

SECTION I
INTRODUCTION

In 1921 Adolf Hitler became the supreme leader or Fuehrer of the Nationalsozialistische Deutsche Arbeiterpartei (National Socialist German Workers Party), also known as the Nazi Party, which had been founded in Germany in 1920. He continued as such throughout the period covered by this Indictment. As will be hereinafter shown, the Nazi Party, together with certain of its subsidiary organizations, became the instrument of cohesion among the defendants and their co-conspirators and an instrument for the carrying out of the aims and purposes of their conspiracy. And as also will be hereinafter shown, each defendant became a member of the Nazi Party and of the conspiracy, with knowledge of their aims and purposes, or, with such knowledge, became an accessory to their aims and purposes at some stage of the development of the conspiracy.

I. COMMON OBJECTIVES, METHODS AND DOCTRINES OF THE CONSPIRACY

A. Aims and Purposes. The aims and purposes of the Nazi conspirators were:

1. To abrogate and overthrow the Treaty of Versailles and its restrictions upon the military armament and activity of Germany.

The first major public meeting of the NSDAP took place in Munich on 24 February 1920. At that meeting Hitler publicly announced the Program of the Party. That program, consisting of 25 points (annually reprinted in the National Socialist Yearbook), was referred to as "The political foundation of the NSDAP and therewith the fundamental political law of the state" and "has remained unaltered" since the date of its promulgation. Section 2 of the Program provided as follows:

- "2. We demand equality of rights for the German people with respect to other nations, and abolition of the Peace Treaties of Versailles and St. Germain."

1708-PS - Nationalsozialistisches Jahrbuch
(National Socialist Yearbook), 1944, p. 158.

On August 1, 1923 Hitler declared:

"The day must come when a German government shall summon up the courage to declare to the foreign powers: 'The Treaty of Versailles is founded on a monstrous lie.' We fulfill nothing more. Do what you will! If you want battle, look for it! Then we shall see whether you can turn 70 million Germans into serfs and slaves!"

2405-PS - Adolf HITLERS Reden, (Adolf Hitler's Speeches), p. 90.

In 1929 Hitler said:

"We admit freely and openly that, if our movement is victorious, we will be concerned day and night with the question of how to produce the armed forces which are forbidden us by the peace treaty. We solemnly confess that we consider everyone a scoundrel who does not try day and night to figure out a way to violate this treaty, for we have never recognized this treaty."

2771-PS - Völkischer Beobachter. (People's Observer), 17 March 1929, speech of HITLER.

In his speech of 30 January 1941 Hitler alluded to the consistency of his record concerning the aims of the National Socialist foreign policy, viz:

"My foreign policy had identical aims. My program was to abolish the Treaty of Versailles. It is futile nonsense for the rest of the world to pretend today that I did not reveal this program until 1933 or 1935 or 1937. Instead of listening to the foolish chatter of emigres, these gentlemen would have been wiser to read what I have written thousands of times.

"No human being has declared or recorded what he wanted more than I. Again and again I wrote these words: 'The abolition of the Treaty of Versailles'..."

2451-PS - Der Grossdeutsche Freiheitskampf, Reden Adolf Hitler, (The Great German Fight for Freedom, Speech of Adolf Hitler). pp. 392-393.

Similar views were expressed by other Nazi conspirators.

The defendant Rosenberg stated that the lie of Germany's war guilt was the basis of the Treaties of Versailles and St. Germain. He therefore recommended rearmament in defiance of that Treaty.

2433-PS - ROSENBERG, Wesen, Grundsätze und Ziele der NSDAP, (Character, Foundation and Aims of the NSDAP), p. 13-15.

The defendant Hess, in advocating armament in violation of the Treaty of Versailles, stated that disarmament left the country open to "indignities." In 1936, he declared that "guns instead of butter were necessary for freedom."

2426-PS - HESS, Reden (Speeches of Hess), pp. 47, 200.

2. To acquire the territories lost by Germany as the result of the World War of 1914-1918 and other territories in Europe asserted to be occupied by so-called "racial Germans."

Section I of the Nazi Party Platform imparted advance notice of the intentions of the Nazi conspirators to lay claim to territories occupied by so-called racial Germans. It provided:

"We demand the unification of all Germans in the Greater Germany on the basis of the right of self-determination of people."

1708-PS - Nationalsozialistisches Jahrbuch, (National Socialist Yearbook), 1944, p. 158.

The foregoing section was interpreted by Gottfried Feder (who was officially charged by Hitler with the duty of interpreting the Party Platform) to mean the "...establishment of a closed (geschlossenen) national state which comprises all German tribes (Stamme)". Feder also stated:

"All those of German blood, even if they live at present under Danish, Polish, Czech, Italian, or French sovereignty, are to be united in one German Reich. We demand, neither more nor less than was demanded on behalf of our enemies, the right of self-determination of Germans with regard to their allegiance to the mother-country, the German homeland."

2778-PS - Gottfried FEDER, Das Programm der NSDAP, (The Program of the NSDAP), 1934, pp. 5, 38.

In his Reichstag speech of 20 February 1938 Hitler said:

"The claim for German colonial possession will be voiced from year to year with increasing vigor, possessions which Germany did not take away from other countries, and which today are virtually of no value to these powers, but appear indispensable for our own people."

2772-PS - Dokumente der Deutschen Politik, Band VI (Documents of German Politics), Speech of HITLER, p. 36.

Again, in his Reichstag speech of 30 January 1939 Hitler declared:

"The theft of the German colonies was morally unjustified. Economically, it was utter insanity. The political motives advanced were so mean that one is tempted to call them silly. In 1918, after the end of the war, the victorious Powers really would have had the authority to bring about a reasonable settlement of international problems..."

"The great German colonial possessions, which the Reich once acquired peacefully by treaties and by paying for them, have been stolen - contrary indeed to the solemn assurance given by President Wilson, which was the basic condition on which Germany laid down her arms. The objection that these colonial possessions are of no

importance in any case should only lead to their being returned to us with an easy mind.

2773-PS - Dokumente der Deutschen Politik, Band VII
Titel 2 (Documents of German Politics), pp. 466, 467.
Speech of HITLER.

3. To acquire further territories in continental Europe and elsewhere claimed to be required by "racial Germans" as Lebensraum or living space, all at the expense of neighboring and other countries.

Hitler made it clear that the objectives of the Nazi conspirators set forth above; namely, (i) abrogation of the Treaty of Versailles and (ii) recovery of territories lost in the first World War and annexation of territories occupied by "racial Germans," were, in fact, only preliminary steps in the implementation of an all-inclusive plan of territorial aggrandizement. Thus he stated:

"The frontiers of 1914 signify nothing at all for the future of the German nation. They neither embodied a protection in the past, nor would they embody strength for the future. The German nation will neither maintain its internal integrity through them, nor will its sustenance be guaranteed by them, nor do these frontiers appear appropriate or even satisfactory from a military view-point..."

2760-PS - Hitler, Mein Kampf, 1933 Nachfolger edition, p. 947.

While the precise limits of German expansion were only vaguely defined by the Nazi conspirators, they clearly indicated that the lebensraum to which they felt they were entitled would be acquired primarily in the East. The defendant Rosenberg was particularly insistent in his declarations that Russia would have to "move over" to make way for German living space. He underlined this demand as follows:

"Therefore, the call for our own space, our own bread, is a condition for the validation of spiritual values, the forming of the German character. In this great struggle for existence, for honour, freedom and bread on the part of such a creative nation as Germany, no account can be taken of Poles, Czechs, etc., who are as impotent and presumptuous as they are devoid of values. They must be pushed towards the East, so that the soil may become free for cultivation by Teutonic peasant hands."

2405-PS - ROSENBERG, Der Mythos des 20 Jahrhunderts,
(The Myth of the Twentieth Century) 1934 Edition, p. 676.

"The Russians will have to confine themselves so as to remove their center of gravity to Asia."

2405-PS - ROSENBERG, Der Mythos des 20 Jahrhunderts,
(The Myth of the Twentieth Century), 1933, p. 676.

"The understanding that the German nation, if it is not to perish in the most actual sense of the word, must own ground and soil for itself and its future generations, and the second sober perception that this soil can no more be conquered in Africa, but in Europe and first of all in the East--organically determine the German foreign policy for centuries."

2777-PS - ROSENBERG, Raumpolitik, (Space Policy), p. 199.

In Mein Kampf Hitler threatened war as a means of attaining additional space:

"If this earth really has room enough for all to live in, then one should give up the space that we need for living. One will certainly not like to do this. Then, however, the right of self-preservation comes into effect; and what has been denied to kindness will have to be taken with the fist."

Hitler, Mein Kampf, 1933 Nachfolger Edition, p. 152.

Later in the same volume the threat is repeated in the following terms:

"...we National Socialists must cling unflinchingly to our foreign-policy aims, that is, to guarantee the German nation the soil and territory to which it is entitled on this earth. And this is the only action which, before God and our German posterity, would seem to justify an investment of blood..."

Hitler, Mein Kampf, 1933 Nachfolger Edition, p. 739.

- B. Methods. The Nazi conspirators advocated the accomplishment of the foregoing aims and purposes by any means deemed opportune, including illegal means and resort to threat of force, force and aggressive war.

The use of force was distinctly sanctioned, in fact guaranteed, by official statements and directives of the conspirators which made activism and aggressiveness a political quality obligatory for Party members.

Hitler in 1929 stated:

"We confess further that we will dash anyone to pieces who should dare to hinder us in this undertaking.... Our rights will be protected only when the German Reich is again supported by the point of the German dagger."

2779-PS - Voelkischer Beobachter, (People's Observer), 17 March 1929. Speech by HITLER.

Hitler stated in Mein Kampf:

"The lack of a great, new creative idea means at all times a limitation of the fighting power. The conviction of the justification of using even most brutal weapons is always dependent on the presence of a fanatical belief in the necessity of the victory of a revolutionary new order on this globe."

"A movement which does not fight for such highest aims and ideals will therefore never take the ultimate weapon."

2760-PS - Hitler, Mein Kampf, 1933 Nachfolger Edition 1933, pp. 596-597.

In 1934 Hitler set out the duties of Party members in the following terms:

"Only a part of the people will consist of really active fighters. It is they who were the fighters of the National Socialist struggle. It is they who were the fighters of the National Socialist revolution, and it is they who are the keepers of the National Socialist State. Of them more is demanded than of the millions among the rest of the population. For them it is not sufficient to confess: 'I believe,' but to swear: 'I fight'."

2775-PS - Hitler, Der Kongress zu Nürnberg, 1934 (Nürnberg Party Congress, 1934), p. 211.

This same theme is expressed in the Party organization book:

"The Party includes only fighters who are ready to accept and sacrifice everything in order to carry through the National Socialist ideology."

2774-PS - Organisationsbuch der NSDAP, (Organization Book of the NSDAP), 1937, p. 86.

In Mein Kampf Hitler said:

"One had to make it clear to oneself that this goal (the acquisition of land in Europe) could be reached only through fighting, and quietly to face the passage at arms."

"...the new Reich would again have to start marching along the road of the Knights of the Order of former times to give, with the help of the German sword, soil to the plow and daily bread to the nation."

2760-PS - Hitler, Mein Kampf, 1933 Nachfolger Edition 1933, p. 154.

At the trial of Reichswehr officers at Leipzig in September 1930 Hitler testified:

"Germany is bound hand and foot by Peace Treaties...The National Socialists do not regard these treaties as a law, but as something imposed upon Germany by constraint. We do not admit that future generations who are completely innocent should be burdened by them. If we protest against them with every means in our power, then we find ourselves on the path of revolution."

President of the Court: "With illegal means, too?"

Hitler: "I presuppose for the moment that we have won the day: then we shall fight against the treaties with every means, even from the point of view of the world, with illegal means."

2512-PS - Frankfurter Zeitung, (Frankfurt Newspaper) 26 September 1930. Testimony of HITLER.

Moreover, Hitler stated the true reason for rearmament as follows:

"It is impossible to build up an army and give it a sense of worth if the object of its existence is not the preparation for war. Armies for the preservation of peace do not exist; they exist only for the triumphant exertion of war."

2541-PS - Adolf Hitler, Nationalsozialistische Monatshefte; (National Socialist Monthly Review), No. 3, 1930, p. 101.

C. Doctrines. The Nazi conspirators adopted and published the following doctrines:

1. That persons of so-called "German blood" were a master race and were accordingly entitled to subjugate, dominate or exterminate other "races" and "peoples."

The Nazi doctrine of racial supremacy was incorporated as Point 4 in the Party Program of 24 February 1920, and provided as follows:

"4. 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 confession. Consequently no Jew can be a member of the race."

1708-PS - Nationalsozialistisches Jahrbuch, (National Socialist Yearbook), 1944, p. 158.

The Nazi conspirators' dogma of the racial supremacy of the Germanic peoples was fully elucidated in the writings of the defendant Rosenberg:

"The meaning of world history has radiated out from the north over the whole world, borne by a blue-eyed blond race which in several great waves determined the spiritual face of the world..."

"We stand today before a definitive decision. Either through a new experience and cultivation of the old blood, coupled with an enhanced fighting will, we will rise to a purificatory action, or the last Germanic-western values of morality and state-culture shall sink away in the filthy human masses of the big cities, become stunted on the sterile burning asphalt of a bestialized inhumanity, or trickle away as a morbid agent in the form of emigrants bastardizing themselves in South America, China, Dutch East India, Africa."

"A new faith is arising today: the myth of the blood, the faith, to defend with the blood the divine essence of man. The faith, embodied in clearest knowledge that the Nordic blood represents that mystery which has replaced and overcome the old sacraments."

-PS - U. S. State Dept. "National Socialism" pp. 175-176. Quoting from Rosenberg, Der Mythos des 20 Jahrhunderts, 1935 edition. (The Myth of the Twentieth Century.)

Thus, the Nazi conspirators acclaimed the "master race" doctrine as a new religion - the faith of the blood - superceding in individual allegiance all other religions and institutions.

"The new thought puts folk and race higher than the state and its forms. It declares protection of the folk more important than protection of a religious denomination, a class, the monarchy, or the republic; it sees in treason against the folk a greater crime than treason against the state."

-PS - U. S. State Dept., "National Socialism,"
p. 32, quoting from Rosenberg, Der Mythos des
20 Jahrhunderts, (The Myth of the Twentieth
Century), 1935 Edition, p. 542.

Illustrative of the Nazi conspirators' continued espousal and exploitation of racial dogmas following their accession to power is the legislation which they caused to be enacted. These laws, with particular reference to Jews, are documented below.

(See Trial Brief on Count I, Par. IV D 3 (d) of the Indictment.)

The logical consequence of the "master race" dogma in its bearing on the right of Germany to dominate other "inferior" peoples and to acquire such of their territory as was necessary for "lebensraum" was stated by the Nazi conspirators. In a speech on 3 September 1933 Hitler said:

"But long ago man has proceeded in the same way with his fellowman. The higher race--at first 'higher' in the sense of possessing a greater gift for organization--subjects to itself a lower race and thus constitutes a relationship which now embraces races of unequal value. Thus there results the subjection of a number of people under the will often of only a few persons, a subjection based simply on the right of the stronger, a right which, as we see it in Nature, can be regarded as the sole conceivable right because founded on reason. The wild mustang does not take upon itself the yoke imposed by man either voluntarily or joyfully; neither does one people welcome the violence of another."

2584-PS - Nurnberg, 1933, p. 105. Speech by HITLER
at Party Congress, 1933.

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C

2. The Fuehrerprinzip (Fuehrer Principle).

a. The Fuehrerprinzip is made up of the following doctrines:

(1) Complete and total authority is vested in the Fuehrer.

"The Fuehrer Principle requires a pyramidal organization structure in its details as well as in its entirety.

"The Fuehrer is at the top.

"He nominates the necessary leaders for the various spheres of work of the Reich's direction, the Party apparatus and the State administration."

1814-PS, Organisationsbuch der NSDAP
(Organization Book of the NSDAP),
Editions of 1936, 1938, and 1940,
pp. 86-88.

"He shapes the collective will of the people within himself and he enjoys the political unity and entirety of the people in opposition to individual interests."

"The Fuehrer unites in himself all the sovereign authority of the Reich; all public authority in the state as well as in the movement is derived from the authority of the Fuehrer. We must speak not of the state's authority but of the Fuehrer's authority if we wish to designate the character of the political authority within the Reich correctly. The state does not hold political authority as an impersonal unit but receives it from the Fuehrer as the executor of the national will. The authority of the Fuehrer is complete and all-embracing; it unites in itself all the means of political direction; it extends into all fields of national life; it embraces the entire people, which is bound to the Fuehrer in loyalty and obedience. The authority of the Fuehrer is not limited by checks and controls, by special autonomous bodies or individual rights, but it is free and independent, all-inclusive and unlimited."

"The Fuehrer-Reich of the (German) people is founded on the recognition that the true will of the people can not be disclosed through parliamentary votes and plebiscites but that the will of the people in its pure and uncorrupted form can only be expressed through the Fuehrer."

-PS, U.S. State Department National
Socialism, page 34, which quotes Huber,
Verfassungsrecht des Grossdeutschen Reiches
(Constitutional Law of the Greater German
Reich), Hamburg, 1939, p. 155.

"Thus at the head of the Reich, stands one single Fuehrer, in whose personality is embodied the decisive idea, whose spirit and will, therefore, infuses the entire community body."

-PS, Kluge-Krueger, Verfassung und Verwaltung im Dritten Reich (Constitution and Administration in the Third Reich), Berlin, 1937, p. 50.

As stated in the Organization Book of the Nazi Party:

"The will of the Fuehrer is the Party's law."

1814-PS, Organisationsbuch der NSDAP (Organization Book of the NSDAP), Editions of 1936, 1938, and 1940, p. 146.

The first commandment for the Party members declares:

"The Fuehrer is always right."

Ibid., p. 194.

"He (the Fuehrer) is responsible only to his conscience and the German people."

Ibid., p. 146.

The defendant Hess characterized the position of the Fuehrer when he stated:

"It is with pride that we see that one man is kept above all criticism -- that is the Fuehrer."

"The reason is that everyone feels and knows: he was always right and will always be right. The National Socialism of us all is anchored in the uncritical loyalty, in the devotion to the Fuehrer that does not ask for the wherefore in the individual case, in the tacit performance of his commands. We believe that the Fuehrer is fulfilling a divine mission to German destiny! This belief is beyond challenge."

Hess, Reden, Munich, 1938, p. 25.
Broadcast speech at Cologne,
25 June 1934.

- (2) The Fuehrer's power descends to subleaders in a hierarchical order.

In the words of the Party Organization Book of the

NSDAP:

"The Party is the order of fuehrers."

"All political directors (Politische Leiter) stand as appointed by the Fuehrer and are responsible to him. They possess full authority towards the lower echelons."

1893-PS, Organisationsbuch der NSDAP, 1943 Edition, page 14.

"He (The Fuehrer) nominates the necessary leaders for the various spheres of work of the Reich's direction, the Party apparatus, and the State administration."

1814-PS, Organisationbuch der NSDAP,
Editions of 1936, 1938, and 1940, p. 86.

"He appoints his subordinate leaders who in turn appoint leaders under them. Each is responsible to the leader above him, but in the last instance they are responsible to the highest leader as representatives of the idea."

-PS, Kluge-Krueger, Verfassung
und Verwaltung im Dritten Reich (Constitution
and Administration in the Third Reich), Berlin,
1937, p. 50.

The effect of this is most aptly expressed by Hitler when he said in 1933:

"When our opponents said, 'It is easy for you: you are a dictator' - - We answer them, 'No, gentlemen, you are wrong; there is no single dictator, but ten thousand, each in his own place.' And even the highest authority in the hierarchy has itself only one wish, never to transgress against the supreme authority to which it, too, is responsible."

-PS, U.S. State Department National
Socialism, p. 40, quoting from Hitler's
My New Order, p. 159.

(3) Each subleader is bound to unconditional obedience to his immediate superior and to the Fuehrer.

As Hitler said,

"We have in our movement developed this loyalty in following the leader, this blind obedience of which all the others know nothing and which gave to us the power to surmount everything."

-PS, U.S. State Department National
Socialism, p. 40, quoting from Hitler's
My New Order, p. 159.

The duty of obedience is so fundamental in fact that it is incorporated as the second of the NSDAP commandments for party members:

"Never go against discipline!"

-PS, U.S. State Dept. National
Socialism, p. 194, quoting Organisationsbuch
der NSDAP, 1940.

As the Nazi conspirator Ley said:

"Our conscience is clearly and exactly defined. Only what Adolf Hitler, our Führer, commands, allows, or does not allow is our conscience."

-PS, State Dept. National Socialism,
p. 39, quoting from Der Angriff, April
1942, speech by Ley, 12 June 1935.

The obedience required was not the loyalty of a soldier to the fatherland prior to the Nazi regime, which was:

"I swear by God, this holy oath, that I will serve faithfully and honestly my nation and fatherland, and that I will be ready as a valiant and obedient soldier to commit my life at any time for this oath."

1933 Reichsgesetzblatt I, p. 1016.

On the contrary, the obedience required was unconditional and absolute, regardless of the legality or illegality of the order.

The oath taken by political leaders (Politische Leiter) yearly was as follows:

"I pledge eternal allegiance to Adolf Hitler. I pledge unconditional obedience to him and the Führers appointed by him."

1893-PS, Organisationsbuch der NSDAP, 1943
edition, p. 16.

Unconditional responsibility worked both ways:

"In the full devotion of the personality for the task set lies the kernel of the Führer problem, the execution by unconditional authority downwards and unconditional responsibility upwards. . . ."

"Each carries full responsibility for his tasks in his sphere."

-PS, Kluge-Krugger, Verfassung und
Vorwaltung im Dritten Reich
(Constitution and Administration in the
Third Reich), Berlin, 1937, p. 50.

- (4) Each subleader is absolute in his own sphere of jurisdiction.

The Nazi Party Organization Book lays down the same principle with respect to the successive tiers of its leaders:

"The Führer Principle represented by the Party imposes complete responsibility on all party leaders for their respective spheres of activity The responsibility for all tasks within a major sphere of jurisdiction rests with the respective leader of the NSDAP; i.e., with the Führer for the territory

of the Reich, the Gauleiter for the territory of the Gaul, the district leader for the territory of the district, the local leader for the territory of the local group, etc.

"The Party leader has responsibility for the entire territory under his jurisdiction on the one hand, and on the other hand, his own political fields of activity appertaining thereto.

"This responsibility for the complete or partial performance of tasks entails a relationship of subordination of the leaders among themselves, corresponding to the fuehrer principle."

-PS, U.S. State Dept. National Socialism, pp. 196-197, quoting from the Organisationsbuch der NSDAP (Organization Book of the NSDAP) 1940 Ed., pp. 93-96.

- b. The German People should be ruled under the Fuehrer Principle.

Reference is made to the foregoing paragraphs of this brief on the elements of the Leadership Principle and to the following paragraphs on the leadership of the Nazi Party for proof of this allegation.

3. Glorification of War - War was a noble and necessary activity of Germans.

The Nazi conspirators put forth and disseminated dogmas and propaganda which was designed to engender in the masses a deep reverence for the vocation of the warrior and to induce acceptance of the postulate that the waging of war was good and desirable per se. The motive underlying the concerted program of the Nazis to glorify war was disclosed by Hitler in Mein Kampf. He said:

"The question of restoration of German power is not a question of how to fabricate arms, but a question of how to create the spirit which makes a people capable of bearing arms. If this spirit dominates a people, the will finds a thousand ways to secure weapons."

Hitler, Mein Kampf, 1933 Nachfolger Edition, p. 365.

"For oppressed countries will not be brought back into the bosom of the common Reich by means of fiery protests, but by a mighty sword. To forge this sword is the task of the domestic political leadership of a people; to guard the work of forging and to seek comrades in arms is the task of the foreign policy leadership."

HITLER, Mein Kampf, 1933 Nachfolger Edition, p. 689.

Hitler's writings and public utterances are replete with declarations rationalizing the use of force and glorifying war. The following are typical:

"Always before God and the world, the stronger has the right to carry through his will. History proves it: He who has no might, has no use for might."

2405-PS - Hitlers Reden, (Hitlers Speeches), p. 55.

"Never tolerate the establishment of two continental powers in Europe. See an attack against Germany in every attempt to organize a second military power on the German borders, even if it is only in the form of the establishment of a state which is a potential military power, and see therein not only the right but also the duty to prevent the formation of such a state with all means, even to the use of force, or if it has already been established, to destroy it again. See to it that the strength of our folk has its foundations not in colonies but in the world of the European homeland. Never regard the foundations of the Reich as secure, if it is not able to give every off-shoot of our folk its own bit of soil and territory for centuries to come. Never forget that the most sacred right in the world is the right to the soil which a man wishes to till himself, and the most sacred sacrifice is the blood which he spills for this soil."

"If the German folk, in its historical development, had possessed that herdlike unity which other peoples have

enjoyed, the German Reich would today be mistress of the globe. World history would have taken another course, and no one can tell whether in this way that might not have been attained which so many deluded pacifists are hoping today to wheedle by moaning and whining: A peace supported not by the palm branches of tearful pacifistic female mourners but founded by the victorious sword of a master race (Herrenvolk) which places the world in the service of a higher culture."

HITLER, Mein Kampf, 1933 Nachfolger Edition, p. 755.

4. The leadership of the Nazi Party.

- a. The Nazi Party leadership was the sole bearer of the doctrines of the Nazi Party.

The Party Organization Book declares:

"The Party as an instrument of ideological education, must grow to be the Leader Corps (Fuehrer Korps) of the German Nation.

"This Leader Corps is responsible for the complete penetration of the German Nation with the National Socialist spirit..."

1893-PS - Organisationsbuch der NSDAP, (Organization Book of the NSDAP), 1943 Edition, p. 13.

"The Party is the order of fuhrers. It is furthermore responsible for the spiritual ideological National Socialist direction of the German people."

1814-PS.- Organisationsbuch der NSDAP, (Organization Book of the NSDAP), Editions of 1936, 1938 and 1940, pp. 86-88.

Referring to the mission of the Ortsgruppenleiter (local chapter leader) of the NSDAP, the Party Organization Book states:

"As Hoheitstraeger (bearer of sovereignty) all expressions of the party will emanate from him; he is responsible for the political and ideological leadership and organization within his zone of sovereignty."

1893-PS - Organisationsbuch der NSDAP, (Organization Book of the NSDAP, 1943 Edition, p. 120.

Similar statements are made with regard to the Kreisleiter (county leader) and the Gauleiter (Gau leader) and the Reich Directorate.

Ibid, pp. 132, 136, 148.

- b. The Nazi Party leadership was entitled to control and dominate the German state and all related institutions and all individuals therein.

Hitler said at the 1935 Nurnberg Party Congress:

"It is not the State which gives orders to us, it is we who give orders to the State."

2775-PS - Der Kongress zu Nurnberg, (The Congress at Nurnberg), Central Verlag der NSDAP, P. 204.

The defendant Hess remarked in 1935 that the ideology of the Nazi Party extended to every part of life.

2426-PS - Hess Reden (Speeches), Munich, 1938, p. 102.

The defendant Frick declared in a similar vein:

"In National Socialist Germany, leadership is in the hands of an organized community, the National Socialist Party: and as the latter represents the will of the nation, the policy adopted by it in harmony with the vital interests of the nation is at the same time the policy adopted by the country..."

-PS - U. S. State Dept., "National Socialism", p.44 quoting Germany Speaks.

Goebbels declared:

"The Party must always continue to represent the hierarchy of National Socialist leadership. This minority must always insist upon its prerogative to control the state.... It is responsible for the leadership of the state and it solemnly relieves the people of this responsibility."

-PS - U. S. State Dept., "National Socialism," p. 44, quoting from Goebbels, *Wesen und Gestalt des Nationalsozialismus* (The Nature and Form of National Socialism), p. 19.

Nazi interpreters of constitutional law express the same idea.

"The NSDAP is not a structure which stands under direct state control, to which single tasks of public administration are entrusted by the state, but it holds and maintains its claim to totality as the 'bearer of the German state-idea' in all fields relating to the community -- regardless of how various single functions are divided between the organization of the Party and the organization of the State."

-PS - U. S. State Dept., "National Socialism," p. 49, quoting Neese, *Die Nationalsozialistische Deutsche Arbeiterpartei-Versuch einer Rechtsdeutung* (The NSDAP - a Search for True Significance), Stuttgart, 1935, p. 131.

This doctrine was incorporated into laws which established the NSDAP as "the only political party in Germany" and declared the NSDAP "The bearer of the German state idea" and "indissolubly linked to the state."

1395-PS - Gesetz zu Sicherung der Einheit von Partei und Staat, (Law to Assure the Unity of Party and State) 1933, Reichsgesetzblatt, Part I, p. 1016.

1388-PS - Gesetz gegen die Neubildung von Parteien, (Law against the Reestablishment of Parties), 1933 Reichsgesetzblatt, Part I, p. 449.

- c. The Nazi Party leadership was entitled to destroy all opponents.

Reference is made generally to the next following sections of the brief on paragraph IV D of the Indictment on the acquiring and consolidation of political control of Germany for proof of this allegation.