pronounced when these acts took place. Hence, I am not disturbed by the lack of judicial precedent for the inquiry we propose to conduct.

The events I have earlier recited clearly fall within the standards of crimes set out in the charter, whose perpetrators this tribunal is convened to judge and punish fittingly. The standards for war crimes and crimes against humanity are too familiar to need comment. There are, however, certain novel problems in applying other precepts of the charter which I should call to your attention.

THE CRIME AGAINST PEACE

A basic provision of the charter is that to plan, prepare, initiate, or wage a war of aggression, or a war in violation of international treaties, agreements, and assurances, or to conspire or participate in a common plan to do so is a crime.

It is perhaps a weakness in this charter that it fails, itself, to define a war of aggression. Abstractly, the subject is full of difficulty and all kinds of troublesome hypothetical cases can be conjured up. It is a subject which, if the defense should be permitted to go afield beyond the very narrow charge in the indictment, would prolong the trial and involve the tribunal in insoluble political issues. But so far as the question can properly be involved in this case, the issue is one of no novelty and is one on which legal opinion has well crystallized.

One of the most authoritative sources of international law on this subject is the Convention for the Definition of Aggression signed at

London on July 3, 1933, by Rumania, Estonia, Latvia, Poland, Turkey, the Soviet Union, Persia, and Afghanistan. The subject has also been considered by international committees and by commentators whose views are entitled to the greatest respect. It had been little discussed prior to the First World War, but has received much attention as international law has evolved its outlawry of aggressive war. In the light of these materials of international law, and so far as relevant to the evidence in this case, I suggest that an "aggressor" is generally held to be that state which is the first to commit any of the following actions:

- (1) Declaration of war upon another state;
- (2) Invasion by its armed forces, with or without a declaration of war, of the territory of another state;
- (3) Attack by its land, naval, or air forces, with or without a declaration of war, on the territory, vessels, or aircraft of another state;
- (4) Provision of support to armed bands formed in the territory of another state, or refusal, notwithstanding the request of the invaded state, to take in its own territory, all the measures in its power to deprive those bands of all assistance or protection.

And I further suggest that it is the general view that no political, military, economic, or other considerations shall serve as an excuse or justification for such actions; but exercise of the right of legitimate self-defense, that is to say, resistance to an act of aggression, or action to assist a state which has been subjected to aggression, shall not constitute a war of aggression.

It is upon such an understanding of the law that our evidence of a conspiracy to provoke and wage an aggressive war is prepared and presented. By this test each of the series of wars begun by these Nazi leaders was unambiguously aggressive.

It is important to the duration and scope of this trial that we bear in mind the difference between our charge that this war was one of aggression and a position that Germany had no grievances. We are not inquiring into the conditions which contributed to causing this war. They are for history to unravel. It is no part of our task to vindicate the European status quo as of 1933, or as of any other date. The United States does not desire to enter into discussion of the complicated prewar currents of European politics, and it hopes this trial will not be protracted by their consideration. The remote causations avowed are too insincere and inconsistent, too complicated and doctrinaire, to be the subject to profitable inquiry in this trial. A familiar example is to be found in the Lebensraum slogan, which summarized the contention that Germany needed more living space as a justification for expansion. At the same time that the Nazis were demanding more space for the German people, they were demanding more German people to occupy space. Every known means to increase the birth rate, legitimate and illegitimate, was utilized. Lebensraum represented a vicious circle of demand—from neighbors more space, and from Germans more progeny. We do not need to investigate the verity of doctrines which led to constantly expanding circles of aggression. It is only the plot and the act of aggression which we charge to be crimes.

Our position is that whatever grievances a nation may have, however objectionable it finds the status quo, aggressive warfare is

an illegal means for settling those grievances or for altering those conditions. It may be that the Germany of the 1920's and 1930's faced desperate problems, problems that would have warranted the boldest measures short of war. All other methods—persuasion, propaganda, economic competition, diplomacy—were open to an aggrieved country, but aggressive warfare was outlawed. These defendants did make aggressive war, a war in violation of treaties. They did attack and invade their neighbors in order to effectuate a foreign policy which they knew could not be accomplished by measures short of war. And that is as far as we accuse or propose to inquire.

THE LAW OF INDIVIDUAL RESPONSIBILITY

The charter also recognizes individual responsibility on the part of those who commit acts defined as crimes, or who incite others to do so, or who join a common plan with other persons, groups, or organizations to bring about their commission. The principle of individual responsibility for piracy and brigandage, which have long been recognized as crimes punishable under international law, is old and well established. That is what illegal warfare is. This principle of personal liability is a necessary as well as logical one if international law is to render real help to the maintenance of peace. An international law which operates only on states can be enforced only by war because the most practicable method of coercing a state is warfare. Those familiar with American history know that one of the compelling reasons for adoption of our Constitution was that the laws of the Confederation, which operated only on constituent States, were found ineffective to maintain order among them. The only answer to recalcitrance was impotence or war. Only sanctions which reach individuals can peacefully and effectively be enforced. Hence, the principle of the criminality of aggressive war is implemented by the charter with the principle of personal responsibility.

Of course, the idea that a state, any more than a corporation, commits crimes is a fiction. Crimes always are committed only by persons. While it is quite proper to employ the fiction of responsibility of a state or corporation for the purpose of imposing a collective liability, it is quite intolerable to let such a legalism become the basis of personal immunity.

The charter recognizes that one who has committed criminal acts may not take refuge in superior orders nor in the doctrine that his crimes were acts of states. These twin principles working together have heretofore resulted in immunity for practically everyone concerned in the really great crimes against peace and mankind. Those in the lower ranks were protected against liability by the orders of their superiors. The superiors were protected because their orders were called acts of state. Under the charter, no defense based on either of these doctrines can be entertained. Modern civilization puts unlimited weapons of destruction in the hands of men. It cannot tolerate so vast an area of legal irresponsibility.

Even the German Military Code provides that—

If the execution of a military order in the course of duty violates the criminal law, then the superior officer giving the order will bear the sole responsibility therefor. However, the obeying subordinate will share the punishment of the participant: (1) if he has exceeded the order given to him, or (2) if it was within

his knowledge that the order of his superior officer concerned an act by which it was intended to commit a civil or military crime or transgression (Reichsgesetzblatt 1926, No. 37, p. 278, art. 47).

Of course, we do not argue that the circumstances under which one commits an act should be disregarded in judging its legal effect. A conscripted private or an enlisted man on a firing squad cannot expect to hold an inquest on the validity of the execution. The charter implies common-sense limits to liability just as it places common-sense limits upon immunity. But none of these men before you acted in minor parts. Each of them was entrusted with broad discretion and exercised great power. Their responsibility is correspondingly great and may not be shifted to that fictional being, the state, which cannot be produced for trial, cannot plead, cannot testify, and cannot be sentenced.

The charter also recognizes a vicarious liability, which is recognized by most modern systems of law, for acts committed by others in carrying out a common plan or conspiracy to which a defendant has become a party. I need not discuss the familiar principles of such liability. Every day in the courts of countries associated in this prosecution, men are convicted for acts that they did not personally commit but for which they were held responsible because of membership in illegal combinations or plans or conspiracies.

THE POLITICAL, POLICE, AND MILITARY ORGANIZATIONS

Accused before this tribunal as criminal organizations are certain political and police organizations which the evidence will show to have been instruments of cohesion in planning and executing the crimes I have detailed. Perhaps the worst of the movement were the Leadership Corps of the NSDAP, the Schutzstaffeln or SS, the Sturmabteilungen or SA, and the subsidiary formations which these include. These were the Nazi Party leadership, espionage, and policing groups. They were the real government, above and outside of any law. Also accused as organizations are the Reich Cabinet and the Secret State Police, or Gestapo, which were fixtures of the Government but animated solely by the Nazi Party.

Except for a late period when some compulsory recruiting was done in the SS, membership in all these militarized formations was voluntary. The police organizations were recruited from ardent partisans who enlisted blindly to do the dirty work the leaders planned. The Reich Cabinet was the governmental facade for Nazi Party government and in its members legal as well as actual responsibility was vested for the entire program. Collectively they were responsible for the program in general, individually they were especially responsible for segments of it. The finding which we ask you to make, that these are criminal organizations, will subject members to punishment to be hereafter determined by appropriate tribunals, unless some personal defense—such as becoming a member under threat to person, or family, or inducement by false representation, or the like—be established. Every member will have a chance to be heard in the subsequent forum on his personal relation to the organization, but your finding in this trial will conclusively establish the criminal character of the organization as a whole.

We have also accused as criminal organizations the high command and the General Staff of the German armed forces. We recognize

that to plan warfare is the business of professional soldiers in every country. But it is one thing to plan strategic moves in the event war comes, and it is another thing to plot and intrigue to bring on that war. We will prove the leaders of the German General Staff and of the high command to have been guilty of just that. Military men are not before you because they served their country. They are here because they mastered it, along with these others, and drove it to war. They are not here because they lost the war, but because they started it. Politicians may have thought of them as soldiers, but soldiers know they were politicians. We ask that the General Staff and the high command, as defined in the indictment, be condemned as a criminal group whose existence and tradition constitute a standing menace to the peace of the world.

These individual defendants did not stand alone in crime and will not stand alone in punishment. Your verdict of guilty against these organizations will render prima facie guilty, as nearly as we can learn, thousands upon thousands of members now in custody of United States forces and of other armies.

THE RESPONSIBILITY OF THIS TRIBUNAL

To apply the sanctions of the law to those whose conduct is found criminal by the standards I have outlined is the responsibility committed to this tribunal. It is the first court ever to undertake the difficult task of overcoming the confusion of many tongues and the conflicting concepts of just procedure among divers systems of law, so as to reach a common judgment. The tasks of all of us are such as to make heavy demands on patience and good will. Although the need for prompt action has admittedly resulted in imperfect work on the part of the prosecution, four great nations bring you their hurriedly assembled contributions of evidence. What remains undiscovered we can only guess. We could, with witnesses' testimony, prolong the recitals of crime for years—but to what avail? We shall rest the case when we have offered what seems convincing and adequate proof of the crimes charged, without unnecessary cumulation of evidence. We doubt very much whether it will be seriously denied that the crimes I have outlined took place. The effort will undoubtedly be to mitigate or escape personal responsibility.

Among the nations which unite in accusing these defendants the United States is perhaps in a position to be the most dispassionate, for, having sustained the least injury, it is perhaps the least animated by vengeance. Our American cities have not been bombed by day and by night, by humans and by robots. It is not our temples that have been laid in ruins. Our countrymen have not had their homes destroyed over their heads. The menace of Nazi aggression, except to those in actual service, has seemed less personal and immediate to us than to the European peoples. But while the United States is not first in rancor, it is not second in determination that the forces of law and order be made equal to the task of dealing with such international lawlessness as I have recited here.

Twice in my lifetime the United States has sent its young manhood across the Atlantic, drained its resources, and burdened itself with debt to help defeat Germany. But the real hope and faith that has sustained the American people in these great efforts was that victory

for ourselves and our allies would lay the basis for an ordered international relationship in Europe and would end the centuries of strife on this embattled continent.

Twice we have held back in the early stages of European conflict in the belief that it might be confined to a purely European affair. In the United States, we have tried to build an economy without armament, a system of government without militarism, and a society where men are not regimented for war. This purpose, we know now, can never be realized if the world periodically is to be embroiled in war. The United States cannot, generation after generation, throw its youth or its resources onto the battle fields of Europe to redress the lack of balance between Germany's strength and that of her enemies, and to keep the battles from our shores.

The American dream of a peace-and-plenty economy, as well as the hopes of other nations, can never be fulfilled if those nations are involved in a war every generation so vast and devastating as to crush the generation that fights and burden the generation that follows. But experience has shown that wars are no longer local. All modern wars become world wars eventually. And none of the big nations, at least, can stay out. If we cannot stay out of wars, our only hope is to prevent wars.

I am too well aware of the weaknesses of juridical action alone to contend that in itself your decision under this charter can prevent future wars. Judicial action always comes after the event. Wars are started only on the theory and in the confidence that they can be won. Personal punishment, to be suffered only in the event the war is lost, will probably not be a sufficient deterrent to prevent a war where the war makers feel the chances of defeat to be negligible.

But the ultimate step in avoiding periodic wars, which are inevitable in a system of international lawlessness, is to make statesmen responsible to law. And let me make clear that while this law is first applied against German aggressors, the law includes, and if it is to serve a useful purpose it must condemn aggression by any other nation, including those which now sit here in judgment. We are able to do away with domestic tyranny and violence and aggression by those in power against the rights of their own people only when we make all men answerable to the law. This trial represents mankind's desperate effort to apply the discipline of the law to statesmen who have used their powers of state to attack the foundations of the world's peace and to commit aggressions against the rights of their neighbors.

The usefulness of this effort to do justice is not to be measured by considering the law or your judgment in isolation. This trial is part of the great effort to make the peace more secure. One step in this direction is the United Nations Organization, which may take joint political action to prevent war if possible, and joint military action to insure that any nation which starts a war will lose it. This charter and this trial, implementing the Kellogg-Briand Pact, constitute another step in the same direction—juridical action of a kind to insure that those who start a war will pay for it personally.

While the defendants and the prosecutors stand before you as individuals, it is not the triumph of either group alone that is committed to your judgment. Above all personalities there are anonymous and impersonal forces whose conflict makes up much of human history.

It is yours to throw the strength of the law back of either the one or the other of these forces for at least another generation. What are the real forces that are contending before you?

No charity can disguise the fact that the forces which these defendants represent, the forces that would advantage and delight in their acquittal, are the darkest and most sinister forces in society—dictatorship and oppression, malevolence and passion, militarism and lawlessness. By their fruits we best know them. Their acts have bathed the world in blood and set civilization back a century. They have subjected their European neighbors to every outrage and torture, every spoliation and deprivation that insolence, cruelty, and greed could inflict. They have brought the German people to the lowest pitch of wretchedness, from which they can entertain no hope of early deliverance. They have stirred hatreds and incited domestic violence on every continent. These are the things that stand in the dock shoulder to shoulder with these prisoners.

The real complaining party at your bar is Civilization. In all our countries it is still a struggling and imperfect thing. It does not plead that the United States, or any other country, has been blameless of the conditions which made the German people easy victims to the blandishments and intimidations of the Nazi conspirators.

But it points to the dreadful sequence of aggressions and crimes I have recited, it points to the weariness of flesh, the exhaustion of resources, and the destruction of all that was beautiful or useful in so much of the world, and to greater potentialities for destruction in the days to come. It is not necessary, among ruins of this ancient and beautiful city, with untold members of its civilian inhabitants still buried in its rubble, to argue the proposition that to start or wage an aggressive war has the moral qualities of the worst of crimes. The refuge of the defendants can be only their hope that international law will lag so far behind the moral sense of mankind that conduct which is crime in the moral sense must be regarded as innocent in law.

Civilization asks whether law is so laggard as to be utterly helpless to deal with crimes of this magnitude by criminals of this order of importance. It does not expect that you can make war impossible. It does expect that your juridical action will put the forces of international law, its precepts, its prohibitions and, most of all, its sanctions on the side of peace, so that men and women of good will in all countries may have "leave to live by no man's leave, underneath the law."

INTERNATIONAL MILITARY TRIBUNAL

No. 1

THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS

— AGAINST —

HERMANN WILHELM GÖRING, RUDOLF HESS, JOACHIM VON RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK, WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR SCHACHT, GUSTAV KRUPP VON BOHLEN UND HALBACH, KARL DÖNITZ, ERICH RAEDER, BALDUR VON SCHIRACH, FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ VON PAPEN, ARTUR SEYSS-INQUART, ALBERT SPEER, CONSTANTIN VON NEURATH, AND HANS FRITZSCHE, INDIVIDUALLY AND AS MEMBERS OF ANY OF THE FOLLOWING GROUPS OR ORGANIZATIONS TO WHICH THEY RESPECTIVELY BELONGED, NAMELY: DIE REICHSGEBIETSPOLIZEI (REICH POLICE); DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE "SS") AND INCLUDING DIE SICHERHEITSDIENST (COMMONLY KNOWN AS THE "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, COMMONLY KNOWN AS THE "GESTAPO"); DIE STURMABTEILUNGEN DER N.S.D.A.P. (COMMONLY KNOWN AS THE "SA") AND THE GENERAL STAFF AND HIGH COMMAND OF THE GERMAN ARMED FORCES ALL AS DEFINED IN APPENDIX B.

Defendants

INDICTMENT

I. The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland and the Union of Soviet Socialist Republics by the undersigned, Robert H. Jackson, Francois de Menthon, Hartley Shawcross and R. A. Rudenko, duly appointed to represent their respective Governments in the investigation of the charges against and the prosecution of the major war criminals, pursuant to the Agreement of London dated 8th August, 1945, and the Charter of this Tribunal annexed thereto, hereby accuse as guilty, in the respects hereinafter set forth, of Crimes against Peace, War Crimes, and Crimes against Humanity, and of a Common Plan or Conspiracy to commit those Crimes, all as defined in the Charter of the Tribunal, and accordingly name as defendants in this cause and as

indicted on the counts hereinafter set out: HERMANN WILHELM GÖRING, RUDOLF HESS, JOACHIM VON RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK, WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR SCHACHT, GUSTAV KRUPP VON BOHLEN UND HALBACH, KARL DÖNITZ, ERICH RAEDER, BALDUR VON SCHIRACH, FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ VON PAPEN, ARTUR SEYSS-INQUART, ALBERT SPEER, CONSTANTIN VON NEURATH and HANS FRITZSCHE, individually and as members of any of the Groups or Organizations next hereinafter named.

II. The following are named as Groups or Organizations (since dissolved) which should be declared criminal by reason of their aims and the means used for the accomplishment thereof and in connection with the conviction of such of the named defendants as were members thereof: DIE REICHSREGIERUNG (REICH CABINET); DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY); DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (commonly known as the "SS") and including DIE SICHERHEITSDIENST (commonly known as the "SD"); DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, commonly known as the "GESTAPO"); DIE STURINABTEILUNGEN DER N.S.D.A.P. (commonly known as the "SA"); and the GENERAL STAFF and HIGH COMMAND of the GERMAN ARMED FORCES. The identity and membership of the Groups or Organizations referred to in the foregoing titles are hereinafter in Appendix B more particularly defined.

COUNT ONE—THE COMMON PLAN OR CONSPIRACY

(Charter, Article 6, especially 6 (a))

III. Statement of the Offense

All the defendants, with divers other persons, during a period of years preceding 8th May, 1945, participated as leaders, organizers, instigators or accomplices in the formulation or execution of a common plan or conspiracy to commit, or which involved the commission of, Crimes against Peace, War Crimes, and Crimes against Humanity, as defined in the Charter of this Tribunal, and, in accordance with the provisions of the Charter, are individually responsible for their own acts and for all acts committed by any persons in the execution of such plan or conspiracy. The common plan or conspiracy embraced the commission of Crimes against Peace, in that the defendants planned, prepared, initiated and waged wars of aggression, which were also wars in violation of international treaties, agreements or assurances. In the development and course of the common plan or conspiracy it came to embrace the commission of War Crimes, in that it contemplated, and the defendants determined upon and carried out, ruthless wars against countries and populations, in violation of the rules and customs of war, including as typical and systematic means by which the wars were prosecuted, murder, ill-treatment, deportation for slave labor and for other purposes of civilian populations of occupied territories, murder and ill-treatment of prisoners of war and of persons on the high seas, the taking and killing of hos-

tages, the plunder of public and private property, the wanton destruction of cities, towns, and villages, and devastation not justified by military necessity. The common plan or conspiracy contemplated and came to embrace as typical and systematic means, and the defendants determined upon and committed, Crimes against Humanity, both within Germany and within occupied territories, including murder, extermination, enslavement, deportation, and other inhumane acts committed against civilian populations before and during the war, and persecutions on political, racial or religious grounds, in execution of the plan for preparing and prosecuting aggressive or illegal wars, many of such acts and persecutions being violations of the domestic laws of the countries where perpetrated.

IV. Particulars of the nature and development of the common plan or conspiracy

(A) NAZI PARTY AS THE CENTRAL CORE OF THE COMMON PLAN OR CONSPIRACY

In 1921 Adolf Hitler became the supreme leader or Führer of the Nationalsozialistische Deutsche Arbeiterpartei (National Socialist German Workers Party), also known as the Nazi Party, which had been founded in Germany in 1920. He continued as such throughout the period covered by this Indictment. The Nazi Party, together with certain of its subsidiary organizations, became the instrument of cohesion among the defendants and their co-conspirators and an instrument for the carrying out of the aims and purposes of their conspiracy. Each defendant became a member of the Nazi Party and of the conspiracy, with knowledge of their aims and purposes, or, with such knowledge, became an accessory to their aims and purposes at some stage of the development of the conspiracy.

(B) COMMON OBJECTIVES AND METHODS OF CONSPIRACY

The aims and purposes of the Nazi Party and of the defendants and divers other persons from time to time associated as leaders, members, supporters or adherents of the Nazi Party (hereinafter called collectively the "Nazi conspirators") were, or came to be, to accomplish the following by any means deemed opportune, including unlawful means, and contemplating ultimate resort to threat of force, force and aggressive war: (i) to abrogate and overthrow the Treaty of Versailles and its restrictions upon the military armament and activity of Germany; (ii) to acquire the territories lost by Germany as the result of the World War of 1914-1918 and other territories in Europe asserted by the Nazi conspirators to be occupied principally by so-called "racial Germans"; (iii) to acquire still further territories in continental Europe and elsewhere claimed by the Nazi conspirators to be required by the "racial Germans" as "Lebensraum," or living space, all at the expense of neighboring and other countries. The aims and purposes of the Nazi conspirators were not fixed or static but evolved and expanded as they acquired progressively greater power and became able to make more effective application of threats of force and threats of aggressive war. When their expanding aims and purposes became finally so great as to provoke such strength of resistance as could be

overthrown only by armed force and aggressive war, and not simply by the opportunistic methods theretofore used, such as fraud, deceit, threats, intimidation, fifth column activities and propaganda, the Nazi conspirators deliberately planned, determined upon and launched their aggressive wars and wars in violation of international treaties, agreements and assurances by the phases and steps hereinafter more particularly described.

(C) DOCTRINAL TECHNIQUES OF THE COMMON PLAN OR CONSPIRACY

To incite others to join in the common plan or conspiracy, and as a means of securing for the Nazi conspirators the highest degree of control over the German community, they put forth, disseminated, and exploited certain doctrines, among others, as follows:

1. That persons of so-called "German blood" (as specified by the Nazi conspirators) were a "master race" and were accordingly entitled to subjugate, dominate or exterminate other "races" and peoples;

2. That the German people should be ruled under the Führerprinzip (leadership principle) according to which power was to reside in a Führer from whom sub-leaders were to derive authority in a hierarchical order, each sub-leader to owe unconditional obedience to his immediate superior but to be absolute in his own sphere of jurisdiction; and the power of the leadership was to be unlimited, extending to all phases of public and private life;

3. That war was a noble and necessary activity of Germans;

4. That the leadership of the Nazi Party, as the sole bearer of the foregoing and other doctrines of the Nazi Party, was entitled to shape the structure, policies and practices of the German State and all related institutions, to direct and supervise the activities of all individuals within the State, and to destroy all opponents.

(D) THE ACQUIRING OF TOTALITARIAN CONTROL OF GERMANY:
POLITICAL

1. *First steps in acquisition of control of State machinery*

In order to accomplish their aims and purposes, the Nazi conspirators prepared to seize totalitarian control over Germany to assure that no effective resistance against them could arise within Germany itself. After the failure of the Munich Putsch of 1923 aimed at the overthrow of the Weimar Republic by direct action, the Nazi conspirators set out through the Nazi Party to undermine and capture the German Government by "legal" forms supported by terrorism. They created and utilized, as a Party formation, Die Sturmabteilungen (SA), a semi-military, voluntary organization of young men trained for and committed to the use of violence, whose mission was to make the Party the master of the streets.

2. *Control acquired*

On 30th January, 1933, Hitler became Chancellor of the German Republic. After the Reichstag fire of 28th February, 1933, clauses of the Weimar constitution guaranteeing personal liberty, freedom of speech, of the press, of association and assembly were suspended. The Nazi conspirators secured the passage by the Reichstag of a "Law for the Protection of the People and the Reich" giving Hitler

and the members of his then cabinet plenary powers of legislation. The Nazi conspirators retained such powers after having changed the members of the cabinet. The conspirators caused all political parties except the Nazi Party to be prohibited. They caused the Nazi Party to be established as a para-governmental organization with extensive and extraordinary privileges.

3. Consolidation of control

Thus possessed of the machinery of the German State, the Nazi conspirators set about the consolidation of their position of power within Germany, the extermination of potential internal resistance and the placing of the German nation on a military footing.

(a) The Nazi conspirators reduced the Reichstag to a body of their own nominees and curtailed the freedom of popular elections throughout the country. They transformed the several states, provinces and municipalities, which had formerly exercised semi-autonomous powers, into hardly more than administrative organs of the central government. They united the offices of the President and the Chancellor in the person of Hitler; instituted a widespread purge of civil servants; and severely restricted the independence of the judiciary and rendered it subservient to Nazi ends. The conspirators greatly enlarged existing State and Party organizations; established a network of new State and Party organizations; and "co-ordinated" State agencies with the Nazi Party and its branches and affiliates, with the result that German life was dominated by Nazi doctrine and practice and progressively mobilized for the accomplishment of their aims.

(b) In order to make their rule secure from attack and to instill fear in the hearts of the German people, the Nazi conspirators established and extended a system of terror against opponents and supposed or suspected opponents of the regime. They imprisoned such persons without judicial process, holding them in "protective custody" and concentration camps, and subjected them to persecution, degradation, despoilment, enslavement, torture, and murder. These concentration camps were established early in 1933 under the direction of the defendant GÖRING and expanded as a fixed part of the terroristic policy and method of the conspirators and used by them for the commission of the Crimes against Humanity hereinafter alleged. Among the principal agencies utilized in the perpetration of these crimes were the SS and the GESTAPO, which, together with other favored branches or agencies of the State and Party, were permitted to operate without restraint of law.

(c) The Nazi conspirators conceived that, in addition to the suppression of distinctively political opposition, it was necessary to suppress or exterminate certain other movements or groups which they regarded as obstacles to their retention of total control in Germany and to the aggressive aims of the conspiracy abroad. Accordingly:

(1) The Nazi conspirators destroyed the free trade unions in Germany by confiscating their funds and properties, persecuting their leaders, prohibiting their activities, and supplanting them by an affiliated Party organization. The

leadership principle was introduced into industrial relations, the entrepreneur becoming the leader and the workers becoming his followers. Thus any potential resistance of the workers was frustrated and the productive labor capacity of the German nation was brought under the effective control of the conspirators.

(2) The Nazi conspirators, by promoting beliefs and practices incompatible with Christian teaching, sought to subvert the influence of the Churches over the people and in particular over the youth of Germany. They avowed their aim to eliminate the Christian Churches in Germany and sought to substitute therefor Nazi institutions and Nazi beliefs and pursued a programme of persecution of priests, clergy and members of monastic orders whom they deemed opposed to their purposes and confiscated church property.

(3) The persecution by the Nazi conspirators of pacifist groups, including religious movements dedicated to pacifism, was particularly relentless and cruel.

(d) Implementing their "master race" policy, the conspirators joined in a program of relentless persecution of the Jews, designed to exterminate them. Annihilation of the Jews became an official State policy, carried out both by official action and by incitements to mob and individual violence. The conspirators openly avowed their purpose. For example, the defendant ROSENBERG stated: "Anti-Semitism is the unifying element of the reconstruction of Germany." On another occasion he also stated: "Germany will regard the Jewish question as solved only after the very last Jew has left the greater German living space . . . Europe will have its Jewish question solved only after the very last Jew has left the Continent." The defendant LEY declared: "We swear we are not going to abandon the struggle until the last Jew in Europe has been exterminated and is actually dead. It is not enough to isolate the Jewish enemy of mankind—the Jew has got to be exterminated." On another occasion he also declared: "The second German secret weapon is anti-Semitism because if it is consistently pursued by Germany, it will become a universal problem which all nations will be forced to consider." The defendant STREICHER declared: "The sun will not shine on the nations of the earth until the last Jew is dead." These avowals and incitements were typical of the declarations of the Nazi conspirators throughout the course of their conspiracy. The program of action against the Jews included disfranchisement, stigmatization, denial of civil rights, subjecting their persons and property to violence, deportation, enslavement, enforced labor, starvation, murder and mass extermination. The extent to which the conspirators succeeded in their purpose can only be estimated, but the annihilation was substantially complete in many localities of Europe. Of the 9,600,000 Jews who lived in the parts of Europe under Nazi domination, it is conservatively estimated that 5,700,000 have disappeared, most of them deliberately put to death by the Nazi conspirators. Only remnants of the Jewish population of Europe remain.

(e) In order to make the German people amenable to their will, and to prepare them psychologically for war, the Nazi

conspirators reshaped the educational system and particularly the education and training of the German youth. The leadership principle was introduced into the schools and the Party and affiliated organizations were given wide supervisory powers over education. The Nazi conspirators imposed a supervision of all cultural activities, controlled the dissemination of information and the expression of opinion within Germany as well as the movement of intelligence of all kinds from and into Germany, and created vast propaganda machines.

(f) The Nazi conspirators placed a considerable number of their dominated organizations on a progressively militarized footing with a view to the rapid transformation and use of such organizations whenever necessary as instruments of war.

(E) THE ACQUIRING OF TOTALITARIAN CONTROL IN GERMANY: ECONOMIC; AND THE ECONOMIC PLANNING AND MOBILIZATION FOR AGGRESSIVE WAR

Having gained political power the conspirators organized Germany's economy to give effect to their political aims.

1. In order to eliminate the possibility of resistance in the economic sphere, they deprived labour of its rights of free industrial and political association as particularized in paragraph (D) 3 (c) (1) herein.

2. They used organizations of German business as instruments of economic mobilization for war.

3. They directed Germany's economy towards preparation and equipment of the military machine. To this end they directed finance, capital investment, and foreign trade.

4. The Nazi conspirators, and in particular the industrialists among them, embarked upon a huge re-armament programme and set out to produce and develop huge quantities of materials of war and to create a powerful military potential.

5. With the object of carrying through the preparation for war the Nazi conspirators set up a series of administrative agencies and authorities. For example, in 1936 they established for this purpose the office of the Four Year Plan with the defendant GÖRING as Plenipotentiary, vesting it with overriding control over Germany's economy. Furthermore, on 28th August, 1939, immediately before launching their aggression against Poland, they appointed the defendant FUNK Plenipotentiary for Economics; and on 30th August, 1939, they set up the Ministerial Council for the Defence of the Reich to act as a War Cabinet.

(F) UTILIZATION OF NAZI CONTROL FOR FOREIGN AGGRESSION

1. Status of the conspiracy by the middle of 1933 and projected plans.

By the middle of the year 1933 the Nazi conspirators, having acquired governmental control over Germany, were in a position to enter upon further and more detailed planning with particular relationship to foreign policy. Their plan was to re-arm and to re-occupy and fortify the Rhineland, in violation of the Treaty of Versailles and other treaties, in order to acquire military strength and political bargaining power to be used against other nations.

2. The Nazi conspirators decided that for their purpose the Treaty of Versailles must definitely be abrogated and specific plans were made by them and put into operation by 7th March, 1936, all of which opened the way for the major aggressive steps to follow, as hereinafter set forth. In the execution of this phase of the conspiracy the Nazi conspirators did the following acts:

(a) They led Germany to enter upon a course of secret rearmament from 1933 to March, 1935, including the training of military personnel and the production of munitions of war, and the building of an air force.

(b) On 14th October, 1933, they led Germany to leave the International Disarmament Conference and the League of Nations.

(c) On 10th March, 1935, the defendant GÖRING announced that Germany was building a military air force.

(d) On 16th March, 1935, the Nazi conspirators promulgated a law for universal military service, in which they stated the peace-time strength of the German Army would be fixed at 500,000 men.

(e) On 21st May, 1935, they falsely announced to the world, with intent to deceive and allay fears of aggressive intentions, that they would respect the territorial limitations of the Versailles Treaty and comply with the Locarno Pacts.

(f) On 7th March, 1936, they reoccupied and fortified the Rhineland, in violation of the Treaty of Versailles and the Rhine Pact of Locarno of 16th October, 1925, and falsely announced to the world that "we have no territorial demands to make in Europe."

3. *Aggressive action against Austria and Czechoslovakia.*

(a) *The 1936-1938 phase of the plan: planning for the assault on Austria and Czechoslovakia*

The Nazi conspirators next entered upon the specific planning for the acquisition of Austria and Czechoslovakia, realizing it would be necessary, for military reasons, first to seize Austria before assaulting Czechoslovakia. On 21st May, 1935, in a speech to the Reichstag, Hitler stated that: "Germany neither intends nor wishes to interfere in the internal affairs of Austria, to annex Austria or to conclude an Anschluss." On 1st May, 1936, within two months after the re-occupation of the Rhineland, Hitler stated: "The lie goes forth again that Germany tomorrow or the day after will fall upon Austria or Czechoslovakia." Thereafter, the Nazi conspirators caused a treaty to be entered into between Austria and Germany on 11th July, 1936, Article 1 of which stated that "The German Government recognizes the full sovereignty of the Federated State of Austria in the spirit of the pronouncements of the German Führer and Chancellor of 21st May, 1935." Meanwhile, plans for aggression in violation of that treaty were being made. By the autumn of 1937, all noteworthy opposition within the Reich had been crushed. Military preparation for the Austrian action was virtually concluded. An influential group of the Nazi conspirators met with Hitler on 5th November, 1937, to review the situation. It was reaffirmed that Nazi Germany must have "Lebensraum" in central Europe. It was recognized that such

conquest would probably meet resistance which would have to be crushed by force and that their decision might lead to a general war, but this prospect was discounted as a risk worth taking. There emerged from this meeting three possible plans for the conquest of Austria and Czechoslovakia. Which of the three was to be used was to depend upon the developments in the political and military situation in Europe. It was contemplated that the conquest of Austria and Czechoslovakia would, through compulsory emigration of 2,000,000 persons from Czechoslovakia and 1,000,000 persons from Austria, provide additional food to the Reich for 5,000,000 to 6,000,000 people, strengthen it militarily by providing shorter and better frontiers, and make possible the constituting of new armies up to about twelve divisions. Thus, the aim of the plan against Austria and Czechoslovakia was conceived of not as an end in itself but as a preparatory measure toward the next aggressive steps in the Nazi conspiracy.

(b) *The execution of the plan to invade Austria: November, 1937, to March, 1938*

Hitler on 8th February, 1938, called Chancellor Schuschnigg to a conference at Berchtesgaden. At the meeting of 12th February, 1938, under threat of invasion, Schuschnigg yielded a promise of amnesty to imprisoned Nazis and appointment of Nazis to ministerial posts. He agreed to remain silent until Hitler's 20th February speech in which Austria's independence was to be reaffirmed, but Hitler in his speech, instead of affirming Austrian independence, declared himself protector of all Germans. Meanwhile, subversive activities of Nazis in Austria increased. Schuschnigg on 9th March, 1938, announced a plebiscite for the following Sunday on the question of Austrian independence. On 11th March Hitler sent an ultimatum, demanding that the plebiscite be called off or that Germany would invade Austria. Later the same day a second ultimatum threatened invasion unless Schuschnigg should resign in three hours. Schuschnigg resigned. The defendant SNEYSS-INQUART, who was appointed Chancellor, immediately invited Hitler to send German troops into Austria to "preserve order." The invasion began on 12th March, 1938. On 13th March, Hitler by proclamation assumed office as Chief of State of Austria and took command of its armed forces. By a law of the same date Austria was annexed to Germany.

(c) *The execution of the plan to invade Czechoslovakia: April, 1938, to March, 1939*

1. Simultaneously with their annexation of Austria the Nazi conspirators gave false assurances to the Czechoslovak Government that they would not attack that country. But within a month they met to plan specific ways and means of attacking Czechoslovakia, and to revise, in the light of the acquisition of Austria, the previous plans for aggression against Czechoslovakia.

2. On 21st April, 1938, the Nazi conspirators met and prepared to launch an attack on Czechoslovakia not later than 1st October, 1938. They planned specifically to create an "incident" to "justify" the attack. They decided to launch a military attack only after a period

of diplomatic squabbling which, growing more serious, would lead to the excuse for war, or, in the alternative, to unleash a lightning attack as a result of an "incident" of their own creation. Consideration was given to assassinating the German Ambassador at Prague to create the requisite incident. From and after 21st April, 1938, the Nazi conspirators caused to be prepared detailed and precise military plans designed to carry out such an attack at any opportune moment and calculated to overcome all Czechoslovak resistance within four days, thus presenting the world with a *fait accompli*, and so forestalling outside resistance. Throughout the months of May, June, July, August and September, these plans were made more specific and detailed, and by 3rd September, 1938, it was decided that all troops were to be ready for action on 28th September, 1938.

3. Throughout this same period, the Nazi conspirators were agitating the minorities question in Czechoslovakia, and particularly in the Sudetenland, leading to a diplomatic crisis in August and September, 1938. After the Nazi conspirators threatened war, the United Kingdom and France concluded a pact with Germany and Italy at Munich on 29th September, 1938, involving the cession of the Sudetenland by Czechoslovakia to Germany. Czechoslovakia was required to acquiesce. On 1st October, 1938, German troops occupied the Sudetenland.

4. On 15th March, 1939, contrary to the provisions of the Munich Pact itself, the Nazi conspirators caused the completion of their plan by seizing and occupying the major part of Czechoslovakia not ceded to Germany by the Munich Pact.

4. *Formulation of the plan to attack Poland: preparation and initiation of aggressive war: March, 1939, to September, 1939.*

(a) With these aggressions successfully consummated, the conspirators had obtained much desired resources and bases and were ready to undertake further aggressions by means of war. Following assurances to the world of peaceful intentions, an influential group of the conspirators met on 23rd May, 1939, to consider the further implementation of their plan. The situation was reviewed and it was observed that "the past six years have been put to good use and all measures have been taken in correct sequence and in accordance with our aims"; that the national-political unity of the Germans had been substantially achieved; and that further successes could not be achieved without war and bloodshed. It was decided nevertheless next to attack Poland at the first suitable opportunity. It was admitted that the questions concerning Danzig which they had agitated with Poland were not true questions, but rather that the question was one of aggressive expansion for food and "Lebensraum." It was recognized that Poland would fight if attacked and that a repetition of the Nazi success against Czechoslovakia without war could not be expected. Accordingly, it was determined that the problem was to isolate Poland and, if possible, prevent a simultaneous conflict with the Western Powers. Nevertheless, it was agreed that England was an enemy to their aspirations, and that war with England and her ally France must eventually result, and therefore that in that war every attempt must be made to overwhelm England with a "Blitzkrieg." It was thereupon determined immediately to prepare detailed plans for an attack on Poland at the first suitable opportunity

and thereafter for an attack on England and France, together with plans for the simultaneous occupation by armed force of air bases in the Netherlands and Belgium.

(b) Accordingly, after having denounced the German-Polish Pact of 1934 on false grounds, the Nazi conspirators proceeded to stir up the Danzig issue, to prepare frontier "incidents" to "justify" the attack, and to make demands for the cession of Polish territory. Upon refusal by Poland to yield, they caused German armed forces to invade Poland on 1st September, 1939, thus precipitating war also with the United Kingdom and France.

5. *Expansion of the war into a general war of aggression: planning and execution of attacks on Denmark, Norway, Belgium, The Netherlands, Luxembourg, Yugoslavia, and Greece: 1939 to April, 1941.*

Thus the aggressive war prepared for by the Nazi conspirators through their attacks on Austria and Czechoslovakia was actively launched by their attack on Poland, in violation of the terms of the Briand-Kellogg Pact, 1928. After the total defeat of Poland, in order to facilitate the carrying out of their military operations against France and the United Kingdom, the Nazi conspirators made active preparations for an extension of the war in Europe. In accordance with those plans, they caused the German armed forces to invade Denmark and Norway on 9th April, 1940; Belgium, the Netherlands and Luxembourg on 10th May, 1940; Yugoslavia and Greece on 6th April, 1941. All these invasions had been specifically planned in advance.

6. *The German invasion on June 22nd, 1941, on the U. S. S. R. territory in violation of non-aggression Pact of 23rd August, 1939.*

On June 22nd, 1941, the Nazi conspirators deceitfully denounced the non-aggression Pact between Germany and the U. S. S. R. without any declaration of war, invaded the Soviet territory thereby beginning a war of aggression against the U. S. S. R.

From the very first day of launching their attack on Soviet territory the Nazi conspirators in accordance with their detailed plans began to carry out the destruction of cities, town and villages, the demolition of factories and plants, collective farms, electric stations and railroads, the robbery and barbaric devastation of the national cultural institutions of the peoples of the U. S. S. R., the devastation of museums, schools, hospitals, churches, historical monuments, the mass deportation of the Soviet citizens for slave labour to Germany, as well as the annihilation of adults, old people, women and children especially Russians, Belo-Russians, Ukrainians, the extermination of Jews, committed throughout the territory of the Soviet Union.

The above mentioned criminal offences were perpetrated by the German troops in accordance with the orders of the Nazi Government and the General Staff and High Command of the German Armed Forces.

7. *Collaboration with Italy and Japan and aggressive war against the United States: November, 1936, to December, 1941.*

After the initiation of the Nazi wars of aggression the Nazi conspirators brought about a German-Italian-Japanese ten-year military-economic alliance signed at Berlin on 27th September, 1940. This agreement, representing a strengthening of the bonds among those

three nations established by the earlier but more limited pact of 25th November, 1936, stated: "The Governments of Germany, Italy and Japan, considering it as a condition precedent of any lasting peace that all nations of the world be given each its own proper place, have decided to stand by and co-operate with one another in regard of their efforts in Greater East Asia and regions of Europe respectively wherein it is their prime purpose to establish and maintain a new order of things calculated to promote the mutual prosperity and welfare of the peoples concerned." The Nazi conspirators conceived that Japanese aggression would weaken and handicap those nations with whom they were at war, and those with whom they contemplated war. Accordingly, the Nazi conspirators exhorted Japan to seek "a new order of things." Taking advantage of the wars of aggression then being waged by the Nazi conspirators, Japan commenced an attack on 7th December, 1941, against the United States of America at Pearl Harbor and the Philippines, and against the British Commonwealth of Nations, French Indo-China and the Netherlands in the southwest Pacific. Germany declared war against the United States on 11th December, 1941.

(G) *WAR CRIMES AND CRIMES AGAINST HUMANITY COMMITTED IN THE COURSE OF EXECUTING THE CONSPIRACY FOR WHICH THE CONSPIRATORS ARE RESPONSIBLE

1. Beginning with the initiation of the aggressive war on 1st September, 1939, and throughout its extension into wars involving almost the entire world, the Nazi conspirators carried out their common plan or conspiracy to wage war in ruthless and complete disregard and violation of the laws and customs of war. In the course of executing the common plan or conspiracy there were committed the War Crimes detailed hereinafter in Count Three of this Indictment.

2. Beginning with the initiation of their plan to seize and retain total control of the German State, and thereafter throughout their utilization of that control for foreign aggression, the Nazi conspirators carried out their common plan or conspiracy in ruthless and complete disregard and violation of the laws of humanity. In the course of executing the common plan or conspiracy there were committed the Crimes against Humanity detailed hereinafter in Count Four of this Indictment.

3. By reason of all the foregoing, the defendants with divers other persons are guilty of a common plan or conspiracy for the accomplishment of Crimes against Peace; of a conspiracy to commit Crimes against Humanity in the course of preparation for war and in the course of prosecution of war; and of a conspiracy to commit War Crimes not only against the armed forces of their enemies but also against non-belligerent civilian populations.

(H) INDIVIDUAL, GROUP AND ORGANIZATION RESPONSIBILITY FOR THE OFFENSE STATED IN COUNT ONE

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count One of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the

responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count One of the Indictment.

COUNT TWO—CRIMES AGAINST PEACE

(Charter, Article 6 (a))

V. Statement of the Offense

All the defendants with divers other persons, during a period of years preceding 8th May, 1945, participated in the planning, preparation, initiation and waging of wars of aggression, which were also wars in violation of international treaties, agreements and assurances.

VI. Particulars of the wars planned, prepared, initiated and waged

(A) The wars referred to in the Statement of Offense in this Count Two of the Indictment and the dates of their initiation were the following: against Poland, 1st September, 1939; against the United Kingdom and France, 3rd September, 1939; against Denmark and Norway, 9th April, 1940; against Belgium, the Netherlands and Luxembourg, 10th May, 1940; against Yugoslavia and Greece, 6th April, 1941; against the U. S. S. R., 22nd June, 1941; and against the United States of America, 11th December, 1941.

(B) Reference is hereby made to Count One of the Indictment for the allegations charging that these wars were wars of aggression on the part of the defendants.

(C) Reference is hereby made to Appendix C annexed to this Indictment for a statement of particulars of the charges of violations of international treaties, agreements and assurances caused by the defendants in the course of planning, preparing and initiating these wars.

VII. Individual, group and organization responsibility for the offense stated in Count Two

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count Two of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count Two of the Indictment.

COUNT THREE—WAR CRIMES

(Charter, Article 6, especially 6 (b))

VIII. Statement of the Offense

All the defendants committed War Crimes between 1st September, 1939, and 8th May, 1945, in Germany and in all those countries and territories occupied by the German armed forces since 1st September, 1939, and in Austria, Czechoslovakia, and Italy, and on the High Seas.

All the defendants, acting in concert with others, formulated and executed a common plan or conspiracy to commit War Crimes as defined in Article 6 (b) of the Charter. This plan involved, among other things, the practice of "total war" including methods of combat and of military occupation in direct conflict with the laws and customs of war, and the commission of crimes perpetrated on the field of battle during encounters with enemy armies, and against prisoners of war, and in occupied territories against the civilian population of such territories.

The said War Crimes were committed by the defendants and by other persons for whose acts the defendants are responsible (under Article 6 of the Charter) as such other persons when committing the said War Crimes performed their acts in execution of a common plan and conspiracy to commit the said War Crimes, in the formulation and execution of which plan and conspiracy all the defendants participated as leaders, organisers, instigators and accomplices.

These methods and crimes constituted violations of international conventions, of internal penal laws and of the general principles of criminal law as derived from the criminal law of all civilised nations, and were involved in and part of a systematic course of conduct.

(A) MURDER AND ILLTREATMENT OF CIVILIAN POPULATIONS OF OR IN OCCUPIED TERRITORY AND ON THE HIGH SEAS

Throughout the period of their occupation of territories overrun by their armed forces the defendants, for the purpose of systematically terrorizing the inhabitants, murdered and tortured civilians, and ill-treated them, and imprisoned them without legal process.

The murders and illtreatment were carried out by divers means, including shooting, hanging, gassing, starvation, gross over-crowding, systematic undernutrition, systematic imposition of labour tasks beyond the strength of those ordered to carry them out, inadequate provision of surgical and medical services, kickings, beatings, brutality and torture of all kinds, including the use of hot irons and pulling out of finger nails and the performance of experiments by means of operations and otherwise on living human subjects. In some occupied territories the defendants interfered with religious services, persecuted members of the clergy and monastic orders, and expropriated church property. They conducted deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial or religious groups, particularly Jews, Poles and Gypsies and others.

Civilians were systematically subjected to tortures of all kinds, with the object of obtaining information.

Civilians of occupied countries were subjected systematically to "protective arrests" whereby they were arrested and imprisoned without any trial and any of the ordinary protections of the law, and they were imprisoned under the most unhealthy and inhumane conditions.

In the concentration camps were many prisoners who were classified "Nacht und Nebel". These were entirely cut off from the world and were allowed neither to receive nor to send letters. They disappeared without trace and no announcement of their fate was ever made by the German authorities.

Such murders and illtreatment were contrary to International Conventions, in particular to Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilised nations, the internal penal laws of the countries in which such crimes were committed, and to Article 6 (b) of the Charter.

The following particulars and all the particulars appearing later in this count are set out herein by way of example only, are not exclusive of other particular cases, and are stated without prejudice to the right of the Prosecution to adduce evidence of other cases of murder and illtreatment of civilians.

1. *In France, Belgium, Denmark, Holland, Norway, Luxemburg, Italy and the Channel Islands (hereinafter called the "Western Countries") and in that part of Germany which lies west of a line drawn due North and South through the centre of Berlin (hereinafter called "Western Germany").*

Such murder and illtreatment took place in concentration camps and similar establishments set up by the defendants, and particularly in the concentration camps set up at Belsen, Buchenwald, Dachau, Breendonck, Grini, Natzweiler, Ravensbruck, Vught and Amersfoort, and in numerous cities, towns and villages, including Oradour sur Glane, Trondheim and Oslo.

Crimes committed in France or against French citizens took the following forms:—

Arbitrary arrests were carried out under political or racial pretexts; they were both individual and collective; notably in Paris (round-up of the 18th Arrondissement by the Field Gendarmerie, round-up of the Jewish population of the 11th Arrondissement on August, 1941, round-up of Jewish intellectuals in December, 1941, round-up in July, 1942); at Clermont-Ferrand (round-up of professors and students of the University of Strasbourg, who were taken to Clermont-Ferrand on 25th November, 1943); at Lyons; at Marseilles (round-up of 40,000 persons in January, 1943); at Grenoble (round-up on 24th December, 1943); at Cluny (round-up on 24th December, 1944); at Figeac (round-up in May, 1944); at Saint Pol de Leon (round-up in July, 1944); at Locminé (round-up on 3rd July, 1944); at Eyzieux (round-up in May, 1944) and at Moussey (round-up in September, 1944). These arrests were followed by brutal treatment and tortures carried out by the most diverse methods, such as immersion in icy water, asphyxiation, torture of the limbs, and the use of instruments of torture, such as the iron helmet and electric current, and practised in all the prisons of France, notably in Paris, Lyons, Marseilles, Rennes, Metz, Clermont-Ferrand, Toulouse, Nice, Grenoble, Annecy, Arras, Bethune, Lille, Loos, Valenciennes, Nancy, Troyes and Caen, and in the torture chambers fitted up at the Gestapo centres.

In the concentration camps, the health regime, and the labour regime, were such that the rate of mortality (alleged to be from natural causes) attained enormous proportions, for instance:—

1. Out of a convoy of 230 French women deported from Compiègne to Auschwitz in January, 1943, 180 died of exhaustion by the end of four months.

2. 143 Frenchmen died of exhaustion between 23rd March and 6th May, 1943, in Block 8 at Dachau.

3. 1,797 Frenchmen died of exhaustion between 21st November, and 15th March, 1945, in the Block at Dora.

4. 465 Frenchmen died of general debility in November, 1944, at Dora.

5. 22,761 deportees died of exhaustion at Buchenwald between 1st January, 1943, and 15th April, 1945.

6. 11,560 detainees died of exhaustion at Dachau Camp (most of them in Block 30 reserved for the sick and the infirm) between 1st January and 15th April, 1945.

7. 780 priests died of exhaustion at Mauthausen.

8. Out of 2,200 Frenchmen registered at Flossenburg Camp, 1,600 died from supposedly natural causes.

Methods used for the work of extermination in concentration camps were:—bad treatment, pseudo-scientific experiments (sterilisation of women at Auschwitz and at Ravensbrück, study of the evolution of cancer of the womb at Auschwitz, of typhus at Buchenwald, anatomical research at Natzweiler, heart injections at Buchenwald, bone grafting and muscular excisions at Ravensbrück, etc.), gas chambers, gas wagons, and crematory ovens. Of 228,000 French political and racial deportees in concentration camps, only 28,000 survived.

In France also systematic extermination was practised, notably at Asq on 1st April, 1944, at Colpo on 22nd July, 1944, at Buzet sur Tarn on 6th July, 1944 and on 17th August, 1944, at Pluvignier on 8th July, 1944, at Rennes on 8th June, 1944, at Grenoble on 8th July, 1944; at Saint Flour on 10th June, 1944, at Ruisnes on 10th July, 1944, at Nimes, at Tulle, and at Nice, where, in July, 1944, the victims of torture were exposed to the population, and at Oradour sur Glane where the entire village population was shot or burned alive in the church.

The many charnel pits give proof of anonymous massacres. Most notable of these are the charnel pits of Paris (Cascade du Bois de Boulogne), Lyons, Saint Genies Laval, Besancon, Petit Saint Bernard, Aulnat, Caen, Port Louis, Charleval, Fontainebleau, Bouconne, Gabaudet, Lhermitage Lorges, Morlaas, Bordelongue, Signe.

In the course of a premeditated campaign of terrorism, initiated in Denmark by the Germans in the latter part of 1943, 600 Danish subjects were murdered and, in addition, throughout the German occupation of Denmark, large numbers of Danish subjects were subjected to torture and ill treatment of all sorts. In addition, approximately 500 Danish subjects were murdered, by torture and otherwise, in German prisons and concentration camps.

In Belgium between 1940 and 1944 tortures by various means, but identical in each place, were carried out at Brussels, Liège, Mons, Ghent, Namur, Antwerp, Tournai, Arlon, Charleroi and Dinant.

At Vught, in Holland, when the camp was evacuated about 400 persons were murdered by shooting.

In Luxembourg, during the German occupation, 500 persons were murdered and, in addition, another 521 were illegally executed, by order of such special tribunals as the so-called "Sondergericht". Many more persons in Luxembourg were subjected to torture and mistreatment by the Gestapo. Not less than 4,000 Luxembourg nationals were imprisoned during the period of German occupation, and of these at least 400 were murdered.

Between March, 1944, and April, 1945, in Italy, at least 7,500 men, women and children, ranging in years from infancy to extreme old age were murdered by the German soldiery at Civitella, in the Ardeatine Caves in Rome, and at other places.

2. *In the U. S. S. R., i. e., in the Bielorussian, Ukranian, Esthonian, Latvian, Lithuanian, Karelo-Finnish, and Moldavian Soviet Socialist Republics, in 19 regions of the Russian Soviet Federated Socialist Republic, and in Poland, Czecho-Slovakia, Yugoslavia, Greece, and the Balkans (hereinafter called "the Eastern Countries") and in that part of Germany which lies East of a line drawn North and South through the centre of Berlin (hereinafter called "Eastern Germany").*

From the 1st September, 1939, when the German armed forces invaded Poland, and from the 22nd June, 1941, when they invaded the U. S. S. R., the German Government and the German High Command adopted a systematic policy of murder and ill-treatment of the civilian populations of and in the Eastern Countries as they were successively occupied by the German armed forces. These murders and ill-treatments were carried on continuously until the German Armed Forces were driven out of the said countries.

Such murders and ill-treatments included:—

(a) Murders and ill-treatments at concentration camps and similar establishments set up by the Germans in the Eastern Countries and in Eastern Germany including those set up at Maidanek and Auschwitz.

The said murders and ill-treatments were carried out by divers means including all those set out above, as follows:

About 1,500,000 persons were exterminated in Maidanek and about 4,000,000 persons were exterminated in Auschwitz, among whom were citizens of Poland, the U. S. S. R., the United States of America, Great Britain, Czechoslovakia, France and other countries.

In the Lwow region and in the city of Lwow the Germans exterminated about 700,000 Soviet people, including 70 persons in the field of the arts, science and technology, and also citizens of the U. S. A., Great Britain, Czechoslovakia, Yugoslavia and Holland, brought to this region from other concentration camps.

In the Jewish ghetto from 7th September, 1941, to 6th July, 1943, over 133,000 persons were tortured and shot.

Mass shooting of the population occurred in the suburbs of the city and in the Livenitz forest.

In the Ganov camp 200,000 peaceful citizens were exterminated. The most refined methods of cruelty were employed in this extermination, such as disembowelling and the freezing of human beings in tubs of water. Mass shootings took place to the accompaniment of the music of an orchestra recruited from the persons interned.

Beginning with June, 1943, the Germans carried out measures to hide the evidence of their crimes. They exhumed and burned corpses, and they crushed the bones with machines and used them for fertilizer.

At the beginning of 1944 in the Ozarichi region of the Bielorussian S. S. R., before liberation by the Red Army, the Germans established three concentration camps without shelters, to which they committed tens of thousands of persons from the neighbouring territories. They brought many people to these camps from typhus hospitals intentionally, for the purpose of infecting the other persons interned and for spreading the disease in territories from which the Germans were

being driven by the Red Army. In these camps there were many murders and crimes.

In the Esthonian S. S. R. they shot tens of thousands of persons and in one day alone, 19th September, 1944, in Camp Kloga, the Germans shot 2,000 peaceful citizens. They burned the bodies on bonfires.

In the Lithuanian S. S. R. there were mass killings of Soviet citizens, namely: in Panerai at least 100,000; in Kaunas more than 70,000; in Alitus about 60,000; at Prenai more than 3,000; in Villiampol about 8,000; in Mariampol about 7,000; in Trakai and neighbouring towns 37,640.

In the Latvian S. S. R. 577,000 persons were murdered.

As a result of the whole system of internal order maintained in all camps, the interned persons were doomed to die.

In a secret instruction entitled "the internal regime in concentration camps", signed personally by Himmler in 1941 severe measures of punishment were set forth for the internes. Masses of prisoners of war were shot, or died from the cold and torture.

(b) Murders and ill-treatments at places in the Eastern Countries and in the Soviet Union, other than in the camps referred to in (a) above, included, on various dates during the occupation by the German Armed Forces:

The destruction in the Smolensk region of over 135,000 Soviet citizens.

Among these, near the village of Kholmetz of the Sychev region, when the military authorities were required to remove the mines from an area, on the order of the Commander of the 101st German Infantry Division, Major-General Fisler, the German soldiers gathered the inhabitants of the village of Kholmetz and forced them to remove mines from the road. All of these people lost their lives as a result of exploding mines.

In the Leningrad region there were shot and tortured over 172,000 persons, including over 20,000 persons who were killed in the city of Leningrad by the barbarous artillery barrage and the bombings.

In the Stavropol region in an anti-tank trench close to the station of Mineralny Vody, and in other cities, tens of thousands of persons were exterminated.

In Pyatigorsk many were subjected to torture and criminal treatment, including suspension from the ceiling and other methods. Many of the victims of these tortures were then shot.

In Krasnodar some 6,700 civilians were murdered by poison gas in gas vans, or were shot and tortured.

In the Stalingrad region more than 40,000 persons were killed and tortured. After the Germans were expelled from Stalingrad, more than a thousand mutilated bodies of local inhabitants were found with marks of torture. One hundred and thirty-nine women had their arms painfully bent backward and held by wires. From some their breasts had been cut off and their ears, fingers and toes had been amputated. The bodies bore the marks of burns. On the bodies of the men the five pointed star was burned with an iron or cut with a knife. Some were disembowelled.

In Orel over 5,000 persons were murdered.

In Novgorod and in the Novgorod region many thousands of Soviet citizens were killed by shooting, starvation and torture. In Minsk tens of thousands of citizens were similarly killed.

In the Crimea peaceful citizens were gathered on barges, taken out to sea and drowned, over 144,000 persons being exterminated in this manner.

In the Soviet Ukraine there were monstrous criminal acts of the Nazi conspirators. In Babi Yar, near Kiev, they shot over 100,000 men, women, children and old people. In this city in January, 1942, after the explosion in German Headquarters on Dzerzhinsky Street the Germans arrested as hostages 1,250 persons—old men, minors, women with nursing infants. In Kiev they killed over 195,000 persons.

In Rovno and the Rovno region they killed and tortured over 100,000 peaceful citizens.

In Dnepropetrovsk, near the Transport Institute, they shot or threw alive into a great ravine 11,000 women, old men and children.

In Kamenetz-Podolsk Region 31,000 Jews were shot and exterminated, including 13,000 persons brought there from Hungary.

In the Odessa Region at least 200,000 Soviet citizens were killed.

In Kharkov about 195,000 persons were either tortured to death, shot or gassed in gas vans.

In Gomel the Germans rounded up the population in prison, and tortured and tormented them, and then took them to the centre of the city and shot them in public.

In the city of Lyda in the Grodnen region on 8th May, 1942, 5,670 persons were completely undressed, driven into pens in groups of 100 and then shot by machine guns. Many were thrown in the graves while they were still alive.

Along with adults the Nazi conspirators mercilessly destroyed even children. They killed them with their parents, in groups and alone. They killed them in children's homes and hospitals, burying the living in the graves, throwing them into flames, stabbing them with bayonets, poisoning them, conducting experiments upon them, extracting their blood for the use of the German Army, throwing them into prison and Gestapo torture chambers and concentration camps, where the children died from hunger, torture and epidemic diseases.

From 6th September to 24th November, 1942, in the region of Brest, Pinsk, Kobren, Dyvina, Malority and Berezy-Kartuzsky about 400 children were shot by German punitive units.

In the Yanov camp in the city of Lwow the Germans killed 8,000 children in two months.

In the resort of Tiberda the Germans annihilated 500 children suffering from tuberculosis of the bone, who were in the sanatorium for the cure.

On the territory of the Latvian S. S. R. the German usurpers killed thousands of children, which they had brought there with their parents from the Bielorussian S. S. R., and from the Kalinin, Kaluga and other regions of the R. S. F. S. R.

In Czechoslovakia as a result of torture, beating, hanging, and shootings, there were annihilated in Gestapo prisons in Brno, Seim and other places over 20,000 persons. Moreover many thousands of internees were subjected to criminal treatment, beatings and torture.

Both before the war, as well as during the war, thousands of Czech patriots, in particular catholics and protestants, lawyers, doctors, teachers, etc., were arrested as hostages and imprisoned. A large number of these hostages were killed by the Germans.

In Greece in October, 1941, the male populations between 16 and 60 years of age of the Greek villages Amelofito, Kliston, Kizonia Mesovunos, Selli, Ano-Kerzilion and Kato-Kerzilion were shot—in all 416 persons.

In Yugoslavia many thousands of civilians were murdered. Other examples are given under paragraph (D), "Killing of Hostages", below.

(B) DEPORTATION FOR SLAVE LABOUR AND FOR OTHER PURPOSES OF THE CIVILIAN POPULATIONS OF AND IN OCCUPIED TERRITORIES

During the whole period of the occupation by Germany of both the Western and the Eastern Countries it was the policy of the German Government and of the German High Command to deport able bodied citizens from such occupied countries to Germany and to other occupied countries for the purpose of slave labour upon defence works, in factories and in other tasks connected with the German War effort.

In pursuance of such policy there were mass deportations from all the Western and Eastern countries for such purposes during the whole period of the occupation.

Such deportations were contrary to international Conventions, in particular to Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and to Article 6 (b) of the Charter.

Particulars of deportations, by way of example only and without prejudice to the production of evidence of other cases are as follows:

1. From the Western Countries:

From France the following deportations of persons for political and racial reasons took place—each of which consisted of from 1,500–2,500 deportees:

1940: Transports.....	3
1941: Transports.....	14
1942: Transports.....	104
1943: Transports.....	257
1944: Transports.....	326

Such deportees were subjected to the most barbarous conditions of overcrowding; they were provided with wholly insufficient clothing and were given little or no food for several days.

The conditions of transport were such that many deportees died in the course of the voyage, for example:

In one of the wagons of the train which left Compiègne for Buchenwald, on the 17th September, 1943, 80 men died out of 130;

On 4th June, 1944, 484 bodies were taken out of the train at Sarrebourg;

In a train which left Compiègne on the 2nd July, 1944, for Dachau, more than 600 dead were found on arrival, i.e., one-third of the total number;

In a train which left Compiègne on the 16th January, 1944, for Buchenwald more than 100 men were confined in each wagon, the dead and the wounded being heaped in the last wagon during the voyage;

In April, 1945, of 12,000 internees evacuated from Buchenwald, 4,000 only were still alive when the marching column arrived near Regensburg.

During the German occupation of Denmark, 5,200 Danish subjects were deported to Germany and there imprisoned in concentration camps and other places.

In 1942 and thereafter 6,000 nationals of Luxembourg were deported from their country under deplorable conditions as a result of which many of them perished.

From Belgium between 1940 and 1944 at least 190,000 civilians were deported to Germany and used as slave labour. Such deportees were subjected to ill-treatment and many of them were compelled to work in armament factories.

From Holland, between 1940 and 1944 nearly half a million civilians were deported to Germany and to other occupied countries.

2. From the Eastern Countries:

The German occupying authorities deported from the Soviet Union to slavery about 4,978,000 Soviet citizens.

750,000 Czechoslovakian citizens were taken away for forced labor outside the Czechoslovak frontiers in the interior of the German war machine.

On June 4, 1941, in the city of Zagreb (Yugoslavia) a meeting of German representatives was called with the Councillor Von Troll presiding. The purpose was to set up the means of deporting the Yugoslav population from Slovenia. Tens of thousands of persons were deported in carrying out this plan.

(C) MURDER AND ILL-TREATMENT OF PRISONERS OF WAR, AND OF OTHER MEMBERS OF THE ARMED FORCES OF THE COUNTRIES WITH WHOM GERMANY WAS AT WAR, AND OF PERSONS ON THE HIGH SEAS

The Defendants murdered and ill-treated prisoners of war by denying them adequate food, shelter, clothing and medical care and attention; by forcing them to labor in inhumane conditions; by torturing them and subjecting them to inhuman indignities and by killing them. The German Government and the German High Command imprisoned prisoners of war in various concentration camps, where they were killed and subjected to inhuman treatment by the various methods set forth in paragraph VIII (A). Members of the armed forces of the countries with whom Germany was at war were frequently murdered while in the act of surrendering. These murders and ill-treatment were contrary to International Conventions, particularly Articles 4, 5, 6, and 7 of the Hague Regulations, 1907, and to Articles 2, 3, 4 and 6 of the Prisoners of War Convention (Geneva 1929) the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and to Article 6 (b) of the Charter.

Particulars by way of example and without prejudice to the production of evidence of other cases, are as follows:

1. In the Western Countries:

French officers who escaped from Oflag X C were handed over to the Gestapo and disappeared; others were murdered by their guards; others sent to concentration camps and exterminated. Among others, the men of Stalag VI C were sent to Buchenwald.

Frequently prisoners captured on the Western Front were obliged to march to the camps until they completely collapsed. Some of them walked more than 600 kilometers with hardly any food; they marched on for 48 hours running, without being fed; among them a certain number died of exhaustion or of hunger; stragglers were systematically murdered.

The same crimes have been committed in 1943, 1944, and 1945 when the occupants of the camps were withdrawn before the Allied advance; particularly during the withdrawal of the prisoners of Sagan on February 8th, 1945.

Bodily punishments were inflicted upon non-commissioned officers and cadets who refused to work. On December 24th, 1943, three French N.C.O.'s were murdered for that motive in Stalag IV A. Many ill-treatments were inflicted without motive on other ranks: stabbing with bayonets, striking with rifle-butts and whipping; in Stalag XX B the sick themselves were beaten many times by sentries; in Stalag III B and Stalag III C, worn-out prisoners were murdered or grievously wounded. In military gaols in Graudenz for instance, in reprisal camps as in Rava-Ruska, the food was so insufficient that the men lost more than 15 kilograms in a few weeks. In May, 1942, 1 loaf of bread only was distributed in Rava-Ruska to each group of 35 men.

Orders were given to transfer French officers in chains to the camp of Mauthausen after they had tried to escape. At their arrival in camp they were murdered, either by shooting, or by gas and their bodies destroyed in the crematorium.

American prisoners, officers and men, were murdered in Normandy during the summer of 1944 and in the Ardennes in December, 1944. American prisoners were starved, beaten and otherwise mistreated in numerous Stalags in Germany and in the occupied countries, particularly in 1943, 1944 and 1945.

2. In the Eastern Countries:

At Orel prisoners of war were exterminated by starvation, shooting, exposure, and poisoning.

Soviet prisoners of war were murdered en masse on orders from the High Command and the Headquarters of the SIPO and SD. Tens of thousands of Soviet prisoners of war were tortured and murdered at the "Gross Lazaret" at Slavuta.

In addition, many thousands of the persons referred to in paragraph VIII (A) 2, above, were Soviet prisoners of war.

Prisoners of war who escaped and were recaptured were handed over to SIPO and SD for shooting.

French men fighting with the Soviet Army who were captured were handed over to the Vichy Government for "proceedings".

In March, 1944, 50 R.A.F. officers who escaped from Stalag Luft III at Sagan, when recaptured, were murdered.

In September, 1941, 11,000 Polish officers, who were prisoners of war were killed in the Katyn Forest near Smolensk.

In Yugoslavia the German Command and the occupying authorities in the person of the chief officials of the Police, the SS troops (Police Lieutenant General Rosener) and the liaison with the troops (General Kübler and others) in the period 1941-43 ordered the shooting of prisoners of war.

(D) KILLING OF HOSTAGES

Throughout the territories occupied by the German armed forces in the course of waging aggressive wars, the defendants adopted and put into effect on a wide scale the practice of taking, and of killing, hostages from the civilian population. These acts were contrary to International Conventions, particularly Article 50 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and to Article 6 (b) of the Charter.

Particulars by way of example and without prejudice to the production of evidence of other cases, are as follows:

1. In the Western Countries:

In France hostages were executed either individually or collectively; these executions took place in all the big cities of France, among others in Paris, Bordeaux and Nantes, as well as at Chateaubriant.

In Holland many hundreds of hostages were shot at the following among other places—Rotterdam, Apeldoorn, Amsterdam, Benschop and Haarlem.

In Belgium many hundreds of hostages were shot during the period 1940 to 1944.

2. In the Eastern Countries:

At Kragnevatz in Yugoslavia 2,300 hostages were shot in October, 1941.

At Kralevo in Yugoslavia 5,000 hostages were shot.

(E) PLUNDER OF PUBLIC AND PRIVATE PROPERTY

The Defendants ruthlessly exploited the people and the material resources of the countries they occupied, in order to strengthen the Nazi war machine, to depopulate and impoverish the rest of Europe, to enrich themselves and their adherents, and to promote German economic supremacy over Europe.

The Defendants engaged in the following acts and practices, among others:

1. They degraded the standard of life of the people of occupied countries and caused starvation, by stripping occupied countries of foodstuffs for removal to Germany.

2. They seized raw materials and industrial machinery in all of the occupied countries, removed them to Germany and used them in the interest of the German war effort and the German economy.

3. In all the occupied countries, in varying degrees, they confiscated businesses, plants and other property.

4. In an attempt to give color of legality to illegal acquisitions of property, they forced owners of property to go through the forms of "voluntary" and "legal" transfers.

5. They established comprehensive controls over the economies of all of the occupied countries and directed their resources, their production and their labor in the interests of the German war economy, depriving the local populations of the products of essential industries.

6. By a variety of financial mechanisms, they despoiled all of the occupied countries of essential commodities and accumulated wealth, debased the local currency systems and disrupted the local economies. They financed extensive purchases in occupied countries through clearing arrangements by which they exacted loans from the occupied countries. They imposed occupation levies, exacted financial contributions, and issued occupation currency, far in excess of occupation costs. They used these excess funds to finance the purchase of business properties and supplies in the occupied countries.

7. They abrogated the rights of the local populations in the occupied portions of the USSR and in Poland and in other countries to develop or manage agricultural and industrial properties, and reserved this area for exclusive settlement, development, and ownership by Germans and their so-called racial brethren.

8. In further development of their plan of criminal exploitation, they destroyed industrial cities, cultural monuments scientific institutions, and property of all types in the occupied territories to eliminate the possibility of competition with Germany.

9. From their program of terror, slavery, spoliation and organized outrage, the Nazi conspirators created an instrument for the personal profit and aggrandizement of themselves and their adherents. They secured for themselves and their adherents

(a) Positions in administration of business involving power, influence, and lucrative perquisites.

(b) The use of cheap forced labor.

(c) The acquisition on advantageous terms of foreign properties, business interests, and raw materials.

(d) The basis for the industrial supremacy of Germany.

These acts were contrary to International Conventions, particularly Articles 46 to 56 inclusive of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and to Article 6 (b) of the Charter.

Particulars (by way of example and without prejudice to the production of evidence of other cases) are as follows:

1. Western Countries:

There was plundered from the Western Countries from 1940 to 1944, works of art, artistic objects, pictures, plastics, furniture, textiles, antique pieces and similar articles of enormous value to the number of 21,903.

In France statistics show the following:

Removal of Raw Materials

Coal.....	tons..	68, 000, 000
Electric Energy.....	Mkwh..	20, 976
Petrol and fuel.....	tons..	1, 943, 750
Iron ore.....	do.....	74, 848, 000
Siderurgical products.....	do.....	3, 822, 000
Bauxite.....	do.....	1, 211, 800
Cement.....	do.....	5, 984, 000
Lime.....	do.....	1, 888, 000
Quarry Products.....	do.....	25, 872, 000

and various other products to a total value of 79,961,423,000 francs.

Removal of Industrial Equipment

Total: 9,759,861,000 Francs, of which 2,626,479,000 Francs of Machine Tools.

Removal of Agricultural Produce

Total: 126,655,852,000 Francs, i. e., for the principal products:

Wheat.....	tons.....	2, 947, 337
Oats.....	do.....	2, 354, 080
Milk.....	hectolitres.....	790, 000
Milk (Concentrated and in powder).....	do.....	460, 000
Butter.....	tons.....	76, 000
Cheese.....	do.....	49, 000
Potatoes.....	do.....	725, 975
Various Vegetables.....	do.....	575, 000
Wine.....	hectolitres.....	7, 647, 000
Champagne.....	bottles.....	87, 000, 000
Beer.....	hectolitres.....	3, 821, 520
Various kinds of alcohol.....	do.....	1, 830, 000

Removal of Manufactured Products

to a total of 184,640,000,000 francs.

Plundering

Francs: 257,020,024,000 from private enterprise.

Francs: 55,000,100,000 from the State.

Financial Exploitation

From June 1940 to September 1944 the French Treasury was compelled to pay to Germany 631,866,000,000 francs.

Looting and Destruction of Works of Art

The museums of Nantes, Nancy, Old-Marseilles were looted.

Private collections of great value were stolen. In this way Raphaels, Vermeers, Van Dycks and works of Rubens, Holbein, Rembrandt, Watteau, Boucher disappeared. Germany compelled France to deliver up "The Mystic Lamb" by Van Eyck, which Belgium had entrusted to her.

In Norway and other occupied countries decrees were made by which the property of many civilians, societies, etc., was confiscated. An immense amount of property of every kind was plundered from France, Belgium, Norway, Holland and Luxemburg.

As a result of the economic plundering of Belgium between 1940 and 1944 the damage suffered amounted to 175 billions of Belgian francs.

2. Eastern Countries:

During the occupation of the Eastern Countries the German Government and the German High Command carried out, as a systematic policy, a continuous course of plunder and destruction including:—

On the territory of the Soviet Union the Nazi conspirators destroyed or severely damaged 1,710 cities and more than 70,000 villages and hamlets, more than 6,000,000 buildings and made homeless about 25,000,000 persons.

Among the cities which suffered most destruction are Stalingrad, Sevastopol, Kiev, Minsk, Odessa, Smolensk, Novgorod, Pskov, Orel, Kharkov, Voronezh, Rostov-on-Don, Stalino and Leningrad.

As is evident from an official memorandum of the German command, the Nazi conspirators planned the complete annihilation of entire Soviet cities. In a completely secret order of the Chief of the Naval Staff (Staff Ia No. 1601/41, dated 29, IX, 1941,) addressed only to Staff officers, it was said:

"The Führer has decided to erase from the face of the earth St. Petersburg. The existence of this large city will have no further interest after Soviet Russia is destroyed. Finland has also said that the existence of this city on her new border is not desirable from her point of view. The original request of the Navy that docks, harbor, etc. necessary for the fleet be preserved—is known to the Supreme Commander of the Military Forces, but the basic principles of carrying out operations against St. Petersburg do not make it possible to satisfy this request.

It is proposed to approach near to the city and to destroy it with the aid of an artillery barrage from weapons of different calibres and with long air attacks. . . .

The problem of the life of the population and the provisioning of them is a problem which cannot and must not be decided by us.

In this war . . . we are not interested in preserving even a part of the population of this large city.

The Germans destroyed 427 museums, among them the wealthy museums of Leningrad, Smolensk, Stalingrad, Novgorod, Poltava and others.

In Pyatigorsk the art objects brought there from the Rostov museum were seized.

The losses suffered by the coal mining industry alone in the Stalin Region amount to 2,000,000,000 rubles. There was colossal destruction of industrial establishments in Makerevka, Carlovka, Yenakievo, Konstantinovka, Mariupol, from which most of the machinery and factories were removed.

Stealing of huge dimensions and the destruction of industrial, cultural and other property was typified in Kiev. More than 4,000,000 books, magazines and manuscripts (many of which were very valuable and even unique) and a large number of artistic productions and valuables of different kinds were stolen and carried away.

Many valuable art productions were taken away from Riga.

The extent of the plunder of cultural valuables is evidenced by the fact that 100,000 valuable volumes and 70 cases of ancient periodicals and precious monographs were carried away by ROSENBERG's staff alone.

Among further examples of these crimes are:

Wanton devastation of the city of Novgorod and of many historical and artistic monuments there. Wanton devastation and plunder of the city of Rovno and of its province. The destruction of the industrial, cultural and other property in Odessa. The destruction of cities and villages in Soviet Karelia. The destruction in Estonia of cultural, industrial and other buildings.

The destruction of medical and prophylactic institutes, the destruction of agriculture and industry in Lithuania, the destruction of cities in Latvia.

The Germans approached monuments of culture, dear to the Soviet people, with special hatred. They broke up the estate of the poet Pushkin in Mikhailovskoye, desecrating his grave, and destroying the neighboring villages and the Svyatogor monastery.

They destroyed the estate and museum of Lev Tolstoy, "Yasnaya Polyana" and desecrated the grave of the great writer. They destroyed in Klin the museum of Tsaikovsky and in Penaty, the museum of the painter Repin and many others.

The Nazi conspirators destroyed 1,670 Greek Orthodox Churches, 237 Roman Catholic Churches, 67 Chapels, 532 Synagogues, etc.

They broke up, desecrated and senselessly destroyed also the most valuable monuments of the Christian Church, such as Kievo-Pecherskaya Lavra, Novy Jerusalem in the Istrin region, and the most ancient monasteries and churches.

Destruction in Esthonia of cultural industrial and other premises: burning down of many thousands of residential buildings: removal of 10,000 works of art: destruction of medical and prophylactic institutions. Plunder and removal to Germany of immense quantities of agricultural stock including horses, cows, pigs, poultry, beehives and agricultural machines of all kinds.

Destruction of agriculture, enslavement of peasants and looting of stock and produce in Lithuania.

In the Latvian Republic destruction of the agriculture by the looting of all stock, machinery and produce.

The result of this policy of plunder and destruction was to lay waste the land and cause utter desolation.

The overall value of the material loss which the U. S. S. R. has borne, is computed to be 679,000,000,000 rubles, in state prices of 1941.

Following the German occupation of Czechoslovakia on 15 March 1939 the defendants seized and stole large stocks of raw materials, copper, tin, iron, cotton, and food; caused to be taken to Germany large amounts of railway rolling stock, and many engines, carriages, steam vessels and trolley buses; plundered libraries, laboratories, and art museums of books, pictures, objects of art, scientific apparatus and furniture; stole all gold reserves and foreign exchange of Czechoslovakia, including 23,000 kilograms of gold of a nominal value of £5,265,000; fraudulently acquired control and thereafter looted the Czech banks and many Czech industrial enterprises; and otherwise stole, looted and misappropriated Czechoslovak public and private property. The total sum of defendants' economic spoliation of Czechoslovakia from 1938 to 1945 is estimated at 200,000,000,000 Czechoslovak crowns.

(F) THE EXACTION OF COLLECTIVE PENALTIES

The Germans pursued a systematic policy of inflicting, in all the occupied countries, collective penalties, pecuniary and otherwise, upon the population for acts of individuals for which it could not be regarded as collectively responsible; this was done at many places, including Oslo, Stavanger, Trondheim and Rogaland.

Similar instances occurred in France, among others in Dijon, Nantes and as regards the Jewish population in the occupied terri-

tories. The total amount of fines imposed on French communities add up to 1,157,179,484 francs made up as follows—

A fine on the Jewish population.....	1,000,000,000
Various fines.....	157,179,484

These acts violated Article 50, Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (b) of the Charter.

(G) WANTON DESTRUCTION OF CITIES, TOWNS AND VILLAGES AND DEVASTATION NOT JUSTIFIED BY MILITARY NECESSITY

The Defendants wantonly destroyed cities, towns and villages and committed other acts of devastation without military justification or necessity. These acts violated Articles 46 and 50 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (b) of the Charter.

Particulars by way of example only and without prejudice to the production of evidence of other cases are as follows:

1. Western Countries:

In March, 1941, part of Lofoten in Norway was destroyed.

In April, 1942, the town of Telerag in Norway was destroyed.

Entire villages were destroyed in France, among others Oradour-sur-Glane, Saint-Nizier and, in the Vercors, La Mure, Vassieux, La Chapelle en Vercors. The town of Saint Dié was burnt down and destroyed. The Old Port District of Marseilles was dynamited in the beginning of 1943 and resorts along the Atlantic and the Mediterranean coasts, particularly the town of Sanary, were demolished.

In Holland there was most widespread and extensive destruction, not justified by military necessity, including the destruction of harbours, locks, dykes and bridges: immense devastation was also caused by inundations which equally were not justified by military necessity.

2. Eastern Countries:

In the Eastern Countries the Defendants pursued a policy of wanton destruction and devastation: some particulars of this (without prejudice to the production of evidence of other cases) are set out above under the heading—"Plunder of Public and Private Property".

In Greece in 1941, the villages of Amelofito, Kliston, Kizonia, Messovunos, Selli, Ano-Kerzilion and Kato-Kerzilion were utterly destroyed.

In Yugoslavia on 15 August, 1941, the German military command officially announced that the village of Skela was burned to the ground and the inhabitants killed on the order of the command.

On the order of the Field Commander Hoersterberg a punitive expedition from the SS troops and the field police destroyed the villages of Machkovats, and Kriva Reka in Serbia and all the inhabitants were killed.

General Fritz Neidhold (369 Infantry Division) on 11 September, 1944, gave an order to destroy the villages of Zagniezde and Udora, hanging all the men and driving away all the women and children.

In Czechoslovakia the Nazi conspirators also practised the senseless destruction of populated places. Lezaky and Lidice were burned to the ground and the inhabitants killed.

(H) CONSCRIPTION OF CIVILIAN LABOUR

Throughout the occupied territories the defendants conscripted and forced the inhabitants to labour and requisitioned their services for purposes other than meeting the needs of the armies of occupation and to an extent far out of proportion to the resources of the countries involved. All the civilians so conscripted were forced to work for the German war effort. Civilians were required to register and many of those who registered were forced to join the Todt Organisation and the Speer Legion, both of which were semi-military organisations involving some military training.—These acts violated Articles 46 and 52 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilised nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (b) of the Charter.

Particulars, by way of example only and without prejudice to the production of evidence of other cases, are as follows:

1. Western Countries:

In France, from 1942 to 1944, 963,813 persons were compelled to work in Germany and 737,000 to work in France for the German Army.

In Luxembourg in 1944 alone, 2,500 men and 500 girls were conscripted for forced labor.

2. Eastern Countries:

Of the large number of citizens of the Soviet Union and of Czechoslovakia referred to under Count Three VIII (B) 2 above many were so conscripted for forced labor.

(I) FORCING CIVILIANS OF OCCUPIED TERRITORIES TO SWEAR ALLEGIANCE TO A HOSTILE POWER

Civilians who joined the Speer Legion, as set forth in paragraph (H) above, were required, under threat of depriving them of food, money and identity papers, to swear a solemn oath acknowledging unconditional obedience to Adolf Hitler, the Führer of Germany, which was to them a hostile power.

In Lorraine, Civil Servants were obliged, in order to retain their positions, to sign a declaration by which they acknowledged the "return of their Country to the Reich", pledged themselves to obey without reservation the orders of their Chiefs and put themselves "at the active service of the Führer and the Great National Socialist Germany".

A similar pledge was imposed on Alsatian Civil Servants by threat of deportation or internment.

These acts violated Article 45 of the Hague Regulations, 1907, the laws and customs of war, the general principles of international law and Article 6 (b) of the Charter.

(J) GERMANISATION OF OCCUPIED TERRITORIES

In certain occupied territories purportedly annexed to Germany the defendants methodically and pursuant to plan endeavoured to assimilate those territories politically, culturally, socially and economically into the German Reich. The defendants endeavoured to obliterate the former national character of these territories. In pursuance of these plans and endeavours, the defendants forcibly deported inhabitants who were predominantly non-German and introduced thousands of German colonists.

This plan included economic domination, physical conquest, installation of puppet Governments, purported de jure annexation and enforced conscription into the German Armed Forces.

This was carried out in most of the Occupied Countries including: Norway, France (particularly in the departments of Upper Rhine, Lower Rhine, Moselle, Ardennes, Aisne, Nord, Meurthe and Moselle), Luxembourg, the Soviet Union, Denmark, Belgium, Holland.

In France in the Departments of the Aisne, the Nord, the Meurthe and Moselle, and especially in that of the Ardennes, rural properties were seized by a German state organisation which tried to have them exploited under German direction; the landowners of these exploitations were dispossessed and turned into agricultural labourers.

In the Department of the Upper Rhine, the Lower Rhine and the Moselle, the methods of Germanisation were those of annexation followed by conscription.

1. From the month of August, 1940, officials who refused to take the oath of allegiance to the Reich were expelled. On September 21st expulsions and deportation of populations began and on November 22nd, 1940, more than 70,000 Lorrainers or Alsacians were driven into the South zone of France. From July 31, 1941, onwards, more than 100,000 persons were deported into the Eastern regions of the Reich or to Poland. All the property of the deportees or expelled persons was confiscated. At the same time, 80,000 Germans coming from the Saar or from Westphalia were installed in Lorraine and 2,000 farms belonging to French people were transferred to Germans.

2. From 2nd January, 1942, all the young people of the Departments of the Upper Rhine and the Lower Rhine, aged from 10 to 18 years, were incorporated in the Hitler Youth. The same thing was done in the Moselle from 4th August, 1942. From 1940 all the French schools were closed, their staffs expelled, and the German school system was introduced in the three departments.

3. On the 28th September, 1940, an order applicable to the Department of the Moselle ordained the Germanisation of all the surnames and christian names which were French in form. The same thing was done from the 15th January, 1943, in the Departments of the Upper Rhine and the Lower Rhine.

4. Two orders from the 23rd to 24th August, 1942, imposed by force German nationality on French citizens.

5. On the 8th May, 1941, for the Upper Rhine and the Lower Rhine, the 23rd April, 1941, for the Moselle, orders were promulgated enforcing compulsory labour service on all French citizens of either sex aged from 17 to 25 years. From the 1st January, 1942, for young men and from the 26th January, 1942, for young girls, national labour service was effectively organised in the Moselle. It was from the

27th August, 1942, in the Upper Rhine and in the Lower Rhine for young men only. The classes 1940, 1941, 1942 were called up.

6. These classes were retained in the Wehrmacht on the expiration of their time and labour service. On the 19th August, 1942, an order instituted compulsory military service in the Moselle. On the 25th August, 1942, the classes 1940-44 were called up in three Departments. Conscription was enforced by the German authorities in conformity with the provisions of German legislation. The first revision boards took place from the 3rd September, 1942. Later in the Upper Rhine and the Lower Rhine new levies were effected everywhere on classes 1928 to 1939 inclusive. The French people who refused to obey these laws were considered as deserters and their families were deported, while their property was confiscated.

These acts violated Articles 43, 46, 55 and 56 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed and Article 6 (b) of the Charter.

IX. Individual, group and organization responsibility for the offense stated in Count Three

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count Three of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count Three of the Indictment.

COUNT FOUR—CRIMES AGAINST HUMANITY

(Charter, Article 6, especially 6 (c))

X. Statement of the Offense

All the defendants committed Crimes against Humanity during a period of years preceding 8th May, 1945 in Germany and in all those countries and territories occupied by the German armed forces since 1st September, 1939 and in Austria and Czechoslovakia and in Italy and on the High Seas.

All the defendants, acting in concert with others, formulated and executed a common plan or conspiracy to commit Crimes against Humanity as defined in Article 6 (c) of the Charter. This plan involved, among other things, the murder and persecution of all who were or who were suspected of being hostile to the Nazi Party and all who were or who were suspected of being opposed to the common plan alleged in Count One.

The said Crimes against Humanity were committed by the defendants and by other persons for whose acts the defendants are responsible (under Article 6 of the Charter) as such other persons, when committing the said War Crimes, performed their acts in execution of a common plan and conspiracy to commit the said War Crimes, in the formulation and execution of which plan and conspiracy

all the defendants participated as leaders, organisers, instigators and accomplices.

These methods and crimes constituted violations of international conventions, of internal penal laws, of the general principles of criminal law as derived from the criminal law of all civilised nations and were involved in and part of a systematic course of conduct. The said acts were contrary to Article 6 of the Charter.

The prosecution will rely upon the facts pleaded under Count Three as also constituting Crimes against Humanity.

(A) MURDER, EXTERMINATION, ENSLAVEMENT, DEPORTATION AND OTHER INHUMANE ACTS COMMITTED AGAINST CIVILIAN POPULATIONS BEFORE AND DURING THE WAR

For the purposes set out above, the defendants adopted a policy of persecution, repression, and extermination of all civilians in Germany who were, or who were believed to, or who were believed likely to become, hostile to the Nazi Government and the common plan or conspiracy described in Count One. They imprisoned such persons without judicial process, holding them in "protective custody" and concentration camps, and subjected them to persecution, degradation, despoilment, enslavement, torture and murder.

Special courts were established to carry out the will of the conspirators; favoured branches or agencies of the State and Party were permitted to operate outside the range even of nazified law and to crush all tendencies and elements which were considered "undesirable". The various concentration camps included Buchenwald, which was established in 1933 and Dachau, which was established in 1934. At these and other camps the civilians were put to slave labour, and murdered and ill-treated by divers means, including those set out in Count Three above, and these acts and policies were continued and extended to the occupied countries after the 1st September, 1939, and until 8th May, 1945.

(B) PERSECUTION ON POLITICAL, RACIAL AND RELIGIOUS GROUNDS IN EXECUTION OF AND IN CONNECTION WITH THE COMMON PLAN MENTIONED IN COUNT ONE

As above stated, in execution of and in connection with the common plan mentioned in Count One opponents of the German Government were exterminated and persecuted. These persecutions were directed against Jews. They were also directed against persons whose political belief or spiritual aspirations were deemed to be in conflict with the aims of the Nazis.

Jews were systematically persecuted since 1933; they were deprived of their liberty, thrown into concentration camps where they were murdered and ill-treated. Their property was confiscated. Hundreds of thousands of Jews were so treated before the 1st September, 1939.

Since the 1st September, 1939, the persecution of the Jews was redoubled: millions of Jews from Germany and from the occupied Western Countries were sent to the Eastern Countries for extermination.

Particulars by way of example and without prejudice to the production of evidence of other cases are as follows:

The Nazis murdered amongst others Chancellor Dollfuss, the Social Democrat Breitscheid and the Communist Thaelmann. They imprisoned in concentration camps numerous political and religious personages, for example Chancellor Schuschnigg and Pastor Niemöller.

In November, 1938 by orders of the Chief of the Gestapo, anti-Jewish demonstrations all over Germany took place. Jewish property was destroyed, 30,000 Jews were arrested and sent to concentration camps and their property confiscated.

Under paragraph VIII (A), above, millions of the persons there mentioned as having been murdered and ill-treated were Jews.

Among other mass murders of Jews were the following:

At Kislodsk all Jews were made to give up their property: 2,000 were shot in an anti-tank ditch at Mineraliye Vodi: 4,300 other Jews were shot in the same ditch.

60,000 Jews were shot on an island on the Dvina near Riga.

20,000 Jews were shot at Lutsk.

32,000 Jews were shot at Sarny.

60,000 Jews were shot at Kiev and Dniepropetrovsk.

Thousands of Jews were gassed weekly by means of gas-wagons which broke down from overwork.

As the Germans retreated before the Soviet Army they exterminated Jews rather than allow them to be liberated. Many concentration camps and ghettos were set up on which Jews were incarcerated and tortured, starved, subjected to merciless atrocities and finally exterminated.

About 70,000 Jews were exterminated in Yugoslavia.

XI. Individual, group and organization responsibility for the offense stated in Count Four

Reference is hereby made to Appendix A of this Indictment for a statement of the responsibility of the individual defendants for the offense set forth in this Count Four of the Indictment. Reference is hereby made to Appendix B of this Indictment for a statement of the responsibility of the groups and organizations named herein as criminal groups and organizations for the offense set forth in this Count Four of the Indictment.

Wherefore, this Indictment is lodged with the Tribunal in English, French and Russian, each text having equal authenticity, and the charges herein made against the above named defendants are hereby presented to the Tribunal.

ROBERT H. JACKSON,

Acting on Behalf of the United States of America.

FRANCOIS DE MENTHON,

Acting on Behalf of the French Republic.

HARTLEY SHAWCROSS,

Acting on Behalf of the United Kingdom of Great Britain and Northern Ireland.

R. RUDENKO,

Acting on Behalf of the Union of Soviet Socialist Republics.

BERLIN, 6th October, 1945.

APPENDIX A

Statement of Individual Responsibility for Crimes Set Out in Counts One, Two, Three and Four

The statements hereinafter set forth following the name of each individual defendant constitute matters upon which the prosecution will rely *inter alia* as establishing the individual responsibility of the defendant:

GÖRING:

The defendant GÖRING between 1932-1945 was: a member of the Nazi Party, Supreme Leader of the SA, General in the SS, a member and President of the Reichstag, Minister of the Interior of Prussia, Chief of the Prussian Police and Prussian Secret State Police, Chief of the Prussian State Council, Trustee of the Four Year Plan, Reich Minister for Air, Commander in Chief of the Air Force, President of the Council of Ministers for the Defence of the Reich, member of the Secret Cabinet Council, head of the Hermann Goering Industrial Combine, and Successor Designate to Hitler. The defendant GÖRING used the foregoing positions, his personal influence, and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the military and economic preparation for war set forth in Count One of the Indictment; he participated in the planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

RIBBENTROP:

The defendant RIBBENTROP between 1932-1945 was: a member of the Nazi Party, a member of the Nazi Reichstag, Advisor to the Führer on matters of foreign policy, representative of the Nazi Party for matters of foreign policy, special German delegate for disarmament questions, Ambassador extraordinary, Ambassador in London, organizer and director of Dienststelle Ribbentrop, Reich Minister for Foreign Affairs, member of the Secret Cabinet Council, member of the Führer's political staff at general headquarters, and General in the SS. The defendant RIBBENTROP used the foregoing positions, his personal influence, and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators as set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances as set forth in Counts One and Two of the Indictment; in accordance with the Führer Principle he executed and assumed responsibility for the execution of the foreign policy plans of the Nazi conspirators set forth in Count One of the Indictment; and he authorized, directed and participated

in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the indictment, including more particularly the crimes against persons and property in occupied territories.

Hess:

The defendant Hess between 1921 and 1941 was a member of the Nazi Party, Deputy to the Führer, Reich Minister without Portfolio, member of the Reichstag, member of the Council of Ministers for the Defence of the Reich, member of the Secret Cabinet Council, Successor Designate to the Führer after the defendant Göring, a General in the SS and a General in the SA. The defendant Hess used the foregoing positions, his personal influence and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the military, economic and psychological preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment: he participated in the preparation and planning of foreign policy plans of the Nazi conspirators set forth in Count One of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

KALTENBRUNNER:

The defendant KALTENBRUNNER between 1932-1945 was: a member of the Nazi Party, a General in the SS, a member of the Reichstag, a General of the Police, State Secretary for Security in Austria in charge of the Austrian Police, Police Leader of Vienna, Lower and Upper Austria, Head of the Reich Main Security Office and Chief of the Security Police and Security Service. The defendant KALTENBRUNNER used the foregoing positions and his personal influence in such a manner that: he promoted the consolidation of control over Austria seized by the Nazi conspirators as set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the Crimes against Humanity involved in the system of concentration camps.

ROSENBERG:

The defendant ROSENBERG between 1920 and 1945 was: a member of the Nazi Party, Nazi member of the Reichstag, Reichsleiter in the Nazi Party for Ideology and Foreign Policy, the Editor of the Nazi newspaper "Völkischer Beobachter", and of the "NS Monatshefte", head of the Foreign Political Office of the Nazi Party, Special Delegate for the entire Spiritual and Ideological Training of the Nazi Party, Reich Minister for the Eastern Occupied Territories, organizer of the "Einsatzstab Rosenberg", a General in the SS and a General in the SA. The defendant ROSENBERG used the foregoing positions, his personal influence and his intimate connection with the Führer in such

a manner that: he developed, disseminated and exploited the doctrinal techniques of the Nazi conspirators set forth in Count One of the Indictment; he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the psychological preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

FRANK:

The defendant FRANK between 1932-1945 was: a member of the Nazi Party, a General in the SS, a member of the Reichstag, Reich Minister without Portfolio, Reich Commissar for the Coordination of Justice, President of the International Chamber of Law and Academy of German Law, Chief of the Civil Administration of Lodz, Supreme Administrative Chief of the military district of West Prussia, Poznan, Odz and Krakow and Governor General of the Occupied Polish territories. The defendant FRANK used the foregoing positions, his personal influence, and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity involved in the administration of occupied territories.

BORMANN:

The defendant BORMANN between 1925 and 1945 was: a member of the Nazi Party, member of the Reichstag, a member of the Staff of the Supreme Command of the SA, founder and head of "Hilfskasse der NSDAP", Reichsleiter, Chief of Staff Office of the Führer's Deputy, head of the Party Chancery, Secretary of the Führer, member of the Council of Ministers for the Defence of the Reich, organizer and head of the Volkssturm, a General in the SS and a General in the SA. The defendant BORMANN used the foregoing positions, his personal influence and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

FRICK:

The defendant FRICK between 1932-1945 was: a member of the Nazi Party, Reichsleiter, General in the SS, member of the Reichstag, Reich Minister of the Interior, Prussian Minister of the Interior,

Reich Director of Elections, General Plenipotentiary for the Administration of the Reich, head of the Central Office for the Reunification of Austria and the German Reich, Director of the Central Office for the Incorporation of Sudetenland, Memel, Danzig, the eastern incorporated territories, Eupen, Malmedy, and Moresnot, Director of the Central Office for the Protectorate of Bohemia, Moravia, the Government General, Lower Styria, Upper Carinthia, Norway, Alsace, Lorraine and all other occupied territories and Reich Protector for Bohemia and Moravia. The defendant FRICK used the foregoing positions, his personal influence, and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he participated in the planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Count One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the crimes against persons and property in occupied territories.

LEY:

The defendant LEY between 1932-1945 was: a member of the Nazi Party, Reichsleiter, Nazi Party Organization Manager, member of the Reichstag, leader of the German Labor Front, a General in the SA, and Joint Organizer of the Central Inspection for the Care of Foreign Workers. The defendant LEY used the foregoing positions, his personal influence and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany as set forth in Count One of the Indictment; he promoted the preparation for war set forth in Count One of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, and in the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity relating to the abuse of human beings for labor in the conduct of the aggressive wars.

SAUCKEL:

The defendant SAUCKEL between 1921 and 1945 was: a member of the Nazi Party, Gauleiter and Reichsstatthalter of Thuringia, a member of the Reichstag, General Plenipotentiary for the Employment of Labour under the Four Year Plan, Joint Organizer with the defendant Ley of the Central Inspection for the Care of Foreign Workers, a General in the SS and a General in the SA. The defendant SAUCKEL used the foregoing positions and his personal influence in such a manner that: he promoted the accession to power of the Nazi conspirators set forth in Count One of the Indictment; he participated in the economic preparations for Wars of Aggression and Wars in Violation of Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against

Humanity involved in forcing the inhabitants of occupied countries to work as slave laborers in occupied countries and in Germany.

SPEER:

The defendant SPEER between 1932-1945 was: a member of the Nazi Party, Reichsleiter, member of the Reichstag, Reich Minister for Armament and Munitions, Chief of the Organization Todt, General Plenipotentiary for Armaments in the Office of the Four Year Plan, and Chairman of the Armaments Council. The defendant SPEER used the foregoing positions and his personal influence in such a manner that: he participated in the military and economic planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the abuse and exploitation of human beings for forced labor in the conduct of aggressive war.

FUNK:

The defendant FUNK between 1932-1945 was: a member of the Nazi Party, Economic Adviser of Hitler, National Socialist Deputy to the Reichstag, Press Chief of the Reich Government, State Secretary of the Reich Ministry of Public Enlightenment and Propaganda, Reich Minister of Economics, Prussian Minister of Economics, President of the German Reichsbank, Plenipotentiary for Economy, and member of the Ministerial Council for the Defense of the Reich. The defendant FUNK used the foregoing positions, his personal influence, and his close connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military and economic planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly crimes against persons and property in connection with the economic exploitation of occupied territories.

SCHACHT:

The defendant SCHACHT between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Minister of Economics, Reich Minister without Portfolio and President of the German Reichsbank. The defendant SCHACHT used the foregoing positions, his personal influence, and his connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; and he participated in the military and economic plans and preparation of the Nazi conspirators for Wars of

Aggression, and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment.

PAPEN:

The defendant PAPEN between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Chancellor, Vice Chancellor under Hitler, special Plenipotentiary for the Saar, negotiator of the Concordat with the Vatican, Ambassador in Vienna and Ambassador in Turkey. The defendant PAPEN used the foregoing positions, his personal influence and his close connection with the Führer in such manner that: he promoted the accession to power of the Nazi conspirators and participated in the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; and he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment.

KRUPP:

The defendant KRUPP was between 1932-1945: head of Friedrich KRUPP A. G., a member of the General Economic Council, President of the Reich Union of German Industry, and head of the Group for Mining and Production of Iron and Metals under the Reich Ministry of Economics. The defendant KRUPP used the foregoing positions, his personal influence, and his connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparation for war set forth in Count One of the Indictment; he participated in the military and economic planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including more particularly the exploitation and abuse of human beings for labor in the conduct of aggressive wars.

NEURATH:

The defendant NEURATH between 1932-1945 was: a member of the Nazi Party, a General in the SS, a member of the Reichstag, Reich Minister, Reich Minister of Foreign Affairs, President of the Secret Cabinet Council, and Reich Protector for Bohemia and Moravia. The defendant NEURATH used the foregoing positions, his personal influence, and his close connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; in accordance with the Führer Principle he executed, and

assumed responsibility for the execution of the foreign policy plans of the Nazi conspirators set forth in Count One of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the crimes against persons and property in the occupied territories.

SCHIRACH:

The defendant SCHIRACH between 1924 and 1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Youth Leader on the Staff of the SA Supreme Command, Reichsleiter in the Nazi Party for Youth Education, Leader of Youth of the German Reich, head of the Hitler Jugend, Reich Defence Commissioner and Reichstatthalter and Gauleiter of Vienna. The defendant SCHIRACH used the foregoing positions, his personal influence and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the psychological and educational preparations for war and the militarization of Nazi dominated organizations set forth in Count One of the Indictment; and he authorized, directed and participated in the Crimes against Humanity set forth in Count Four of the Indictment, including, particularly, anti-Jewish measures.

SEYSS-INQUART:

The defendant SEYSS-INQUART between 1932-1945 was: a member of the Nazi Party, a General in the SS, State Councillor of Austria, Minister of the Interior and Security of Austria, Chancellor of Austria, a member of the Reichstag, a member of the Reich Cabinet, Reich Minister without Portfolio, Chief of the Civil Administration in South Poland, Deputy Governor-General of the Polish Occupied Territory, and Reich Commissar for the Occupied Netherlands. The defendant SEYSS-INQUART used the foregoing positions and his personal influence in such a manner that: he promoted the seizure and the consolidation of control over Austria by the Nazi conspirators set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

STREICHER:

The defendant STREICHER between 1932-1945 was: a member of the Nazi Party, a member of the Reichstag, a General in the SA, Gauleiter of Franconia, Editor in Chief of the anti-Semitic newspaper "Der Stürmer". The defendant STREICHER used the foregoing positions, his personal influence, and his close connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he authorized, directed and participated in the Crimes against Humanity set forth in Count Four

of the Indictment, including particularly the incitement of the persecution of the Jews set forth in Count One and Count Four of the Indictment.

KEITEL:

The defendant KEITEL between 1938 and 1945 was: Chief of the High Command of the German Armed Forces, member of the Secret Cabinet Council, member of the Council of Ministers for the Defence of the Reich, and Field Marshal. The defendant KEITEL used the foregoing positions, his personal influence and his intimate connection with the Führer in such a manner that: he promoted the military preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he executed and assumed responsibility for the execution of the plans of the Nazi conspirators for Wars of Aggressions and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including particularly the War Crimes and Crimes against Humanity involved in the ill treatment of prisoners of war and of the civilian population of occupied territories.

JODL:

The defendant JODL between 1932 and 1945 was: Lt. Colonel, Army Operations Department of the Wehrmacht, Colonel, Chief of OKW Operations Department, Major-General and Chief of Staff OKW and Colonel-General. The defendant JODL used the foregoing positions, his personal influence, and his close connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

RAEDER:

The defendant RAEDER between 1928 and 1945 was: Commander-in-Chief of the German Navy, Generaladmiral, Grossadmiral, Admiralinspekteur of the German Navy, and a member of the Secret Cabinet Council. The defendant RAEDER used the foregoing positions and his personal influence in such a manner that: he promoted the preparations for war set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; he executed, and assumed responsibility for the execution of the plans of the Nazi conspirators for Wars

of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the war crimes set forth in Count Three of the Indictment, including particularly war crimes arising out of sea warfare.

DÖNITZ:

The defendant DÖNITZ between 1932 and 1945 was: Commanding Officer of the Weddigen U-boat flotilla, Commander-in-Chief of the U-boat arm, Vice-Admiral, Admiral, Grossadmiral and Commander-in-Chief of the German Navy, Advisor to Hitler, and Successor to Hitler as head of the German government. The defendant DÖNITZ used the foregoing positions, his personal influence, and his intimate connection with the Führer in such a manner that: he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment, including particularly the crimes against persons and property on the high seas.

FRITZSCHE:

The defendant FRITZSCHE between 1933 and 1945 was: a member of the Nazi Party, Editor-in-Chief of the official German news agency, "Deutsche Nachrichten Büro", Head of the Wireless News Service and of the Home Press Division of the Reich Ministry of Propaganda, Ministerialdirektor of the Reich Ministry of Propaganda, head of the Radio Division of the Propaganda Department of the Nazi Party, and Plenipotentiary for the Political Organization of the Greater German Radio. The defendant FRITZSCHE used the foregoing positions and his personal influence to disseminate and exploit the principal doctrines of the Nazi conspirators set forth in Count One of the Indictment, and to advocate, encourage and incite the commission of the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment including, particularly, anti-Jewish measures and the ruthless exploitation of occupied territories.

APPENDIX B

Statement of Criminality of Groups and Organizations

The statements hereinafter set forth, following the name of each Group or Organization named in the Indictment as one which should be declared criminal, constitute matters upon which the prosecution will rely inter alia as establishing the criminality of the Group or Organization:

DIE REICHSREGIERUNG (REICH CABINET)

"Die Reichsregierung (Reich Cabinet)" referred to in the Indictment consists of persons who were:

- (i) Members of the ordinary cabinet after 30 January 1933, the date on which Hitler became Chancellor of the German Republic.

The term "ordinary cabinet" as used herein means the Reich Ministers, i. e., heads of departments of the central government; Reich Ministers without portfolio; State ministers acting as Reich Ministers; and other officials entitled to take part in meetings of this cabinet.

(ii) Members of der Ministerrat für die Reichsverteidigung (Council of Ministers for the Defence of the Reich).

(iii) Members of der Geheimer Kabinettsrat (Secret Cabinet Council).

Under the Führer, these persons functioning in the foregoing capacities and in association as a group, possessed and exercised legislative, executive, administrative and political powers and functions of a very high order in the system of German government. Accordingly, they are charged with responsibility for the policies adopted and put into effect by the government including those which comprehended and involved the commission of the crimes referred to in Counts One, Two, Three and Four of the Indictment.

DAS KORPS DER POLITISCHEN LEITER DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (LEADERSHIP CORPS OF THE NAZI PARTY)

"Das Korps der Politischen Leiter der Nationalsozialistischen Deutschen Arbeiterpartei (Leadership Corps of the Nazi Party)" referred to in the Indictment consists of persons who were at any time, according to common Nazi terminology, "Politischen Leiter" (Political Leaders) of any grade or rank.

The Politischen Leiter comprised the leaders of the various functional offices of the Party (for example, the Reichsleitung, or Party Reich Directorate, and the Gauleitung, or Party Gau Directorate), as well as the territorial leaders of the Party (for example, the Gau-leiter).

The Politischen Leiter were a distinctive and élite group within the Nazi Party proper and as such were vested with special prerogatives. They were organized according to the leadership principle and were charged with planning, developing and imposing upon their followers the policies of the Nazi Party. Thus the territorial leaders among them were called Hoheitsträger, or bearers of sovereignty, and were entitled to call upon and utilize the various Party formations when necessary for the execution of Party policies.

Reference is hereby made to the allegations in Count One of the Indictment showing that the Nazi Party was the central core of the common plan or conspiracy therein set forth. The Politischen Leiter, as a major power within the Nazi Party proper, and functioning in the capacities above described and in association as a group, joined in the common plan or conspiracy, and accordingly share responsibility for the crimes set forth in Counts One, Two, Three and Four of the Indictment.

The prosecution expressly reserves the right to request, at any time before sentence is pronounced, that Politischen Leiter of subordinate grades or ranks or of other types or classes, to be specified by the prosecution, be excepted from further proceedings in this Case No. 1, but without prejudice to other proceedings or actions against them.

DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE SS) INCLUDING DIE SICHERHEITSDIENST (COMMONLY KNOWN AS THE SD)

"Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SS) including Die Sicherheitsdienst (commonly known as the SD)" referred to in the Indictment consists of the entire corps of the SS and all offices, departments, services, agencies, branches, formations, organizations and groups of which it was at any time comprised or which were at any time integrated in it, including but not limited to, the Allgemeine SS, the Waffen SS, the SS Totenkopf Verbände, SS Polizei Regimenter and the Sicherheitsdienst des Reichsführers-SS (commonly known as the SD).

The SS, originally established by Hitler in 1925 as an élite section of the SA to furnish a protective guard for the Führer and Nazi Party leaders, became an independent formation of the Nazi Party in 1934 under the leadership of the Reichsführer-SS, Heinrich Himmler. It was composed of voluntary members, selected in accordance with Nazi biological, racial and political theories, completely indoctrinated in Nazi ideology and pledged to uncompromising obedience to the Führer. After the accession of the Nazi conspirators to power, it developed many departments, agencies, formations and branches and extended its influence and control over numerous fields of governmental and Party activity. Through Heinrich Himmler, as Reichsführer-SS and Chief of the German Police, agencies and units of the SS and of the Reich were joined in operation to form a unified repressive police force. The Sicherheitsdienst des Reichsführers-SS (commonly known as the SD), a department of the SS, was developed into a vast espionage and counter-intelligence system which operated in conjunction with the Gestapo and criminal police in detecting, suppressing and eliminating tendencies, groups and individuals deemed hostile or potentially hostile to the Nazi Party, its leaders, principles and objectives, and eventually was combined with the Gestapo and criminal police in a single security police department, the Reich Main Security Office.

Other branches of the SS developed into an armed force and served in the wars of aggression referred to in Counts One and Two of the Indictment. Through other departments and branches the SS controlled the administration of concentration camps and the execution of Nazi racial, biological and resettlement policies. Through its numerous functions and activities it served as the instrument for insuring the domination of Nazi ideology and protecting and extending the Nazi regime over Germany and occupied territories. It thus participated in and is responsible for the crimes referred to in Counts One, Two, Three and Four of the Indictment.

DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, COMMONLY KNOWN AS THE GESTAPO)

"Die Geheime Staatspolizei (Secret State Police, commonly known as the Gestapo)" referred to in the Indictment consists of the headquarters, departments, offices, branches and all the forces and personnel of the Geheime Staatspolizei organized or existing at any time after 30 January 1933, including the Geheime Staatspolizei of Prussia

and equivalent secret or political police forces of the Reich and the components thereof.

The Gestapo was created by the Nazi conspirators immediately after their accession to power, first in Prussia by the defendant GÖRING and shortly thereafter in all other states in the Reich. These separate secret and political police forces were developed into a centralized, uniform organization operating through a central headquarters and through a network of regional offices in Germany and in occupied territories. Its officials and operatives were selected on the basis of unconditional acceptance of Nazi ideology, were largely drawn from members of the SS, and were trained in SS and SD schools. It acted to suppress and eliminate tendencies, groups and individuals deemed hostile or potentially hostile to the Nazi Party, its leaders, principles and objectives, and to repress resistance and potential resistance to German control in occupied territories. In performing these functions it operated free from legal control, taking any measures it deemed necessary for the accomplishment of its missions.

Through its purposes, activities and the means it used, it participated in and is responsible for the commission of the crimes set forth in Counts One, Two, Three and Four of the Indictment.

DIE STURMABTEILUNGEN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE SA)

"Die Sturmabteilungen der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the SA)" referred to in the Indictment was a formation of the Nazi Party under the immediate jurisdiction of the Führer, organized on military lines, whose membership was composed of volunteers serving as political soldiers of the Party. It was one of the earliest formations of the Nazi Party and the original guardian of the National Socialist movement. Founded in 1921 as a voluntary militant formation, it was developed by the Nazi conspirators before their accession to power into a vast private army and utilized for the purpose of creating disorder, and terrorizing and eliminating political opponents. It continued to serve as an instrument for the physical, ideological and military training of Party members and as a reserve for the German armed forces. After the launching of the wars of aggression, referred to in Counts One and Two of the Indictment, the SA not only operated as an organization for military training but provided auxiliary police and security forces in occupied territories, guarded prisoner-of-war camps and concentration camps and supervised and controlled persons forced to labour in Germany and occupied territories.

Through its purposes and activities and the means it used, it participated in and is responsible for the commission of the crimes set forth in Counts One, Two, Three and Four of the Indictment.

GENERAL STAFF AND HIGH COMMAND OF THE GERMAN ARMED FORCES

The "General Staff and High Command of the German Armed Forces" referred to in the Indictment consist of those individuals who between February 1938 and May 1945 were the highest commanders of the [Wehrmacht, the Army, the Navy, and the Air Forces. The

individuals comprising this group are the persons who held the following appointments:

Oberbefehlshaber der Kriegsmarine (Commander in Chief of the Navy) Chef (and, formerly, Chef des Stabes) der Seekriegsleitung (Chief of Naval War Staff)

Oberbefehlshaber des Heeres (Commander in Chief of the Army)

Chef des Generalstabes des Heeres (Chief of the General Staff of the Army)

Oberbefehlshaber der Luftwaffe (Commander in Chief of the Air Force)

Chef des Generalstabes der Luftwaffe (Chief of the General Staff of the Air Force)

Chef des Oberkommandos der Wehrmacht (Chief of the High Command of the Armed Forces)

Chef des Fuehrungstabes des Oberkommandos der Wehrmacht (Chief of the Operations Staff of the High Command of the Armed Forces)

Stellvertretender Chef des Fuehrungstabes des Oberkommandos der Wehrmacht (Deputy Chief of the Operations Staff of the High Command of the Armed Forces)

Commanders-in-Chief in the field, with the status of Oberbefehlshaver, of the Wehrmacht, Navy, Army, Air Force.

Functioning in such capacities and in association as a group at the highest level in the German Armed Forces Organization, these persons had a major responsibility for the planning, preparation, initiation and waging of illegal wars as set forth in Counts One and Two of the Indictment and for the War Crimes and Crimes against Humanity involved in the execution of the common plan or conspiracy set forth in Counts Three and Four of the Indictment.

APPENDIX C

Charges and Particulars of Violations of International Treaties, Agreements and Assurances Caused by the Defendants in the Course of Planning, Preparing and Initiating the Wars

I

CHARGE: *Violation of the Convention for the Pacific Settlement of International Disputes signed at The Hague, 29 July 1899.*

PARTICULARS: In that Germany did, by force and arms, on the dates specified in Column 1, invade the territory of the sovereigns specified in Column 2, respectively, without first having attempted to settle its disputes with said sovereigns by pacific means.

Column 1

6 April 1941

6 April 1941

Column 2

Kingdom of Greece

Kingdom of Yugoslavia

II

CHARGE: *Violation of the Convention for the Pacific Settlement of International Disputes signed at The Hague, 18 October 1907.*

PARTICULARS: In that Germany did, on or about the dates specified in Column 1, by force of arms invade the territory of the sovereigns

specified in Column 2, respectively, without having first attempted to settle its dispute with said sovereigns by pacific means.

<i>Column 1</i>	<i>Column 2</i>
1 September 1939	Republic of Poland
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark
10 May 1940	Grand-Duchy of Luxembourg
10 May 1940	Kingdom of Belgium
10 May 1940	Kingdom of the Netherlands
22 June 1941	Union of Soviet Socialist Republics

III

CHARGE: Violation of Hague Convention III Relative to the Opening of Hostilities, signed 18 October 1907.

PARTICULARS: In that Germany did, on or about the dates specified in Column 1, commence hostilities against the countries specified in Column 2, respectively, without previous warning in the form of a reasoned declaration of war or an ultimatum with conditional declaration of war.

<i>Column 1</i>	<i>Column 2</i>
1 September 1939	Republic of Poland
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark
10 May 1940	Kingdom of Belgium
10 May 1940	Kingdom of the Netherlands
10 May 1940	Grand-Duchy of Luxembourg
22 June 1941	Union of Soviet Socialist Republics

IV

CHARGE: Violation of Hague Convention V Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, signed October 18, 1907.

PARTICULARS: In that Germany did, on or about the dates specified in Column 1, by force and arms of its military forces, cross into, invade, and occupy the territories of the sovereigns specified in Column 2, respectively, then and thereby violating the neutrality of said sovereigns.

<i>Column 1</i>	<i>Column 2</i>
9 April 1940	Kingdom of Norway
9 April 1940	Kingdom of Denmark
10 May 1940	Grand-Duchy of Luxembourg
10 May 1940	Kingdom of Belgium
10 May 1940	Kingdom of the Netherlands
22 June 1941	Union of Soviet Socialist Republics

V

CHARGE: *Violation of the Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles, 28 June 1919, known as the Versailles Treaty.*

PARTICULARS: (1) In that Germany did, on and after 7 March 1936, maintain and assemble armed forces and maintain and construct military fortifications in the demilitarized zone of the Rhineland in violation of the provisions of Articles 42 to 44 of the Treaty of Versailles.

(2) In that Germany did, on or about 13 March 1938, annex Austria into the German Reich in violation of the provisions of Article 80 of the Treaty of Versailles.

(3) In that Germany did, on or about 22 March 1939, incorporate the district of Memel into the German Reich in violation of the provisions of Article 99 of the Treaty of Versailles.

(4) In that Germany did, on or about 1 September 1939, incorporate the Free City of Danzig into the German Reich in violation of the provisions of Article 100 of the Treaty of Versailles.

(5) In that Germany did, on or about 16 March 1939, incorporate the provinces of Bohemia and Moravia, formerly part of Czechoslovakia, into the German Reich in violation of the provisions of Article 81 of the Treaty of Versailles.

(6) In that Germany did, at various times in March 1935 and thereafter, repudiate various parts of Part V, Military, Naval and Air Clauses of the Treaty of Versailles, by creating an air force, by use of compulsory military service, by increasing the size of the army beyond treaty limits, and by increasing the size of the navy beyond treaty limits.

VI

CHARGE: *Violation of the Treaty between the United States and Germany Restoring Friendly Relations, signed at Berlin, 25 August 1921.*

PARTICULARS: In that Germany did, at various times in March 1935 and thereafter, repudiate various parts of Part V, Military, Naval and Air Clauses of the Treaty Between the United States and Germany Restoring Friendly Relations by creating an air force, by use of compulsory military service, by increasing the size of the army beyond treaty limits, and by increasing the size of the navy beyond treaty limits.

VII

CHARGE: *Violation of the Treaty of Mutual Guarantee between Germany, Belgium, France, Great Britain and Italy, done at Locarno, 16 October 1925.*

PARTICULARS: (1) In that Germany did, on or about 7 March 1936, unlawfully send armed forces into the Rhineland demilitarized zone of Germany, in violation of Article 1 of the Treaty of Mutual Guarantee.

(2) In that Germany did, in or about March 1936, and thereafter, unlawfully maintain armed forces in the Rhineland demilitarized zone of Germany, in violation of Article 1 of the Treaty of Mutual Guarantee.

(3) In that Germany did, on or about 7 March 1936, and thereafter, unlawfully construct and maintain fortifications in the Rhineland demilitarized zone of Germany, in violation of Article 1 of the Treaty of Mutual Guarantee.

(4) In that Germany did, on or about 10 May 1940, unlawfully attack and invade Belgium, in violation of Article 2 of the Treaty of Mutual Guarantee.

(5) In that Germany did, on or about 10 May 1940, unlawfully attack and invade Belgium, without first having attempted to settle its dispute with Belgium by peaceful means, in violation of Article 3 of the Treaty of Mutual Guarantee.

VIII

CHARGE: *Violation of the Arbitration Treaty between Germany and Czechoslovakia, done at Locarno, 16 October 1925.*

PARTICULARS: In that Germany did, on or about 15 March 1939, unlawfully by duress and threats of military might force Czechoslovakia to deliver the destiny of Czechoslovakia and its inhabitants into the hands of the Fuehrer and Reichschancellor of Germany without having attempted to settle its dispute with Czechoslovakia by peaceful means.

IX

CHARGE: *Violation of the Arbitration Convention between Germany and Belgium, done at Locarno, 16 October 1925.*

PARTICULARS: In that Germany did, on or about 10 May 1940, unlawfully attack and invade Belgium without first having attempted to settle its dispute with Belgium by peaceful means.

X

CHARGE: *Violation of the Arbitration Treaty between Germany and Poland, done at Locarno, 16 October 1925.*

PARTICULARS: In that Germany did, on or about 1 September 1939, unlawfully attack and invade Poland without first having attempted to settle its dispute with Poland by peaceful means.

XI

CHARGE: *Violation of Convention of Arbitration and Conciliation entered into between Germany and the Netherlands on 20 May 1926.*

PARTICULARS: In that Germany, without warning, and notwithstanding its solemn covenant to settle by peaceful means all disputes of any nature whatever which might arise between it and the Netherlands which were not capable of settlement by diplomacy and which had not been referred by mutual agreement to the Permanent Court of International Justice, did, on or about 10 May 1940, with a Military force, attack, invade, and occupy the Netherlands, thereby violating its neutrality and territorial integrity and destroying its sovereign independence.

XII

CHARGE: *Violation of Convention of Arbitration and Conciliation entered into between Germany and Denmark on 2 June 1926.*

PARTICULARS: In that Germany, without warning, and notwithstanding its solemn covenant to settle by peaceful means all disputes of any nature whatever which might arise between it and Denmark which were not capable of settlement by diplomacy and which had not

been referred by mutual agreement to the Permanent Court of International Justice, did, on or about 9 April 1940, with a Military Force, attack, invade, and occupy Denmark, thereby violating its neutrality and territorial integrity and destroying its sovereign independence.

XIII

CHARGE: Violation of Treaty between Germany and other Powers providing for Renunciation of War as an Instrument of National Policy, signed at Paris 27 August 1928, known as the Kellogg-Briand Pact.

PARTICULARS: In that Germany did, on or about the dates specified in Column 1, with a military force, attack the sovereigns specified in Column 2, respectively, and resort to war against such sovereigns, in violation of its solemn declaration condemning recourse to war for the solution of international controversies, its solemn renunciation of war as an instrument of national policy in its relations with such sovereigns, and its solemn covenant that settlement or solution of all disputes or conflicts of whatever nature or origin arising between it and such sovereigns should never be sought except by pacific means.

Column 1

1 September 1939
9 April 1940
9 April 1940
10 May 1940
10 May 1940
10 May 1940
6 April 1941
6 April 1941
22 June 1941
11 December 1941

Column 2

Republic of Poland
Kingdom of Norway
Kingdom of Denmark
Kingdom of Belgium
Grand Duchy of Luxembourg
Kingdom of the Netherlands
Kingdom of Greece
Kingdom of Yugoslavia
Union of Soviet Socialist Republics
United States of America

XIV

CHARGE: Violation of Treaty of Arbitration and Conciliation entered into between Germany and Luxembourg on 11 September 1929.

PARTICULARS: In that Germany, without warning, and notwithstanding its solemn covenant to settle by peaceful means all disputes which might arise between it and Luxembourg which were not capable of settlement by diplomacy, did, on or about 10 May 1940, with a military force, attack, invade, and occupy Luxembourg, thereby violating its neutrality and territorial integrity and destroying its sovereign independence.

XV

CHARGE: Violation of the Declaration of Non-Aggression entered into between Germany and Poland on 26 January, 1934.

PARTICULARS: In that Germany proceeding to the application of force for the purpose of reaching a decision did, on or about 1 September 1939, at various places along the German-Polish frontier employ military forces to attack, invade and commit other acts of aggression against Poland.

XVI

CHARGE: *Violation of German Assurance given on 21 May 1935 that the Inviolability and Integrity of the Federal State of Austria would be Recognized.*

PARTICULARS: In that Germany did, on or about 12 March 1938, at various points and places along the German-Austria frontier, with a military force and in violation of its solemn declaration and assurance, invade and annex to Germany the territory of the Federal State of Austria.

XVII

CHARGE: *Violation of Austro-German Agreement of 11 July 1936.*

PARTICULARS: In that Germany during the period from 12 February 1938 to 13 March 1938 did by duress and various aggressive acts, including the use of military force, cause the Federal State of Austria to yield up its sovereignty to the German State in violation of Germany's agreement to recognize the full sovereignty of the Federal State of Austria.

XVIII

CHARGE: *Violation of German Assurances given on 30 January 1937, 28 April 1939, 26 August 1939 and 6 October 1939 to Respect the Neutrality and Territorial Inviolability of the Netherlands.*

PARTICULARS: In that Germany, without warning, and without recourse to peaceful means of settling any considered differences did, on or about 10 May 1940, with a military force and in violation of its solemn assurances, invade, occupy, and attempt to subjugate the sovereign territory of the Netherlands.

XIX

CHARGE: *Violation of German Assurances given on 30 January 1937, 13 October 1937, 28 April 1939, 26 August 1939 and 6 October 1939 to Respect the Neutrality and Territorial Integrity and Inviolability of Belgium.*

PARTICULARS: In that Germany, without warning, did on or about 10 May 1940, with a military force and in violation of its solemn assurances and declarations, attack, invade, and occupy the sovereign territory of Belgium.

XX

CHARGE: *Violation of Assurances given on 11 March 1938 and 26 September 1938 to Czechoslovakia.*

PARTICULARS: In that Germany, on or about 15 March 1939 did, by establishing a Protectorate of Bohemia and Moravia under duress and by the threat of force, violate the assurance given on 11 March 1938 to respect the territorial integrity of the Czechoslovak Republic and the assurance given on 26 September 1938 that, if the so-called Sudeten territories were ceded to Germany, no further German territorial claims on Czechoslovakia would be made.

XXI

CHARGE: *Violation of the Munich Agreement and Annexes of 29 September 1938.*

PARTICULARS: (1) In that Germany on or about 15 March 1939, did by duress and the threat of military intervention force the Republic of Czechoslovakia to deliver the destiny of the Czech people and country into the hands of the Fuehrer of the German Reich.

(2) In that Germany refused and failed to join in an international guarantee of the new boundaries of the Czechoslovakia state as provided for in Annex No. 1 to the Munich Agreement.

XXII

CHARGE: *Violation of the Solemn Assurances of Germany given on 3 September 1939, 28 April 1939 and 6 October 1939 that they would not Violate the Independence or Sovereignty of the Kingdom of Norway.*

PARTICULARS: In that Germany, without warning did, on or about 9 April 1940, with its military and naval forces attack, invade and commit other acts of aggression against the Kingdom of Norway.

XXIII

CHARGE: *Violation of German Assurances given on 28 April 1939 and 26 August 1939 to Respect the Neutrality and Territorial Inviolability of Luxembourg.*

PARTICULARS: In that Germany, without warning, and without recourse to peaceful means of settling any considered differences, did, on or about 10 May 1940, with a military force and in violation of the solemn assurances, invade, occupy, and absorb into Germany the sovereign territory of Luxembourg.

XXIV

CHARGE: *Violation of the Treaty of Non-Aggression between Germany and Denmark signed at Berlin 31 May 1939.*

PARTICULARS: In that Germany without prior warning, did, on or about 9 April 1940, with its military forces, attack, invade and commit other acts of aggression against the Kingdom of Denmark.

XXV

CHARGE: *Violation of Treaty of Non-Aggression entered into between Germany and U. S. S. R. on 23 August 1939.*

PARTICULARS: (1) In that Germany did, on or about 22 June 1941, employ military forces to attack and commit acts of aggression against the U. S. S. R.

(2) In that Germany without warning or recourse to a friendly exchange of views or arbitration did, on or about 22 June 1941, employ military forces to attack and commit acts of aggression against the U. S. S. R.

XXVI

CHARGE: *Violation of German Assurance given on 6 October 1939 to Respect the Neutrality and Territorial Integrity of Yugoslavia.*

PARTICULARS: In that Germany without prior warning did, on or about 6 April 1941, with its military forces attack, invade and commit other acts of aggression against the Kingdom of Yugoslavia.