

MILITARY TRIBUNALS

CASE No. 11

THE UNITED STATES OF AMERICA

— against —

**ERNST VON WEIZSAECKER, GUSTAV ADOLF
STEENGRACHT VON MOYLAND, WILHELM
KEPLER, ERNST WILHELM BOHLE, ERNST
WOERMANN, KARL RITTER, OTTO VON ERD-
MANNSDORFF, EDMUND VEESENMAYER,
HANS HEINRICH LAMMERS, WILHELM
STUCKART, RICHARD WALTHER DARRE,
OTTO MEISSNER, OTTO DIETRICH, GOTT-
LOB BERGER, WALTER SCHELLENBERG,
LUTZ SCHWERIN VON KROSIGK, EMIL
PUHL, KARL RASCHE, PAUL KOERNER,
PAUL PLEIGER, and HANS KEHRL**

Defendants

**OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
NURNBERG 1948**

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INDICTMENT

The United States of America, by the undersigned Telford Taylor, Chief of Counsel for War Crimes, duly appointed to represent said Government in the prosecution of war criminals, charges that the defendants herein committed Crimes against Peace, War Crimes and Crimes against Humanity, and participated in a common plan and conspiracy to commit Crimes against Peace, all as defined in Control Council Law No. 10, duly enacted by the Allied Control Council on 20 December 1945. These crimes included planning, preparing, initiating and waging of wars of aggression and invasions of other countries, as a result of which incalculable destruction was wrought throughout the world, millions of people were killed, and many millions more suffered and are still suffering; deportation to slave labor of members of the civilian population of the invaded countries and the enslavement, mistreatment, torture and murder of millions of persons, including German nationals as well as foreign nationals; plunder and spoliation of public and private property in the invaded countries pursuant to deliberate plans and policies intended not only to strengthen Germany in launching its invasions and waging its aggressive wars, but also to secure the permanent domination by Germany of the continent of Europe; and other grave crimes set forth in this Indictment.

The persons accused as guilty of these crimes and accordingly named as defendants in this case are:

ERNST VON WEIZSAECKER—State Secretary (Staatssekretär) of the German Foreign Office (Auswaertiges Amt) from 1938 to 1943; Ministerial Director (Ministerialdirektor) and Chief of the Political Division of the German Foreign Office (Leiter der Politischen Abteilung des Auswaertigen Amtes) from 1936 to 1938; German Ambassador (Deutscher Botschafter) to the Vatican from 1943 to 1945; Brigadier General (Brigadefuehrer) of the Schutzstaffel der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"); member of the Nationalsozialistische Deutsche Arbeiterpartei (commonly known as the "NSDAP").

GUSTAV ADOLF STEENGRACHT VON MOYLAND—State secretary (Staatssekretär) of the German Foreign Office (Aus-

waertiges Amt) from 1943 to 1945; member of the German Foreign Minister's personal staff from 1940 to 1943; Deputy Chief Adjutant (Stellvertretender Chefadjutant) of the German Foreign Minister and Minister First Class (Gesandter Erster Klasse) from 1941 to 1943; Brigadier General (Brigadefuehrer) of the Sturmabteilung der NSDAP (commonly known as the "SA"); member of the NSDAP.

WILHELM KEPPLER—State Secretary for Special Assignments (Staatssekretaer zur besonderen Verwendung) in the German Foreign Office (Auswaertiges Amt) from 1938 to 1945; economic advisor (Wirtschaftsberater) to Adolf Hitler from 1932 to 1938; special German representative for Austrian affairs (Deutscher Sondervertreter fuer Oesterreichische Angelegenheiten), 1938; Reich Commissioner (Reichskommissar) for Austria, 1938; special German representative for Slovakian affairs (Deutscher Sondervertreter fuer Slowakische Angelegenheiten), 1939; special commissioner (Sonderbeauftragter) for German war materials, 1934; general expert for German raw materials in the Four Year Plan, (Sachverstaendiger fuer alle Fragen der Deutschen Rohstoffversorgung im Rahmen des Vierjahresplanes), 1936; Chairman, Vice-Chairman, and member of the Aufsichtsrat of industrial and other enterprises owned by or connected with the German Reich, including the Kontinentale Oel A.G., Berlin, Deutsche Umsiedlungs-Treuhandgesellschaft, Berlin; member of the Reichstag; Lieutenant General (Obergruppenfuehrer) of the SS; a founder and member of the "Circle of Friends" of Himmler; member of the Leadership Corps and holder of the Golden Party Badge of the NSDAP.

ERNST WILHELM BOHLE—Chief of the Foreign Organization (Auslandsorganisation) of the NSDAP (commonly known as "AO") from 1933 to 1945; State Secretary and Chief of the Foreign Organization in the German Foreign (Staatssekretaer and Chef der Auslandsorganisation im Auswaertigen Amt) from 1937 to 1941; member of the Reichstag; Lieutenant General (Obergruppenfuehrer) of the SS; Gau Leader (Gauleiter) and holder of the Golden Party Badge of the NSDAP.

ERNST WOERMANN—Ministerial Director and Chief of the Political Division of the German Foreign Office (Ministerialdirektor and Leiter der Politischen Abteilung des Auswaertigen Amts) with the rank of Under State Secretary (Unterstaatssekretaer) from 1938 to 1943; German Ambassador in Nanking, China from 1943 to 1945; Senior Counsellor of Legation (Vortragender Legationsrat) and Chief of the International Law Section in the

Legal Division of the German Foreign Office (Leiter des Voelkerrechts-Referats der Rechtsabteilung des Deutschen Auswaertigen Amts) from 1932 to 1935; Chief of the European Section (Leiter des Europa-Referats) of the Political Division and Minister First Class (Gesandter Erster Klasse) of the German Foreign Office in 1936; Counsellor of Embassy (Botschaftsrat) at the German Embassy, London, from 1936 to 1938; Senior Colonel (Oberfuehrer) of the SS; member of the NSDAP.

KARL RITTER—Ambassador for Special Assignments (Botschafter zur besonderen Verwendung) in the German Foreign Office from 1939 to 1945; Liaison Officer (Verbindungsmann) between the German Foreign Minister and the Chief of the High Command of the German Armed Forces (OKW); German Ambassador (Deutscher Botschafter) to Brazil from 1937 to 1938; member of the NSDAP.

OTTO VON ERDMANNSDORFF—Ministerial Dirigent (Ministerialdirigent) and Deputy to the Chief (Stellvertretender Leiter) of the Political Division of the German Foreign Office from 1941 to 1943; German Minister (Deutscher Gesandter) to Hungary from 1937 to 1941; member of the NSDAP.

EDMUND VEESENMAYER—German Minister and Plenipotentiary of the Reich (Bevollmaechtigter des Reichs) in Hungary from 1944 to 1945; attached for special assignments to the German Foreign Office from 1939 to 1944; Brigadier General (Brigadefuehrer) of the SS; member of the NSDAP.

HANS HEINRICH LAMMERS—Reich Minister and Chief of the Reich Chancellery (Reichsminister und Chef der Reichskanzlei) from 1937 to 1945; member of the Reich Cabinet from 1937 to 1945; State Secretary (Staatssekretaer) in the Reich Chancellery in 1933; State Secretary and Chief of the Reich Chancellery (Staatssekretaer und Chef der Reichskanzlei) from 1934 to 1937; member and executive secretary of the Secret Cabinet Council (Geschaeftsfuehrendes Mitglied des Geheimen Kabinettsrates); executive member of Ministerial Council for the Defenses of the Reich (Geschaeftsfuehrendes Mitglied des Ministerrats fuer die Reichsverteidigung); Lieutenant General (Obergruppenfuehrer) of the SS; member and holder of the Golden Party Badge of the NSDAP.

WILHELM STUCKART—State Secretary (Staatssekretaer) in the Reich Ministry of the Interior (Reichsministerium des Innern) from 1935 to 1945; Chief of the Central Bureau in the Reich Ministry of the Interior for the Incorporation of Austria (Leiter der Zentralstelle im Reichsministerium des Innern zur Durchfuehrung

der Wiedervereinigung Oesterreichs mit dem Deutschen Reich), 1938, for the incorporation of the Sudeten Territory (fuer die Ueberleitung der sudeten-deutschen Gebiete), 1938, for Bohemia and Moravia (fuer das Protektorat Boehmen und Maehren), 1939, for Alsace, Lorraine, and Luxembourg (fuer Elsaß, Lothringen und Luxembourg), 1940, for Norway (fuer Norwegen), 1941, and for the occupied Southeastern Territories (fuer die besetzten Sued-Ost-Gebiete), 1941; member of the Ministerial Council for the Defense of the Reich (Ministerrat fuer die Reichsverteidigung) Staff Leader (Stabsleiter) of the General Plenipotentiary for the Administration of the Reich (Generalbevollmaechtigter fuer die Reichsverwaltung), 1939; member of General Council for Four Year Plan (Generalrat fuer den Vierjahresplan); appointed Reich Minister of the Interior (Reichsminister des Innern), May 1945; Lieutenant General (Obergruppenfuehrer) of the SS; member and holder of the Golden Party Badge of the NSDAP.

RICHARD WALTHER DARRE—Reich Minister for Food and Agriculture (Reichsminister fuer Ernaehrung und Landwirtschaft) from 1933 to 1945; Reich Peasant Leader (Reichsbauernfuehrer) from 1933 to 1945; Head of the Reich Food Estate (Reichsnaehrstand) from 1934 to 1945; Reich Leader of the Reich Office for Agrarian Policies (Reichsleiter des Reichsamtes fuer Agrarpolitik) in the NSDAP from 1933 to 1942; Chief of the Race and Settlement Main Office (Leiter des Rasse- und Siedlungshauptamts of the SS) from 1931 to 1938; Prussian Minister of Agriculture (Preußischer Landwirtschaftsminister) from 1933 to 1942; member of the Reichstag from 1932 to 1945; member of the Prussian State Council (Preußischer Staatsrat) from 1933 to 1945; President of the Supreme Hereditary Farm Court (Vorsitzender des Reichserbhofgerichtes) from 1933 to 1942; Lieutenant General (Obergruppenfuehrer) of the SS; Reichsleiter and holder of the Golden Party Badge of the NSDAP.

OTTO MEISSNER—Chief of the Presidential Chancellery (Chef der Praesidialkanzlei) from 1934 to 1945; State Minister with the rank of Reich Minister (Staatsminister mit dem Rang eines Reichsministers) without portfolio, from 1937 to 1945; member and holder of the Golden Party Badge of the NSDAP.

OTTO DIETRICH—State Secretary in the Reich Ministry of Public Enlightenment and Propaganda (Staatssekretaer im Reichsministerium fuer Volksaufklaerung und Propaganda) from 1937 to 1945; Press Chief of the Reich Government (Pressechef der Reichsregierung) from 1937 to 1945; Reich Press Chief of the NSDAP (Reichspressechef der NSDAP) from 1932 to 1945; Chief

of the Reich Press Office of the NSDAP (Leiter der Pressestelle bei der Reichsleitung der NSDAP) from 1934 to 1945; Hitler's press consultant and member of Hitler's personal staff (Pressenachrichtenreferent und Angehoeriger des persoenlichen Stabes Hitlers) from 1933 to 1945; Chairman of the Reich League of the German Press (Reichsverband der Deutschen Presse) from 1933 to 1934; Vice President of the Reich Press Chamber (Reichspressekammer) from 1934 to 1945; member of the Reichstag from 1936 to 1945; member of the Reich Culture Senate (Reichskultursenat) from 1934 to 1945; Lieutenant General (Obergruppenfuehrer) of the SS, Reichsleiter and holder of the Golden Party Badge of the NSDAP.

GOTTLOB BERGER—Lieutenant General (Obergruppenfuehrer) of the SS and Lieutenant General (General) in the Waffen SS; Chief of the SS Main Office (SS Hauptamt) from 1940 to 1945; Liaison Officer (Verbindungsoffizier) between the Reichsfuehrer SS and the Reich Minister for the Occupied Eastern Territories (Reichsminister fuer die besetzten Ostgebiete) from 1941 to 1945, Chief of the Political Directing Staff (Chef des politischen Fuehrungsstabs) of the Reich Ministry for the Occupied Eastern Territories (Reichsministerium fuer die besetzten Ostgebiete) from 1943 to 1945; Supreme Military Commander (Militaerischer Oberbefehlshaber) in Slovakia in 1944; Chief of Postal Censorship of the German Postal Service (Postueberwachungsstellen der Deutschen Reichspost) from 1942 to 1945; Chief of Prisoner of War Affairs from 1944 to 1945; member of the Reichstag; member and holder of the Golden Party Badge of the NSDAP.

WALTER SCHELLENBERG—Brigadier General (Brigadefuehrer) of the SS and Brigadier General (Generalmajor) in the Waffen SS and Police; Chief of the combined civil and military intelligence service of the RSHA from 1944 to 1945; Chief of the Foreign Intelligence Division (Amt VI) of the RSHA from 1941 to 1944; Section Chief of AMT IVE of the RSHA from 1939 to 1941; Section Chief (Amtschef) of the Sicherheitsdienst des Reichsfuehrers SS (commonly known as the "SD") member of the NSDAP.

LUTZ SCHWERIN VON KROSIGK—Reich Minister of Finance (Reichsminister der Finanzen) from 1932 to 1945; appointed Reich Minister for Foreign Affairs (Reichsminister des Auswaertigen) in May 1945; member and holder of the Golden Party Badge of the NSDAP.

EMIL PUHL—Member of the Board of Directors of the Reichsbank (Reichsbankdirektorium) from 1935 to 1945; Vice President of the Reichsbank from 1939 to 1945; Chairman of the Verwal-

tungsrat of the Reichskreditkassen from 1935 to 1945; member of the Verwaltungsrat of the Verrechnungskasse from 1935 to 1939; member of the Aufsichtsrat of the Deutsche Golddiskontbank from 1935 to 1945; member of the NSDAP.

✓ **KARL RASCHE**—Member, later Speaker, of the Vorstand of the Dresdner Bank from 1935 to 1945; Chairman of the Verwaltungsrat of the Boehmische Escompte Bank, Prague (commonly known as the "BEB") from 1939 to 1945; Chairman of the Verwaltungsrat of the Poldihuetie A.G., Kladno-Prague, from 1939 to 1942; member of the Aufsichtsrat of the Laenderbank, Vienna, from 1939 to 1945, of the Sudetenlaendische Bergbau A.G., Brno, from 1939 to 1945, of the Kontinentale Oel A.G., from 1940 to 1945; member of the Verwaltungsrat of the Bruenner Waffenwerke A.G., Brno, from 1939 to 1945, and of the A.G. Vormals Skoda Werke, Prague, from 1939 to 1945; member of the Bierat of the Witkowitz Bergbau und Eisenhuetten Gewerkschaft from 1940 to 1945; and member of the supervisory boards of other industrial firms and enterprises; Lieutenant Colonel (Obersturmbannfuhrer) of the SS; member of the "Circle of Friends" of Himmler; member of the NSDAP.

✓ **PAUL KOERNER**—Permanent Deputy of Goering as General Plenipotentiary of the Four Year Plan (Beauftragter fuer den Vierjahresplan) and Chief of the Office of the Four Year Plan from 1936 to 1945; Chairman of the General Council (Generalrat) for the Four Year Plan from 1939 to 1942; member of the Central Planning Board (Zentrale Planung) from 1942 to 1945; State Secretary to the General Plenipotentiary for the Four Year Plan from 1936 to 1945 and of the Prussian State Ministry from 1933 to 1945 (Staatssekretaer des Beauftragten fuer den Vierjahresplan des Preussischen Staatsministeriums); Deputy Head of the Economic Executive Staff, East (Wirtschaftsfuehrungsstab Ost) from 1941 to 1945; Chairman of the Verwaltungsrat of the Berg- und Huettenwerke Ost GmbH (commonly abbreviated BHO) from 1941 to 1943; Chairman of the Aufsichtsrat of the Reichswerke A.G. "Hermann Goering" from 1937 to 1942; Chairman of the Aufsichtsrat of Reichswerke A.G. fuer Erzbergbau und Eisenhuetten "Hermann Goering" from 1937 to 1942; Chairman of the Aufsichtsrat of the Reichswerke A.G. fuer Berg- und Huettenbetriebe "Hermann Goering" from 1940 to 1942; and member of the supervisory boards of other industrial firms and enterprises; member of the Reichstag in 1933 and from 1936 to 1945; member of the Prussian State Council (Preussischer Staatsrat) from 1938 to 1945; Lieutenant General (Obergruppenfuhrer) of the SS; member and holder of the Golden Party Badge of the NSDAP.

✓ PAUL PLEIGER—Chairman of the Reich Association for Coal (Reichsvereinigung Kohle) from 1941 to 1945; Reich Commissioner (Reichsbeauftragter) for Coal in the occupied, annexed, and incorporated territories from 1942 to 1945; Manager from 1941 to 1943, and thereafter until 1945, Chairman of the Verwaltungsrat of the Berg- und Huetttenwerke Ost GmbH (BHO); Active head and dominating influence from 1937 to 1945 in the large group of industrial enterprises including coal and iron mines, steel producing and finishing plants and armament factories, sometimes collectively referred to herein as the "Hermann Goering Works"; Chairman of the Vorstand of the Reichswerke A.G. fuer Erzbergbau and Eisenhuetten "Hermann Goering", Berlin, from 1938 to 1945, and also Chairman of the same enterprise from 1942 to 1945; Chairman of the Vorstand of the Reichswerke A.G. fuer Berg- und Huetttenbetriebe "Hermann Goering" from 1941 to 1945, and Chairman of the Aufsichtsrat of the same enterprise from 1942 to 1945; member of the Vorstand of the A.G. Reichswerke "Hermann Goering", Berlin, from 1939 to 1940; member of the Aufsichtsrat and Vorstand of other industrial firms and enterprises; member of the Prussian State Council (Preussischer Staatsrat) from 1943 to 1945; member of the Armament Council; Gau Economic Advisor for Gau Westfalen-Sued; Military Economy Leader (Wehrwirtschaftsfuehrer); member and holder of the Golden Party Badge of the NSDAP.

✓ HANS KEHRL—Chief of the Planning Office (Planungsamt) of the Central Planning Board (Zentrale Planung) from 1943 to 1945; Chief of the Planning Office of the Reich Ministry for Armaments and War Production (Reichsministerium fuer Ruestung und Kriegsproduktion) from 1943 to 1945; Chief of the Office of Raw Materials (Rohstoffamt) in the Reich Ministry of Armaments and War Production from 1943 to 1945; Consultant for Special Questions in the Economics Ministry from 1938 to 1942; Chief of the Textile Division of the Economics Ministry from 1938 to 1942; Chief of Section IV/2 in Office for German Raw Materials and Synthetics of the Four Year Plan (Amt fuer Deutsche Roh- und "Werkstoffe" innerhalb des Vierjahresplanes) from 1936 to 1938, member of the Beirat of the Deutsche Umsiedlungs-Treuhandgesellschaft from 1940 to 1943; Chairman of the Verwaltungsrat of the Ostfaser GmbH from 1941 to 1945; member of the Aufsichtsrat of numerous corporations including: Reichswerke A.G. "Hermann Goering" from 1940 to 1945, Sudetenlaendische Bergbau A.G. from 1940 to 1945, and Sudetenlaendische Treibstoff A.G. from 1940 to 1945; President of the Chamber of Industry and Commerce of Niederlausitz from 1934 to 1942; mem-

ber of the "Circle of Friends" of Himmler from 1942 to 1945; Brigadier General (Brigadefuehrer) of the SS; Gau Economic Advisor of the NSDAP (Gauwirtschaftsberater) for the Gau Brandenburg from 1933 to 1938; Military Economy Leader (Wehrwirtschaftsfuehrer); member of the NSDAP.

COUNT ONE

PLANNING, PREPARATION, INITIATION AND WAGING OF WARS OF AGGRESSION AND INVASIONS OF OTHER COUNTRIES

STATEMENT OF THE OFFENSE

1. The defendants WEIZSAECKER, KEPPLER, BOHLE, WOERMANN, RITTER, ERDMANNSDORFF, VEESENMAYER, LAMMERS, STUCKART, DARRE, MEISSNER, DIETRICH, BERGER, SCHELLENBERG, SCHWERIN-KROSIGK, KOERNER and PLEIGER, with divers other persons, during a period of years preceding 8 May 1945, committed Crimes against Peace as defined in Article II of Control Council Law No. 10, in that they participated in the initiation of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation and waging of wars of aggression, and wars in violation of international treaties, agreements and assurances. The defendants held high political, military and civil positions and high positions in the financial, industrial and economic life of Germany and committed Crimes against Peace in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of Crimes against Peace.

2. The invasions and wars referred to and the dates of their initiation were as follows: Austria, 12 March 1938; Czechoslovakia, 1 October 1938 and 15 March 1939; Poland, 1 September 1939; the United Kingdom and France, 3 September 1939; Denmark and Norway, 9 April 1940; Belgium, the Netherlands and Luxembourg, 10 May 1940; Yugoslavia and Greece, 6 April 1941; the Union of Soviet Socialist Republics, 22 June 1941; and the United States of America, 11 December 1941.

3. In these invasions and wars, many millions of people were murdered, tortured, starved, enslaved and robbed; countless numbers became diseased; millions of homes were left in ruins;

tremendous industrial capacity necessary to maintain the standard of living of peoples all over the world was destroyed; agricultural land capable of feeding millions of people was laid in waste; and a large part of the world was left in political and economic chaos. The lives and happiness of all peoples of the world were adversely affected as the result of these invasions and wars of aggression.

4. In 1921 Adolf Hitler became the supreme leader or Fuehrer of the National Socialist German Workers Party, also known as the Nazi Party. The main points of the Nazi Party Program, which remained unaltered until the party's dissolution in 1945, were to abrogate and overthrow the Treaties of Versailles and Saint Germain, and reconstitute the Wehrmacht; to acquire territories lost by Germany as the result of World War I; to acquire all other territories in Europe assertedly occupied by "racial Germans"; and to acquire such other territories in the world as might be "needed" by the Germans for "Lebensraum". The Nazis proclaimed that persons of "German blood" were a "master race" and were entitled to subjugate, dominate, and exterminate other "races" and peoples, and that war was a noble and necessary German activity. The Nazis proposed to achieve their ends by any means deemed opportune, including resort to force and aggressive war. The policies and program of the Nazi Party were continually and publicly reiterated and were matters of common knowledge.

5. On 30 January 1933, Hitler was appointed Chancellor of the Reich by President von Hindenburg. The defendants MEISSNER, LAMMERS, KEPPLER and DIETRICH were active participants in Hitler's seizure of power, in that they marshalled the financial, political, psychological, and propaganda support necessary for its success. On the day of his appointment as Chancellor, Hitler held his first Cabinet meeting, at which the defendant SCHWERINKROSIGK was present. On 27 February 1933, the Reichstag building in Berlin was set on fire. This was used by Hitler and his Cabinet members as a pretext for the immediate issuance of a decree suspending the constitutional guarantees.

6. The NSDAP thereafter proceeded to extend its dominion over every phase of German life. Other political parties were persecuted, many of their members were arrested and thrown into concentration camps, and eventually all other parties were outlawed by the law of 14 July 1933, which declared the NSDAP to be the only legal party in Germany. The defendants LAMMERS, MEISSNER, and DIETRICH cloaked these activities with

a semblance of legality by spurious procedural techniques, and the property and assets of the dissolved parties were confiscated and the proceeds were seized by the defendant SCHWERIN-KROSIGK on behalf of the Reich Treasury. In order to place complete and centralized control of the machinery of the German Government in the hands of the leaders of the Third Reich, a series of laws and decrees were passed abolishing representative assemblies and autonomous regional and local governments throughout Germany. These administrative measures were coordinated by the defendant LAMMERS, and the defendant DIETRICH directed and controlled the use of press and propaganda organs to crush the development of any opposing political opinion. The Government then proceeded to secure control of the Civil Service, the Judiciary, and the educational system, by the persecution and dismissal of civil servants, judges, and educators for political or racial reasons. The defendant LAMMERS coordinated these measures administratively, the necessary fiscal regulations to effect this reorganization were provided by the defendant SCHWERIN-KROSIGK, and the defendant STUCKART participated in the dismissal of politically and racially "undesirable" officials in the universities and schools throughout Germany. The defendant MEISSNER participated in the granting of pardons to criminal members of the Party who had been sentenced for proved offenses by judges not yet controlled or purged by the Party. The defendant DIETRICH issued through NSDAP press channels propaganda in support of these tyrannical measures; the defendant KEPPLER participated in the formulation of expropriation measures directed against persons of Jewish extraction and others; and the defendant SCHWERIN-KROSIGK accepted into the Reich Treasury financial gains which accrued to the new Government from these expropriations. The defendant DARRE developed and disseminated Nazi racial doctrines, and effected the "nazification" of German agriculture and husbandry and the elimination of political, racial and religious "undesirables" from the agricultural economy.

7. During a period of years prior to May 1945, the Third Reich engaged in a ruthless program of aggression and conquest which came to involve almost the entire civilized world and resulted in the initiation and waging, by Germany, of wars of aggression against other countries on a vast scale. The program, which envisaged Nazi domination of all of Europe and later of the entire world, was carefully planned in advance of its actual execution through diplomatic, political, financial, economic, agri-

cultural, propaganda, administrative and military preparations; the initial military successes evidenced the effectiveness of these preparations. Pursuant to the general program of aggression, diplomatic offensives were synchronized with the total mobilization of all the resources of the German Reich for war. The economic and agricultural life of Germany was reorganized for military purposes; financial preparations were made; and the German armed forces were raised to formidable strength. Propaganda campaigns were launched to incite the German people to support the program of aggression, and the activities of the supreme Reich authorities were coordinated to achieve the full mobilization required by the Nazi concepts of total warfare. The conquest of each of the countries invaded was foreshadowed by a series of political and diplomatic moves whereby, in disregard of treaties, assurances and agreements, fifth column activities were fomented, prominent individuals kidnapped, pretexts for aggression fabricated, propaganda campaigns initiated, potential allies secured, and the political isolation of the victim effected. After these invasions, previously formulated measures were put into effect to incorporate certain of the conquered territories into the German Reich and to complete the subjugation of countries belligerently occupied. Legislation was introduced extending German law and German administration to these territories, and their economies were harnessed to the German war machine to further Germany's ability to wage its wars of aggression.

8. The defendants WEIZSAECKER, WOERMANN, KEPPLER, RITTER, ERDMANNSDORFF, and VEESENMAYER, as high officials of the German Foreign Office, played dominant roles in the diplomatic plans and preparations for invasions and wars of aggression, and later participated in the diplomatic phases of the waging of these wars. The defendant LAMMERS, as the de facto Chancellor of Hitler, coordinated at the highest level the planning and preparation required for the total mobilization of the German Reich, and as Hitler's chief legislative agent, signed the most important decrees for the planning, preparation, initiation and waging of wars of aggression. The defendant STUCKART, as one of the chief Nazi administrative and managerial specialists, had jurisdiction over the administrative mobilization of the German Reich, and with the defendant LAMMERS participated in the incorporation of conquered territories into the German Reich and in the administration of the incorporated and occupied territories. The defendant DARRE mobilized the German agricultural economy for aggression by measures to insure maximum self-

sufficiency in foodstuffs for the German armed forces and the civilian population, and to enable the German Reich to initiate and wage its wars of aggression, and later he participated in the absorption of the agricultural economies of the territories incorporated into "Greater Germany" and in the seizure and distribution of agricultural products looted from the occupied territories. The defendant MEISSNER staged conferences and meetings at which the leaders of the countries to be victimized were threatened. The defendant DIETRICH created, formulated and controlled press and propaganda policies of the NSDAP and of the German Government, both in furtherance of plans and preparations for aggression, and in the propaganda phases of the waging of these wars. The defendant BOHLE, as head of the Foreign Organization of the NSDAP, participated in economic preparations for war, and in Nazi infiltration and fifth column activities through propaganda, espionage, terrorism, and financial contributions to "Quislings" groups whereby the governments of the prospective victims were undermined in accordance with the plans of aggression. The defendant BERGER participated in the recruitment of SS personnel and the fomentation of fifth column activities in countries that were subsequently invaded by Germany and later participated in the establishment of SS and political puppet organizations in the occupied countries in furtherance of the subjugation of these territories. The defendant SCHELLENBERG participated in the fabrication of pretexts for aggression and was connected with and participated in SS and SD plans and preparations for aggressive war. The defendant SCHWERINKROSIGK directed the financial mobilization of the German Reich for aggression by fiscal measures which insured the financing of Germany's rearmament program and other civil and military expenses incidental to preparations for aggressive war, and later was responsible for the incorporation of the financial institutions and the seizure of the financial resources of territories and countries incorporated into or occupied by the German Reich in furtherance of the waging of these wars of aggression. The defendant KOERNER, as the permanent deputy of Goering, played a leading role in the planning, coordination and execution of an economic program to prepare the German Reich for the waging of aggressive war; he was further responsible for coordinating the economic exploitation of the occupied territories in furtherance of the waging of aggressive war. The defendant PLEIGER, as director of the Iron and Metals Section of the Office of the Four Year Plan, participated in these preparations for aggressive war

and was further responsible, with the defendant KOERNER, for the organization and direction of the Hermann Goering Works, which was created to, and did, provide iron, steel and finished armament products for the equipment of the German armies of conquest.

9. In furtherance of the planning and preparation for aggressive war, the defendant LAMMERS coordinated at the highest level the total mobilization of the economic, financial, administrative and military resources of the Third Reich. He signed laws and decrees including, among others, the Reich Defense Law, decrees creating the Secret Cabinet Council and establishing the Ministerial Council for the Defense of the Reich, and the decree whereby Hitler assumed personal command of the Wehrmacht. He further effected total mobilization by participation in meetings of the Reich Defense Council, the Reich Defense Committee, the General Council for the Four Year Plan and the Ministerial Council for the Defense of the Reich, whereby the military, economic, financial, agricultural and rearmament phases of mobilization were accomplished. He resolved jurisdictional problems and conflicts as to the respective spheres of competence in mobilization schemes of various supreme Reich authorities, and received reports regularly from the Plenipotentiary General for Economy, from the Plenipotentiary General for Administration, and the Plenipotentiary for the Four Year Plan. By virtue of the aforesaid activities and otherwise, the defendant LAMMERS synchronized the economic, financial, military and administrative preparations with the general program of aggression.

10. The defendant STUCKART drafted, formulated, and signed decrees and legislation required for the administrative mobilization of the Reich for war, including the laws pertaining to military conscription and the Reich Defense Law. He was one of the leading officials responsible for war-time civil administration, and in the performance of his duties he created an administrative organization in accordance with war-time needs, which was actually put into operation after Germany adopted a policy of aggression. He played a key role in the preparation of the machinery required for the incorporation of conquered territories into the Reich and for the administration of countries to be incorporated into or belligerently occupied by the German Reich in the course of its wars of aggression.

11. The defendant SCHWERIN-KROSIGK was responsible for the financing of the wars of aggression by the floating of long and short term loans, the supplying of the means for honoring

"MEFO bills", the expropriation of property of alleged opponents of Germany's aggressive policies, the strengthening of the Reichsbank, the transfer into gold of foreign exchange resources available to Germany, and otherwise. He was further responsible for financing other phases of the economic, military and political preparations for war, and maintained secret budgets to conceal the extent of the rearmament program and the growth of the armed forces, and prepared and executed other fiscal measures required to finance the preparations of the Reich for war.

12. The defendant DIETRICH, as press chief of the Party and the Reich, created, formulated, and controlled the press policy for the State and for the Party. Through the issuance of daily instructions, he subordinated the entire German press to the political, diplomatic and military purposes of the Nazi leaders. By the falsification, distortion and perversion of news and the extensive use of inflammatory propaganda, he so influenced and deceived the German people as to secure their support of the aggressive policies of the German Reich. He participated in the psychological planning and preparation for wars of aggression; the greatest emphasis was placed on the supreme mission of the German people to lead and dominate other peoples by virtue of the Nazi doctrine of racial superiority, and, thus, the ground was prepared for support of the concept of German world supremacy. Before each aggressive act, press campaigns were initiated under the direction of the defendant DIETRICH to weaken the prospective victims, provide spurious "justification" for aggression, and prepare the German people psychologically for war.

13. In order to achieve maximum German self-sufficiency in foodstuffs in preparation for aggressive wars, the defendant DARRE organized the agricultural economy for aggressive war so as to obtain control over virtually every phase of German agriculture, including food production, processing, distribution and consumption, as well as importation of all major agricultural commodities. He also participated in the military, economic, and rearmament phases of the preparations for aggression; he signed laws and decrees directed toward effecting total mobilization, including the institution of compulsory military service, the procurement of land for the use of the Armed Forces and the mobilization of the war food economy. He participated in the formulation of a grain storage program designed to make Germany self-sufficient in grain supplies, and, in cooperation with the High Command of the Armed Forces and others, requisitioned the storage space required for the tremendous grain reserves which

were being built up. Long before the outbreak of war, secret decrees were prepared under his direction in the Reich Ministry for Food and Agriculture, which, covered in minute detail the war food economy program to be put into effect under the war mobilization order, and created an administrative organization in accordance with war-time standards. These decrees were put into operation when Germany attacked Poland.

14. In furtherance of economic planning for aggression, the defendant KOERNER participated, with Goering, the defendant KEPPLER and divers other persons, in the establishment of the Four Year Plan in 1936. Thereafter, the defendant KOERNER, as Goering's Deputy, directed the Office of the Four Year Plan which was charged with control over the essential economic activities of the German agencies preparing for war, exercised supreme authority in economic matters, was responsible for the development and stockpiling of critical war material, and which was designed to prepare the armed forces and the German economy for aggressive war within four years. Between 1939 and 1942, KOERNER also served as Chairman of the General Council of the Four Year Plan, which was concerned with problems of labor allocation and production in the war economy. The defendant PLEIGER, by virtue of his position as the first head of the Iron and Metals Section of the Office of the Four Year Plan, participated in the economic planning for German aggression. Further, as a result of researches into German war-time requirements conducted by the Office of the Four Year Plan, the defendants PLEIGER and KOERNER participated with Goering and others in the creation of the Hermann Goering Works in 1937. The defendant PLEIGER, as the dominant figure and active head of the Hermann Goering Works, was responsible for directing its activities, and the defendant KOERNER, as chairman of the Aufsichtsrat and holder of other high positions therein, was influential in determining the policies of this huge complex, which was founded in furtherance of the planning, preparation and waging of wars of aggression by enormously expanding Germany's steel and armament production resources and by making Germany self-sufficient with respect to iron ore.

15. In country after country, the pattern of diplomatic planning and preparation for invasions and wars of aggression was substantially the same. The program adopted for the destruction of these countries involved, on the one hand, the making of treaties, agreements and assurances which the German Reich pledged herself to respect their territorial integrity and, on the other hand,

the promotion of fifth column activities and the accomplishment of illegal political penetration designed to undermine their sovereignty. In AUSTRIA, in wanton disregard of the Austro-German treaty of 11 July 1936, whereby Germany obligated herself not to interfere in Austrian affairs, the defendants KEPPLER, VEESNMAYER, WEIZSAECKER and BOHLE provided political and financial support to the outlawed National Socialist party of Austria in order to maintain continuous pressure against the legitimate government. As a result thereof the relations between the two countries steadily worsened, culminating in the conference at Berchtesgaden on 12 February 1938 at which the Austrian Chancellor Schuschnigg, in the presence of the defendant KEPPLER, was threatened with an immediate German military invasion of Austria. In the face of this threat and of the subsequent diplomatic and propaganda pressure exerted by the defendants KEPPLER, VEESNMAYER, DIETRICH, BOHLE, and others, Dr. Schuschnigg was finally forced to resign on 11 March 1938, and at daybreak on 12 March 1938, German troops marched into Austria. In order to justify the invasion and give it a semblance of legality, a fictitious telegram concocted by Goering and KEPPLER was quoted by the German press to establish that the newly-created Austrian puppet government had requested the presence of German troops to prevent disorder.

16. In continuation of the Nazi policy of diplomatically isolating and then destroying each of its victims separately, CZECHOSLOVAKIA, the next victim of German aggression, received solemn assurances from the Third Reich of its peaceful intentions, at the time of the Anschluss with Austria early in 1938. Simultaneously members of the German Foreign Office, including the defendants WEIZSAECKER and WOERMANN, were secretly preparing the groundwork for aggression by providing political, military and financial assistance to the Sudeten German Party, under the leadership of Konrad Henlein, and inciting that movement to lodge continual demands for the complete separation of the Sudetenland from the Czechoslovakian republic. The defendant BOHLE employed the Foreign Organization of the NSDAP to foment fifth column activities in Czechoslovakia, and the defendant BERGER participated in the training of the Henlein Free Corps by the SS in Germany and served as personal liaison between the Reichsfuehrer SS and Henlein. The defendant ERDMANNSDORFF negotiated Balkan support for this aggressive act. In the press and propaganda campaigns launched prior to the conquest of Czechoslovakia, the defendant DIETRICH issued

instructions to the press to "play up" the alleged persecution of Sudeten-German and Slovak minorities within Czechoslovakia and the "anti-German politics" of the Prague government. The Munich pact of 29 September 1938, signed in the presence of the defendant MEISSNER, among others, and the separation of the Sudetenland from Czechoslovakia, marked the successful culmination of this phase of German diplomatic policy. In flagrant violation of this pact, whereby Germany had agreed to respect the integrity of the remaining territory of Czechoslovakia, the defendants KEPPLER, VEESENMAYER, DIETRICH, MEISSNER, and BOHLE continued to foment a Slovak independence movement in order to further the Nazi program of aggression. On March 14, 1939 the Czechoslovakian president, Hacha, at a conference in Berlin, in the presence of the defendants WEIZSAECKER, DIETRICH, KEPPLER and MEISSNER, was violently threatened by Hitler with the immediate military invasion of Czechoslovakia and the destruction of Prague by bombing. In the face of these threats, Hacha capitulated, and on 15 March 1939, the defendants LAMMERS, MEISSNER and STUCKART, among others, accompanied Hitler to Prague when German troops marched into Bohemia and Moravia.

17. Repeating the pattern of duplicity employed in the conquests of Austria and Czechoslovakia, the defendants WEIZSAECKER, WOERMANN, BOHLE, KEPPLER, and VEESENMAYER participated in a series of diplomatic and political moves against POLAND whereby, in disregard of recent assurances and agreements, the return of Danzig and the Polish Corridor was demanded as a pretext for aggression, Polish counter-proposals for the peaceful settlement of German claims were rejected, and an energetic program to mobilize potential allies in the German cause of aggression and to neutralize France and Great Britain as possible opponents was undertaken. The political, propaganda and diplomatic blueprint for this war of aggression was carefully designed by the defendants WEIZSAECKER, WOERMANN, DIETRICH, BOHLE, and VEESENMAYER, among others, to shift the apparent responsibility for the war to the victim. Border incidents were staged, and alleged acts of terrorism committed by the Poles against German nationals and racial Germans were fabricated and publicized. All attempts by France, Great Britain, the United States, and other nations, to persuade the German Reich to agree to a peaceful settlement of her dispute with Poland were rejected. In the early hours of 1 September 1939, Germany

launched this war of aggression which came to involve Great Britain, France, and the greater part of the world.

18. Subsequent to the outbreak of war, the pattern of diplomatic and political planning and preparation remained substantially unchanged, and further aggression was embarked upon whenever considered politically or militarily expedient. Prior to the invasion of Norway, the German Foreign Office financed the fifth column activities of Vidkun Quisling, and the defendants LAMMERS and BOHLE maintained liaison with Quisling and coordinated the camouflaged fifth column activities of the Reich authorities engaged in secret preparation for the aggression against Norway. The defendants WEIZSAECKER, WOERMANN, and RITTER participated in the preparation and promulgation by the German Foreign Office of the official diplomatic communiqués purporting in part to justify the aggressions against NORWAY and DENMARK on 9 April 1940, and against the NETHERLANDS, BELGIUM and LUXEMBOURG on 10 May 1940. The defendant SCHELLENBERG participated in the staging of the "Venlo Incident" which involved the kidnapping of enemy and neutral nationals to fabricate a pretext for the invasion of the Low Countries. Like the aggressions against the Scandinavian and Low Countries, plans for the aggressive war against GREECE and YUGOSLAVIA were characterized by a series of diplomatic and political moves by the defendants WEIZSAECKER, WOERMANN, RITTER, VEESENMAYER, and other members of the German Foreign Office. The defendants BERGER and BOHLE participated in the creation of plans for fifth column activities, the fabrication of atrocities allegedly committed against racial Germans in Yugoslavia which were publicized in the press and propaganda organs under the supervision of the defendant DIETRICH as a pretext for aggression, and the secret recruitment of racial Germans who, subsequent to the invasion on 6 April 1941, were activated by the defendant BERGER into Waffen SS military divisions which assisted in the German military conquest of Yugoslavia.

19. In the preparation and planning which preceded the undeclared attack against the UNION of SOVIET SOCIALIST REPUBLICS on 22 June 1941, German diplomatic efforts were directed by the defendants WEIZSAECKER, WOERMANN, RITTER, BOHLE, and ERDMANNSDORFF towards mobilizing allies in the German cause of aggression, and as a result thereof, the military support of Roumania and Hungary was secured. As early as November 1940 the defendant KOERNER was informed

by Goering of the coming attack against the Soviet Union, and thereafter he attended and advised at conferences which were convened to consider the scope and method of German exploitation of the Eastern economies. On 20 April 1941, a Fuehrer decree, signed by the defendant LAMMERS, appointed Reichsleiter Rosenberg commissioner for the centralized control of problems relating to the Soviet Union and other Eastern Territories. The defendants KOERNER and STUCKART and representatives of the German Foreign Office, over a period of months preceding the invasion, worked with Rosenberg to design the framework of the future political, administrative and economic organization of the territories of the Soviet Union, including the selection of officials for the civil administration of those territories by the defendant STUCKART. In this same period the activities of the defendant DIETRICH were integrated with Rosenberg's plans. In order to reverse the trend of German public opinion as it had been nurtured after the Non-Aggression Pact between Germany and the Soviet Union, the defendant DIETRICH directed the press and propaganda agencies to renew anti-Soviet propaganda and to present the coming aggression against the Soviet Union as a "preventive war" for the defense of the Fatherland. During this period the defendant SCHELLENBERG participated in the creation of special task forces of the SS, called "Einsatzgruppen", for the extermination of all opposition in the territories of the Soviet Union to be invaded. Well in advance of the actual attack, the defendant LAMMERS signed legislation appointing the Plenipotentiary for the Four Year Plan as the German official responsible for the economic exploitation of the territories to be occupied, and operational zones were established in the Arctic Ocean and in the Baltic and Black Seas, by the defendant WEIZSAECKER and other members of the German Foreign Office, for the German naval and air forces.

20. The pattern of German diplomatic and political preparation which preceded the attack on the UNITED STATES OF AMERICA differed from the pattern of previous Nazi aggressions on account of the geographical position occupied by Germany with respect to the United States and because of Germany's involvement in the European conflict. The Foreign Organization of the NSDAP, under the leadership of the defendant BOHLE, had been engaged for many years prior to the war in infiltration into the economic and political life of the United States and other countries of the Western Hemisphere and had fomented fifth column activities in these countries in furtherance of the German

Reich's preparations for possible aggression against the United States. In addition, from early 1941, continuous diplomatic efforts were made by the defendants WEIZSAECKER, WOERMANN and RITTER and other members of the German Foreign Office to induce Japan to attack British possessions in the Far East, and Japan was further assured in the presence of the defendant MEISSNER that should she become engaged in a war with the United States, Germany would immediately participate. During the prelude to aggression, German public opinion was systematically inflamed against the United States. After the attack at Pearl Harbor on 7 December 1941, Hitler issued orders on 8 December 1941 to the German navy to attack American ships "whenever and wherever they may be"; despite the fact that a state of war was not declared between Germany and the United States until 11 December 1941.

21. Pursuant to Nazi theories of "Lebensraum", and in furtherance of the German Reich's waging of wars of aggression, certain of the conquered territories were "incorporated" into Germany. The defendant LAMMERS signed, among others, the laws uniting Austria, the Free City of Danzig, Memel, Eupen, Malmedy and Moresnet with the German Reich, the decree appointing the Reich Commissioner for Austria, and legislation extending German civil administration to Austria, the Sudetenland and the Eastern Territories (West Prussia and Posen). He was responsible for the over-all coordination of the incorporation of these territories and participated in the appointment of administrators for the performance of the administrative tasks involved. He participated in the formulation of the law of 13th March 1938 which united Austria with the Reich. In setting up German administration in Austria, he drafted and signed decrees which introduced German law and its enforcement by the Gestapo and SD, the Nürnberg racial decrees, and the military service law. He participated in the formulation of the laws incorporating into the Reich the Sudetenland, Memel, Danzig, the Eastern territories (West Prussia and Posen), and Eupen, Malmedy and Moresnet, and in plans for the incorporation of French territory. The defendant DARRE participated in the absorption into the German war food economy of the agricultural economies of these incorporated territories by measures which introduced German agricultural administration and legislation, and which controlled virtually every phase of agriculture. SS personnel were recruited in these territories and SS units organized under the direction of the defendant BERGER. The financial incorporation of the ter-

territories united with the Reich was accomplished by the defendant SCHWERIN-KROSIGK; in setting up German financial control over these incorporated territories, he assumed control over their financial institutions and extended Germany's financial regulations to these territories. The proceeds from the expropriation of public and private property in these territories by agencies of the German Reich were turned over, in many instances, to the Reich Treasury and used in the financing of aggressive wars.

22. The complete subjugation of the territories belligerently occupied by the German Reich was so designed as to obtain the maximum economic, financial and military benefit from these territories, and through the establishment of administrative machinery to effect policies of ruthless exploitation. The defendant LAMMERS signed legislation establishing the Protectorate of Bohemia and Moravia and the authority of the German Reich to legislate in the Protectorate. He also signed the laws extending German administration to the Government General and to the occupied Eastern territories, and signed legislation appointing administrators in the Protectorate, the Government General and other of the occupied territories, including the appointment of Goering as Plenipotentiary of the Four Year Plan in charge of the economic exploitation of the USSR. The defendant LAMMERS was further responsible for coordinating with the supreme Reich authorities policies initiated in the occupied territories and was actively engaged in the direction and administration of these territories. The defendant STUCKART, as the head of the Central Offices for Austria, the Sudetenland, Bohemia and Moravia, the Government General, Norway and the occupied Southeastern territories, was charged with the internal civil administration of these territories and obtaining close cooperation between the German officials in these occupied countries and the supreme Reich authorities, participated in the formulation of the proclamation establishing the Protectorate of Bohemia and Moravia, and promulgated changes in the boundaries of Alsace and Lorraine. The defendant BERGER participated in the establishment of SS organizations and the recruitment of SS personnel from among the nationals of the occupied territories and in certain of the puppet governments, such as Croatia, compelled the institution of compulsory conscription for Waffen SS military divisions. He also participated in the establishment in these territories of puppet political organizations which fully cooperated with the occupation authorities. The defendant SCHWERIN-KROSIGK was responsible for the maximum exploitation of the financial resources of

these occupied territories and controlled their fiscal institutions in such a manner as to obtain maximum revenues for the German Reich. The Reich Treasury, under his direction, received the proceeds from the expropriation of public and private properties and provided the necessary financial assistance for the administration of these territories and the waging of the German Reich's wars of aggression. The defendants WEIZSAECKER, WOERMANN, RITTER, ERDMANNSDORFF, VEESENMAYER, and KEPPLER, as leading officials of the German Foreign Office, participated in the political development and direction of the occupied territories, particularly those territories, wherein puppet governments under the domination of the German Foreign Office had been installed. By the maintenance of continuous diplomatic pressure, intimidation and coercion, the puppet and satellite governments were compelled to support Germany in the course of its wars of aggression. Further, they participated in the partitioning of certain of the occupied territories, including Yugoslavia, and in the evolution of plans for the final integration of the occupied countries into the orbit of the German Reich after the cessation of hostilities.

23. In addition to the acts and conduct of the defendants set forth above, the participation of the defendants in planning, preparation, initiation, and waging of wars of aggression and invasions of other countries included the acts and conduct set forth in Counts Three to Seven inclusive, of this Indictment, which acts and conduct were committed as an integral part of the planning, preparation, initiation, and waging of wars of aggression and invasions of other countries included the acts and conduct set forth in Counts Three to Seven inclusive, of this Indictment, which acts and conduct were committed as an integral part of the planning, preparation, initiation, and waging of wars of aggression and invasions of other countries. The allegations made in said Counts Three to Seven are hereby incorporated in this Count.

VIOLATION OF LAW

24. The acts and conduct set forth in this Count were committed by the defendants unlawfully, wilfully, and knowingly, and constitute violations of international law, treaties, agreements, and assurances, and of Article II of Control Council Law No. 10.

COUNT TWO

COMMON PLAN AND CONSPIRACY

25. The defendants WEIZSAECKER, KEPPLER, BOHLE, WOERMANN, RITTER, ERDMANNSDORFF, VEESENMAYER, LAMMERS, STUCKART, DARRE, MEISSNER, DIETRICH, BERGER, SCHELLENBERG, SCHWERIN-KROSIGK, KOERNER and PLEIGER, with divers other persons, during a period of years preceding 8 May 1945, participated as leaders, organizers, instigators, and accomplices in the formulation and execution of a common plan and conspiracy to commit, and which involved the commission of, Crimes against Peace, (including the acts constituting War Crimes and Crimes against Humanity, which were committed as an integral part of such Crimes against Peace) as defined by Control Council Law No. 10, and are individually responsible for their own acts and for all acts committed by any persons in the execution of such common plan and conspiracy.

26. The acts and conduct of the defendants set forth in Counts One, Three, Four, Five, Six, and Seven of this Indictment formed a part of said common plan and conspiracy and all the allegations made in said Counts are incorporated in this Count.

COUNT THREE

WAR CRIMES: MURDER AND ILL-TREATMENT OF BELLIGERENTS AND PRISONERS OF WAR

27. The defendants WEIZSAECKER, STEENGRACHT, RITTER, WOERMANN, ERDMANNSDORFF, LAMMERS, DIETRICH, and BERGER, with divers other persons, during the period from September 1939 to May 1945, committed War Crimes, as defined in Article II of Control Council Law No. 10, in that they participated in atrocities and offenses against prisoners of war and members of the armed forces of nations then at war with the Third Reich or were under the belligerent control of, or military occupation by Germany, including murder, ill treatment, enslavement, brutalities, cruelties, and other inhumane acts. Prisoners of war and belligerents were starved, lynched, branded, shackled, tortured and murdered in flagrant violation of the laws and customs of war, and through diplomatic distortion, denial and fabricated justification, the perpetration of these offenses and atrocities was concealed from the protective powers. The defendants committed War Crimes in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of War Crimes.

28. The murders and other crimes charged in this Count included, but were not limited to, the following:

a. The Third Reich adopted an official policy in 1943 whereby the civilian population was urged to lynch English, American, and other Allied fliers who had been forced by military action to land in Germany. In order to encourage these killings, the Reichsfuehrer SS in August 1943 ordered the police not to interfere in assaults committed by German civilians on English and American "Terror Fliers". The defendant DIETRICH issued a directive that all newspapers withhold from publication any mention of the killing of Allied fliers. The German Foreign Minister and the defendant LAMMERS took part in meetings and conferences which resulted in the formulation, on 6 June 1944, of a decree which stated that captured enemy aviators should be exposed to

"Lynch Law". The defendant RITTER wrote on 20 June 1944 that in spite of the obvious objections, founded on international law and foreign politics, the German Foreign Office was in agreement with the proposed measures. A secret circular issued by Reichsleiter Bormann containing this "Flier Order" was sent to the supreme Reich authorities, including the German Foreign Office, the defendant BERGER, and the defendant LAMMERS, among others; the defendant LAMMERS forwarded this circular to the Reich Ministry of Justice with the statement that the Reichsfuehrer SS had already received necessary police instructions. In accordance with this policy, it was also provided that if these fliers were not lynched by the civilian population, they were, upon capture by German authorities, to be segregated from other prisoners of war, classified as criminals and denied prisoner of war status to circumvent the intervention of the protective power, and turned over to the SD for "special treatment", which meant execution. This plan was initiated by the German Foreign Office through the efforts of the defendant RITTER. As a result of these policies, many American, English, and other Allied fliers were lynched by the German civilian population or murdered by the SD.

b. On 18 October 1942 Hitler issued a decree which ordered that all members of Allied "Commando" units, often when in uniform and whether armed or not, were to be "slaughtered to the last man", even if they attempted to surrender. It was further provided that if such Allied troops came into the hands of the military authorities after being first captured by the local police, or in any other way, they should be handed over immediately to the SD for "special treatment". Under the provisions of this policy, many Allied troops were murdered, and the defendants WEIZSAECKER, STEENGRACHT, RITTER, WOERMANN, and ERDMANNSDORFF, among others, with full knowledge of these killings, informed the protective powers through diplomatic channels that these troops had been killed "in combat".

c. In March 1944 approximately fifty officers of the British Royal Air Force, who escaped from the camp at Stalag Luft III where they were confined as prisoners of war, were shot on recapture. The German Foreign Office was fully advised and prepared "cover up" diplomatic notes to the protective power, Switzerland. Thadden of the German Foreign Office wrote to Wagner, a subordinate of the defendant STEENGRACHT, stating that a communication was being sent to Great Britain via Switzerland to the effect that, in the course of a search, "a number of British and other escaped officers had to be shot as they had not

obeyed instructions when caught." In furtherance of this policy to shoot escaped prisoners of war upon recapture, the defendant RITTER issued a warning notice, disclosing the creation of so-called "death zones" for the alleged protection of "vital installations" wherein "all unauthorized persons will be shot on sight". A letter from the German Foreign Minister to the defendant RITTER in July 1944 stated that the Fuehrer was in agreement with the German Foreign Office communication to the Swiss Embassy concerning the escape of the prisoners of war from Stalag III, and that he further agreed to the issuance of the warning notice and the forwarding of such a communication to the Swiss Embassy.

d. Between November 1944 and January 1945, plans were formulated to murder a French general who was a prisoner of war in German custody. A number of conferences were held between officials of the Office of Chief of Prisoner of War Affairs, the German Foreign Office, and other agencies regarding the detailed arrangements as to the proposed murder. The German Foreign Office prepared diplomatic notes to the protective power, Switzerland, and elaborate precautions were taken to cover up the murder as a justifiable shooting of a prisoner of war "while attempting to escape". The defendants STEENGRACHT and RITTER and their subordinates participated in these arrangements. The French General Mesny was selected on the suggestion of the defendant BERGER. A plan was evolved which culminated in the murder on 19 January 1945, during a fabricated escape incident, of General Mesny. Under the supervision and with the approval of the defendant BERGER, his subordinates in the Office of Chief of Prisoner of War Affairs collaborated with the Gestapo in putting the murder plan into effect.

e. Between September 1944 and May 1945, hundreds of thousands of American and Allied prisoners of war in the custody of the German Reich were compelled to undertake forced marches in severe weather without adequate rest, shelter, food, clothing and medical supplies. Such forced marches conducted under the authority of the defendant BERGER, resulted in great privation and death to many thousands of prisoners.

VIOLATION OF LAW

29. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of International conventions, including the

Hague Regulations, 1907, and the Prisoner of War Convention, Geneva, 1929, of the laws and customs of war; of the general principles of criminal law as derived from the criminal laws of all civilized nations; of the internal penal laws of the countries in which such crimes were committed; and of Article II of Control Council Law No. 10.

COUNT FOUR

CRIMES AGAINST HUMANITY: ATROCITIES AND OFFENSES COMMITTED AGAINST GERMAN NATIONALS ON POLITICAL, RACIAL, AND RELIGIOUS GROUNDS FROM 1933 to 1939

30. The defendants DARRE, DIETRICH, LAMMERS, STUCKART, MEISSNER, SCHWERIN-KROSIGK, RASCHE, KOERNER, KEPPLER, VEESENMAYER, BOHLE, WEIZSAECKER and WOERMANN, with divers other persons, during the period from January 1933 to September 1939, committed Crimes against Humanity as defined in Article II of Control Council Law No. 10, in that they participated in atrocities and offenses against German nationals, including murder, extermination, ill-treatment, enslavement, imprisonment, plundering and looting of property, and other persecutions and inhumane acts committed on political, racial, and religious grounds. The defendants committed Crimes against Humanity in that they were principals in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of Crimes against Humanity.

31. With the appointment of Hitler as Reich Chancellor, and the seizure of government control by the NSDAP on 30 January 1933, a program of persecution of German nationals, on political, racial and religious grounds, was initiated and executed with the participation of the defendants charged in this Count. The persecution was concentrated against political enemies of the National Socialist regime, including members of the Reichstag, party leaders, leaders and officials of the German trade unions, the Catholic and the Protestant churches and other religious denominations, the Free Masons, and persons of Jewish extraction. The decree of 28 February 1933 suspending the constitutional guarantees was used by the defendants to throw alleged political enemies into concentration camps, and to confiscate their property. The persecution on political grounds embraced all political parties, groups, their leading officials, and civil servants. On 7 April 1933, a law was promulgated eliminating from office all civil servants who were opposed to National Socialist ideology. All political

parties, other than the NSDAP, were finally outlawed by the law of 14th July 1933. Their property was confiscated. Starting in February 1933, thousands of political leaders and prominent supporters of other parties were murdered or thrown into concentration camps. The defendants LAMMERS, STUCKART, and MEISSNER participated in legislative measures for the effectuation of these persecutions. The defendant SCHWERIN-KROSIGK, as head of the Reich Treasury, supported the program of persecution by financing budgets for the establishment and management of the SS and of the concentration camps, and accepted the confiscated assets of the political persecutees into the Reich Treasury. The defendant DIETRICH, through his press and propaganda organs, conditioned public opinion for the persecution of those designated as political enemies. The other defendants named in this Count participated in their spheres of jurisdiction in the persecution of non-Nazi civil servants, for example, the defendant STUCKART, in the field of teaching and education and in the administration of the Reich Ministry of the Interior, and the defendant DIETRICH, by banning non-Nazi publishers, editors, journalists, writers and artists from their professions.

32. Before the Nazi government took control, organized labor held a well-established and influential position in Germany. Most of the trade unions of Germany were joined together in two large congresses or federations, the Free Trade Unions and the Christian Trade Unions. The Nazi government, viewing German trade unionism as incompatible with their objectives, dissolved the trade unions, murdered union leaders, threw them into concentration camps, or otherwise mistreated them, and confiscated union funds and their property. The defendant SCHWERIN-KROSIGK financed institutions and personnel engaged in the commission of these persecutions, the defendant LAMMERS coordinated administrative measures at the highest level, and the other defendants participated in their respective spheres of jurisdiction.

33. The persecution of the Christian churches, their clergy and religious orders, and of prominent Christian leaders among the laity, started immediately after the National Socialist government came into power. The defendants LAMMERS and STUCKART were connected with legislative and administrative measures promoting religious persecution such as confiscating church property and suppressing religious orders and religious youth organizations. The defendant SCHWERIN-KROSIGK accepted into the Reich Treasury funds from confiscated church and religious property. Catholic and Protestant clergy, and prominent church

leaders among the laity were mistreated and thrown into concentration camps. The defendants LAMMERS and STUCKART participated in the formulation of legal pretexts for these persecutions. The defendant DIETRICH through his press and propaganda organs, publicized these pretexts and banned religious magazines. Whenever protests were lodged in connection with these persecutions, the defendants WEIZSAECKER and WOERMANN, by denials and deceptions, misrepresented and concealed the prevailing terror, thus paving the way for the continuation and intensification of the persecution of the churchmen.

34. Immediately after the Hitler Government came into power on 30 January 1933, the anti-Jewish policy of the NSDAP was put into effect. This policy was based upon Point 4 of the program of the NSDAP, which declared "only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of creed. Consequently no Jew can be a member of the race." Furthermore the policy was based on the doctrine of the NSDAP that Jews are sub-human beings, as proclaimed by the press and propaganda organs of the NSDAP under the control and supervision of the defendant DIETRICH and as proclaimed by the defendant DARRE, who advocated the elimination of the Jews in numerous books and speeches. The effectuation of this program started early in 1933 with beatings and arrests of Germans of Jewish extraction. The next step was a boycott of Jewish enterprises on 1 April 1933. The Central Committee for this boycott was headed by Streicher and included the defendant DARRE. Beginning 7 April 1933, legislative, administrative and police measures were enacted depriving Germans of Jewish extraction of every conceivable right and economic position that they might have had as German citizens or even as human beings. Germans of Jewish extraction were barred from the professions, including law, medicine, teaching, writing, and the arts and sciences; from all public service, national, state and local; and from the universities and other educational institutions. The defendants LAMMERS, STUCKART, MEISSNER, DIETRICH, BOHLE, DARRE, SCHWERIN - KROSIGK, and KOERNER participated in the formulation, enactment, and execution of these measures. The defendant DIETRICH had jurisdiction in executing these measures in the field of writing, journalism, and the press; the defendant STUCKART supervised the drafting of the executive directives for the administration of the Nürnberg Laws. The other defendants participated in their spheres of jurisdiction in the execution and administration of these laws.

35. As the segregation of Germans of Jewish extraction from the political, cultural and social life of the nation proceeded and was intensified, the defendants, together with other German Government and NSDAP agencies, sought pretexts for the economic stripping and impoverishment of their victims. The defendant DARRE was responsible for the issuance of an order in December, 1937, which prohibited all members of the Reich Food Estate from consulting Jewish physicians or lawyers, or from purchasing in Jewish shops. As part of an intimidation campaign, illegal arrests, prepared with the cooperation of the internal revenue agencies which were under the jurisdiction of the defendant SCHWERIN-KROSIGK, were made in the summer of 1938. The assassination in Paris of the German Legation Secretary von Rath by a Pole of Jewish extraction was seized upon by Reich authorities as a pretext for launching a nation-wide program. The night of 9 to 10 November 1938 unleashed an orgy of arson, destruction, mass arrests and murder against Germans of Jewish extraction. Synagogues were burned, cemeteries were desecrated, private property was wantonly destroyed, and many tens of thousands of persons were thrown into concentration camps and subjected to torture or murdered. The defendant WEIZSAECKER delivered a speech in Paris at the funeral of von Rath expressing his concurrence with this policy of mass reprisal by giving voice to the anti-Jewish battle cry, "Germany Awake". This manufactured pogrom was advertised by the press organs of the defendant DIETRICH as a "spontaneous action of the German masses". A series of governmental measures excluding Germans of Jewish extraction from the national economy, depriving them without compensation of large portions of their property and forcing their emigration as paupers, followed. "Legal" measures designed to expropriate and confiscate the domestic and foreign properties of all Germans of Jewish extraction, were inaugurated in an inter-departmental conference held on 12 November 1938 under the chairmanship of Goering, in which the defendants SCHWERIN-KROSIGK, STUCKART and WOERMANN participated. The defendant BOHLE was immediately informed about the results of the meeting. Among the measures of economic strangulation initiated by and resulting from this conference was the imposition of a collective fine of one billion marks against Germans of Jewish extraction, subsequently collected under the direction of the defendant SCHWERIN-KROSIGK. It was used for war mobilization purposes by agencies of the Four Year Plan, of which the defendant KOERNER was

Secretary of State. The defendants KEPPLER and VEESEN-MAYER participated in the formulation and execution of the "aryanization" of large, privately-owned industrial enterprises. The defendant DARRE participated in the issuance of decrees compelling the forced sale of agricultural and forest lands owned by Germans of Jewish extraction. Members of the German Foreign Office participated in the enforced seizure of properties and the blocking of accounts of German nationals of Jewish extraction located abroad, and the Foreign Organization of the NSDAP under the supervision of the defendant BOHLE, by pressure, intimidation and blackmail, compelled the elimination of all "non-Aryans" from German-owned and controlled enterprises abroad and further attempted to secure partial payment of the aforementioned collective fine from these German nationals. Further, the defendants WEIZSAECKER and BOHLE participated in the formulation and execution of the plan to force German nationals of Jewish extraction to emigrate from the Reich in an impoverished condition. The defendant SCHWERIN-KROSIGK devised tax pretexts to extort from the emigrants their fortunes. Homes of the expropriated were assigned by his department to many officials of the Reich and the NSDAP, among them the defendants WEIZSAECKER and ERDMANNSDORFF.

36. The defendant KEPPLER was a founder and the defendant RASCHE was an active member of a group known as the "Circle of Friends" of Himmler, which, throughout the period of the Third Reich, worked closely with the SS, met frequently and regularly with its leaders, and furnished aid, advice and support to the SS, financial and otherwise, with knowledge that the SS was engaged in various criminal activities including the persecution of Jews and the administration of concentration camps where persons deemed undesirable on political, racial and religious grounds were confined, ill-treated and murdered. This organization was composed of about thirty German business and financial leaders, and a number of SS leaders, including Heinrich Himmler, head of the entire SS from 1929 to 1945; Karl Wolff, Himmler's Adjutant; Oswald Pohl, Chief of the SS Main Economic and Administrative Department; Otto Ohlendorf, a leading official of the SS Main State Security Department; and Wolfram Sievers, Manager of the Ahnenerbe Society and Director of its Institute for Military Scientific Research. The Circle made regular annual contributions of about one million marks to Himmler to aid in financing the activities of the SS. The defendant RASCHE made and procured contributions by the Dresdner Bank to the SS through the Circle, aggregating at least fifty thousand marks

annually for many years and was instrumental in having the monies contributed to the SS through the Circle deposited in a special account at the Dresdner Bank. The defendant RASCHE, through his position and influence in the Dresdner Bank, also participated in various other ways in the persecution program of the Third Reich. During the period here involved, the defendant RASCHE sponsored, supported and approved large loans by the Dresdner Bank, widely known as the "SS Bank", to the SS and its agencies and other organizations, including the Reich Security Main Office (RSHA) and the Security Police and SD, which played significant roles in the persecution of the Jews and the detention of political prisoners in concentration camps. The defendant DARRE also sponsored and supported the program of Jewish persecution which was conducted by the SS. Even before the establishment of the Third Reich, he assisted in the creation of the "Main Race and Settlement Office of the SS" and thereafter, as head of that office and otherwise, he participated in the ideological training of the SS. The defendant RASCHE was party to dismissal by the Dresdner Bank of Jewish officials and employees pursuant to the policy of the Third Reich directed towards complete exclusion of Jews from German life and he was a participant in so-called aryanization transactions and activities of the Dresdner Bank which were carried out as a part of this same policy.

VIOLATION OF LAW

37. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly and constitute violations of international conventions, of the general principles of criminal law as derived from the criminal laws of all civilized nations, of the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

COUNT FIVE

WAR CRIMES AND CRIMES AGAINST HUMANITY: ATROCITIES AND OFFENSES COMMITTED AGAINST CIVILIAN POPULATIONS

38. The defendants WEIZSAECKER, STEENGRACHT, KEPPER, BOHLE, WOERMANN, RITTER, ERDMANNSDORFF, VEESENMAYER, LAMMERS, STUCKART, DARRE, MEISSNER, DIETRICH, BERGER, SCHELLENBERG, SCHWERIN-KROSIGK, RASCHE, KEHRL, and PUHL, with divers other persons, during the period from March 1938 to May 1945, committed War Crimes and Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they participated in atrocities and offenses, including murder, extermination, enslavement, deportation, imprisonment, killing of hostages, torture, persecutions on political, racial and religious grounds, and other inhumane and criminal acts against German nationals and members of the civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by Germany, plunder of public and private property, wanton destruction of cities, towns and villages, and devastation not justified by military necessity. The defendants committed War Crimes and Crimes against Humanity, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups connected with, the commission of War Crimes and Crimes against Humanity.

39. The Third Reich embarked upon a systematic program of genocide, aimed at the destruction of nations and ethnic groups within the German sphere of influence, in part by murderous extermination, and in part by elimination and suppression of national characteristics. The object of this program was to strengthen the German nation and the alleged "Aryan" race at the expense of such other nations and groups, by imposing Nazi and German characteristics upon individuals selected therefrom (such imposition being hereinafter called "Germanization") and by the extermination of "undesirable racial elements". The defendants created, formulated, and disseminated inflammatory

teachings which incited the Germans to the active persecution of "political and racial undesirables". In speeches, articles, news releases, and other publications, it was constantly reiterated that those groups were germs, pests, and subhumans who must be destroyed.

40. Portions of the civilian populations of occupied countries, especially in Poland and the occupied Eastern territories, were compelled by force to evacuate their homesteads, which were sequestered and confiscated by the Third Reich; their properties, real and personal, were treated as revenue of the Reich; and so-called "ethnic" Germans (Volksdeutsche) were resettled on such lands. Concurrent with the invasion of Poland, the defendant LAMMERS participated in the formulation of a program for the strengthening of Germanism in Poland which outlined the task of resettling German nationals and racial Germans in this conquered territory and the elimination of "non-Aryans". A Fuehrer decree signed by the defendant LAMMERS was issued on 7 October 1939, laying the foundation for the consolidation of the territory for "Germanization". The defendant STUCKART prepared orders and issued instructions on Germanization and cooperated closely with the SS Main Race and Settlement Office (RuSHA). Special sections in the Ministry of Food and Agriculture, which supervised the administration of the sequestered agricultural properties, were established by the defendant DARRE. Agencies created by the Ministry of Food and Agriculture and the Reich Food Estate participated actively in selecting German settlers, arranging transport, aiding actual settlement and securing deliveries of agricultural products from these properties to Germanv. German racial registers were established and legislation enacted defining these classes of "ethnic Germans" and other nationals of occupied territories and the puppet and satellite governments eligible for Germanization, and subsequent acquisition, in some instances, of German citizenship was compelled. Individuals who were forced to accept such citizenship or upon whom such citizenship was conferred by decree became amenable to military conscription, service in the armed forces, and other obligations of citizenship. Failure to fulfill these obligations resulted in imprisonment or death; the forced Germanization constituted the basis for such punishment. Those classes of persons deemed ineligible and those individuals that refused Germanization were deported to forced labor, confined in concentration camps, and in many instances liquidated. The defendants WEIZSAECKER, WOERMANN, BOHLE, RITTER, ERDMANNSDORFF, and STUCKART, secured

the évacuation of German nationals and racial Germans from the puppet and satellite governments through negotiations, treaties, and other arrangements made by them and their field representatives in order that they be resettled in the incorporated and occupied territories.

41. In the occupied territories the use of judicial mechanisms was a powerful weapon for the suppression and extermination of all opponents of the Nazi occupation and for the persecution and extermination of "races". Special police tribunals and other summary courts were created in Germany and in the occupied territories, which subjected civilians of these occupied countries to criminal abuse, and denial of judicial and penal process. Special legislation was enacted providing summary trial by these special courts and invoking the death penalty or imprisonment in concentration camps for all members of the civilian population of the occupied territories suspected of opposing any of the policies of the German occupation authorities. The defendant LAMMERS directed policy concerning these judicial measures of "extermination" through the Ministry of Justice in cooperation with Bormann and Himmler. Under the Night and Fog Decree (Nacht-und-Nebel-Erlass), persons who committed offenses against the Reich or the German forces in the occupied territories, except where the death sentence was certain, were handed over to the police and taken secretly to Germany for trial and punishment, without notification to their relatives of the disposition of the case. By virtue of special legislation and authorization, certain classes of civilians in the occupied territories, deemed politically, racially, or religiously undesirable, if suspected of having committed a crime, were deprived of all legal remedy and turned over to the Gestapo for summary treatment. Pleas of clemency were filed with and reviewed by the defendant MEISSNER, prior to their submission to Hitler. The purpose of the aforesaid measures was to create a reign of judicial terror in the occupied countries in order to suppress all resistance and exterminate undesirable elements.

42. In furtherance of the German Reich's program of "pacification" of the occupied territories through terrorism, the arrest, imprisonment, deportation and murder of so-called hostages was effected. Jews, alleged Communists, "asocials", and other innocent members of the civilian population of the occupied countries not connected with any acts against the occupying power were taken as hostages and, without benefit of investigation or trial, were summarily deported, hanged, or shot. These innocent victims were executed or deported at arbitrarily established ratios for attacks

by person or persons unknown on German installations and German personnel in the occupied territories. In many cases the recommendation and approval of the German Foreign Office, with the participation of the defendants WEIZSAECKER, STEENGRACHT, BOHLE, WOERMANN, RITTER, ERDMANNSDORFF, and their representatives, was required prior to the execution of these measures and the necessary diplomatic "cover-up" was effected to conceal the nature of these crimes.

43. Recruitment drives were conducted in the occupied territories and the puppet and satellite governments within the German sphere of influence by the defendant BERGER. SS units were organized in these countries and SS recruits were obtained, often by compulsion, from among prisoners of war and the nationals of these countries. Through coercive methods, political measures and propaganda, these recruits and conscriptees were assigned to Waffen SS military divisions, the administration of the SS concentration camp system, specially-constituted penal battalions (such as the notorious Dirlewanger Sonderkommando) and other SS and police units. These units engaged in the commission of atrocities and offenses against the civilian populations of occupied and satellite countries, and the defendant BERGER formulated and disseminated inflammatory doctrines inciting these and other units to commit such crimes.

44. Simultaneously with German aggressive expansion, the anti-Jewish activities of the defendants were extended to the incorporated, occupied, and otherwise German-dominated countries. Deprivation of civil rights and expropriation of the property of Austrian, Czechoslovakian, Polish and other nationals of Jewish extraction were initiated by the defendants immediately after annexation or occupation of the country. The defendant STUCKART supervised the drafting of legislative acts and the other defendants collaborated, in their respective governmental spheres, in the execution of this program, in the course of which tens of thousands of foreign nationals of Jewish extraction were thrown into concentration camps and tortured, and many of them were murdered. The defendant BERGER furnished SS personnel to staff these camps. The defendant DARRE supervised a food rationing program under which Jews were excluded from distributions of vital food, and thereby weakened and exposed to sickness and death. The defendant WEIZSAECKER participated in appropriating German Foreign Office funds for pogroms in Lithuania.

45. The above-mentioned inhumane acts were followed by barbarous mass killings of people of Jewish extraction and other foreign nationals in the occupied territories. In May 1941, the defendant SCHELLENBERG drafted the final agreement which established special task forces called "Einsatzgruppen" for the purpose of exterminating hundreds of thousands of men, women and children populations regarded as racially "inferior" or "politically undesirable". Through the execution of this program, the eastern territories, regarded by the defendants as "Lebensraum" for a greater Germany, were to be vacated of all people viewed as dangerous to plans for German hegemony in the East. The progress reports on these killings, regularly submitted to the German Foreign Office by the RSHA and German Foreign Office field representatives, were brought to the attention of the defendants WEIZSAECKER, WOERMANN, and ERDMANNSDORFF, to assist in the shaping of political policies for the disposition of occupied territories.

46. A program for the extermination of all surviving European Jews was set up by the defendants in the winter of 1941 and 1942 and organized and systematically carried out during the following period. Through the efforts of the defendants DARRE, BERGER, DIETRICH and others, the rationale and justification for, and the impetus to, mass slaughter were presented to the German people. During inter-departmental conferences on the "Final Solution of the Jewish Question", which took place in Berlin on 20 January 1942, 6 March 1942 and 27 October 1942, the policy and techniques for the "Final Solution of the Jewish Question" were established. The policy-making session of 20 January 1942 included the state secretaries or representatives of the ministries and agencies concerned; the defendant STUCKART participated in the conference, the defendant LAMMERS was represented by his Ministerial Director Kritzinger, and the German Foreign Office was represented by Under-State Secretary Luther, who reported the results of the conference to his State Secretary, the defendant WEIZSAECKER, immediately after the conference. In the two other conferences, the details were arranged. They were attended by the representatives of the departments of which the defendants were policy makers or leading officials.

47. The previous program for driving out the Jews as pauper emigres was now supplanted by a program for the evacuation of eleven million European Jews to camps in Eastern Europe for ultimate extermination. They were to be transported to those areas in huge labor gangs, and there the weak were to be killed

immediately, and the able-bodied worked to death. Closest cooperation between the departments of which the defendants were leading officials was provided, with the RSHA in charge of the actual operations.

48. In the execution of this program millions of people of Jewish extraction from Austria, Czechoslovakia, Poland, France, Belgium, the Netherlands, Denmark, Norway, Hungary, Bulgaria, Yugoslavia, Roumania, the Baltic States, the Soviet Union, Greece, Italy, and also from Germany were deported to the Eastern extermination areas and murdered according to inter-departmental plan. The defendants LAMMERS and STUCKART were principally connected with the formulation of the genocidal policy, and the defendant DIETRICH conditioned public opinion to accept this program, by concealing the real nature of the mass deportations. Since by far the greater part of the victims of this genocidal program were nationals of puppet and satellite countries dominated by the Third Reich, the German Foreign Office through the defendants WEIZSAECKER, STEENGRACHT, KEPPLER, BOHLE, WOERMANN, RITTER, ERDMANNSDORFF, and VEESENMAYER and the defendant BERGER, forced these governments to deport persons of Jewish extraction within their countries to German extermination camps in the East and directed and controlled the execution of these measures. The decree of 1 July 1943, formulated with the participation of the defendant STUCKART and others and signed by the defendant SCHWERIN-KROSIGK, deprived all Jews in Germany of judicial process and authorized the police to punish "all criminal actions committed by Jews", and provided for the confiscation of property of persons of Jewish extraction by the Reich after their death.

49. The defendant PUHL, as the leading official of the Reichsbank, directed and supervised the execution of an agreement between Funk and Himmler for the receipt, classification, deposit, conversion and disposal of properties taken by the SS from victims exterminated in concentration camps. These properties, totalling millions of Reichsmarks in value, included, among other things, gold teeth and fillings, spectacle frames, rings, jewelry and watches. To insure secrecy, the deliveries from the SS were credited to a fictitious account and the transaction was given a code name. The proceeds were credited to the account of the Reich Treasury under the defendant SCHWERIN-KROSIGK.

50. The defendants KEPPLER and RASCHE, during the period following the initiation by Germany of its invasions and wars of aggression, continued their membership and activity in the

"Circle of Friends" of Himmler and furnished aid, advice and support to the SS through the Circle and otherwise. Early in 1942, the defendant KEHRL became a member of the Circle and thereafter participated actively in meetings and affairs of the Circle. The activities of the SS during this period included participation in schemes for Germanization of occupied territories according to the racial principles of the Nazi Party, deportation of Jews and other foreign nationals and widespread murder and ill treatment of the civilian populations of occupied territories. The defendant SCHWERUN-KROSIGK financed the budget of and furnished other fiscal support for the SS. The Dresdner Bank, with the support and approval of the defendant RASCHE, furnished substantial financial and other assistance to the SS both in Germany and in the incorporated and occupied territories. The defendant RASCHE also sponsored, supported and approved the furnishing of financial and other assistance by the Dresdner Bank to agencies of the Third Reich which were active in the formulation and execution of the programs of the Third Reich for Germanization of incorporated territories, deportation and ill treatment of the civilian population of occupied countries, and persecution of Jews and other persons deemed racially or politically undesirable. The agencies of the Third Reich to whom large loans were made by the Dresdner Bank included the Deutsche Umsiedlungs-Treuhandgesellschaft (commonly known as DUT), established pursuant to instructions of the Reich Commissioner for the Strengthening of Germanism and headed by the defendant KFPPLER. The latter participated actively in extending to countries which came under the control of Germany the policy of the Third Reich to exclude Jews from political and economic life and was instrumental, together with the defendant RASCHE, in application of this policy to employees of the Dresdner Bank, its branches and affiliates in such countries.

VIOLATION OF LAW

51. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of international conventions, including the Hague Regulations, 1907, and the Prisoner of War Convention, Geneva, 1929; of the laws and customs of war; of the general principles of criminal law, as derived from the criminal law of all civilized nations; of the internal penal laws of the countries in which such crimes were committed; and of Article II of Control Council Law No. 10.

COUNT SIX

WAR CRIMES AND CRIMES AGAINST HUMANITY: PLUNDER AND SPOILIATION

52. The defendants WEIZSAECKER, STEENGRACHT, KEPPLER, WOERMANN, RITTER, DARRE, LAMMERS, STUCKART, MEISSNER, BOHLE, BERGER, KOERNER, PLEIGER, KEHRL, RASCHE, and SCHWERIN-KROSIGK, with divers other persons, during the period from March 1938 to May 1945, committed War Crimes and Crimes against Humanity as defined in Article II of Control Council Law No. 10, in that they participated in the plunder of public and private property, exploitation, spoliation and other offenses against property and the civilian economies of countries and territories which came under the belligerent occupation of Germany in the course of its invasions and aggressive wars. The defendants committed War Crimes and Crimes against Humanity in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the commission of War Crimes and Crimes against Humanity.

53. The countries and territories occupied by Germany were exploited for the German war effort in a most ruthless way, without consideration of the local economy and in pursuance of a deliberate design and policy. These plans and policies were intended not only to strengthen Germany in waging its aggressive wars, but also to secure the permanent economic domination by Germany of the continent of Europe. The methods employed to exploit the resources of the occupied territories varied from country to country. In some occupied countries, exploitation was carried out within the framework of the existing economic structure and a pretense was maintained of paying for property which was seized. This pretense merely disguised the fact that the raw materials, machinery and other goods diverted to Germany were paid for by the occupied countries themselves, either by the device of excessive occupation costs or by forced loans in return for a credit balance in a "clearing account" which was a nominal

account only. In other occupied countries, economic exploitation became deliberate plunder and no pretense of legality was maintained. Agricultural products, raw materials needed by German factories, machine tools, transportation equipment, other finished products and foreign securities and holdings of foreign exchange were seized and sent to Germany. In all the occupied and incorporated territories, there was wholesale plunder of art treasures, furniture, textiles, and other articles.

54. The defendants charged in this Count participated in the formulation and execution of various parts of the aforesaid plans and programs for the exploitation and spoliation of the occupied countries and territories. The defendants LAMMERS and STUCKART formulated and signed various decrees authorizing confiscations of property in the occupied countries. They attended meetings at which occupation policies were discussed and formulated, received reports concerning the execution of such policies, and participated in a wide variety of ways in the furtherance of such policies. The German Foreign Office and the defendant SCHWERIN-KROSIGK played a significant role in establishing and carrying out programs for economic exploitation in various occupied countries, particularly in occupied territories in the west. These programs included exaction of excessive occupation indemnities, establishment of so-called "clearing accounts" and the transfer to German ownership of industrial participations and foreign investments by means of compulsory sales. The defendants WEIZSAECKER, WOERMANN, STEENGRACHT and RITTER received reports from the representatives of the German Foreign Office concerning the planning and execution of these programs and were participants in such programs. The defendant RASCHE directed and supervised activities of the DRESNER BANK and its affiliates in occupied western areas involving economic exploitation, including particularly activities involving transfer of control of Dutch enterprises to selected German firms through the process called "Verflechtung", which was an "interlacing" of Dutch and German capital and economic interests. The defendant KEHRL drafted and participated in the execution of the so-called "Kehrl Plan" for the exploitation of the textile industry in the occupied western territories and otherwise participated as Generalreferent in the Reich Ministry of Economics in the programs for economic exploitation in the occupied territories. Under the Kehrl Plan, complete control was obtained by Germans of the existing textile production in the occupied regions of Belgium and Northern France, and enormous quantities of raw

materials and finished products were transferred from the occupied western territories to Germany.

55. The Nazi program for exploitation of the agricultural resources of the territories occupied by Germany was planned and executed as to obtain the utmost from the occupied areas with complete disregard for the needs of the inhabitants. Food in vast quantities was removed from the occupied countries and shipped to Germany by a number of techniques ranging from outright seizure to elaborate financial schemes designed to establish a pretense of payment. The foodstuff quotas for occupied areas were set by the Office of the Four Year Plan, headed by the defendant KOERNER and in which defendant DARRE's representative from the Ministry of Food and Agriculture was an active participant. The orders for fulfillment of these quotas were transmitted by the Ministry of Food and Agriculture to the competent officials in the occupied areas, with the various agencies directed by the defendant DARRE participating in the acquisition of the agricultural products and in their storage and distribution within Germany. The defendant KOERNER, as Goering's representative for the management of the Economic Executive Staff, East, an organization established to organize and direct economic spoliation of occupied eastern territories, was an active participant in the execution of its plans and programs which called for plundering all industry in and abandoning food-deficit regions, and diverting food to German needs from food-surplus regions. The defendant RASCHE participated in furnishing substantial financial and other assistance to Reich agencies involved in the exportation to Germany of Polish goods and products, particularly food and agricultural products.

56. The defendants KEHRL and RASCHE were prominent figures in the plunder of public and private property in Czechoslovakia. By virtue of powers delegated by Reich Minister of Economics Funk, the defendant KEHRL directed and reviewed German acquisitions of industrial and financial properties in the Sudetenland and the "Protectorate", and he and the defendant RASCHE were specifically empowered by Goering to acquire and regroup major segments of Czech industry so that they could be coordinated effectively with the German war effort. The defendants KEHRL and RASCHE drafted and executed plans for the seizure of control of important Czech coal, steel and armament properties. With the defendant KEHRL supervising, the defendant RASCHE acted as the sole negotiator for many of the properties selected for acquisition, and he was authorized to employ

all necessary means and devices, including the use of forced expropriations. As a result of the activities of the defendants RASCHE and KEHRL, the Hermann Goering Works, largely influenced and controlled by the defendants PLEIGER and KOERNER, secured ownership and control of plants and properties forming the foundation of the industrial life of Czechoslovakia. The defendants KEHRL and RASCHE also participated in the transfer of control of major financial institutions in Czechoslovakia to Germans. Even before the Munich Pact was signed, the defendant RASCHE selected the Sudeten branches of the Boehmische Escompte Bank (BEB) and the Zivnostenska Bank as prime targets in the expansion plans of the Dresdner Bank. Immediately after the German Army occupied the Sudeten Region, the defendant RASCHE obtained the consent of the defendant KEHRL for exclusive negotiations rights to acquire these branches. The result of negotiations with these Prague banks, conducted by the defendant RASCHE, was the absorption of their Sudeten branch banks by the Dresdner Bank at no cost to itself. Thereafter, before the seizure of the remainder of Czechoslovakia by Germany, the Dresdner Bank, with the approval of the defendant KEHRL, planned to gain control of the BEB itself. Immediately after the occupation of Bohemia and Moravia, the defendant RASCHE obtained the defendant KEHRL's approval for taking over the BEB and, without waiting for the formalities of transfer to be completed, the Dresdner Bank assumed direction of the operations of the BEB. The formal change of control was then accomplished by writing down the value of existing shares and issuing new shares, to which the Dresdner Bank subscribed. The Dresdner Bank, by the use of similar techniques, acquired the Bank fuer Handel und Industrie, formerly Laenderbank, Prague, and merged it with the BEB. The defendant RASCHE further participated in, facilitated and sought advantages from the program of aryanization introduced into countries occupied by Germany designed to expel Jews from economic life and involving threats, pressure and coercion to force Jews to transfer their properties to Germans.

57. The German program for the exploitation and spoliation of incorporated and occupied territories was particularly ruthless in the East. The defendant STUCKART was active in the affairs of the Main Trustee Office East (Haupttreuhandstelle Ost), an agency prominent in the execution of such program in Poland. The defendant KEPPLER participated in the exploitation of Poland through his position and activity in various spoliation

agencies, including the Deutsche Umsiedlungs-Treuhandgesellschaft. The defendant RASCHE participated in furnishing substantial financial and other assistance to Reich agencies involved in the sequestration and confiscation of Polish and Jewish enterprises and properties in Poland. Various defendants, including KOERNER, LAMMERS, and STUCKART, assisted in the formulation, even before the attack on the Soviet Union, of the program for the fullest exploitation of all Soviet economic resources and thereafter in the execution of such program. The defendant KOERNER, as Deputy to Goering as Plenipotentiary for the Four Year Plan, also participated in the formulation and execution of measures under the decree of 29 June 1941 which directed the Plenipotentiary for the Four Year Plan to order all measures in the newly occupied Eastern Territories which were necessary for the utmost exploitation of supplies and economic power found there, for the benefit of the German war economy. The defendant BERGER, as liaison officer between Rosenberg, in his capacity as Reich Minister for the Occupied Eastern Territories, and Himmler, was active in the execution of various parts of the plans for spoliation in the East. The defendants SCHWERIN-KROSIGK, DARRE, LAMMERS, KOERNER, PLEIGER, STUCKART and KEHRL, among other defendants, took part in numerous meetings at which exploitation policies were discussed and plans were made. The defendant LAMMERS was present at a conference of 16 July 1941, at which Hitler stated that the task faced as of "cutting up the giant cake according to our needs, in order to be able: first to dominate it, second, to administer it, and third, to exploit it."

58. As a part of the program of the Third Reich for the exploitation of the Soviet Union, all Soviet property was declared to be "Property Marshalled for the National Economy" (Wirtschafts-Sondervermoegen) belonging to the German State. Special corporations, called Monopolgesellschaften of Ostgesellschaften, organized for the express purpose of exploiting the specialized industrial field, were appointed "trustees" to operate Soviet industrial facilities exclusively for the German war economy. The defendants PLEIGER and KOERNER, during the period from August 1941 to March 1943, were General Manager and Chairman of the Verwaltungsrat (Supervisory Board), respectively, of the Berg- und Huettenwerke Ost GmbH (commonly referred to as BHO), the "trustee" for the iron, steel and mining industry and the main spoliation agency in its field of operations. After March 1943, the defendant PLEIGER was both General Manager and

Chairman of the Verwaltungsrat. The BHO was responsible, among other things, for the exploitation of coal and ore mines, the draining off of raw materials from the occupied territory; the transfer under sponsorships (Patenschaft) of industrial plants to private enterprise for exploitation in the interests of Germany; and the dismantling of some Ukrainian plants and shipment of the parts to Germany for use in German enterprises. As the German war situation worsened, many plants were destroyed, and machines, installations, and materials were removed, stored, and distributed by the BHO. The Hermann Goering Works, with defendant PLEIGER playing a leading part, engaged in various transactions in conjunction with the BHO involving the economic spoliation of the Soviet Union. The defendant KEHRL was Chairman of the Verwaltungsrat of Ostfaser GmbH and its subsidiary companies, which were established as "trustees" for the textile industries in the Soviet Union and other occupied Eastern territories. The activities of these "trustees", directed and supervised by the defendant KEHRL, included the taking over and operation of hundreds of textile plants, the seizure of enormous quantities of raw materials and the exportation to the Reich of seized materials and plant production. The necessary financing for these activities was obtained, in considerable part, from credits advanced by the Dresdner Bank and its affiliates, with the support and approval of the defendant RASCHE. The defendant KEPPER was a leading figure in the Kontinentale Oel A.G. which was designated to exploit the oil resources of the Soviet Union and other occupied territories which fell into German hands.

59. The wholesale seizure of cultural and art treasures and other articles extended to all occupied territories and countries. The defendant LAMMERS signed and circulated decrees which authorized seizure and confiscation of such articles in incorporated and occupied territories, attended meetings at which plans for such seizures were discussed, received reports concerning seizures which had been effected, and assisted in a variety of ways in the execution of the program which involved plunder of museums, libraries and private homes. The defendants WEIZSAECKER, WOERMANN and RITTER, in their positions in the German Foreign Office, received and acted upon reports relative to seizures and looting of cultural and art treasures, the activities in the Soviet Union being carried out in part by a special "battalion" which was sent to the East by the German Foreign Office to seize and send to Germany objects of cultural and historical value. The defendant BERGER, as Chief of the Political Direct-

ing Staff of the Reich Ministry for the Occupied Eastern Territories, assumed charge in 1943 of the Central Office for the Collection of Cultural Objects, established in April 1942 as an office of Rosenberg's Einsatzstab within the Ministry for Eastern Affairs. The defendant BERGER was an active participant in the transfer to Germany of a vast number of art treasures and other articles seized in the East.

VIOLATION OF LAW

60. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of international conventions, including the Hague Regulations, 1907; of the laws and customs of war; of the general principles of criminal law as derived from the criminal laws of all civilized nations; of the internal penal laws of the countries in which such crimes were committed; and of Article II of Control Council Law No. 10.

COUNT SEVEN

WAR CRIMES AND CRIMES AGAINST HUMANITY: SLAVE LABOR

61. The defendants WEIZSAECKER, STEENGRACHT, WOERMANN, LAMMERS, STUCKART, RITTER, VEESENMAYER, BERGER, DARRE, KOERNER, PLEIGER, KEHRL, PUHL, and RASCHE, with divers other persons, during the period from March 1938 to May 1945, committed War Crimes and Crimes against Humanity as defined by Article II of Control Council Law No. 10, in that they participated in enslavement and deportation to slave labor on a gigantic scale of members of the civilian populations of countries and territories under the belligerent occupation of, or otherwise controlled by, the Third Reich; enslavement of concentration camp inmates including German nationals; the use of prisoners of war in war operations and work having a direct relation to war operations; and the ill treatment, terrorization, torture, and murder of enslaved persons, including prisoners of war. The defendants committed War Crimes and Crimes against Humanity in that they were principals in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations or groups connected with, the commission of War Crimes and Crimes against Humanity.

62. The acts and conduct referred to above were carried out as part of the slave labor program of the Third Reich, which was deliberately and carefully planned both to maintain German military power and to weaken the countries and territories occupied by Germany. The resources and needs of the occupied countries were completely disregarded in the execution of these plans and enterprises, as were the family honor and rights of the civilian populations involved. In many instances the work assigned was of a nature which compelled the laborers to assist military operations against their own countries; prisoners of war were often compelled to work on projects directly related to war operations. At least five million workers were deported to Germany. Other inhabitants of occupied countries were conscripted and compelled to work in their own countries to assist the German war economy.

In many cases labor was secured through fraud or by drastic and violent methods, among which were included systematic impressment in the streets and police invasions of homes. Persons deported were transferred under armed guard, often packed in trains under cruel and degrading conditions without adequate heat, food, clothing or sanitation. Millions of persons, including women and children, were subjected to such labor under cruel and inhumane conditions including lack of adequate food or decent shelter, which resulted in widespread suffering and many deaths. The treatment of slave labor and prisoners of war was based on the principle that they should be fed, sheltered and treated in such a way as to exploit them to the greatest possible extent at the lowest expenditure.

63. The defendants charged in this Court participated in the program of the German Government, in the planning of the program, in effecting deportations, in allocating laborers, and in the enslavement and mistreatment of the laborers in the course of their employment. To achieve the Third Reich's goals the close cooperation of numerous ministries, agencies and industrial enterprises was necessary. The defendant LAMMERS coordinated the activities of the various Nazi agencies involved, resolved their jurisdictional disputes, and served as liaison between these agencies and Hitler. In such capacities the defendant LAMMERS presided at major conferences on the labor problem where he mediated conflicting views and offered his own suggestions to the direct administrators of the program, such as Sauckel. His influence in slave labor matters was consistently exercised in the direction of the strongest execution of the enslavement program. On 21 March 1942 the defendant LAMMERS, with Hitler and Keitel, signed legislation appointing Sauckel as Plenipotentiary General for the Utilization of Labor and directing Sauckel to use all available labor including foreign workers and prisoners of war to mobilize still unreached manpower in Germany and the occupied territories. The defendants LAMMERS, STUCKART and BERGER participated in the formulation, drafting and issuance of laws and decrees which regulated the wages and conditions of employment of slave labor, and the defendants LAMMERS and STUCKART also determined the respective priorities of labor recruitment drives. At an important manpower conference in July 1944, where, with the defendant LAMMERS presiding, the introduction of more ruthless methods of conscription and exploitation of slave labor were discussed, the defendant STEENGRACHT stated that continuous political and diplomatic pressure

would be maintained on the puppet and satellite governments to secure their maximum cooperation in effecting these measures.

64. In the planning and execution of the slave labor program the German Foreign Office was principally responsible for obtaining the consent, by political and diplomatic pressure, coercion and intimidation, of satellite governments and others dominated by Germany, to the conscription and deportation of workers to Germany. The defendants WEIZSAECKER, STEENGRACHT, WOERMANN, RITTER, and VEESENMAYER supported and effected such transfers and deportations on a large scale. Their participation in the slave labor program included securing the enactment of compulsory labor laws for occupied and satellite countries, conducting negotiations and bringing pressure upon those governments to send workers to Germany, urging military commanders in the occupied territories to fill manpower quotas, giving "legal" advice and justifications to German authorities, and defending or concealing the character of the labor program from the inquiries of neutral States acting as protecting powers, and sanctioned the use of prisoners of war in war operations.

65. The defendant BERGER participated in the planning and execution of the enslavement and subsequent deportation of the civilian population of the occupied Eastern territories to the Reich. Military and police battalions were recruited by the defendant BERGER for the purpose of effecting such conscriptions and deportations. The defendant BERGER, in cooperation with the defendants LAMMERS and STUCKART participated in the executions of plans for the forcible seizure and impressment of young persons, without regard for age, sex or work status, into the service of pseudo-military organization, variously known as "SS Airforce Helpers", "SS Trainees", "SS Helpers", and "Airforce Helpers". In the so-called "Heu-Aktion", which was a part of the same program, thousands of boys and girls, ten to fifteen years old, were conscripted and deported to the Reich to work in German armament industry. Further, the mobilization of labor of prisoners of war was organized by the defendant BERGER in cooperation with POHL, Chief of the SS Main Economic and Administrative Department.

66. The defendant DARRE directed and supervised staffs which regulated the entire agricultural economy of Germany and guided and controlled the individual conduct of millions of German farmers and their employees. Shortly after the invasion of Poland, the defendant DARRE actively sought a million or more Polish workers to be used on German farms, and, through his represen-

tatives in the General Council of the Four Year Plan, brought pressure upon Hans Frank, Governor General for Occupied Poland, to have this demand for labor satisfied, suggesting forcible and violent measures for "recruitment" where necessary. Deputies of the defendant DARRE were dispatched to the Government General to guarantee that the deportations would be carried out promptly. During the war years the demands of the defendant DARRE were dispatched to the Government General to guarantee that the deportations would be carried out promptly. During the war years the demands of the defendant DARRE for more slave labor were unremitting and hundreds of thousands of persons were deported for the uses of German agriculture. The defendant DARRE advocated a most ruthless treatment of slave laborers employed by German farmers, in full accordance with the racial precepts and standards of National Socialism. With full knowledge of the actual treatment which was being meted out to slave laborers, the defendant DARRE, directly and through his agencies, protested against leniency in the treatment of these "racial enemies", transmitted SS and Nazi Party instructions and warnings to German farmers against humane feeling toward the slave workers, recommended corporal punishment to discourage laziness or refractory attitudes, and suggested that the facilities of the SS and Gestapo be used to maintain good discipline. The defendant DARRE was responsible for the German food rationing program, administered by the Reich Food Offices as part of the Reich Ministry of Food and Agriculture. Foreign workers and prisoners of war were given semi-starvation rations under this program. Within the slave labor group further discriminatory classification along "racial" lines was enforced to the detriment of Poles, Jews, and Russians, both civilians and prisoners of war. As a result of this policy, large numbers of foreign workers were starved to death, others suffered and died from diseases induced by nutritional deficiencies, and others suffered and are suffering from permanent physical impairment.

67. The defendant KOERNER, during the period from September 1939 to May 1945, was permanent deputy to Goering as General Plenipotentiary of the Four Year Plan, charged with the task of representing Goering in all current activities of the Four Year Plan, which, among other things, was concerned with the recruitment and allocation of manpower. The defendant KOERNER participated actively in the formulation and execution of the program for forced recruitment, enslavement and exploitation of foreign workers, and the use and exploitation of prisoners

of war in work related directly to war operations. As Chairman of the General Council for the Four Year Plan, during the period from December 1939 to 1942, the defendant KOERNER dealt with questions of labor conscription and allocation, including the use of forced foreign labor. The General Council had the task of planning and supervising the work of Four Year Plan Departments, and its influence, under the leadership of the defendant KOERNER, was important in the slave labor program. The defendant KOERNER, during the period from April 1942 to April 1945, was a member of the Central Planning Board, which had supreme authority for the scheduling of production and the allocation and development of raw materials in the German war economy. The central planning board determined the labor requirements of industry, agriculture and all other sections of the German economy and made requisitions for and allocations of such labor. The defendant KOERNER had full knowledge of the illegal manner in which foreign workers were conscripted and prisoners of war were utilized to meet such requisitions, and of the unlawful and inhumane conditions under which they were exploited. He attended the meetings of the Central Planning Board, participated in its decisions and in the formulation of basic policies with reference to the exploitation of such labor.

68. The defendant KEHRL, during the period from September 1943 to May 1945, was Chief of the Planning Office of the Central Planning Board and Chief of the Planning Office of the Reich Ministry of Armaments and War Production, in which capacities, among others, he participated actively in the formulation and execution of the slave labor program of the Third Reich. His activities included arrangements for, attendance at and participation in meetings of the Central Planning Board; submittal of proposed assignments of manpower to industry, agriculture and other sectors of the German economy in the Board for decision; and preparation of the decisions of the Board and supervision over their execution. With full knowledge of the nature of the slave labor program, the defendant KEHRL advocated and participated in numerous measures involving the forced recruitment and exploitation of foreign workers, and the use and exploitation of prisoners of war in work directly related to war operations.

69. The defendant PLEIGER, during the period from approximately March 1941 until May 1945, was Chairman of the Praesidium (Governing Board) of the Reichsvereinigung Kohle (commonly known as the "RVK"), an official agency for the regulation of the entire German coal industry. This organization was

given wide powers by the Government and exercised important functions with respect to the procurement, allocation, use and treatment of slave labor, including prisoners of war. The influence and control which this organization had over a large segment of German industry, in which vast numbers of such laborers were forced to work, made it an important agency in the formulation and administration of the slave labor program. The defendant PLEIGER was the dominant figure in the RVK and chief participant in the formulation and execution of policies designed to procure, enslave and exploit such labor. As head of the RVK, the defendant PLEIGER presented the manpower requirements of the coal industry to the Central Planning Board and urged the recruitment and allocation of ever-increasing numbers of slave laborers to the coal mines. He sought out and recruited foreign workers, prisoners of war and concentration camp labor through the Third Reich and satellite governments and agencies, the German military forces, the SS, and elsewhere.

70. The defendants PLEIGER and KOERNER held numerous key positions and were the leading figures in the Hermann Goering Works, a vast Reich-owned industrial empire, the activities of which, among other things, ranged over nearly every branch of mining and heavy industry, and many branches of armament production. The Hermann Goering Works used many thousands of foreign laborers, prisoners of war and concentration camp inmates. In the course of the use of forced labor in enterprises of the Hermann Goering Works, the workers were exploited under inhuman conditions with respect to their personal liberty, shelter, food, pay, hours of work, and health. Repressive measures were used to force these workers to enter, or remain in, involuntary servitude. Prisoners of war were used in work having a direct relation to war operations and in unhealthful and dangerous work. The defendants PLEIGER and KOERNER were active in recruiting slave labor including prisoners of war for these enterprises. The defendant PLEIGER made arrangements for joint enterprises between the SS and the Hermann Goering Works, involving the use of concentration camps workers in such enterprises.

71. The defendants PUHL and RASCHE were active in financing enterprises which, to their knowledge, were primarily created to exploit slave labor. Beginning in 1939 the defendant PUHL, acting directly, through the instrumentality of the Reichsbank and otherwise, conducted negotiations with the SS concerning a loan of eight million Reichsmarks (RK 8,000,000) to the Deutsche

Erd und Steinwerke (commonly known as the DEST), an SS economic subsidiary which was explicitly designed to utilize concentration camp labor for the purposes of the Four Year Plan. Upon the recommendation of the defendant PUHL, this loan was granted by the Golddiskontbank. Thereafter, he further assisted the DEST in securing additional large loans, obtaining reductions in interest rates on such loans, and receiving extensions of time for repayment. The defendant RASCHE took a leading role, in conjunction with Emil Meyer, his colleague in the SS, the "Circle of Friends", and the Vorstand of the Dresdner Bank, in sponsoring, supporting, approving, and obtaining approval for loans totalling millions of Reichsmarks to enterprises which used concentration camp labor on a wide scale and under inhumane conditions. The enterprise to which such loans were made included numerous industries and services maintained and operated throughout Germany and the occupied countries by the Main Economic and Administrative Department (Wirtschafts- und Verwaltungshauptamt, commonly known as the WVHA), which was a main department of the SS charged with the operation, maintenance, administration and establishment of concentration camps. In many instances the loans were unsecured and in other instances secured only by a so-called "declaration of the Reichsfuehrer SS".

VIOLETION OF LAW

72. The acts and conduct of the defendants set forth in this Count were committed unlawfully, wilfully, and knowingly, and constitute violations of international conventions, including the Hague Regulations, 1907, and the Prisoner of War Convention Geneva, 1929; of the laws and customs of war; of the general principles of criminal law as derived from the criminal laws of all civilized nations; of the internal penal laws of the countries in which such crimes were committed; and of Article II of Control Council Law No. 10.

COUNT EIGHT

MEMBERSHIP IN CRIMINAL ORGANIZATIONS

73. The defendants WEIZSAECKER, KEPPLER, BOHLE, WOERMANN, VEESENMAYER, LAMMERS, STUCKART, DARRE, DIETRICH, BERGER, SCHELLENBERG, RASCHE, KEHRL, and KOERNER, are charged with membership, subsequent to 1 September 1939, in Die Schutzstaffel der National-sozialistischen Deutschen Arbeiterpartei (commonly known as the "SS"), declared to be criminal by the International Military Tribunal, and Paragraph 1 (d) of Article II of Control Council Law No. 10.

74. The defendant SCHELLENBERG is charged with membership, subsequent to 1 September 1939, in the Sicherheitsdienst des Reichsfuehrers SS (commonly known as the "SD"), declared to be criminal by the International Military Tribunal, and Paragraph 1 (d) of Article II of Control Council Law No. 10.

75. The defendants BOHLE, DARRE, DIETRICH and KEPPLER are charged with membership, subsequent to 1 September 1939, in categories of the Leadership Corps of the Nazi Party, declared to be criminal by the International Military Tribunal, and Paragraph 1 (d) of Article II of Control Council Law No. 10.

WHEREFORE, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to the Military Tribunals.

/s/ Telford Taylor

TELFORD TAYLOR

Brigadier General, USA

Chief of Counsel for War Crimes

Acting on Behalf of the

United States of America.

Nürnberg, 15 November 1947.