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OFFICE OF STRATEGIC SERVICES
Research and Analysis Branch

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OUTLINE OF PROJECT

PRINCIPAL NAZI ORGANIZATIONS INVOLVED IN WAR CRIMES

I. PURPOSE AND OBJECTIVES

The purpose of the project is to establish the jurisdictional responsibility of such organizations and institutions as the Nazi Party, the Reich Government, and the Armed Forces (Wehrmacht) for the commission of specific crimes. The group approach (as opposed to the consideration of isolated persons) is based on the assumption that the indictment of these organizations or their agencies may expedite the prosecution of war criminals and help to prove that Nazi war crimes are not purely individual acts committed in violation of existing laws but are the manifestations of an over-all plan which required, integrally or implicitly, on specific organizations as instruments essential or incidental to the execution of its purpose.

The project as defined renders it unnecessary, then, to compile a case-book of Nazi crimes perpetrated either by groups or by individuals. Their nature and scope will be adequately covered by the specific categories of charges listed below. Nor will it be necessary to analyze all Nazi organizations in order to evaluate their function. Only those organizations, or parts thereof, need be analyzed which by virtue of their jurisdiction bear responsibility for the perpetration of certain categories of war crimes as subsequently defined.

Proof, documentary or otherwise, must be furnished with respect to the following counts:

a. That the organizations in question, or parts thereof, have been established for the specific, although not necessarily exclusive, purpose of perpetrating or helping in the perpetration of crimes —
e.g., the SD, Main Economic and Administrative Office, Office Group
De: Operation and Administration of Concentration Camps;

b. That by the nature of their functions these organizations, or parts
thereof, have been instrumental in the perpetration of crimes — e.g.,
the Organization Todt;

c. That by virtue of their functions these organizations, or parts thereof,
have prepared, inaugurated, facilitated, or justified and upheld the
perpetration of crimes — e.g., the Propaganda Ministry, the Office of
the Four-Year Plan, the People's Court, and other agencies engaged in
policy-making, propaganda, legislation, and adjudication.

II. THE DEFENDANTS

The defendants, it has been suggested, will fall into two categories:

a. Individuals, such as Hitler and Goering;

b. Organizations, such as the SS and Gestapo, which are so implicated in
the common enterprise and the overt acts to be charged that they are
described to share in the criminal liability.

The defendant organizations may be official or unofficial. As has been
noted, they may be tried on a group representation basis; that is, they may
be charged with criminal acts or with complicity therein by putting on trial
such of their members as the tribunal may determine to be fairly representative.

This paper deals with the second category of defendants and with the men
who were their leaders when crimes were being committed. This method of selec-
tion will provide a proper basis for the selection of the individual defendants.

A. Selection of organizations

The selection of Nazi organizations will be made, wherever possible, both
according to function and according to charge.

1. Selection according to function

The term "Nazi organization" comprises a multitude of groups and
agencies which were engaged in a variety of activities, not all of which are related to war crimes or crimes as such. Furthermore, individual Nazi organizations included a large number of functionaries and members in varying positions of responsibility — none of them in positions of no responsibility whatsoever. Consequently, a wholesale indictment of some Nazi organizations, e.g., of the SD or the SS itself, would be impractical. It would insufficiently identify the immediate responsibility of certain agencies and offices within their respective Nazi organizations for the commission of special crimes within their area of jurisdiction — e.g., the Gestapo within the Reichskommissariat. It would likewise overlook the specific degree of responsibility exercised by functional groups and agencies according to their hierarchical status within the organization — e.g., the Gauleiter within the Party. It will be necessary, therefore, to evaluate the responsibility of organizations, such as the SS, the Gestapo, the Special Services, or even of smaller organizations as the SD, the Police, etc., through an analysis of the specific responsibility of their component subdivisions for the crimes. A procedure of this sort will not only help to allocate specific crimes to specific agencies; it will also facilitate the establishment of a scale of responsibility (and punishment) according to the agency’s or individual’s functional proximity to the crimes in question.

2. Selection according to charges

In order to clarify further that Nazi organizations shall be defendants, it will be necessary to establish the relation of individual organizations and agencies, or parts thereof, to specific categories of charges. These charges are:
a. That at some time prior to 1 September 1939 the defendants entered into a common plan or enterprise aimed at the establishment of complete German domination of Europe and eventually the world, which plan or enterprise included or intended, or was reasonably calculated to involve the use of, unlawful means for its accomplishment, including the commission of atrocities and other crimes listed below;
b. That on or about 1 September 1939, and at various times thereafter, the defendants launched illegal war of aggression;
c. That in the course of conducting such war the defendants violated international law; the laws, rules, and customs of war; or the laws of sea warfare;
d. That before or after such war of aggression, and during their continuance, the defendants instigated, committed, or took a consenting part in atrocities and other crimes which were in violation of international law or treaties, or the laws of Germany, or the laws of one or more of its allies, co-belligerents, or satellites;
e. That the atrocities and other crimes mentioned above were committed pursuant to, or in the course of, and as a chosen means for, executing a common criminal plan or enterprise among the defendants.

B. Allocation of responsibility

In order to classify an organization as a defendant, proof must be furnished that the organization, or parts thereof, was implicated in the perpetration of crimes covered by one or several of the above charges.

CHARGE I: Plot for World Domination

The outline of this count is being prepared separately. Charge I is leveled at all organizations involved in the formulation of an over-all plan which, eventually, led to the (premeditated) commission of crimes. Acts pertinent to this
category of crimes that may not have been criminal per se but comprise all those
used in preparation, furtherance, and execution of the criminal plan, including:
(but not limited to):

a. The defendants' internal and external policies;

b. Their ideological, organizational, and material preparations for the
commission of the atrocities and other crimes charged against them, and

c. The pre-war (pre-1 September 1939) atrocities and other crimes, and
those committed by the defendants against their fellow nationals, neutrals,
stateless persons, and nationals of the United Nations.

Organizations to be charged with the formulation of the over-all plan are to
be found within the Party, the Government, and the Armed Forces, or in official or
unofficial collaboration with all or some of these three pillars of the Nazi system.
They include the following offices and organizations:

On the Party Level

The Fuehrer

Reichsfuehrer, Gauleiter, and SS-Hauptsturmfuehrer (Hauptsturmfuehrer)

and Adjutant

Specific Party offices:

Delegate of the Fuehrer for Indoctrination
Reich Propaganda Leader
Reich Leader for the Press
Reich Press Chief
Foreign Political Office
Party Colonial Office, Foreign Organization

Party Organizations

SS (Reich Main Offices, especially Reichsfuehrer-SS, Main Section
Leaders, and Higher SS and Police Leaders)
SA (Strength of Command, Main Group, and Group Leader)
Hitler Youth (Reichleadership)
NS Motor Corps and Area Leaders (Reichleadership)
NS Women's League (Reichleadership)
NS Students' League (Reichleadership)
NS University Teachers' League

Party Affiliates, e.g.:

German Labor Front
NS Professional Leagues (Physicians, Teachers, Lawyers, etc.)
Other Party related organizations

Reich Labor Service
NS Flying Corps
Nazi League for Germans Abroad
German Foreign Institute
Bi- and inter-national associations and institutes

On the Government Level

Head of State
Chancellor

Reich Chancellor
Secret Cabinet Council
Reich Cabinet

Reich Ministries

Foreign Office (Division of Culture and Politics)
Justice
Economics
Interior (Including Police, i.e. Order, Security, and Secret State Police)
Finance
Labor
Education
Food and Agriculture
Propaganda
Geopolitical Affairs
Air

Office of the Four Year Plan and Commissioners appointed thereunder

The Reichstag

On the Military Level

Supreme Commander

Supreme Command of the Armed Forces (OKW)
Office of the Ahrper
Chief Operations Staff
High Command of the Army (OKH)
High Command of the Navy (Kriegsmarine)
High Command of the Air Forces (OKL)

Proof is to be furnished that these organizations have been responsible for the establishment and/or execution of one or several of the following policies:

a. Indoctrination of Germans, at home and abroad, with Nazi ideology;
b. Co-ordination of political, professional, and economic activities inside Germany for the purpose of establishing the monopoly of the Nazi Party in all spheres of public and private life;

c. Abrogation or minimization of civil liberties, constitutional rights, due process of law, and parliamentary procedures;

d. Infiltration into non-German organizations and agencies and foreign countries for the purpose of propaganda, espionage, sabotage, and subversion;

e. Organization of human and economic resources for the purpose of preparing and waging aggressive wars against other nations.

CHARGE II: Launching of Illegal Wars, Aggression, and Violation of International Agreements

This charge is more or less self-explanatory. It includes the wars waged by Germany against Poland, Denmark, Norway, Holland, Belgium, France, Yugoslavia, Greece, and the USSR. Also included are aggressive actions against Germany’s former allies – e.g., Bulgaria, Romania, Hungary, Finland, and Italy. This count is not to be prepared by OSS; but it will be the task of OSS to determine the agencies and their leaders involved in this count. Agencies covered by these charges include:

On the Party Level

The Führer

The Reichsleiter and Gauleiter

The Press and Propaganda Offices of the Party

The Foreign Organization

The General and Armed SS

The SS Motor Corps (SS-KF)

The SS Flying Corps (SS-VF)

The Hitler Youth (HJ)

The Reich Labor Service (RAD)

The Organization Todt (OT)

On the Governmental Level

The Head of State
The Secret Cabinet Council
The Reich Cabinet
The Ministerial Council for the Defense of the Realm
The Office of the Four-Year Plan
The Reich Commissioners
The Foreign Office
The Reich War Ministry
The Reich Air Ministry
The Reichstag

On the Military Level

The Supreme Commander

The Supreme Command of the Armed Forces

The High Command of the Army

The High Command of the Navy

The High Command of the Air Force

Field Commanders, i.e., the commanders of Army Groups, Armies, Fleets, and Air Fleets

The Command of all auxiliary forces attached to one or several branches of the three services.

It must be proved, first, that those organizations, agencies, or functional groups thereof have been responsible for the actual preparation, initiation, and execution of aggressive actions, which introduced a state of war between Germany on the one hand and the nation under attack and its allies on the other; and second, that the launching of such wars was done:

a. in violation of treaties and conventions to which the German State was a party;

b. in violation of any applicable international law;

c. as part of the overall plan to dominate the world.

CHAPTER III: VIOLATION OF INTERNATIONAL RULES OF WARFARE

This charge may be divided into two categories: crimes committed in the course of military operations, and crimes committed in the planning and execution of Nazi occupation policies.
A. Crimes committed in the course of military operations

It is not the responsibility of the OSS to establish what constitutes a violation of the Hague or Geneva Conventions or of the Rules of War. It will be assumed that such violations have been committed; outstanding examples of them will be supplied to OSS by the War Crimes Office. It will be the function of OSS to classify the types of crimes in order to assign responsibility for them to the several organizations and to fit them into the pattern of Change I.

It will be safe to assume that the following types of crimes have been committed:

1. Shooting of hostages;
2. Shooting of commandos and paratroopers (in which evidence has already been collected);
3. Torture of Allied prisoners of war, involving:
   a. starvation;
   b. humiliation;
   c. killing (lynching);
   d. illegal use of prisoners of war;
4. Collective reprisals against, or maltreatment of, civilian populations;
5. Wilful pollution or destruction of property;
6. Bombing of open cities, and of targets exempt from attack by law or agreement, such as hospital training;
7. Other atrocities committed beyond the limits of measures recognized as necessary or traditional in the prosecution of war, outside combat areas, or after declared cessation of military resistance (e.g., destruction of Rotterdam).

It may prove necessary to enlarge these categories when the War Crimes Office sets forth what it considers a violation of the rules of warfare. The types sketched above will, however, be adequate for tracing the chain of responsibility for most such crimes. The agencies considered responsible include:

On the Party Level

The Führer
The Party Press and Propaganda Offices
The Gestapo in their capacity as organizers of home shock troops, including the Volksturmers
The SA
The SS
The General SS and the SS, and specifically the Security Service (in the Reichssicherheitshauptamt), which includes the Secret State Police
The Motor Corps (NSKK)
The Hitler Youth (HJ)

On the Government Level
The Head of State
The Ministerial Council for the Defense of the Realm
The Foreign Office
The Ministry of the Interior, including the various branches of the Police
The Propaganda Ministry
The Air Ministry

On the Military Level
The Supreme Commander
The Supreme Command of the Armed Forces
The High Command of the Army (OKH)
The High Command of the Navy (OKM)
The General Armed Forces Office; specifically, the Inspector General for POW's and the Guidance Staff
The High Command of the Air Force (OKL)
Field Commanders, including the Commanders of Army Groups, Armies, Fleets, and Air Fleets
Commanders of special auxiliary forces — e.g., Field Gendarmerie

Proof must be established that in the course of conducting their campaigns these organizations and agencies authorized or executed the acts which violated international law, the laws, rules, and customs of war, or the laws of non-warfare.
B. Crimes Committed in the Planning and Execution of Nazi Occupation Policies

It is possible, then, at a fairly early stage, to present the case against the Nazi organization and its leaders for the planning and the execution of crimes committed in the application of their occupation policies.

1. Planning and Preparation. Measures pertinent to this charge include:

a. Employment of divisive tactics openly and surreptitiously in foreign countries, such as promoting ethnic, religious, and political disputes and differences, for the purpose of opening the door to Nazi influence on national and local policies and of weakening or destroying resistance to intended military and political encroachments.

b. Establishment and utilization of groups with divided loyalties and of outright German and native fifth columns abroad for the above purpose.

c. Employment of bribery, corruption, and false and subversive propaganda in such countries.

d. Rerouting into treaties without intent to observe them and thereafter violating them in furtherance of an over-all plan of conquest and domination.

e. Infiltration of spies and saboteurs into such countries to supplement threats of invasion and aggressive wars.

f. Carrying out the foregoing in violation of international law and the laws of the countries concerned.

g. Increasing Germany's own war potential and reducing the defensive capacity of other nations by creating monopolistic and other unlawful schemes and devices in furtherance of Germany's general plan of European domination.

Agencies considered responsible for the planning and preparation of occupation policies have been listed largely under Charge I. They include specifically,
On the Party Level

The Reich Ministries

Party Office for Foreign Policy
Party Office for Industrialization
Party Office for Press and Propaganda
Party Office for Folkdom

The Foreign Organization

The SS

Staff of the Reich Commissioner for the Consolidation of Volkdeutsch
Office for Intelligence Abroad within the Reich Main Security Office
Central Bureau for Protective Measures for Non-Germans
Bureau for All-Racial and International Associations and Institutions
Bureau for the Four Year Plan

The NS Motor Corps

The League for Germans Abroad (VDA)

The German Foreign Institute

On the Government Level

Reich Ministries

Occupied Territories
Interior (Division I: Annexed and Occupied Territories; and Police)
Foreign Office (Division for Cultural Policy)

Office of the Four Year Plan

On the Military Level

The Supreme Command of the Armed Forces (OKW)

The High Command of the Army
The High Command of the Navy
The High Command of the Air Force

Proof is to be established that those organizations or agencies which authorized the above atrocities and other crimes in so doing exercised a responsibility fully within the limits of their jurisdiction and as a result of an overall policy which directed or envisaged their commission.

2. Exception. In analyzing the execution of occupation policies the following basic distinctions must be made:

a. NAZI: Germany did not consider itself bound by international law in its warfare with the Soviet Union (references will be cited).
b. South-Eastern and Poland: Germany asserted that these countries had ceased to exist as states.

c. France: Germany was bound by the terms of the armistice agreement.

d. All Others: Germany asserted that it abided by international law.

We must consider first the territorial transactions which took place after 1 September 1939, namely, the incorporation of:

a. Luxembourg, Eupen, Malmédy, and Luxemburg.

b. Lower Silesia and Upper Silesia.

c. Alsace-Lorraine.

d. The Polish territories.

The official German statements and decrees will be quoted, proving that the Germans themselves were conscious of the illegality of their actions. This has already been done in the R& A 3910 series. In these we stated the responsibility, first of the planners, and second, of the major executors of the policy. These two groups appear to include:

a. The Ministerial Council for Defense of the Reich

b. The Reich Ministry of the Interior

c. The Reich Ministry for the Eastern Occupied Territories

d. The Foreign Office

e. The Office of the Four Year Plan

f. The Civil Commanders

g. The Higher SS and Police Leaders

h. The GNF, GNO, and GNL

i. The Reich Party Office for Foreign Policy

j. The Foreign Organization of the Party

k. Other agencies instrumental in carrying out the orders of the above.

The policies proper must next be considered. It will simplify matters to confine attention to major crimes which transcend territorial boundaries.

They are:
1. The deportation of civilian labor. Under this category we shall
examine and provide examples of:

a. The legal bases

b. The organizations involved:
The Four Year Plan Office
The Commissioner General for Labor Supply
The Speer Ministry (after 1943)
The German Labor Front
The Reich Labor Service
The SS Plant Brigades
The SS Motor Corps
The Waffen-SS
The Organization Todt
The Technical Emergacy Corps
etc.

2. The extermination of the Jews.

a. The legislation

b. The question of what happened to the Jewish population

c. The agencies responsible:
The SS
The Four Year Plan
The Rosenberg Ministry
The Reich Ministry of the Interior
etc.

3. The extermination of other groups, such as the Polish intelligentsia.

4. The exploitation of property. Again we shall examine:

a. The legal basis

b. The agencies involved:
The Four Year Plan (Hauptrenkontztelle Ost)
The SD (the Economy and Armament Office)
The Ministry of Economics
The Speer Ministry
The Minister for Food and Agriculture and the Food Estate
The Ministerial Headquarters for the Strengthening of German Peasantry
(see the corresponding office in the Party)
The Office and Settlement Office in the SS
The Nazi Government of Ex-German Industry

On the above ample documentation exists; there is as well the very comprehensive R A study: "Economic and Financial Controls in Occupied Europe." It
will be possible, in addition, to indicate certain major beneficiaries of
Germannization.

5. The operation of concentration camps for foreign nationals inside and
outside of Germany. Under this there will be discussed:
   a. The legal basis
   b. The agencies involved
      The SS
      The SD
      etc.

   Chapter IV: Economic Crimes

Of all the counts, "Violation of domestic laws since 1933" presents the
greatest legal difficulties.

1. The legal problem: This consists of the question: What is domestic
German law? The following answers are possible:
   a. It is the sum total of all laws valid in Germany on VE day.
   b. It is the law of the Weimar Republic, since the Nazis came to
      power unconditionally.

The first alternative (validity of Nazi law) is, however, subject to two
interpretations:
   a. One may interpret Nazi law according to Nazi doctrine.
   b. One may interpret Nazi law according to literal doctrines.

The difference is considerable. If one interprets Nazi laws according to
Nazi ideology, no murder committed in a concentration camp can be considered a
crime, since it is the essence of Nazi political and constitutional theory that
acts committed by Party organs are sovereign acts not subject to judicial review.

If one interpretes Nazi law according to literal conceptions, one finds that
section 211 of the Penal Code makes murder punishable with death, and that there
is no statutory provision authorizing any authority to kill a man without trial.

One must thus operate under two assumptions:
   a. the invalidity of the Nazi laws; and
b. their validity subject to interpretation according to civilized standards.

2. The types of crimes committed. In selecting the types of crimes, one must bear in mind that we are indicting Nazis for their violation of German law because we desire to demonstrate that
a. in their struggle for the attainment and strengthening of their power of Germany they deliberately committed crimes; and
b. that the establishment of total control over Germany was merely a step in their aim to seize control of Europe and possibly of wider areas.

Charge IV thus ties in with Charge I. It requires, however, an analysis of Nazi terrorism and a study of the attitude of the Nazi leaders toward acts of terror committed by subordinates. One must — and can — prove that already in the period prior to 1933 crimes were considered a necessary and desirable weapon in terrorizing the opposition. (A study of this has already been "farmed out" and will be ready in about two weeks.)

This conception of a basic plan of conquest determines also one's selection of domestic crimes for analysis. They are:

a. Establishment of rigid internal control over the government and all its agencies, religion, administration of justice, education, news dissemination, finances, commerce, industry, labor, and the professions.
b. Destruction of all political resistance to the Nazi system by terrorizing, confining, and destroying opposition elements.
c. Division of the German citiessen on a racial basis and discrimination against those who were adjudged not to be of German blood.
d. Unlawful expropriation, spoliation, and the forced sale for the personal enrichment of Nazis and for the purpose of establishing, solidifying, and maintaining internal control in Nazi hands.
e. Establishment and perpetuation of Nazi control through the total execution of the Führer principle.
f. Destruction of racial minorities and political opponents through underfeeding, sterilization and castration; deprivation of livelihood, clothing, shelter, fuel, sanitation, and medical care; deportation for forced labor; work under inhumane conditions.

3. Of these charges the following are of special significance:

a. Elimination of the political opposition. Under this we discuss the statutes and laws against political parties; and the treatment of opponents. The Foreign Nationalities Branch will supply us with exact information on political opposition leaders killed without trial; the circumstances; the perpetrators (if possible); the witnesses.

b. The elimination of the trade unions. Under this will be considered the statutes; the seizure of property; the fate of some union leaders (see above on Foreign Nationalities Branch).

c. The Red Army of 30 June 1934 and the elimination of the conservative opposition (Schmidt, Breckner, Bauer, Kleisner). The Nazi victims proper will not be dealt with, but only those others who went down with them. The so-called iniquity law, however, which "justified" the purge, will have to be discussed, and the agencies and leaders responsible for it determined.

d. The persecution of the churches. Here one has to deal with the legal enactments; the fate of the Churches and sects; and the fate of certain personalities. Attention will be drawn to the fake trials against members of Catholic orders. The Foreign Nationalities will again help out.

e. The anti-Jewish policies: Interest here will be lain

1. The legal enactments. Special attention will be given to the problems of whether and to what extent a predetermined plan was executed; and to the stages of its execution.
11. The fate of the Jews. SNAP has collected data on the remaining Jewish population.

4. Agencies responsible for the commission of crimes under Charge IV include practically the whole Party and government apparatus, specifically:

On the Party Level

The Führer

The Deputy and Successor's Designate

The Party Chancellery

The Führer's Chancellery

The Reichsführer

The Gauleiter

The Leaders of the Reichsführung (Reich Party Office)

The Reich Organization Leader and his staff

The Reich Treasurer and his staff

The Supreme Party Court

The Delegate for Indentification

The Reich Propaganda Leader

The Reich Press Chief

The Reich Leader for the Press

The Chief of Party Emancipation

The Reich Leaders of the Professions (e.g., physicians, lawyers, engineers, civil servants, farmers, etc.)

The Main Office for Public Health

The Main Office for Public Welfare

The Delegate and Main Office for "Folkson"

The Office for Social Policy

The Office for Demographic Research

The SA and SS Reichsmandatsstätt (Defense Units)

The SS, i.e., General SS and Armed SS, including the Death's Head Units and the following offices within the SS:

The Main Offices:

4a. the SS Hauptamt

SS Reichsführer- and Reichsleiterabteilung (specifically Office Group B, Operation and Administration of Concentration Camps)

SS Reichsführer- and Reichsleiterabteilung (specifically, offices III (Deutsche Reichswehr), IV (Gestapo) and V (Kripo)

SS Leader and Reichsleiterabteilung

SS Rassenschutzabteilung

SS Personalienabteilung

SS Personalamtsabteilung (specifically, offices H, L and O, under the Reichsführer's SS, including the Lebensborn Association and the Society "Ahnenerbe".

SS Chancellery of the NS Reichswehr

SS Higher SS and Police Leaders

The Leaders of Oberabteilungen, Abteilungen and Ständerei.
The Hitler Youth (cf. "Jugendbewegung")
The NS Labor Corps
The NS Women's League
The NS Students' League
The NS University Teachers' League

Party affiliates
The German Labor Front
The NS Welfare
The NS War Veterans
The NS Professional League

Other Party-related organizations
The NS Labor Service
The Organization Todt
The NS Flying Corps

On the Government Level
The Head of State
The Chancellery
The Cabinet
The Secret Cabinet Council
The Ministerial Council for the Defense of the Realm
The Ministries of the Reich
  Interior, including the various branches for the Police, the Health Office, etc.
  Armaments and Production
  Finance
  Economics
  Food and Agriculture
  Labor
  Education
  Propaganda, Including the Reich Chamber of Culture
  Ethnological Affairs

The Office of the Four Year Plan
The Reich Commissars (e.g., for Labor Allocation, Prices, Health, Consolidation of German Industry)
The Reichsbank
The Reichstag
The Supreme Courts

The Reichsgau
The Reichsmarshals
The Reichspost (including the highest judges and chief public prosecutors)
III. PROCEDURE AND SOURCES

The above list of organisations and agencies, or parts thereof, is not meant to be complete. Completion and, if necessary, correction of the list will be attempted with the help of available documentary sources. In view of the fact that the object of the research is not the detection of crimes but the exposure of jurisdictional power by virtue of which certain crimes were committed, these sources merit priority which reveal the origin of such power.

Consequently, the following order of validity will be respected:

a. Laws, decrees, edicts, orders, and ordinances issued by German civilian or military authorities, e.g., Hitler's order of 18 October 1942 demanding the shooting of commanders.

b. Statements by German leaders in speeches, broadcasts, books, newspapers, magazines, etc.

c. Official literature published by one of the organisations or agencies involved.

d. Official German documents not destined for indiscriminate publication, e.g., military, diplomatic, or other manuals, reports, correspondence, memoranda, plans, drafts, etc.

e. Diplomatic and political treaties and agreements, public and secret.

f. Financial, commercial and trade agreements and data.

g. Biographical records.

h. Statements by official German experts, commentators and propagandists.

i. IW interrogations.

j. Testimonies of witnesses.

k. War trophy evidence, e.g., German newspapers.
The Royal Warrant of 14th June 1945 is motivated by the consideration that it is "expedient to make provisions for the trial and punishment of violations of the laws and usages of war," the jurisdiction of the Military Courts which are to be set up to try 'war crimes' are defined as distinct from other documents such as the Italian Terms of Surrender and the Declaration Concerning the Defeat of Germany of 8th June 1945, which speak of 'crimes similar toalous offenses'. According to press comments the Courts to be set up are to try those guilty of atrocities committed in Concentration Camps like Bergen. Such atrocities would be treated as war crimes, as 'host of the victims were Allied nationals'. Whether atrocities will be prosecuted where the victims were Jews or enemy neutral nationality or stateless remains to be seen.
June 7, 1945

RECEIVE

The President has received the following report from Mr. Justice Robert H. Jackson, Chief of Counsel for the United States in the prosecution of Axis war criminals;

My dear Mr. President,

I have the honor to report accomplishments during the month since you named me as Chief of Counsel for the United States in prosecuting the principal Axis war criminals. In brief, I have selected staffs from the several services, departments, agencies and bureaus, formed our plan for preparation, briefing, and trial of the cases, initiated the work among the several agencies, instructed these engaged in collecting or processing evidence; visited the European theater to expedite the examination of captured documents, and to inspect the interrogation of witnesses and prisoners, coordinated our preparation of the case with the prosecution by Judge Advocate of many cases not included in my responsibilities; and arranged cooperation and mutual assistance with the United Nations War Crimes Commission and with counsel appointed to represent the United Kingdom in the joint prosecution.

In the responsibilities you have conferred on me extend only to the case of major war criminals, what offenses have no particular geographical localities and the will be punished by joint decision of the governments of the Allied States as provided in the London Declaration of November 1, 1943, by President Roosevelt, Prime Minister Churchill and Premier Stalin. It does not include localized cases of any kind. Accordingly, in visiting the European theater, I attempted to establish standards to segregate from our docket against the principal offenders, cases against very other offenders and to expedite their trial. Those cases fall into three principal classes:

1. The first class consists of offenses against military personnel of the United States—only, for example, the killing of American citizen who cross-bred, and other Americans who become prisoners of war. In order to insure effective military operation, the field forces have to deal with such offenses in the field. Admission to this court procedure, however, has been withheld because of the Court's inability to obtain necessary evidence and time to consider the case.

2. The second group comprised of offenses against the United States—only, for example, violations of the laws of war. This class is being pursued with diligence. Many cases have already been reviewed by the Army, Navy, Air Force, and other authorities, and to these cases, we are now giving our full attention.

3. The third class consists of offenses against individuals, for example, the killing of civilians by organized or unorganized forces. This class is being pursued with diligence. Many cases have already been reviewed by the Army, Navy, Air Force, and other authorities, and to these cases, we are now giving our full attention.

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