The prosecution carried out the reasonable mission in this historic trial with dignity and honor. It had the difficult but honorable task of collecting evidence of the incriminating acts, of establishing the guilt of each defendant, and of determining the criminal nature of the organizations called to account. One may clearly say that no point of the indictment remained unconsolidated. The picture was by no means drawn along hasty lines; the smallest details were included and illustrated. For the history of the period of Hitler's rule, the documentation of the Nuremberg Trial will always remain not only the most complete but the most important material, based upon and thoroughly checked by cross-examinations of the defendants and witnesses.

But the professional side of the picture does not admit the role of the prosecution in Nuremberg. The unprecedented nature of this role is determined by the high moral standard it assumed by supporting, the first time in the history of mankind, charges in preparation and against an aggressive war and its crimes against humanity. It openly came out in defense of the right of man and nations to a free and peaceful life, irrespective of race, nationality or religion. In this very city, which stands out as a symbol of anti-Jewish persecution, the
Prosecution became the cornerstone through which unbiased, unbiased by the inherent
tension and contradiction, demanded not revenge but a just judgment both for the
gangster leader and their immovable and无辜 victim. However, in fulfilling
this ideal, the Prosecution did not allow itself to be carried away by humanitarian
and moral considerations, leaving aside legal norms. The Prosecution once fell will
that the Tribunal was not a pulpit for preaching laws to the neighbor. Its ar-
gements were based on law and not on amnesties which disguise its will to
violence under the mask of legislation. The Prosecution substantiated its con-
siderations by general principles of law, the source of which is justice. "And this
justice is the final aim of law." Only law permitted by justice is real law which
must be held as a foundation of international relationships and legislations of in-
dividual countries. This idea runs as a red thread throughout all statements of
the Prosecution.

Summing up the activities of the Nuremberg Trial in the course of two months,
Justice Robert E. Jackson, USA, Chief prosecutor, in his speech delivered on
October 4, 1945, on the occasion of the centennial anniversary of the University
of Buffalo said:

"The long-range significance of the Nuremberg trial lies in the
fact that it demonstrates the necessity of law over such
actions and is an example for the world to follow..." 2)
1) Rudolf Steiner, Richtigliebendes Abhandlungen, Richtig und schlichtendes
2) New B., Planck, October 3, 1946 (Atlee era).
In the course of the entire trial the Prosecution unfolded, with unrelenting energy, the picture of a vast government machinery.all parts of which pursued a tenfold aim: creating the nucleus of privilege to inform and control the entire German people in order to destroy all other peoples —in the first place, the Jewish people— by means of internal terror and aggressive war. Speculators of this picture were not only the unshaded international Tribunal but shamed mankind which for a long time did not want to believe the facts which were revealed during the trial.

Each attention was devoted to crimes against Jews which were included in crimes against humanity both in the indictment and during the trials. In the opening speech, Justice Jackson, the presiding judge of the entire trial, stated that "the most savage and numerous crimes planned and committed by the Nazis were those against the Jews." He declared this circumstance by the fact that "Jews were few enough to be helpless and numerous enough to be hated by us as a race." And this worried the Fuehrer, apparently, for in that the Jews "in the aggregate... had made for themselves positions which rivalled any and had accumulated properties which excited the envy of the Nazis."  

3) Without entering into the evaluation of this conclusion, it is interesting to compare it with Hitler's statement made at the beginning of his accession to power: "Why does the world shed crocodile's tears over the richly procreated fate of a small Jewish minority." Hitler continued: "As I allowed thousands of men to satisfy a passion to protect so that all Jews may live, live and be happy and secure, while a nation of millions is a prey to starvation, despair and Bolshevism." (The Doctrines of Adolf Hitler, edited by Robert H. Ferren, New York, 1944, p. 727-28).
The Prosecution stressed, first of all, the total nature of the persecution of
Jews. As victims were singled out not individuals or certain groups of the Jewish
population (economic, professional or political) but the Jewish people as a whole.
The all-embracing scope of persecution extended with the universality of the cor-
responding "The Government, the Party formations... the Secret State Police, the
Army, private and semi-private public associations, and 'sponsored' sects that
were carefully screened from official sources, were all agencies that were concerned
in this persecution."

Establishing the existence of conspiracy designed for the preparation and
waging of an aggressive war, Justice Jackson asserts that conspiracy also included
the extermination of Jews. This extermination served as a means for the con-
solidation of various Nazi elements. If the facts were not always in full agreement
concerning other aspects, in the question of consolidation of Jewry complete
unity prevailed. "There is not one of them who has not echoed the rallying cry
of Himmler, 'Gypsy Jews, Jews Punish!' (Official Documents, p. 211)."

4) In another part of his speech, Justice Jackson pointed out that in the
question of persecution of Jews Germany went beyond the limitations;
"The Nazi plan even as limited to extermination in Germany. It always
comprised exterminating the Jews in Europe and often in the world" (Off. Tr., Jr. 109 and 110).
Mr. Hartley Shawcross, British chief prosecutor, in his closing speech stated
the following: "The victims came from all over Europe. Jews from Austria,
Czechoslovakia, Hungary, Russia, Holland, Soviet Russia, Greece, Belgium,
Poland and Greece were being herded together to be deported to the extermina-
tion centers or to be slaughtered on the spot" (Off. Tr., Jn. 1494).
The New York Conference, convened by the World Jewish Congress on November
26–30, 1946, at Atlantic City, in its statement concerning punishment of war
criminals, stated: "The mass destruction of these crimes has had as its purpose
the destruction of an entire people, the Jews of Europe."
"coming up in his closing speech the documentary evidence submitted by both parties, Justice Jackson declared:

"The Nazi conduct still be of evil memory in history because of the persecution of the Jews, the most ferocious and terrible racial persecution of all time. Although the Nazi party neither invented nor monopolized anti-Semitism, its leaders from the very beginning opposed it, incited it, and exploited it. They used it as the psychological weapon that united the Nazi party..." (Off. Tr., p. 1191 - Italicised overprint)

"But if anti-Semitism was a state policy of Nazi Germany, the physical extermination of Jews was, as Sir Laurence rightly said, an state industry with many by-products." (Off. Tr., p. 1193) which resulted in considerable profit to the State. The extermination of Jews was the final and conclusive act of annihilation of an entire people unprecedented in history, which in defined as 'genocide,' both in the indictment and by Sir Laurence. All members of the Prosecutors agreed with Justice Jackson's point of view that "the persecution of the Jews was a continuous and deliberate policy."  

5) The term "genocide" was first used by Prof. Raphael Lemkin in his address to the Fifth International Conference for the Unification of Penal Law in Mexico, in 1932. In his work "Axis Rule in Occupied Europe," Lemkin defined genocide as the destruction of a nation or of an ethnic group... genocide occurred consequent upon the immediate destruction of a nation, not after its accomplishment by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups..." (Off. Tr., p. 199, 200).

6) "(It) commenced with non-violent measures, such as disfranchisement and discriminations against their religion, and the closing of institutions in the way of restraints in economic life. It moved rapidly to organized state violence against them, physical isolation in ghettos, deportation, forced labor, state starvation, and extermination." (Off. Tr., p. 99, 100)."
Maj. W. F. Nalle, one of the closest collaborators of Justice Jackson, in his speech which lasted two days (December 13-14, 1944) and was devoted exclusively to the problem of the persecution of the Jews, further developed this idea by proving that the Nazi criminal activity in regard to Jews began in 1933, i.e., from the time of Hitler's accession to power, and was connected with planning, preparation and waging of an aggressive war, thus falling within the definition of "Crimes against Humanity," as defined by art. 6 of the Charter, after the defeat of 1938 certain groups of the German population became convinced that their political and racial destiny was to be decided for them at the Congress; realization of the German people was essential to success in planning and waging of war, and the Nazi political promise must be established — "One race, one state, one Fuhrer."

(Off. Tr., p. 1639).

In Major Nalle's opinion, the anti-Semitic policy of the Nazis was part and parcel of a general plan for the unification of Germany with a view to creating a single state consisting of people with a uniform mind, uniformly believing in Germany's future, and uniformly applying Germany's world domination.

"...It was the conviction of the Nazis that the Jews would not contribute to Germany's military program, but as the enemy would hinder it, the Jews must therefore be eliminated... The treatment of the Jews within Germany was therefore as such a part of a plan for aggression not so much the building of armaments and the concentration of resources in the Reich, but as an integral part of the conquest and occupation, it was a part of Germany's world conquest." (Off. Tr., p. 1639, italics ours.)
In order to clearly illuminate the basic point of view of the Führer on the direct connection between the anti-Jewish persecution and the preparation of a war of aggression, Hitler believed that in order to wage a war today the creation of a solid mass front is just as important as the creation of a united front which the enemy could not be able to break through. Thus it was necessary to build not only a strategic but also an ideological declared line, so that ideas hostile to Nazism, and its enemies to world domination and violence as the only attributes of power, should not break through. That is why the Führer stated in his speeches in the English and his modern countries.

externalized. All these measures, however, were but a link to the chain which connected the first discriminatory decree with concentration camps and death chambers.

Dönhö takes great pains to show the historical and logical connection between the entire anti-Jewish legislation and the planning and staging of aggressive war. He, himself, member of the French prosecution, called attention to the fact that formally all anti-Jewish measures may be subdivided into two categories. The first category of actions is that which resulted from the legislative or regulatory texts, and the second category is that which resulted from the administrative action (Cf. Th., p. 394). However, no matter how numerous the legislative and administrative measures are, there do not exist any legal German texts which order the general deportation or the murder of Jews.

In his closing speech the defendant points to the link between racial legislation and the objective of aggressive war. "Hitler himself," he says, "spoke in his book against the Jews in every period of the policy of extermination, which would dominate Europe and the world, and no persecution of the Jews was practiced throughout the German Reich."

Justice Rosen pointed out to the following link: "The real war purpose was to exterminate the persecution of the Jews... But the Nazis could regard the Jews as enemies against the specific task which they planned to put forward their plan of military aggression, fear of their policies and their opposition to the racial nationalism was given in the reason that the Jews had to be driven from the political and economic life of Germany." (Cf. Th., p. 1254).
Beginning with 1943 anti-Jewish legislation was actually no longer applied, with a few exceptions in the Government General. The prosecutor explains this by the fact that the legislative measures were nothing but preparatory measures for achieving their criminal aims. Jews were to be segregated from the rest of the population; they were to be branded by a special mark, recognized by their external appearance, even special badges, and be placed in a condition of purgation.

"The Germans wished finally to prepare public opinion so far as possible and they thought they would succeed in this by habituating people to consider Jews as not one but another alien tribe by making them appear to no longer seeing them, since it was practically forbidden the Jews to go outside" (Or. 14, 5771).

The Prosecution did not fail to discuss another essential question, namely, whether racial legislation is an internal affair of a sovereign state for which members of the government cannot bear responsibility before the International Tribunal.

As we will see in the next Chapter, this was one of the main arguments of the defense. The British chief prosecutor did not agree with such approach to the problem and denied the internal nature of the legislation, due to the fact that it was undertaken in order to strengthen the Nazi Party by carrying out its policy of domination by aggression..." In his opinion, in the interest of resisted it should, once and for all, be clarified that even though prosecutions against Jews were carried out on the basis of German legislation, they are not mere extension of domestic tourism,
but crimes against the law of humanity (27) (Tr., pp. 1410-16) in view of their connection with other crimes charged (crimes against peace and war crimes). In this connection the Prosecution counsel it necessary to emphasise that charges were made not for all their (Nazi) obscene and torturous philosophy but for definite acts, for crimes like crimes committed by them. This idea was elaborated by Justice Jackson in a brilliant fashion. His words, bright in their simplicity and power of expression, will enter history as an example of the way in which representatives of Eastern democracies interpreted freedom of thought and emphasised their ideological connection with the culture of Judaism and Nationalism.

We are not trying them for the possession of odious ideas. It is their acts, if they choose, to assume the Hebrew heritage in the civilisation of which Germany may become a part. Nor is it our affair that they requested the Galactic influence as well. The intellectual heresy and moral perversion of the Nazi regime might have been no concern of international law but it not been utilised to goad- step the inhuman rule across international frontiers. As in and Their Thoughts, so in their acts as well which we charge to be crimes. Their words and teachings are important only as evidence of motive, purpose, knowledge and intent? (27) (Tr., pp. 1410-16 - Italian care).

This statement categorically denies the attempt of the Defend to prove that the defendants, and mainly Rosenberg and Streicher, were tried for their anti-German ideology. All defendants, without exception, were charged with war crimes on account committed deliberately and with the full support of state and party machinery. Their quasi philosophical theory, and all three aims of the totalitarian century which they created and destroyed, only illustrated the essence of that ideology which raised and fed these universal criminals.
Principe de Marthon, French chief prosecutor, anticipating objections on the part of the defense counsel that the charges made against the defendants violate the principle of non ex post facto, stated:

"That this body of crimes against humanity constitutes, in the last analysis, nothing more than the perpetuation for political ends and in a systematic manner of ancient Tom crimes such as those, including ill-treatment, maltreatment, murder, and executions, crimes that are provided for and punishable under the penal laws of all civilized nations (Off. Tr., p. 7472)."

The chamber returned to this question and said in a very excited manner:

"There is no element of retroactivity here, no question of post facto law making, nor is there any shadow of legality in the decision of the Chamber that those who shared the ultimate responsibility for those dreadful deeds should bear individual responsibility. It is not true that the invaders and the instigators who in the same manner in some guise or other, built up the code of crimes, and the established customs by which the world has sought to mitigate the brutality of war, to prevent the most extreme barbarities those who were passive non-combatants, never dreamed of such culprits and widespread murder, but neither does it cease to be murder merely because the victims are multiplied ten million fold. Crimes do not cease to be criminal because they have a political motive" (Off. Tr., p. 14182).

In Mr. Hunder's view all those crimes find an explanation in that the German people committed the basic crime against the human intellect by accepting the racial ideology as the basis of its Bolschesmang. This theory, denying the spiritual substrata and moral values which mankind, for thousands of years, has been trying to develop and improve,

"and to change humanity back into barbarism, no longer the natural and spontaneous barbarism of primitive nations, but into a calculated barbarism, conscious of itself and utilizing for the co"d all material means at the disposal of mankind by contemporary science. This is against the point, this is the original sin of National Socialism from which all crimes spring.

"This infinitesimal doctrine is that of racism" (Off. Tr., p. 14182)."
The process of the same time tries to analyze the concept of "genocide against humanity" not only from the legal but also from the philosophical point of view and reaches the conclusions that these crimes are designed to destroy the basic elements of every individual's life which attach him to family life and to nationality.

"The spiritual aspect implies a combination of possibilities to give out and to receive the expressions of thought, where in activities or associations, in religious practice, in teaching given or received, by the very means which progress her part of the disposal of intellectual propaganda books, the press, radio, cinema. This is the right of spiritual liberty (as condition humanis).

Against this humanity, against the statutes of private and public law, concerning human beings in occupied territories, the German Nazis directed a systematic policy of corruption and perversion..." (Nuremberg Trials, p. 590).

The Jewish problem was administered most exhaustively by the Proconsul. Owing to their able experiences, they found both strong and plain words to describe the"
activities of the resistance movement, for the killing of millions of the occupa-
tion army, for refusal to turn over food supplies, whereas the Jews were always para-
sented for the "cause of the entire German army. The population of the occupied territories
was deported for "economic reasons" whereas Jews were deported for "economic death." That is
why the Prosecution defined war against Jews as being of total nature, which
cannot be covered by the argument of sovereignty of a country. Proceeding from the
provisions of the Charter, the Prosecution also tried to establish a close connec-
tion of genocides based on religious and racial grounds and the prepara-
tion and perpetration of an aggressive war. Unfortunately, we do not find in the speeches
of the Prosecution sufficient proof of this obvious connection, which is always
regarded as a naked accusation. As for us, this connection appears like an echino
disc which should have been demonstrated and not taken as the result of an analysis
based on the available material. Could not it be advisable to identify and decipher
the meaning of the following words mentioned in Art. 6 of the Charter: "planning,
preparing, initiation of an aggressive war." The Charter, apparently, deliberately
prevailed upon definitions to the preparatory period before the beginning of hostil-
ties. The German lasted the preparatory period by Alfred Jour, referring to
Leopold's definition contained by Hugo Grotius that "habeus corpus ad bellum nulio
publita."
9) "New Nazi Germany, Perspectives on Modernism since National Socialism," 1980, p. 298;
e.g., also Gerhard Schöner, "Rechtsstaatlichkeit und Kriegführung," 1980, p. 474;
However, events preceding World War II have shown that in states of war — in the preparatory stage — war itself even when the war has not begun yet is there.

Hitler scored success for the same purposes for which he later argued in "war," and all his endeavors under the pretext of peace were directed toward the end of war — subjugation, occupation, and exploitation. Diplomacy, government, control of sources, border agreements, allocation of raw materials, persecution of the Jews, radio and films, the pressure exerted through groups of Germans living abroad either as citizens or aliens — all these means and techniques Hitler used in wages the "hit and run" before his troops started marching. For him the white war was merely a more concrete and somewhat less transparent means of attaining the objectives of the Red war. The result was annexation of Austria, occupation of Memelland, entry of Belorussia, Lithuania and Eastern Poland, and threat to Poland which became the pretext to World War II.

Proceeding from this point of view, it would be not only desirable but perhaps even useful for the outcome of the trial to differentiate in this the preparatory stage, mentioned in Art. 6 of the Charter and not concrete acts under the corresponding counts properly defined. This might facilitate the task of the Tribunal in establishing the time when the actual planning of the war began and in finding the connexion between the racial policy and preparatory period.
However, events preceding World War II have shown that a state of war — in the
preparatory stage — can exist even when the guns have not begun yet to roar.

Hitler vowed “Genossen” for the war purpose for which he later engaged in
“peace,” and all his endeavors under the pretext of peace were directed toward the
ends of war: rearmament, aggression, and consolidation. Military, government,
control of commerce, trade agreements, alienation of non-Catholic, persecution
of the press, radio and film, the press were covered through means of foreign
forces owned either on citizens or aliens — all these means and techniques
Hitler used in using his “hitlerism” before his troops started shooting. For
him the whole war was merely a means to secure and expand the Lebensraum-aims
of achieving the objectives of the first war.” The result was occupation of Austria,
annexation of Sudetenland, occupation of Poland-Jerusalem and Danzig, and threats to
Poland which became the prelude to World War II.

Regarding the point of view it could be not only desirable but perhaps
more useful for the purpose of the book to differentiate in time the preparatory
stages, mentioned in Art. 6 of the Charter and put concrete into what the con-
sequent stages properly defined. This might provide a more complete and
more meaningful account of the events leading the United Nations to the
United Nations in establishing the time when the actual planning of the
war began and in finding the connection between the social policy and preparatory
period.
Using the term "agranding" and "aggressing" the author of the Charter has, naturally, in mind that these two concepts differ not only in time but in essence. In order to given a new situation it is by no means necessary to convene a war council and give a definite assignment to the General Staff. Planning may begin at the time when aggressive war appears as one of the possibilities and even in anticipation of this possibility arms measures are being taken which must not necessarily lead to an open conflict. It was Hitler himself who made the unspeakable admission that this "planning began. In his speech delivered at the Reichstag on February 1, 1939, Hitler admitted that he made preparations in the course of the last six years:

"I have now devoted over six years to the construction of the German armed forces. During this time over 50 million marks have been spent on the construction of armed forces. Today it is the best armed and yet the strongest with the forces of 1934. In truth it is unanswerable."

Of particular importance was also Göring's Four Years Plan which aimed at the economic emancipation of Germany by attaining complete self-sufficiency during the war. The author of the Plan (Hitler) did not conceal his aims:

"During four years Germany must be wholly independent of the outside world in all materials which can be procured at home through German ability and by efforts of our chemical, engineering and mining industries."

10) E.H. Stimson, September 3, 1939
11) Heinz Frühsch, Der Kampf Deutschland, New York, 1940, p. 93.
Before the promulgation of the compulsory service law, Hitler forced in 1933
his and ts troops from which were to be drawn both cores for future military
formations and masses of shock and other troops. The fact that the 65 and 67 troops
who received regular training to the regular army) were devoted into the obvious
purpose of increasing the contingent of the regular army, limited by the
Versailles Treaty to the number of 100,000, is best confirmed by the order which Kammler
gave to the press, namely, that no publication or mention of the 65 and 67
troops should be published.

"The press is the best means of news in the Third Reich," foreigner
that visits Germany must recognize that these words of the Führer's
concerning the truth. Hence, the description and picture of the
purposes of the 65, 67, Hitler's Truth or the other bodies, speaking not
create the impression that they have any military purposes."

Thus we see that as early as 1933 Kammler found it necessary to encourage the
military preparations. On May 21, 1935, a law providing for compulsory military
service was promulgated, which constituted a flagrant violation of the Versailles
Treaty. This law not only removed Jews from the army and military service but also
forbade the Jews military in contrast to their other countries. At the time
the promulgation of this law none of Germany's neighbors was a threat to her.

The Treaty of Versailles and the Sinti-Raasch Pact were still in force. No one excluded Germany from the League of Nations — she left at her own free will. Therefore, the formation of an army in 1933 could only constitute part of the general climate for an aggressive war. The law concerning conscription military service, which barred Jews from fulfilling the sacred duty of every citizen to defend the country, was replaced by the Soldiers' Law, even prior to the promulgation of the Enforced Law. Receiving Jews of their citizenship, the press launched the slogan, "National Community is a Community of Servitors." (Volks-gemeinschaft ist Volksgemeinschaft.) Several months later Ernst wrote:

"A nation is surely a community of blood... The subject of a country is the superior, the son of the nation in the heritage of the fate. [12] (Das Volk hat nur Volksgemeinschaft... Die Staatsverwaltung ist ein Gemeinschaftsleben der Volksgemeinschaft.)"

Does not it follow from this law that there is a direct connection between the administration of Jews and planning of the war?

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"Within the power of the state there is no vital law... There law presupposes the continuing of all the nation's children, with all their heart and soul, with all their person and possessions, and hence their nation's community present and future, to their task and endeavor in their living space. This badge of the blood is inseparable in the life and hence in the law of a nation... National community is a community of warriors." (Die Voraussetzungen des Staats- und Reichsrechts.)


The Prosecution did not enter into details of these facts while discussing
policies against Russia. It did present a clear examination line between the two
accusations "planning" and "preparing," and described the Tribunal of the Axis which
would enable it to include "planning of the war" into a period earlier than November,
1937, when the military councils began to converse and discuss concrete acts for
the waging of a war decided by Hitler. This period, beginning with November, 1937,
is actually the beginning of our preparations, and not the earlier period referring
to planning of the war.

Proceeding from the historic succession and continuity of the growth and de-
development of Fascism, from the time of the Party formation up to the last days of
the existence, the Prosecution said of the opinion that with the inception of the
Party the conspiracy of waging an aggressive war started. During the session of
February 25, 1946, much attention was devoted to the question of the initial period
of inception of conspiracy. Dr. Molina, member of the U.S. Prosecution, and the
first to raise this question. In twelve pages of the Official Transcript (2984-
6776) followed questions of the Tribunal and members of the Prosecution which firmly
insisted that "the conspiracy began with the formation of the Nazi Party." But
from the same Official Transcript it can also be deduced that the manner of the
Prosecution did not satisfy the Tribunal, and this was later confirmed by the
Tribunal's evidence. It is obvious that the Party which at the time of the formulation had been set up as a matter of course could not be the conspirator engaged in preparation of an aggressive war.

It may, however, that the formulation was on solid ground in view of the fact that certain one of the defendants had the defendant with the formulation and the acquisition of a certain plan of conspiracy. It is obvious that if this formulation is to be achieved, it must be protected against the very first stage of the setup. Should the formulation be an acquisition, however, then the initial period would be varied. To the date of Hitler's acquisition to party that he became the competent dictator and the necessary documents and other means for the planning, preparing and initiation of an aggression are now at his disposal. The close formulation, however, between those two periods are not consist-

commit himself during his consolidation by the Tribunal.

"Well, in the early beginnings of the Party one did not speak about the death of people, just as one did not speak about the death of animals could be noticed. One has to consider the degree that existed at that time in Germany. a man like Adolf Hitler one would have come to the commons in the past had: 'Well then we shall be the men.' One would have come to the same conclusion by the death. The way of one hundred thousand and only a few honest men. The possibility for a man as to speak about a war was absolutely unfeasible and to speak of a fatal question of the time when I could like to use the public dis-
tinction they have only by their religion, to speak about a Jewish problem could have been impossible.

Therefore, before 1939 one did not speak about the solution of the Jewish problem. One knew not that there should be Hitler and there in the time that I could say: I heard one word from the chief good._"
From the foregoing we can see that the prosecution attached much importance to this question... in eloquent expressions, it repeatedly and systematically pointed out that political unity... in the event of war, there were no obstacles to this unity and that therefore it be eliminated from the political, social and economic life. Unfortunately, this correct conclusion was not substantiated by adequate proof, though the prosecution... in possession of these ordinances and used it for other purposes... to refer to the... meeting of the Armed Forces meeting of May... 1939, from which it follows... how much importance Hitler attached to the ideological unity of the German... without which a war could not be waged.

"A man of eighty million people has set the ideological problem... The national-political unity of the German has been achieved, apart from state annihilation... Further resistance cannot be... (Ref. Tr., p. 361 - italic over).

The same idea is reiterated in another place.

...the building up of our armed forces was only possible in connection with the ideological education of the German people by the Party... (Ref. Tr., p. 2951)

55) In a speech broadcast on March 23, 1936, Frank also dealt with the unification of Germany which was to manifest itself in two ways:
1) in establishing a unified German code and 2) in racial legislation... (Ref. Tr., p. 2956-57)

...talking with German legislation, Frank declared: "Today we are proud of the fact that we have formulated our legal principles from the very beginning in such a way that they could not be changed in the case of war... (Ref. Tr., p. 2956)."

...this was not the entire German legislation, but in the first place racial legislation, the results not only for the defense of Germany but also for the struggle against other peoples who in the event of war might lose their chance or ideological opponent..."
The fact that the question of Jews constituted part of the program of the ideological education of Germans, as a phenomenon of 'mutilating of blood' may be inferred from Hitler's speech delivered at the Nuremberg Congress on September 12, 1935:

"The question is still asked today why the National Socialists excluded the Jewish element in Germany so drastically, and has continued to exclude them in such a manner; the answer can only be, because National Socialists strive to establish a real community of the people. (The socialism of Adolf Hitler, edited by Dr. von H. Seidler, vol. 1, pp. 6.)"

Almost one year prior to unconditional surrender, Stalin in his diary of March 4, 1945, entered a note justifying the extermination of Jews:

"If we had today three to five million Jews fully active and on the other side the Jews driven out of the country, we would no longer be master of the situation. We would have nothing in the country for the extent that we would not be able to save ourselves anymore. This is also the means of national settling, because no one could ever have finished it, not in a life time, only because we have started with the end in mind. In the year 1919, we have to find the necessary to transform it into action twenty years later." (Documentation 2227-99, Office of US Chief of Counsel)

Do not these statements confirm the correctness of the conclusions drawn about

by the Prosecution?

Here we have a confirmation of one of the chief tenets to the effect that only thanks to the continuous shift of legislative and administrative measures persecuting Jews and extinguishing them was it possible to reach the 'final solution.' But if this final solution was closely connected with the end of an aggressive war and if it enabled the Germans to become masters of the situation, does not it follow that these legislative measures were, to a smaller or larger extent, connected with the planning and preparation of the war.
In this connection another doubt arises. To be sure, not all anti-Jewish laws were connected with the chief end and aim of the defendants to wage an aggressive war. The long list of laws initiated by Major Schindler contains certain anti-Jewish laws which by their nature could be connected with planning of an aggressive war. To be sure, some of the laws barring Jews from producing armament, free check cashed for stock brokerage, banking, and the like. It was the Defendants' task to select those laws which actually helped to attain the ideological purpose of waging the aggressive war. Now or all waging Jews, and those local laws brought about the complete destruction of Jewish and confiscation of its wealth for our cause.

Most local laws, however, in the first place, included the laws on military service, the Waffen-SS, the law depriving Jews of the right to vote in the Reich-wide elections and barring them from civil service and other restrictions of legal and civil rights, as well as the NSDAP legislation designed to bring about the complete destruction of the Jews and the transfer of a considerable part of their property to the State.

It appears that such a detailed classification of racial legislation could lead to a better chance of being approved by the Tribunal and falling under art. 6(a) of the Charter than the general statement made by the Prosecution.
These observations lead me to reflect the evaluation or rule previously stated concerning the tremendous amount of work carried out by the Prosecution. Owing to the objectivity and impartiality, the Prosecution was the symbol of justice in the historic trial. Yet, the voice of those generations of judges and lawyers involved in the excitement, it can only because they reflected existential and heroic resolution in the face of the death of those unknown crimes. The names of the workers of the Prosecution will appear a page of honor in the record of history for peace, political freedom, and national independence. Freedom from fear of professing words and deeds expressing one’s own opinion, or of belonging to a racial minority.