MEMORANDUM

by The Evangelical Church in Germany

on the Question of War Crimes Trials

before American Military Courts

Published for the Council of The Evangelical Church in Germany

by

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b) Examples of inhumanities committed by the Allies
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Report by Pastor W. X on the shooting of 40 German prisoners of war on Nov. 2, 1944 near Annecy, Hte Savoie.
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Report on the American prisoner of war camp in Oberursel.

Enclosure I 2 War crimes trials tolerated in other countries.

a) Material on war crimes proceedings in France.
Introduction.
Also: Consultation by Prof. Donnedieu de Vabres, Paris.
Report by A.: Beatings, tormenting wife, insufficient food, "You are intelligent and dangerous, we take the right of detaining you as long as we see fit because we have a victorious army;" famine edemas, cells full of vermin and without light, distribution of food through syphilitics, insufficient sanitary facilities, Aspirin for malnutrition, discharge after one year of unfounded imprisonment.


Report by H. of Jan. 14, 1949. Red Cross does not come to the prisons, extradition by Americans on June 27, 1946, kicks, looting, insufficient food, hunger, 36 hours of peeling potatoes, forbidden to write, interrogated for the first time in Feb. 1947, acquitted April 22, 1947, then compulsory labor in
Warsaw from 5 a.m. until 8 p.m., kicks every day, no free Sundays, swollen legs, open wounds, cold, terrible punishments, membership in the SS means at least three years' punishment.


2 1/2 years' imprisonment though innocent, severe mistreatment and torture, Christianity in prison, beaten unconscious three times, unconscious three days the last time, deaths, charged with manslaughter, acquitted.

Report by K.

"I would kill myself if I were to be extradited to Poland again". In the prisons of Stettin, Naugard, Krakow, Jacwoznco, Warsaw life was worse and more inhuman than in Auschwitz where I was imprisoned for helping prisoners.


2 1/2 years' imprisonment through innocent, severe mistreatment and torture, Christianity in prison, beaten unconscious three times, unconscious three days the last time, deaths, charged with manslaughter, acquitted.

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Material on war crimes trials in Yugoslavia.

Introduction.


Report of the periodical "Die Zeit" of Feb. 17, 1948 by M. who accompanied a transport of prisoners of war from Yugoslavia. "Whether or not the principles of Nürnberg become international law, depends on whether or not the Allies take an interest in events in Yugoslavia."


Report from Belgrad by O.

Cells in the cellar occupied by 10—20 men, sleeping on wooden floor or plank beds, collective liability, no German soldier heard as witness for the defense, the court does not prove the prisoner's guilt, the prisoner has to prove his innocence, official defense counsel does not appear until 1/4 of an hour before the trial, speeches by prosecutor and defense counsel not translated, sentenced to death because of shooting unknown man at unknown time and place, mock trials behind locked doors, "the statute of Nürnberg is supposed to be valid, but the court uses its own law arbitrarily." 95 death sentences during the last year, 25 sentences to more than 15 years' imprisonment.

Report by P. Conditions in Vrsac.

d) Material on war crimes trials in Norway.

Letter from U. of Feb. 6, 1949 to the Inner Missions paper "Bynaisjonaren" in Oslo.

13 cases in which German prisoners are treated in a way which the Norwegians consider inhuman when applied to themselves. (Indivisibility of Justice).

e) Material on war crimes trials in Holland.


Extradited to Holland on Oct. 24, 1947 immediately after, discharge from war captivity from British custody without further hearing, handling of case delayed in Holland, discharged March 9, 1949, one man with arm amputation kept for 3 1/2 years as witness, 3 sailors on a submarine kept in prison until 1949 without indictment, a corporal of water police kept for 3 years as witness, severely injured war invalids kept in prison because it was impossible to discharge them to the British Zone as they had been arrested in the Russian Zone, release 4 months after proceedings had been closed, trial in absence of defendant, only few Germans have a good lawyer, no possibility of paying lawyers.


f) Material on war crimes trials before British Military Courts.

Affidavit of V. of April 19, 1949.

Severe discrimination against the defense.

Enclosure II The defects of the proceedings in Nürnberg.

Enclosure II 1 Pressure on witnesses.

a) General remarks.


a) Preliminary investigation lasted years during which charges of perjury, extradition and hanging are threatened. No indictment if statements corresponding to the wishes of the Prosecution were made.
b) Statements by witnesses who were themselves guilty but not charged.
c) Threat to secretary in Leipzig: "I shall come back with a Russian officer."

2.) Interrogation of the witness H. S. of April 14, 1948 before Court VI American Military Tribunal. Interrogator Mr. von Halle: "I have means at my disposal with which I can extort a useable statement from you."

3.) Statement by Dr. H. of Feb. 13, 1948 Court VI, A.M.T. Prosecution forbids the witness M. to speak to the defense counsel.

4.) Affidavit by Dr. W. H. of Feb. 17, 1948. Prosecutor Hardy's secretary tells the Dutch citizen P., that he may not give exonerating evidence.

5.) Report of the Missionary B. of June 10, 1948 on his arrest as witness. Up to 8 day's arrest. Chairman designates interrogation by the Prosecution as unfair.

b) Detaining Witnesses.

1.) Report by Defense Counsel Dr. Müller-Torgow of March 3, 1948. Witnesses hesitate to come to Nurnberg because they fear being arrested by the Prosecution.

2.) Excerpt from the application of March 2, 1948 to the Military Governor by Defense Counsel Dr. Laternser on behalf of the defendant List. Free witnesses for the defense are afraid that they will be arrested or suffer other disadvantages if they appear in Nürnberg.

3.) Report by Dr. Aschenauer of June 1948. The attention of the witness Dr. S. is called to the possibility of his arrest.

4.) Report by Dr. Aschenauer of June 1948. The Prosecutor Schwenk to the witness K.: "Go back to your cell and rot there. I shall throw away the key and you can stay there until it gets rusty."

Witness G. is arrested when he does not testify in favor of the Prosecution.

c) Defendants as witnesses in their own behalf.

1.) Excerpt from "The constitutional basic rights in the IG-Farben Trial in Nurnberg" by Prof. Dr. Wahl. The defendants, who, according to American law, do not have to give evidence against themselves, were placed under pressure. Defendants were interrogated as witnesses and indicted immediately afterwards. Defendants beaten in 2 cases. Affidavits drawn uy by the Prosecution.

2.) Copy of US Military Tribunal Sitting 24 May 1948. Order of May 24, 1948. The court rejects the use of Ordinance No. 1 as a threat to the defendant during his interrogation.

3.) Excerpt from final plea presented by Dr. Kranzbühler on behalf of Alfried Krupp von Bohlen und Halbach and Max Ihn. During 60 interrogations Krupp (Ihn during 30) were not informed whether they were being questioned as defendants or as witnesses; they were not told of their right to refuse testimony; no possibility of contacting a lawyer. No reasons given for the long imprisonments; no possibility to appeal for release; defendants kept in uncertainty and fear.

4.) Record set down from memory by the defendant M. on June 26, 1947: "We are glad that your wife and children are dead!" "If we send you to Dachau, they will be very quick with — gesture indicating cutting the head off — then you'll be there where your wife and children are". "Can you give us detailed information on the work of the office D 2 from 1942—1944?"

5.) a) Interrogation of Mr. G. S. by Mr. Drexel A Sprecher. Heavy threats to the defendant
b) Certification of copy 5 a.

6.) Affidavit by wife of S. (cf. 5) of March 8, 1948. Mrs. S. arrested and searched when she visited the offices of the IG-Farben. Locked up in dark cellar full of litter. Driven through the house by blows from rifle butt. Taken to prison. Threats that she would be imprisoned just as long as her husband if she said one more word. Strict imprisonment, no books, no paper. CIC Major about the interrogator Mr. Sachs: "This man is no American, I apologize for the American Army." Interrogator: "I want to see Mrs. S. in jail, she's beside her senses already."

7.) Affidavit by W. H. of Feb. 17, 1948. Under arrest since April 1945; no possibility to secure defense; indictment served in Nov. 1946. In Oct. 1946 interrogated as witness. Attention called much later to the right to refuse testimony.

8.) Affidavit by G. R. of Feb. 17, 1948. Charged before Military Tribunal on Oct. 25, 1946. Interrogated as witness a few days later without knowing that charges had been raised against him. Attention called much later to the right to refuse testimony.

10.) Affidavit by O. S. of Feb. 18, 1948. Interrogated under oath without knowing that charges had been raised against him.

11.) Affidavit by W. S. of Feb. 18, 1948. No information on right to refuse testimony, interrogated under oath.

12.) Affidavit by K. G. of Feb. 18, 1948. No information on right to refuse testimony, charges not known until beginning of trial.


14.) Affidavit by W. S. of Feb. 18, 1948. When bill of indictment was served, it was unknown whether he was to be indicted or not. Told that he could exonerate himself if he made statements desired by Prosecution. Attempt to obtain statements about defendants under the pretext that they had made statements unfavorable to him. Pressed to sign false affidavits.

15.) and 16.) Affidavit by Dr. H. of Feb. 18, 1948. Not informed of right to refuse to take oath or make statements. Witness for the defense detained 40 days after he had given evidence. Discharge of witness from war captivity thus delayed.


d) Influencing of Witnesses in Connection with the Possibility of their Extradition.

1a) Interrogation of the witness Gauss on March 6, 1947 by Dr. Kempner.

Kempner: "The Russians are interested in you, that is clear to you, isn't it? I'll write down the topics for you;" "If not you, who was Ribbentrop's evil spirit?" "We had better settle this matter with you. What sort of tribunal would you rather face, a German, a Russian, an English or an American?" "The only thing that can save your neck is telling the truth — or do you want to be hanged as a right hand man?" "If I had to save my neck, I would commit any kind of perjury. You must help us to clear up the matter."

Gauss: "Weizsäcker believed that he could prevent much; I cannot say that he aided Ribbentrop in criminal matters or approved of them." Kempner: "Our theory: Captured together, hanged together." Gauss: "Don't hand me over to the Russians!"

Kempner: "If you tell the truth... What were the worst cases? Write those down for us. A cool head and warm underwear is an old saying..."

Gauss: "I can only tell the truth."

Kempner: "That is the only way in which you can save your neck."

b) Statement by the witness Gauss of March 12, 1947. Excerpt from the "Neue Zeitung": "I freely confess that it is inner torment for me to think that we (i. e. the old state officials) and especially those of us whose attitude toward nationalism was reserved or hostile, nevertheless displayed loyalty and obedience for twelve years."

2.) Letter from Dr. R. Aschenauer of June 1948. During the Einsatzgruppen trial members of the Einsatzgruppen who were not being tried in Nürnberg would, according to press notices, be extradited to Russia. These people therefore could not be expected to appear as witnesses; interned witnesses for the defense threatened with extradition to Poland. In one case extradition of a witness after an interrogation.

3.) Report by Dr. von Imhof of Feb. 19, 1948. Witness informed in the witness stand of extradition to Poland.

4.) Memorandum by Dr. G. Froeschmann of June 25, 1948. Attention of witnesses called to possible extradition.

5.) Interrogation of witness T. Excerpt. Threatened with extradition to France and with death penalty.

6.) Interrogation of the defendant H. Excerpt. Threat to extradite a Swiss citizen to Russians.

e) Influence on witnesses connected with the possibility of extending the indictment to the witness.

1.) Interrogation of the witness S. on Jan. 14, 1948. Transfer of witness from witness wing to criminal wing. "The most stupid coincidence. Had nothing whatever to do with the difference of opinion with the Prosecution."

2.) Interrogation of the witness F. F. on Oct. 14, 1947. Mr. Acton: "Fortunately the dock has room for only twenty-four defendants; otherwise you, (the witness) would be there too." Mr. Acton mentioned the possibility that someone
might drop out because of illness and then the witness might take his place if he, the witness, were "not more cooperative."

3) Affidavit by E. M. of April 9, 1947.
Emery: "If witness continues to make statements in favour of Göring, Speer and other defendants, he would have to reckon with war crimes proceedings against himself." "If we want to, we can bring such an action against any German, no matter whether or not he has committed a crime. Give evidence against these people; it is in your own interest."

4) Letter from the former concentration camp inmate F. H. to Bishop Wurm of June 9, 1948.
Prosecution threatens with indictment because of crimes against humanity.

f) Close connection between Prosecution and Denazification Boards and German Courts.

1) The witnesses fear denazification procedures.
2) The activities of the special project division in Nürnberg.
3) Indictment material sent to denazification boards.
   Report by Dr. Frohwein of July 19, 1948.
4) Professor Wahl, University of Heidelberg. The organizations of political persecutees have given their members instructions not to make statements in favour of the defendants in the IG-Farben trial.
5) Plea by Dr. Seidl for W. D., Military Tribunal VI, case 6. The organization of persecutees of the Nazi regime forbade its members to testify as witness for the defense.
6) Interrogation of the witness S. before Military Tribunal I by Dr. Servatius.
   Pressure of the organization of persecutees of the Nazi regime (VVN) on the witness.
   Threat of proceedings because of crimes against humanity.
   Pressure of the VVN on two witnesses for the defense.
   Pressure of the VVN and the Communist Party on witnesses.

g) Affidavits faultily drafted by the Prosecution.

1) The procedure of collecting evidence through affidavits and commissioners violates the principle of best evidence.
2) Report by Dr. Müller-Torgow of March 1, 1948.
   Defendant revokes statement urged upon him during the preliminary proceedings. Court does not believe him.
3) Memorandum by Dr. Froeschmann of June 25, 1948.
   Court excludes affidavits by witnesses and defendants which were extracted by threats and coercion.
4) Plea by Dr. Seidl for W. D., Military Tribunal VI, case 6.
   The Prosecution includes only such statements in the affidavits which incriminate the defendant. The witness hesitates to make corrections later as he might expose himself to the charge of perjury.
5) Interrogation of Dr. G. by Defense Counsel Dr. Aschenauer on April 22, 1948.
   After repeatedly requesting changes, defendant signed affidavit, which had been submitted to him already drawn up, under severe spiritual pressure. Later protests not considered.
   Interrogation of defendant accompanied by threats. Not allowed to correct the affidavit submitted to him already drawn up. Signature under severe spiritual strain.
7) Excerpt from record of Military Tribunal VI of April 23, 1948.
   "80 errors in 18 records."
8) Excerpt from record of Military Tribunal VI of March 12, 1948.
   Court recognized an affidavit as evidence which does not give opinion of the interrogated person.
9) Excerpt from record of Military Tribunal VI of March 16, 1948.
   The request of a witness to correct the record of his interrogation not granted.
10) Excerpt from record of Military Tribunal VI of March 17, 1948.
   Wording of affidavit distorted by Prosecution.
11) Excerpt from record of Military Tribunal VI of April 5, 1948. Correction of an affidavit thrown on the floor and rejected by Prosecution.
   Correction of distorted wording of affidavit to be obtained only in part and with great difficulties.

Enclosure II 2 Arbitrary Choice of Defendants.

1) Arbitrary choice of defendants in the Generals' trial. Chief of the general staff in place of his superior who was not extradited to the United States. On the other hand the chief of the general staff of the army of 1938 not indicted.
2.) Chief of the staff of Himmler, chief of the Hauptführungsamt, and chief of the Banden-Kampfverbände not indicted.

3.) Members of underground movement indicted. Leading men of the Nazi regime as witnesses for the prosecution against them. Excerpt from plea for Alfried Krupp von Bohlen and Ihn by Dr. Kranzbühler.

4.) Alfried Krupp von Bohlen in the dock as heir in criminal law for his sick father, "so that these industrial works are represented in the trial." Dr. Kranzbühler cf. above.


1.) The generals were prisoners of war and have the right to be tried before a court competent for American generals. Application of Defense Counsel Dr. Laternser for the convict Wilhelm List. March 2, 1948.

2.) British, French and Italian courts for the trial of war criminals are made up of military persons.

3.) Notes on whether it is admissible according to international law to transfer prisoners of war to the civilian status. German Office for Peace Questions, Feb. 15, 1949.

Enclosure II 4a Discrimination against the Defense.

General remarks.

1.) The Defense is obliged to bring the whole of the historical reality, which the judges did not experience in Germany, back to life again. This explains the extent of the material which the Defense necessarily had to produce. Evidence of a certain kind recognized in one case (due to the fact that no rules of procedure existed in the question) and rejected in another. Defense Counsel Dr. Müller July 29, 1948.

2.) Statement by Judge Wennerstrum on the trial of the Southeast generals (Excerpt from the Hamburger Allgemeine Zeitung of Feb. 24, 1948).

b) Discrimination against the Defense in obtaining Documents.


2.) Important document material unobtainable. Memorandum by Dr. G. Froeschmann, June 25, 1948.

3.) All of the IG-Farben files confiscated. No information given. Important parts of the material no longer to be found. The Defense permitted insight into documents two years after the indictment. No time for the Defense to study document material before the chief trial begins. Professor Dr. Wahl, University of Heidelberg, „The constitutional basic rights in the IG-Farben trial in Nürnberg“.

4.) Material rejected on grounds that it is too extensive. Originals not available for the Defense. Entrance to Document Center refused. Defense unable to ascertain whether the translation of documents is correct. One falsification discovered. Prosecution submits only separate documents taken out of their context. Impossible to obtain the whole material. Excerpt from Documents of Defense Counsel Dr. Aschenauer.

5.) In contrast to the Prosecution the Defense did not have access to the Document collection in Washington. Only a part of the material was submitted to the court. Excerpt from application to Military Governor on behalf of L. of March 2, 1948.

6.) Defense cannot obtain important confiscated document material because unable to name official designation of documents. Excerpt from Memorandum by Dr. Froeschmann of June 25, 1948.

7.) Large part of the documents requested not placed at Defense's disposal. Too little time to study the documents submitted. Report by Dr. Müller-Torgow, March 1, 1948.


9.) Grave mistakes in translation in English texts. English and German texts cannot be compared. Report by Counsel Wolf.


c) Discrimination against the Defense in the Procurement of Witnesses from Abroad

1.) Witnesses and evidentiary material from foreign countries (Austria) and from the Russian Zone can frequently not be produced.
Excerpt from plea by Dr. Seidl for W. D.

2.) Difficulties of contacting the former workmen in the I. G. plant at Auschwitz. 25,000 foreign workmen worked there.
Excerpt from plea by Dr. Seidl for W. D.

3.) Witnesses from Russian Zone or foreign countries not to be obtained.
Documents Dr. Aschenauer.

4.) It is practically impossible for the Defense to contact foreign witnesses about Auschwitz. Impossible to travel to foreign countries. Foreigners request that they do not have to make statements because of danger of being accused of collaborating. Excerpt from Closing Brief by Dr. Seidl, April 1948 Military Tribunal VI, case 6.

5.) Important witnesses who are in Polish custody cannot be produced.
Memorandum by Dr. Froeschmann June 25, 1948.

6.) Impossible to enter France. Defense at disadvantage compared to Prosecution in matter of producing evidence from foreign countries.
Excerpt from record Military Tribunal VI Nov. 4, 1947.

7.) Possibilities of investigations in Poland and Czechoslovakia very limited, partly non-existent. Request for permission to travel to Northern and Western countries: Chairman: „Travel to foreign countries is the concern of Military Government and a question of foreign currency on which we have absolutely no authority. „Unfortunately we are not in a position to issue instructions which are binding or obligatory for authorities or foreign governments."

8.) Excerpt from affidavit of W. H. Landsberg/Lech, Feb. 17, 1948. Important witnesses from Holland could not be procured.

9.) Specialists from foreign countries as witnesses for the defense refused to Defense. Prosecution produced 7 witnesses from foreign countries.

d) Discrimination against the Defense in Connection with Travel Difficulties.

1.) Travel difficulties at the time of the Nuremberg trials.

2.) Defense refused permission to travel abroad while Prosecution can travel unhindered.
Report by Dr. Müller-Torgow, March 1, 1948.

3.) Impossible to procure witnesses from Internment Camps and from the Russian Zone.
Documents Dr. Aschenauer.

4.) Impossible for Germans to enter France. Impossible to exchange Marks for foreign currency.

5.) Witnesses for the defense from British and American camps cannot be procured.

6.) Polish witness for the defense could not be procured.

e) No foreign Defense Counsels.

Only two foreign lawyers admitted. One refused because permission to enter Germany not granted for long enough.

f) Defense under Pressure for Time.

Introduction.

1.) Defense unable to follow proceedings before Commissioners. Principle of direct hearing disregarded. Impossible to work out briefs thoroughly. Defense nothing but piecework.
Excerpt from plea by Dr. Kranzbühler before Military Court III, Case X.

2.) 14,000 applications for corrections of the record during the Krupp trial although it was notorious that time and help were lacking.
Report by Dr. Müller.

3.) Necessity of studying prosecution documents thoroughly proved by examples.
Report by Dr. Frohwein, July 18, 1948.

4.) Defense at a disadvantage compared with the Prosecution. Breathtaking tempo of the trial. Impossible for the Defense to comprehend and utilize evidentiary material inspite of most strenuous exertions. Affidavits and documents not read in court. No summary of contents.
Defendants cannot follow the proceedings. Under the conditions reigning in post-war Germany the Defense is at the end of its tether.

Professor Dr. Wahl, University of Heidelberg, „The constitutional basic rights in the IG-Farben trial in Nürnberg."

5.) Due to lack of time impossible to submit applications for evidence. Indictment insufficiently substantiated to render a proper response possible within the time limit. Impossible to procure exonerating evidence.

Dr. Seidl: „Neue Zeitung".

6.) Time for the preparation of the defense expires unused as indictment insufficiently substantiated. Defense cannot catch up in 30 days on the work which the Prosecution has prepared in several years.

Dr. H. Servatius: „Problems of the Monster-Proceedings in Nürnberg".

7.) Objections to the incorrect quotation of an order must be raised within three minutes, otherwise too late.

Dr. v. Imhoff, Observations during my stay in Nürnberg.

8.) Time left after submission of evidence insufficient for preparation of the defense.

Excerpt from application to the Military Governor on behalf of W. L. of March 2, 1948.

9.) „We cannot follow...”

Excerpt from record Military Tribunal VI of Aug. 29, 1947.

10.) Impossible to go over and discuss evidentiary material with client.

Dr. C. Boettcher on Oct. 22, 1947 for all defendants and Defense Counsels.

11.) Only limited possibilities for the Defense to defend itself against new evidence submitted by the Prosecution in the rebuttal.

Report by Dr. Müller-Torgow, March 1, 1948.

12.) Present timing of sessions physically unendurable for the defendants, most of whom are between 60 and 70 years of age. They are no longer capable of enduring the strain of the present schedule. Declaration of the defendants on the pressure of time of Feb. 27, 1948. Affidavit by Alfred Krupp von Bohlen und Halbach of Feb. 11, 1948 on schedule in court prison.

Application by Dr. Dix of March 12, 1948 to Military Tribunal VI.

13.) Conferences between Defense and Defendants possible only in the evenings and during weekends.

14.) Professor Dr. Wahl, University of Heidelberg „The constitutional basic rights in the IG-Farben trial in Nürnberg."

Lightning speed of the trial at the expense of justice, i.e. at the expense of sufficient time for the preparation of the Defense.

g) Discrimination against the Defense in Connection with technical Aids

1.) Severe discrimination against the Defense as compared to the Prosecution in connection with offices, telephones and long distance calls.

2.) Property of the Defendants blocked according to Control Council Law No. 52, not released for defense.

The Defects of the Proceedings in Dachau.

Enclosure III 1 Sentences passed at Dachau without oral or written Reasons.

a.) Letter by Dr. Wacker, Stuttgart, of May 22, 1948.
c.) Memorandum by Dr. Groß, Landsberg.

Enclosure III 2 Convicted Persons do not know why they were convicted.

a.) Letter by Dr. Wacker, Stuttgart, of May 22, 1948.
b.) Letter from the convict E. P., Landsberg, of May 22, 1948.
c.) Affidavit by the convict A. G., Landsberg, of July 20, 1948.

c.

Enclosure III 3 Incompleteness of the Files.

a.) Letter by Dr. Gerhard F. Rothe, Oberammergau, of July 16, 1948.
b.) Letter from the convict H. K., Landsberg, of July 19, 1948.
e.) Statement from „The Dachau War Criminals Trials. An eyewitness account.”

Enclosure III 4 Persons participating in the Review of the Sentences were Parties in the Drafting of the Sentences.

c.) Memorandum by Dr. Groß, Landsberg.

Enclosure III 5  **Mistreatment, threatening, intimidation of Witnesses and Defendants.**

b.) Malmedy Trial. From a collection of more than 50 statements.

1.) Affidavit by D. S. of Jan. 10, 1948, was not accused or called as witness. Detailed description of his experiences as hospital orderly in the prison at Schwäbisch Hall from Sept. 13, 1945 — June 22, 1946. Description of severest mistreatment, mock trials, names of American interrogation officials who committed grave offenses, names of officials whose behaviour was correct. Description of a case of the suicide of a man who had been mistreated. Further suicides. Ear witness of severest tortures.

2.) Affidavit by K. D. of April 11, 1946. Not accused or called as witness. Description of his experiences in the prison at Schwäbisch Hall. He was made German camp commander by the American camp commander. Description of the treatment and mistreatment of the inmates of the camp during the preliminary examinations for the Malmedy trial. Ear witness of the cries of pain of the tormented men. Confirms suicide of a camp inmate who had been mistreated, names of German prison officials who observed mistreatments.

3.) Affidavit by a dentist, Dr. Knorr, of Schwäbisch Hall of May 29, 1948. Dr. Knorr, as the dentist of the former prison Schwäbisch Hall was consulted in 15—20 cases for the treatment of injuries to the mouth and jaw which were caused by mistreatment.

4.) Affidavit by A. M., Jan. 20, 1948 (Was accused, sentenced to death and acquitted in the appeal proceedings). Description of his experiences in the prison at Schwäbisch Hall from Dec. 6, 1945 on. Severe mistreatment during three interrogations.


6.) Affidavit by P. Z. Description of his experiences in Schwäbisch Hall. Severe mistreatment.

7.) Affidavit by E. T., Jan. 22, 1948. Threatened with hanging, threat that the mother would not receive ration cards, covering head with black hood, repeated attempts to hang him.

c.) Report by M. H. on the conditions in Camp „Helfta“. Inhuman conditions. Sadistic chicaneries.

d.) Letter by W. S. Jan. 2, 1948. Was locked up in Dachau for months for no reason. Description of his experiences of lawless and unworthy conditions there. Report on the so-called stage show and on professional witnesses for the Prosecution.

Enclosure III 6  **Discrimination against the Defense.**


b.) The hungerstrike in Dachau August 1947. Memorandum by the representative of the inmates of Bunker I in Dachau of August 12, 1947. Brutal suppression of the hungerstrike. Statement of a lawyer who was locked up in Dachau for no reason. The report covers a period of 13 months beginning in the middle of 1945, it describes the investigation and interrogation methods of the Prosecution, the conditions in the camp, chicaneries and mistreatments.

c.) Statement X. General report on Dachau.

d.) Statement from: „The Dachau War Criminals Trials. An eyewitness account.“

Enclosure III 7  **Summary Indictment and Defects of Procedure.**

a.) Letter by Dr. Wacker, Stuttgart, May 15, 1948. Surprise attacks on the Defendants during the trial for which they could not prepare themselves.

b.) 1.) Letter by Dr. Aheimer, Stuttgart, June 20, 1948. Report on rules of procedure applied in Dachau which are contrary to Americans rules of criminal procedure. Hearray evidence permitted. Witnesses for the Prosecution are kept away from the trial and can therefore not be crossexamined. Their incriminating statements are used against the defendant nonetheless. The Prosecutors in Dachau were not obliged to give a bill of particulars.

2.) Persons interrogated on oath against whom charges were afterwards raised. The Prosecution prevents statements from witnesses for the defense. The category of „professional witnesses“.  

c.) Affidavit by H. Z. June 2, 1948. Irresponsible methods of the Prosecution in raising gravest charges.

d.) Memorandum by Dr. Groß, Landsberg. His description shows how the rights of the defendants in the courts at Dachau were practically an illusion. Summary charges instead of detailed charges. Insufficient legal advice to the defendants from their official counsels for the defense. No legally trained counsels for the defense even in cases where gravest charges
had been raised. No help in procuring witnesses and other necessary evidentiary material. Applications for suspension frustrated. Insufficient interpreters. No information on possibilities of revision. No reasons whatever for decisions made.

Enclosure III 8 Professional witness and stage show.
   b) Letter from the convict W. M., Landsberg, June 5, 1948.
   c) Letter from convict P. M., Landsberg, June 7, 1948.
   d) Protest of former concentration camp inmates in Flossenbürg against the methods of the stage show.
   e) Statement from: „The Dachau War Criminals Trials. An eyewitness account.“

Enclosure III 9 Insufficient Hearing of the Defendants and Hindering the Presentation of exonerating Evidence by the Prosecution.
   a) Petition for review by Dr. Fritz Dietrich, Landsberg.
   b) Letter from Mrs. K. N. of July 20, 1948. Threatened with inclusion in indictment if she should appear as witness for the defense.
   c) Letter by A. M., former inmate of Buchenwald concentration camp, June 22, 1948.
   e) Memorandum by Dr. Groß, Landsberg, cf. above III 7, 4, the second basic right of the defendants.

Enclosure III 10 No proper Court of Appeal.
   b) Memorandum by Dr. Groß, Landsberg.

Enclosure IV Proceedings in the Shanghai Trial.
Excerpt from petitioners supplementary brief on petition for Writ of Habeas Corpus by the American lawyers A. Frank Reel and Wallace Mc Cohen.

Enclosure V The Nürnberg Tribunal itself holds the Opinion that a closed Case requires Re-examination.
   Letter by Dr. Schulte, July 18, 1948. In the proceedings against Pohl et al. supplementary proceedings have been opened because of obvious violations of rules of court proceedings.

Enclosure VI Amnesty for the Sick.
   1) Petition for mercy from the „Committee for Civil Rights“, München, of July 25, 1949 to Mr. John Mc Clow on behalf of the convict Dr. Ewald Loeser who is suffering from progressive spondylitis.
   2) List of the convicts at Landsberg/Lech who are severely ill as given on August 19, 1949 by the prison chaplain at Landsberg.