What are we doing at NUREMBERG?
UNO 'BRAIN TRUST'
To Train Discussion Units

The Brain Trust will soon return to London from its month-long tour of occupied Germany to help organize a school for training panel units.

A four-man international military team, The Brain Trust, discussed the United Nations Organization in a demonstration of film and symposium technique before students of the I & E Orientation Training School in Hocsh, Germany, on 30 January 1946, in their first appearance on the continent. Preceding the discussion, an Canadian Film entitled 'Now - The Peace' was shown. It described the actual organization of UNO and the steps leading up to it.

Acting as chairman of the panel was Capt. Fred I. Kent, AUS, Executive Officer, London Area Office, I & E. Representative for Britain was Capt. David Orr, on DS from the elite Royal Horse Guards; for Canada, Capt. Robert McKenzie, Education Officer for the Canadian Army overseas; and for America, T/S Charles Benesch from I & E headquarters.

All four have been in London, following closely the meetings of the Preparatory Commission of UNO which began there on 10 January. They had met and talked to delegates to the conference.

Each Speaker A Specialist

Cpl. Benesch specializes in the work of the General Assembly, the Trusteeship Council, and the International Court. Capt. McKenzie discusses the Security Council, and Capt. Orr takes up the Economic and Social Council, which controls the administration of UNRRA, the International Bank, UNESCO (the United Nations Educational, Scientific and Cultural Organization), and other social agencies of UNO.

After brief introductory remarks on the purpose and responsibilities of each branch of UNO, the discussion is thrown open to questions from the floor. Just what problems are emphasized from then on depends, of course, on what sort of questions are directed to members of the panel.

In England the program was presented some 26 times before British and Canadian troops. At Aldershot it was required orientation for Canadian expatriates before they went home.

Following its appearance at the I & E School in Hocsh, 'The Brain Trust' began a tour of American and British armies of occupation. It was sponsored in the US Zone by I & E Service, Hq. USFET, and in the British Zone by the British and Canadian Army Education Corps.

Coverage of the American Zone began 8 February in Munich, where the panel appeared before 3d Army units. Then they moved on to Frankfurt, Kassel, the 7th Army area in and around Heidelberg, and finally Berlin. They are now ending a two weeks tour of the British Zone.

HELP WITH VISUAL AIDS

Eye-catching displays are an attractive and far from overworked means of keeping troops aware of current events and social problems which affect their jobs and the future they are helping to build.

Visual aids are a supplement to and never a substitute for mandatory orientation. They can be used to turn otherwise barren wall space or bulletin boards into productive orientation media.

Displays consisting of news pictures, cartoons, headlines, posters, maps locating and briefly describing important events of the day, photographs of men and women in the news, or copies of important documents such as the Charter of the United Nations Organization, are readily available methods of attracting attention and stimulating interest.

Visual displays can often simplify what appears to be a complex subject. Charts and graphs illustrating the disparity between wages and cost of living, or the operation of the Bretton Woods agreement, can do much in removing the "this stuff is beyond me" attitude.

Many units have their own special interest which should be exploited. Organizations near Austria may be interested in background material on the history of that country since 1938, while units near Holland may flock to see displays on Nazi damage to the dikes. Subjects dealing with the Pacific theater should not be neglected.

Available for use in displays are Stars & Stripes, the Paris edition of the Herald Tribune, special editions of Time and Newsweek, the overseas edition of the New York Times, as well as magazine and orientation kits.

Copies of newspapers and magazines sent to members of the unit present another source. A central collection box where they may be deposited will prove to be a mine of materials.
The following is a reprint of an article from a recent I & E Digest. It is based on an address to I & E student officers by Brig. Gen. John F. Davis, Deputy Director, I & E Division, War Department.

We have waged this war in terms of the American character. It is a matter of pride that while the American soldier is drafted, trained and disciplined to fight and kill the enemy, he is at the same time encouraged to preserve the independence of thought and belief which belong to him as a citizen of the United States.

The Army is keeping for him the individual man’s share in democracy. Our enemies might say that there is not very much democracy in any army. We could reply that war forces vast regimentations, but we prove our strength in our ability to be efficient in the forms of war, and to use them for our larger end of victory for our way of life.

How did Americans accept the national decision to build the greatest Army and Navy in the national history? They accepted it with realism, but not with the enthusiasm of a people who are at heart militaristic. Through their elected representatives, our citizens created our vast national force of arms to defend what they inherited and what they mean to keep for the future.

Serving Inner Needs

How has the high command of the Army repaid them? By the high character of the Army’s leadership, by the thorough training and equipment of the men, and by the development of a new group of Army services over and above ordinary housing, messing, medical care and entertainment.

The good commanding officer has always known that his men are made up of outer and inner lives. He has always instinctively responded to the needs of both sides of what makes a soldier.

He welcomes now, in this war, the services which inform and enlighten and educate and encourage his troops. These are services translated from civilian life to give the American soldier what he is used to, and what he needs in terms of that inner life where all belief is lodged, where initiative begins, and where his resolve is born.

Why have we said, for several years now, that the aim of the Army is to have the best informed soldiers in the world? It is because, as citizens of a long-standing democracy, we trust the intelligence of the average man when he is well informed. We trust him at the polls in civilian life. We trust him in uniform as he submits to the outward regimentation required for military efficiency.

Urges Trust, Faith In Troops

We not only trust our men. We respect them. Who are they? The armed forces of America in this war are made up of what will amount to perhaps fifteen million of our best people. By all standards they are the nation’s best, because they are in the time of their greatest physical vigor, and are mentally qualified for service to their country.

In the bitterest part of American history, our fighting forces have ranged across the world to face furious enemies on enemy ground. In both hemispheres they have achieved complete victory. In due course they will come home, having finished their military task, to resume another kind of task that has no end. Their full participation in the economic and social life of the country will be needed, if the objectives of this war are to be converted into values beyond the immediate value of victory.

Those who have served in the armed forces will return with the quality of leadership in them. They will be charged with the further responsibility — a responsibility they cannot avoid — of making certain that this country will be the kind of country they meant to save.

They will not make this certain by words alone, or by hopes, but by actively taking part in the citizen’s ministry of government.

Veterans And World Peace

You can help our soldiers now to fix forever in their minds and hearts the meaning of the duty when they take off their uniforms, and the new duty they will assume with the same act. You can serve them, and the country whose Army you belong to, if you will share with them your understanding of the American heritage, and its principles of citizenship.

We have seen, and have reaffirmed by our unity in this war, what endless resources of resolution and power lie at the roots of our tradition. We have surely learned all over again, by defending it, the preciousness of the American system of government.

The veteran of this war will be concerned with the kind of country and world and future for which he fought. He will be greatly responsible for that future. From his community, if he keeps the faith for which he fought, will grow the spirit of the state, and from the state, the nation. And where his nation stands in the future of the world we shall find the answer to the world’s hope of total peace, which free men everywhere so profoundly desire.
Plans for the economic reconstruction of Germany were formally outlined in a recent memorandum from the State Department to the Office of Military Government, US Zone, printed in MG’s Weekly Information Bulletin.

Secretary of State, James Byrnes, in a short explanatory statement, said that the memorandum was intended to “make clear the American conception of the meaning of the Potsdam Declaration as it bears on the present and impending economic issues in Germany.”

Outlining the general process of German recovery, Mr. Byrnes described three main stages, of which the first is all but over.

“This will be an exceedingly bad winter for Germany,” he said, “although only slightly more difficult than for certain liberated areas.” Feeding the population and cutting down on coal exports would make our occupation job easier, he said, but is out of the question because it would be done at the expense of liberated areas.

Survey of the German economy and reactivation of industry and transport constitute the second step. Increased coal output will be encouraged to provide a sufficient quantity to meet everyone’s needs.

The third and final stage will be reached following completion of repair work by 2 February 1948. Then the standard of living will improve and the Germans will regain control over their own economy.

Such is the broad outline of the US policy. The actual steps in carrying it out as defined in the State Department memorandum and clarified by Mr. Byrnes follow.

It was agreed at Potsdam that German recovery would in no case precede that of countries ravaged by German arms. It was recognized, however, that a stable German economy was essential to future world harmony, and that United Nations aid would be necessary in financing minimum imports to prevent mass starvation, disease and unrest.

Increased export of coal to liberated areas was the first aim of the American policy. The rate of recovery in Europe depended on coal supplies available this winter, and it was our intention to hasten recovery in liberated areas even if it meant delaying it in Germany.

Reparations Survey Made

A survey to ascertain the volume of reparations available from the three western Zones of occupation was made by the Allied Control Council early this year. It was the Council’s task to determine the amount and type of industrial equipment unnecessary for German peacetime economy, and to set up the machinery to carry out repair and disarmament programs agreed upon at Potsdam.

Removal of this equipment will eliminate production of finished arms and implements of war, and drastically reduce the capacities of metallurgical, machinery, and chemical industries. One of the Potsdam principles was that Germany should not regain a peacetime standard of living sooner than the countries she had exploited. Equipment desired by a reparation recipient, therefore, will not be withheld to maintain installations and structures in working order.

After reparation removals, Germany’s industrial capacity should be physically capable of producing a standard of living equivalent to the European average in, say 1948, exclusive of Great Britain and the Soviet Union.

Seek To Bar Rearmament

Our purpose as stated by Mr. Byrnes is not to restrict or reduce the German standard of living. It is aimed primarily at prevention of rearmament. However, it is expected that the living standard will fall short of the European average for some time to come.

Sufficient equipment will be left after reparation removals to repair rail and road transport systems over a period of five years, and to overcome the building shortage in 20 years. Due to the limited supply of fuel, food, raw materials, and the slow progress in economic and political reorganization, it is doubtful that the country can operate up to the limits of its capacity right away.

In the period of occupation, we hold that the occupying powers are not obliged to provide imports sufficient to bring the German standard of living up to the European average. The present standard of supply in Germany, so far as the United States is concerned, is still governed by the “disease and unrest” formula.

Provision needs to be made for capacity to produce exports (from sources other than the metal, machinery and chemical industries) with which to pay for estimated current imports. Allied responsibility, however, is only to provide reasonable opportunity for the attainment of this export-import balance, not to guarantee that it will be achieved.

Germans Responsible For Economy

Germans themselves must assume responsibility for the performance of their own economy. To this end, the occupying authorities should devote primary attention to the development of German administrative machinery, not only in the fields of intrazonal production and trade but in interzonal and international trade, and in the application of common policies in transport, agriculture, banking, currency, taxation, etc. Denazification should be completed as soon as possible.

Agreement within the Allied Control Council on policies to be followed in various aspects of the German economy and in devising interzonal machinery for carrying them out is also of primary importance.
Note to the Discussion Leader —

The purpose of this discussion guide is to establish some of the principle points of law governing the Nuremberg trials. As in any discussion of law among laymen, there is always the danger of the discussion bogging down over fine points of law that should be discussed among lawyers only. The group leader must watch for any such tendency, and keep the discussion on general lines. It is far more important that the group breaks up with a good understanding of the broad, basic aspects of the legal case against the Nuremberg defendants than to go away arguing technical points of the law. If there is a lawyer in the unit, or someone with legal training, the group leader might consult beforehand with him for advice in guiding the discussion.

Most of the basic legal points of the case against the individuals and organizations on trial at Nuremberg have been covered in this guide. It is therefore suggested that the leader stick close to the outline, rather than allowing discussion on points wherever they come up. If someone in the group wants to discuss a point that is included in the outline, the leader might ask him to hold his contribution for a couple of minutes, pointing out that "we'll get to that in few minutes."

Another point to remember: since this is a discussion aimed at explaining the legal points of the case, the leader should not let the group get mired in argument over the actual crimes the Nazis committed. The discussion should be limited to the law of the case.

Because the Nuremberg trials are concerned with a specific case against the top Nazis and a half dozen political, police and military organizations which were instrumental in planning and executing the Nazis crimes, there is the danger that the group

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**OUTLINE**

I. INTRODUCTION
   A. One-way International Law
   B. Failure in 1919
   C. Moscow Declaration

II. WHY WAR TRIALS?
   A. Punish the Guilty
   B. Re-educate Germans
   C. Establish Crimes

III. LAW OF THE CASE
   A. Possible Defense
   B. Victors over Vanquished

IV. GUILT OF ORGANIZATIONS
   A. The Charges
   B. Implications

V. GUILT OF PEOPLE
   A. Political Guilt
   B. Bold Attempt at World Domination

VI. CONCLUDING TALK
may overlook the collective political guilt of the German people as a whole for these crimes. Some members of the group may point to the evidence against the defendants on trial at Nuremberg as indication that the whole people did not share the guilt for Nazi Germany's unenviable record. Section V of this guide will help the leader counter these opinions.

The leader can refer to the following publications for additional background material for the discussion:

**Information Bulletin:**
- **10 July 1945** — "Legacy to Fascism."
- **11 November 1945** — "The Nuremberg Trials."

**ET Army Talks:**
- **10 July 1945** — "Crime & Punishment."
- "Hitler-Mussolini Ideas Still Endanger Europe."
- **26 August 1945** — "German Bigwigs Prepare Their Alibis."
- **4 November 1945** — "24 versus Humanity"
- **11 November 1945** — "War Criminals"

### I. INTRODUCTION

(Use Your Own Words):

World War II was marked by a greater disregard for international law and the laws of humanity than any previous war. It opened with a war crime when, on 1 September 1939, the territories of Poland were bombed by a thousand German planes without the declaration of war provided for in Article I of the Third Hague Convention (1907) or the Opening of Hostilities, and in violation of the German-Polish Treaty of Non-Aggression of 26 January 1934. The whole course of the war was notable for what the late President Roosevelt termed in his "Four Freedoms" speech "a new one-way international law, which lacks mutuality in its observance and, therefore, becomes an instrument of oppression."

Since early in World War II, steps were taken to place the facts on record, and to avoid the situation which occurred after the first World War, when after long delays war criminals were allowed to escape punishment for their deeds.

The failure in 1919 to bring the guilty to judgement was directly tied up with preparation and launching of World War II. Many of the politicians, militarists and industrialists who promoted World War I lived to help build the new Nazi war machine.

To see that the instigators and leaders of World War II do not get another chance to perpetrate their crimes upon the world, and to discourage future would-be conquerors, a United Nations War Crimes Commission was set up in October, 1943, representing 17 countries. Each country, in addition, set up its own investigators and sent its lists of accused to the central Commission. Thus the Czechoslovaks have put 250,000 Germans on their provisional list of war criminals. By June of 1945, the War Crimes Commission had put 3,085 alleged war criminals on its own list.

It was from this list that the International Military Tribunal now sitting at Nuremberg chose the first group of 24 accused. Also accused before the
Tribunal are certain political and police organizations such as the Sturmbteilungen (SA) and Schutzstaffeln (SS) which if proved "criminal" in nature will render prima facie (i.e. assumed) the guilt of thousands of members now in allied hands. We shall discuss this point — in greater detail later. 

Moscow Declaration

The Declaration of War Criminals made at Moscow on 1 November 1943 by Roosevelt, Churchill and Stalin is clear as to who are war criminals, and into which categories they fall.

"The United Kingdom, the United States and the Soviet Union," reads the Declaration, "have received from many quarters evidence of atrocities, massacres and cold-blooded mass executions which are being perpetrated by Hitlerite forces in many of the countries they have over-run and from which they are now being steadily expelled.

"Accordingly, the aforesaid three Allied Powers, speaking in the interests of the thirty-three United Nations, hereby solemnly declare and give full warning of their declaration as follows. At the time of granting of any armistice to any government which may be set up in Germany, those German officers and men and members of the Nazi Party who have been responsible for or have taken a consenting part in the above atrocities, massacres and executions will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished.

"The above declaration is without prejudice to the case of German criminals, whose offenses have no particular geographical localization, and who will be punished by joint decision of the Governments of the Allies."

For those war criminals who came under the first classification of the Moscow declaration — those who committed specific atrocities in definite localities — the question of jurisdiction was never a problem. When taken into custody, they were to be sent back to stand trial in whatever country their crimes were committed.

It was to handle the big shots who started the war, "whose offenses have no particular geographical localization," and whom many countries wanted to bring to justice, that the International Military Tribunal was set up last August. It was formed by the United States, the United Kingdom, Soviet Russia and France, "acting in the interests of all the United Nations."

The Charges

The Charter of the International Military Tribunal lists the Crimes in this manner:

(A) "Crimes Against Peace. Namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurance, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.

(B) "War Crimes. Namely, violations of laws and customs of war. Such violations shall include, but
not be limited to, murder, ill-treatment or deportation to slave labor or for other purposes of civilian population of, or in occupied territory, murder or ill-treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages or devastation not justified by military necessity.

(C) "Crimes Against Humanity. Namely, murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population, before or during the war; or persecutions on political, racial or religious grounds in execution of, or in connection with, any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated."

As to specific charges, the prosecution called upon the United States to charge the defendants with waging aggressive war, Britain to charge them with breaking international treaties, and France and the Soviet Union to charge them with breaking rules of war on the western and eastern fronts, respectively.

II. WHY WAR TRIALS?

The Nuremberg trial, which has no precedent in legal history, began last November and is still going on. It isn't the first war crimes trial to come out of World War II, and it won't be the last. But it is the most important - the one in which it will be determined whether or not International Law can be enforced by punishing people who violate it.

Before we get into the law of the case, however, let's consider some of the reasons for having a trial at all. The Allies, as victors over vanquished, could just throw the whole gang into prison for life, or shoot them. This could be done without the bother and delay of a formal trial. Yet the Allies chose to hold such a trial, and are being extremely careful to make it a fair trial.

Question: What do the Allies hope to accomplish by conducting formal trials of accused war criminals? Does anyone think the trial is unnecessary?

The first and most obvious reason for the trial is to punish those found guilty. The victorious Allies, composing as they do the overwhelming majority of the world's population, represent the world's sense of justice, which would be outraged if the crime of war were again to remain unpunished.

There is little doubt the top Nazis will be punished. But there are mistakes which we must not make, and which we are trying to avoid by fair trials.

It is unlikely that anyone would deny the justice of a Greek or Czech or Frenchman wanting to take revenge on a German soldier who had just fired his house or killed his wife. But individual revenge in itself serves only a temporary purpose - to relieve one's feelings - and in the sphere of international relations has no forward-looking, constructive function.

On this subject, Justice Robert H. Jackson, chief American prosecutor, has said: "That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgement of the law is one of the most significant tributes that Power has ever paid to reason."

Justice must and will be administered sternly, but it will also be administered fairly.

Re-educating the Germans

A second and very important reason for giving the Nazi leaders a fair trial is the re-education of the German people. If the Germans see their leaders punished without fair trial, or if they see trumped-up charges used against their nationals, it would be a severe blow to the plans we have of impressing them with democratic processes.

This plan of re-education represents a difficult enterprise, and a long one. The efforts free peoples will have to make in order to reintegrate Germany in the international community of nations cannot succeed if this re-education is not carried out effectively.

François de Menthon, chief French prosecutor at the beginning of the trials said to the Tribunal, in connection with this point, "The initial condemnation of Nazi Germany by your High Tribunal will be the first lesson for these peoples and will constitute the best starting point for the work of the revision of values and re-education which must be its (Germany's) great concern during the coming years."

"...Without your verdict, history might incur the risk of repeating itself, crime would become epic... and new Pan-Germanists would soon say to the Germans: 'Hitler and his companions were wrong because they finally failed, but we must begin again some day on other foundations the extraordinary adventure of Germanism.'"

Establish Crimes

Another necessity for having trials is to establish the deeds of these Nazi leaders as crimes.

If we just went ahead and condemned the defendants without trial, Sir Hartley Shawcross, chief British prosecutor points out, "not so would the Rule of Law be raised and strengthened on the international as well as upon the municipal plane; not so would future generations realize that right is not always on the side of the big battalions; not so would the world be made aware that waging of aggressive war is not only a dangerous venture but a criminal one. Human memory is short."

Expanding on his point, Justice Jackson declared: "Unless we write the records of this movement with clarity and precision, we cannot blame the future if in days of peace it finds incredible the accusatory generalities uttered during war. We must establish incredible events by credible evidence."

If we are to make sure these crimes won't be committed again, there must come out of this war some unmistakable rules and workable machinery of
minds had accepted the theory that there was nothing either illegal or criminal in starting a war. Both parties in any war were considered to be equally justified and had equal rights.

Shortly before, and after World War I, however, the world tended to reverse this opinion. A much older idea was revived, an idea that had been taught by Grotius, "the father of international law." The idea was that a nation does not have a right to make war on another nation without cause — and it can't just make up any reason to justify starting the war.

The result was that a vast network of treaties and agreements' numbering, according to the Chief British Prosecutor, nearly a thousand and including practically all of the nations of the world, grew up to establish war as an unsatisfactory and illegitimate means of settling international disputes.

The first of these was the Hague Convention of 1899 for the Pacific Settlement of International Disputes. This and another Convention in 1907 reaffirming and slightly strengthening the previous one, still fell short of outlawing war. But they were the first steps toward the body of rules of law on which the prosecution's case is built.

Subsequent agreements definitely termed aggressive war a crime. The Geneva Protocol of 1924 for the Pacific Settlement of International Disputes, signed by the representatives of 48 governments, declared that "a war of aggression constitutes an international crime." Germany Calls War A Crime.

Germany Calls War A Crime

The Eighth Assembly of the League of Nations in 1927, on unanimous resolution of the representatives of 48 member nations, including Germany, declared that "a war of aggression constitutes an international crime."

The Briand-Kellogg Pact of 1928, the most significant of all the treaties and agreements, went even further toward outlawing war. In this pact, Germany, Italy and Japan, in common with practically all the nations of the world, renounced war as an instrument of national policy, bound themselves to seek the settlement of disputes only by pacific means, and condemned recourse to war for the solution of international controversies.

"In that treaty," says Sir Hartley, "...practically the whole civilized world abolished war as a legally permissible means of enforcing the law or of changing it... Whatever the position may have been at the time of the Hague Convention, whatever the position may have been in 1914, whatever it may have been in 1918... no international lawyer of repute, no responsible statesman, no soldier concerned with the legal use of armed forces, no economy could doubt that with the Pact of Paris in the Statute Book, a war of aggression was contrary to international Law."

Justice Jackson further points out the importance of bearing in mind the difference between the Allied charge that this war was one of aggression and a position that Germany had no grievances. The Allied stand, according to Justice Jackson, is one that whatever grievances a nation may have, however objectionable it finds the status quo, aggressive warfare is an illegal means for settling those grievances. It may be, he says, that Germany in the 1920's and 1930's faced desperate problems, problems which would have justified the boldest measures short of war. All other methods — persuasion, propaganda, economic competition, diplomacy — were open to an aggrieved country, but aggressive warfare was outlawed.

Question: Are we trying men for acts that were not crimes before?

The chief French prosecutor, de Menthon, said: "Let the accused not be astonished by the charges brought against them, and let them not dispute at all this principle of retroactivity... War crimes are defined by international law and by the national law of all modern civilizations. The accused knew that acts of violence against the persons and property and human rights of enemy nationals were crimes for which they would have to answer before international justice."

Sir Hartley put it this way: "If this be an innovation, it is an innovation which we are prepared to defend and justify, but it is not an innovation which creates a new crime. International law had already, before this Charter was adopted, constituted aggressive war as a criminal act.

"(The Charter) fills a gap in the international criminal procedure. There is all the difference in the world in saying to a man, 'You will now be punished for what was not a crime at all at the time you committed it,' and in saying to him, 'You will now pay the penalty for conduct which was contrary to law and a crime when you executed it, although, owing to the imperfection of the international machinery, there was at that time no court competent to pronounce judgment against you.' It is the latter course we adopt."

Question: Is a man guilty of a crime if he follows his superior's orders?

The Charter of the International Military Tribunal recognizes individual responsibility on the part of those who commit acts defined as crimes, or who incite others to do so, or who join a common plan with other persons, groups or organizations to bring about their commission. The Charter further recognizes that one who has committed criminal acts may not take refuge in superior orders nor in the doctrine that his crimes were acts of states.

"These twin principles," says Justice Jackson, "working together have heretofore resulted in immunity for practically everyone concerned in the really great crimes against peace and mankind... Modern civilization puts unlimited weapons of destruction in the hands of men. It cannot tolerate so vast an area of legal irresponsibility."
"Let the accused not be astonished...

This is what the chief American, British and French prosecutors have to say about individual responsibility for war crimes:

Justice Jackson states: "There is doubtless a sphere in which the defense of obedience to superior orders should prevail. If a conscripted or enlisted soldier is put on a firing squad, he should not be held responsible for the validity of the sentence he carried out. But the case may be greatly altered where one has discretion because of rank or the latitude of his orders. And of course, the defense of superior orders cannot apply in the case of voluntary participation in a criminal or conspiratorial organization..."

De Menthon: "... they cannot be justified by the pretext that an order from above was given by Hitler to the defendants. The theory of justifying fact of an order from above has, in national law, definite fixed limits; it does not cover execution of orders whose illegality is manifest..."

"Nor can they escape their responsibility by arguing that they were not the physical authors of the crimes. The war crimes involve two responsibilities, distinct and complementary, that of the physical author and that of the instigator."

Sir Hartley: "In the criminal courts of our countries, when men are put upon their trial for breaches of the municipal law, it not frequently happens that of a gang indicted together in the Dock, one has the master mind, the leading personality. But it is no excuse for the common thief to say "I stole because I was told to steal," for the murderer to plead "I killed because I was asked to kill." And these men are in no different position for all that it was nations they sought to rob, and whole peoples which they tried to kill."

**Question:** The Nazis claim an individual cannot be made personally liable for an act ordered or affirmed by his State. Do you think this "act of State" doctrine should be considered a legal defense for the war criminals?

The National Lawyers Guild of America contends that there is no valid precedent for applying the so-called "act of State" doctrine to war criminals. To do so, claims the Guild, would largely nullify the laws of warfare since virtually all violations could be defended as having been ordered by the State. It would be contrary to the precedents of military tribunals which have punished individual war offenders time and time again although those offenders have acted under the direction of their governments.

"To apply this doctrine," the Guild declares, "would mean that all violations of the rules of warfare could be legalized by a State under the control of lawbreakers."

Sir Hartley puts it this way:

"The State is not an abstract entity. Its rights and duties are the rights and duties of men. Its actions are the actions of men. It is a salutary principle, a principle of law, that politicians who embark upon a particular policy of aggressive war should not be able to seek immunity behind the intangible personality of the State. It is a salutary legal rule that persons who, in violation of the law, plunge their own and other countries into an aggressive war should do so with a halter around their necks."

**IV. GUILT OF ORGANIZATIONS**

*Introductory Talk (Use Your Own Words):*
The men on trial at Nuremberg today represent only a small portion of those whose guilt and punishment will ultimately result from the evidence. Also accused before the Tribunal as criminal organizations are certain political and police organizations which the evidence shows to have been joined in the common principles of planning and executing the Nazi crimes.

The worst of these were the leadership corps of the NSDAP (Nazi Party), the Schutzstaffeln or "SS", the Sturmbabteilungen or "SA", and the subsidiary groups they included. These were the Nazi Party's leadership, espionage and policing groups. They were, in the words of Justice Jackson, "the real government, above and outside any law."

Also accused as organizations are the Reich Cabinet, the Secret State Police (Gestapo), the High Command and the General Staff of the German Armed Forces.

"We recognize," says Justice Jackson, "that to plan warfare is the business of professional soldiers in every country. But it is one thing to plan strategic moves in the event a war comes, and it is another thing to plot and intrigue to bring on that war. We will prove the leaders of the German General Staff and of the High Command have been guilty of just that."

The chief French prosecutor de Menthon argues: "Perhaps it will seem to you that to doom to punishment hundreds of thousands of men who belonged to the SS, to SD, to the Gestapo, to the SA, awakens some objection. I should like to try... do away with that objection by showing you the dreadful responsibility of these men. Without the existence of the organizations, without the spirit which animated them, one would not succeed in understanding how so many atrocities could have been perpetrated. The systematic war of criminality could not have been carried out by Nazi Germany without these organizations, without the men who composed them..."

"The members of these organizations became voluntarily the authors of this iniquitous mass of crimes."

**Question:** What does establishment of the "criminal nature" of these organizations imply?

Establishment of the criminal nature of these organizations means that members would automatically be presumed guilty of participating in the criminal activities of the organization, until they proved themselves otherwise.

The next stage, following such a verdict, would be to identify and try before other tribunals the individual members not already personally convicted in the present trial. But instead of the prosecution having to prove the man's guilt, the individual will have to prove himself free from complicity in the criminal acts charged against the organization of which he is accused of being a member. Every defense will be open to him, Justice Jackson points out, except that he may not dispute the findings of the Tribunal as to the criminal nature of the organization to which he is accused of belonging. He may plead personal excuses, such as that he was not a member or that he did not know the criminal nature of the organization or that he did not participate in the crimes, or he may plead extenuating circumstances, such as that he joined under duress.

Speaking before the Tribunal, Justice Jackson recently said, "The questions which relate to these organizations go to the very basis of the proposal made by President Roosevelt to the Yalta Conference, agreement upon which was the basis for this proceeding. The United States would not have participated in this kind of determination of questions of guilt but for this plan of reaching some thousands of others who, if less conspicuous, are just as guilty of these crimes as the men in the dock."

**V. GUILT OF THE PEOPLE**

**Question:** Does the fact that only the top Nazi leaders and organizations are on trial at Nuremberg today in any way lessen the guilt of the German people as a whole for Nazi Germany's lawless record of war and in humanities?

We must remember that Justice Jackson is building a specific case against specified persons and organizations accused of criminal acts. These men, he points out, were the "planners and designers, the inciters and leaders, without whose evil architecture the world would not have been for a long time seared with the violence and lawlessness, and wracked with the agonies and convulsions, of this terrible war."

While Justice Jackson does not indict, neither does he absolve the German people as a whole for their collective political guilt for allowing the Nazi Party to grow into the monstrous organization that terrorized the world.

Lack of opposition to the Nazi regime indicates that the roots of the Party were in the German people as a whole. Germans had the choice — to fight fascism or to accept it. Only a relatively few made the choice of fighting it. They were so few that the Nazis were able to persecute and execute them while the remainder of the population, even if they didn't approve, stood by and condoned these outrages.

Here is what one famous German, Thomas Mann, now an American citizen, has to say about the guilt of the people as a whole: "I regard it not only as absurd, but also as unworthy, to differentiate between the German people and Nazism in such a degree as to look upon Germany as Hitler's first victim, as the first nation to be subjugated by National Socialism. If there is such a thing as collective responsibility, if there is such a thing as a nation, then National Socialism is nothing but the form which Germany assumed in order to carry out the boldest attempt at world domination that history has ever seen."
VI. Concluding Talk

(Use Your Own Words):

There is little doubt that the trial, itself, is much bigger than the men being tried. After justice has been done, Goering, Hess and his crowd may be forgotten. But the whole world will continue to have a vital stake in some of the legal ideas that come out of this trial. Ideas live longer than men.

This trial represents an attempt to place under international law acts that all civilized people already consider crimes. It is an attempt to make individuals legally responsible for their parts in starting and waging aggressive war. It is an attempt to make peoples who sign treaties and pledges abide by their word, for without faith that what is meant, and that what is undertaken will be observed, all hope of peace and security is dead.

There will probably, in the course of history, be future Hitler's and Goering's, future would-be conquerors of the world. It is doubtful that law, or any threat of punishment, would keep such men from their attempts to incite wars. But besides such men, there are listed in the indictment men representing every group necessary to the conduct of war — financiers, industrialists, diplomats, economists, military men and propagandists. If the sanctions of law can be applied to these individuals, so that future men of their station know that they will be held personally responsible to international law, therein lies a great hope for peace. Without the support of such men, the Hitler type can never again rise.

New concepts of law are being put to a test in the Nuremberg trials. A new chapter in international law is being written, a chapter that may be of infinite good to mankind.

Justice Jackson concludes:

"The real complaining party at your bar is Civilization. Civilization asks whether law is so laggard as to be utterly helpless to deal with crimes of this magnitude by criminals of this order of importance. It does not expect that you can make war impossible. It does expect that your juridical action will put the forces of International Law, its precepts, its prohibitions, and, most of all, its sanctions, on the side of peace, so that men and women of good will in all countries may have leave to live by no man's leave, underneath the law."

Supper-Forum Popular Feature

The supper-forum club is a form of off-duty orientation which is easily arranged and presents itself as an interesting diversion. A group of officers and enlisted men in Floecht, Germany, have built a weekly supper-forum into such a popular feature that reservations have to be made in advance because of limited seating capacity of the room used.

The group meets for supper, and as the coffee and dessert dishes are cleared away the program begins. A moderator announces the subject and introduces the speakers — usually two — who address the group briefly. An animated discussion period follows the presentation talks. Subjects for discussion are determined by those who participate, the topic voted upon for the succeeding week at each session.

If difficulties are encountered in establishing special messging facilities for the group, the programs can be held in any room of suitable size in which coffee and doughnuts, coke, beer or other refreshments can be served to create an informal atmosphere.


Save your copies of Information Bulletin and bind them. They will form a valuable reference file.
HOW TO HOLD YOUR AUDIENCE

Have you frequently or occasionally had difficulty in getting and holding the attention of your men during discussion periods? When you take the floor to introduce the topic; when you summarize at the close of the hour; or when you speak for brief periods during the meeting, it is important that you do so convincingly and effectively. You don't have to be an orator. Far from it. There are, however, a few points to remember... a few "tricks of the trade" which can help you do a better job. If you are not employing the techniques described below, keep them in mind for your next orientation hour. Chances are it will run more smoothly.

Know Your Subject

There is no substitute for adequate preparation. The audience is quick to detect uncertainty and inaccuracy. The well-informed speaker, however, is not called on to tell all he knows, but should stay carefully within his allotted time. If charts or other visual aids are to be used, be thoroughly acquainted with them. Notes should be used sparingly, and long quotations should never be read. Interest always lags when the speaker is looking down at his notes.

Organize Your Material

The listener responds best when he senses movement of thought. The well known "brief pause for station identification" might well be used to help the audience understand where they are in the development of the speech. Transitions should stand out clearly, like the route numbers at a highway intersection — so clear they cannot be avoided. Do not fear repetition or restatement or recapitulation. Good precedent for this is established by radio sponsors who insist that their product be mentioned several times in each commercial plug; and no one doubts that this method "sells."

Avoid Generalities

Find specific facts and pertinent illustrations to make your point definite. "Gritty concreteness" of a specific word is tremendously more effective than a vague, hazy idea. Draw mental pictures, remembering the old saying that "a picture is worth a thousand words." Apply your principle to a situation that is close to the understanding and experience of your audience. Point out how they, personally, are affected.

Watch Your Audience

Keep your eyes on your audience. When your eyes wander, their thoughts wander, too. The eye speaks almost as much as the voice. A blind person rarely becomes a great speaker or singer. By watching closely as you speak, you can feel out the responsiveness of your audience. The attention span can last only a short time; you have to keep them with you. As you see their interest lag, change your approach. Draw in some illustrative matter, tell about personal experiences, throw in a joke, change your tone of voice. Wake them up — keep them with you. Remember, your audience is not always as keenly interested in the subject as you are. They have to be held; and to hold them you have to keep ahead of them.

Stress Your Opening

The beginning of your talk is all important. If you can catch interest and attention at the outset you have a good chance of holding it. DON'T apologize. The men realize that you don't know everything; why knock yourself out by telling them so? Start immediately on an interesting feature of your subject. Talk with enthusiasm about the subject. Enthusiasm is contagious and you won't get your men to discuss anything unless you can get them interested in it and anxious to talk about it.
Orientation display boards can do a lot to step up interest in unit I & E programs. Whether you have adequate facilities and materials or are forced to improvise, the benefits resulting from attractive displays are well worth the effort involved. Look over the suggestions below for ideas on how to improve the displays in your own unit area.

1 LOCATION.
Select the location most convenient for the men. Locate in the unit dayrooms, mess hall entrances, covered displays in the company streets, theater entrances or wherever large numbers of troops gather together and have time on their hands and are receptive to ideas.

2 CONTENTS.
In keeping your men “the best informed troops in the world, your Orientation Displays must tell the complete story. Employ every available piece of information and educational material to make your displays effective. Highlight current events, problems of interest to your men, unit news, educational possibilities, our job in Europe and the Pacific, our post war problems, etc.

3 LAYOUT.
Can be very flexible depending upon the available space and the personal ingenuity of your entire I & E Staff. Make your installations colorful and attractive. Don’t tack up the materials unless planned and with captions. Keep the news fresh and make the entire display interesting so your troops will actively participate in the program. During the regular meetings with the I & E Staff discuss layout and latest developments for displays.

4 TIMELINESS.
No one thing detracts from your program or slows it down so much as neglect of your displays and the failure to keep them timely. If the troops know that they will find the “latest” every time they visit the Orientation Displays, your effort will definitely be rewarded. Timely news flashes and stories backed up with news pictures will “sell” I & E to your troops.

5 LIGHTING.
Consider your Orientation Display a billboard or civilian exhibit. Give its lighting the same care you would if you were a manufacturer advertising your merchandise for public consumption. Place your spot lights carefully to best display your material. If spot lights are not available, improvise reflectors around ordinary bulbs by cutting cans and using the shiny side to reflect the light. Effective lighting can be a prime “selling factor” — use it freely.

6 PERSONNEL.
Find a man who likes display work and allow him to exercise his own initiative. Encourage him by giving him credit for his work. The unit newspaper should give him a credit line. His contribution is useful and necessary; don’t reduce it to a shore like KP. Some one man should be given the responsibility for each display and made to feel a pride in the achievement and maintenance of a useful creation.

7 MAINTENANCE.
Assign personnel for the daily maintenance of the displays and encourage them to provide an uninterrupted flow of ideas and suggestions for the improvement of the displays. Daily maintenance is important! Keep your displays in repair . . . . Dress-up, paint-up, protect from the rain and snow. Clean off the accumulated dust and dirt and provide a hammer and nail when needed.

8 PUBLICITY.
Spread the word around. Let the outfit know what facilities are on hand for their convenience. Make reference to the Orientation Displays and their locations, during or after the Orientation Discussion Hours, publicize them in the Unit’s Newspaper. Use directional arrows around camp, pointing the way to your Orientation Displays.

9 IMPROVISATION.
Improvisation, or lack of it, can make or break your Orientation Displays. There are plenty of materials available to make your displays effective if you will encourage your staff to improvise. You can improvise map indicators from colored paper, use thumb tacks, common pins, stapler, hand painted signs, cord dipped in various colors of ink, Scotch tape, colored pencils and photographs taken from Army publications such as Army Talks, Stars and Stripes, and Information Bulletin.
One ton of flying suits, many of which have seen service in the air war over Germany, are on the way to Poland, where they will be worn by Polish dock workers. One of the most serious problems which UNRRA has to face in Poland is the rapid movement of vital supplies from shipboard to docks and thence on to lorries and goods trains. These warm flying clothes will enable dock laborers and drivers to work more efficiently in bitter weather and thus speed up the delivery of goods.

During 1946 UNRRA will be assuming considerably larger responsibilities. In Europe, the programs initiated in 1945 for full-scale aid to Albania, Czechoslovakia, the Dodecanese Islands, Greece, Poland and Yugoslavia are being continued.

UNRRA will also during this year provide supplies for Byelorussia and the Ukraine. Agreements on the same terms as those concluded with other countries receiving UNRRA’s aid, were signed last year providing for missions in both these republics, with headquarters in Minsk and Kiev. Ukraine has requested aid totaling £47,250,000 and Byelorussia £15,250,000.

Relief to Italy, hitherto the responsibility of the Allied armies Commission, is now in the hands of UNRRA. A formal request for relief supplies for Austria has been made by the Allied Control Commission there. Pending the conclusion of arrangements which a small UNRRA mission is now making, the Allied Armies continue to supply the basic necessities of life which must be imported for the Austrian people.

**Finland To Get Aid**

Finland, too, is to receive limited emergency relief, a substantial proportion of which will be medical supplies, at a total cost of about £600,000. The program will, it is expected, apply principally to the Northern districts of Finland devastated by the German army.

In the Far East, the China program will be expanded rapidly and Korea’s and Formosa’s needs will be cared for as part of the relief program for China, the tentative cost of which has been estimated at £168,750,000. Several Chinese ports are now in operation, but the flow of supplies to the interior is greatly hampered by lack of transport.

Programs on last year’s scale continue in Ethiopia and in the Philippines. UNRRA is also scheduled to assist, at an early date, in the care and repatriation of United Nations nationals from the Middle East.

Three Latin American republics have just announced substantial contributions to UNRRA’s funds and stocks of food.

The Dominican Republic has voted to double its export tax during the next two years, contributing the entire proceeds of the tax to UNRRA.

Cuba has offered to pay for 20,000 tons of sugar already shipped to the destitute peoples of Europe. It is allocating and contributing a further 20,000 tons of sugar scheduled to be shipped to Europe by the end of January. Cuba is also offering a sum of approximately £248,750 to UNRRA for the immediate purchase of foodstuffs vitally needed.

Colombia is providing a cash contribution of £585,340 to be used for the purchase of foodstuffs and other essentials, supplies of which are now available in Latin American countries.

* All figures in pound sterling. For other data on rehabilitation, see The Three R’s Of World Peace. Information Bulletin. 16 Dec. 1945.