

CONFIDENTIAL

OFFICE OF UNITED STATES CHIEF OF COUNSEL
FOR PROSECUTION OF AXIS CRIMINALITY

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Chief of Counsel

27. June 1945.

SUBJECT: Screening of Evidence of Nazi Crimes and Atrocities

TO: All Concerned

1. Reference is made to the appointment of the undersigned, by Executive Order 9547 dated 2 May 1945, to prosecute, on behalf of the United States, charges of atrocities and other crimes against Nazi leaders and their principal agents and accessories.

2. It is expected that the criminals referred to, together with the groups and organizations which they used in the commission of their crimes, such as the SS and Gestapo, will be charged with offenses along the following general lines:

a) The defendants entered into a conspiracy aimed at the establishment of complete German domination of Europe and eventually the world. This conspiracy was intended to include, or was reasonably bound to result in, atrocities and other crimes, both in Germany and in occupied and annexed territories. This conspiracy probably goes back as far as 1933 or earlier.

b) In furtherance of this conspiracy, the defendants planned and perpetrated persecutions on political, racial and religious grounds, and atrocities and other crimes, both inside and outside Germany.

c) Also, the defendants invaded other countries by force or threat of force, and launched wars of aggression. The defendants planned for these acts long before they were actually committed.

d) In conducting these wars of aggression, the defendants violated the laws, rules and customs of war. These violations were a part of the defendants' plans, and included, among other things, mass murders and ill treatment of prisoners of war and peaceful populations, plunder, and similar acts.

3. It is believed that in the planning and commission of the above offenses an active part was taken by, among others, the following organizations and groups: SS; Gestapo; the Nazi party leaders and officials; the Reich Government (German Ministries, commissariats, and supreme Reich authorities); and the General Staff and Supreme Commanders of the German Armed Forces (Wehrmacht).

4. It is believed further, that orders, memoranda, minutes of meetings, reports, and other documents have been captured which will help:

a) to fix the time when this conspiracy was entered into;

b) To show the nature and purposes of the conspiracy; to establish that top Nazi leaders and high German civil and military authorities participated in the conspiracy; and to prove the crimes planned, ordered, and perpetrated by the defendants.

c) To fix the responsibility of the organizations and groups referred to above, and the Nazi leaders and high civil and military authorities, for the conspiracy and the crimes referred to above.

5. Documents which support the foregoing are, accordingly, of the utmost importance. All personnel engaged in the screening of captured writings are urgently requested to be particularly on the alert for such documents, including but not limited to document under the following heads:

a) Orders, Etc. Orders, memoranda, minutes of meetings, reports, etc. and records of the foregoing, which indicate the complicity of key personnel in the plans for aggression. Also documents indicating plans for wars of aggression and the committing of atrocities and other crimes. Best of all are orders and documents signed by, or issuing from the offices of the leaders themselves, but attention should also be paid to orders and writings of any other kind created by intermediate functionaries which reflect higher orders or may lead to them or tend to establish that such orders existed.

b) Policy It will be necessary also to prove the general purposes and intent of the leaders. To this end documents which reveal a more general background will be essential; any statements of plans, for example, or policy directives, records of informal discussions, or evidence of disposition favorable to the conspiracy or its illegal consequences or plans or acts in aid thereof.

c) Irregular activities. Many enemy agencies had ostensible purposes which did not reflect, or were used to conceal, their true purposes and activities. Some, for example were involved in a network of exploitation and looting. Many participated in irregular police and control activities. Evidence of such diversion of agencies to illegal practices is important.

d) Illegal acts. Evidence of atrocities and illegal acts is of importance to illustrate the consequences of the orders and policies which will be discovered under the handings above. This applies especially to large-scale atrocities (murders, torturings, looting, etc.). Although agencies appointed for the purpose are searching out this evidence, all screeners of documents should set aside pertinent material which comes to their attention so that it may quickly reach the established channels.

6. The cooperation of all concerned in meeting the above request will be a major contribution towards the success of our national policy that the criminals in question, from the highest to the lowest, shall be brought to swift and stern justice.

(Signed) Robert H. Jackson

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