

Spoliation of Poland

Index

A. Pertinent Sections of Indictment(i)
B. Legal References (ii, iii)
C. Statement of Evidence1..... 1-13
D. Argument and Conclusion 14-15

27
03

Pertinent Sections of Indictment

Count One - The Common Plan or Conspiracy

Paragraph III - Statement of the Offense pp. 2-3

Paragraph IV (G) - War Crimes and Crimes against humanity committed in the course of executing the conspiracy for which the conspirators are responsible. p. 10.

Count Three - War Crimes

Paragraph VIII - Statement of the Offense, p. 11

Paragraph VIII (A) - Murder and ill-treatment of civilian populations of or in occupied territory. pp. 11-12.

Paragraph VIII (B) - Deportation for slave labour and for other purposes of the civilian populations of and in occupied territories. p. 16.

Paragraph VIII (E) - Plunder of Public and Private Property. p. 19

Paragraph VIII (H) - Conscription of Civilian Labour. p. 23

Paragraph VIII (J) - Germanisation of Occupied Territories. p. 24.

Count Four - Crimes Against Humanity. p. 25.

Legal References

1. Article 6 (b) of the Charter.

War Crimes. "Namely, violations of the laws or customs of war. Such violations shall include, but not be limited to, murder, ill-treatment or deportation to slave labor or for any other purpose of civilian population of, or in, occupied territory, * * * plunder of public or private property, * * * devastation not justified by military necessity."

2. Article 6 (c) of the Charter

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."

3. Hague Regulations, 1907.

Article 43. "The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country."

Article 46. "Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected.
"Private property cannot be confiscated."

Article 52. "Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country."

Article 53. "An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depots of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations."

"All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made."

Article 55. "The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct."

4. The laws and customs of war

The Spoliation of Poland

A. THE NAZI CONSPIRATORS SPECIFICALLY PLANNED RUTHLESSLY TO EXPLOIT THE PEOPLE AND MATERIAL RESOURCES OF POLAND FOR THE PURPOSES OF STRENGTHENING THE NAZI WAR MACHINE: IMPOVERISHING POLAND AND REDUCING IT TO A VASSAL STATE, AND ENRICHING THEMSELVES AND THEIR ADHERENTS. THESE PLANS WERE FORMULATED FOR THE WESTERN AREAS OF POLAND WHICH WERE UNLAWFULLY INCORPORATED INTO NAZI GERMANY, AS WELL AS FOR THE REMAINING SEGMENTS OF POLAND CALLED "THE GOVERNMENT GENERAL OF POLAND".

1. In a report dated 3 October 1939, defendant FRANK, who later became Governor General of the Government General of Poland, announced that the following measures would be applied to Poland:

"Poland shall be treated as a colony."
"The Poles shall be the slaves of the Greater German World Empire."

All important machinery, raw materials and finished products will be removed to Germany in the interest of the Nazi war effort and economy.

Polish labor will be conscripted for work in Germany.

All high schools and higher institutions of learning will be closed in order to prevent the growth of another generation of Polish intelligentsia.

Poland will be vigorously reduced to an agricultural country, altogether dependent upon the Greater Germany for any industrial products.

Ec. 344-16, Report by FRANK, dated 3 October 1939, concerning principles for handling Poland, found in files of OKW.

Similar views were expressed by FRANK in a report dated 30 October 1939.

Ec. 344-2, Report by FRANK, dated 30 October 1939, found in files of OKW.

2. On 19 October 1939, defendant GOERING issued the following instructions with respect to the exploitation of the material resources of Poland:

"The task for the economic treatment of the various administrative regions is different according to whether a country is involved which will be incorporated politically into the German Reich or whether we deal with the Government General which, in all probability, will not be made a part of Germany.

"In the first mentioned territories the reconstruction and expansion of the economy, the safe-guarding of all their productive facilities and supplies must be aimed at, as well as a complete incorporation into the Greater German economic system at the earliest possible time.

"On the other hand, there must be removed from the territories of the Government General all raw materials, scrap materials, machines, etc. which are of use for the German war economy. Industrial enterprises which are not absolutely necessary for the meagre maintenance of the naked existence of the population must be exported to Germany, unless such exportation would take an unreasonable period of time so that it is more practical to exploit those enterprises by giving them German orders to be executed at their present location. * * * "

Ec. 410, Copy of GOERING'S directive dated 19 October 1939, re economic administration of Poland, found in OKW files.

3. At a meeting "on questions concerning the East" held on 12 February 1940, which was attended by defendants GOERING, and FRANK, and other Nazi officials, defendant GOERING stated:

" * * * the strengthening of the German war organization must be the ultimate aim of all prospective measures in the East. * * * It is our task to gain the greatest possible farm production from the new Eastern districts without regard to questions of ownership or possession. * * * The search for raw materials will have better results in the Government General. Of first importance here is oil which must be exploited and transferred into the Reich without regard to the question of payment therefor. The production of iron also must be pushed. * * * "

Ec. 305, Copy of minutes of a meeting held on 12 February 1940, "on questions concerning the East" under chairmanship of GOERING, found in files of OKW.

~~Similar views were expressed by GOERING at a meeting of the Ministers Council for Defense on 13-10-39.~~

~~Ec. 344-22, Copy of minutes of meeting of Ministers Council for Defense on 13-10-39, found in files of OKW.~~

4. At a secret meeting of the Reich Defense Council in Warsaw on 2 March 1940, which was attended by defendant FRANK, the SS Leader, the Head of the Office of the Four-Year Plan in Poland, the Governors of various districts in Poland, and the heads of different departments of the Government General, defendant FRANK, as Governor General, stated, inter alia:

"The GG (Government General) is the legal Polish Government. Germany stands at the threshold of becoming a world empire. She is starting to reign imperially as a world power and will receive nations of foreign tongue into her power sphere. The power of the Reich is represented by the GG"

"The Polish people shall be placed on a standard of living just sufficient for their bare existence."

"The Polish intelligensia, the church and militant elements will have to be kept in check."

Ec. 300, Minutes marked "secret" on meeting of the Reich Defense Council in Warsaw, 2 March 1940, presided over by Governor General FRANK, found in files of OKW.

5. Although the over-all plan to exterminate the Jews is beyond the purview of this brief, mention should be made herein of one of the economic aspects of that plan: the unlawful confiscation of the property of the Jews of Poland. This phase of their program is set forth in a memorandum dated 21 September 1939, concerning "planned measures" upon the "Jewish problem in the occupied zone", written by HEYDRICH and SCHMIDT. The plan, as outlined in the memorandum, provided, inter alia, "that all Jewish owned or controlled establishments be confiscated out-right", and that "Jewish farms be turned over to German or Polish peasants in order to assure the harvesting of the crops."

Ec. 307-1, Copy of memorandum dated 21 September 1939, by HEYDRICH and SCHMIDT to the Commanders of all Detachments of the Security Police entitled "Jewish Problem in the Occupied Zone," found in files of OKW.

For further evidence of general policy prescribed by Nazi conspirators with respect to Poland, see

Ec. 308-1, Secret report on conference between GOERING and FRANK dated 19 February 1940, relative to definition of FRANK'S responsibilities as Governor General of Poland, found in files of OKW.

Ec. 304, Report of FRANK to GOERING dated 25 January 1940, relative to removal of 1,000,000 workers to Germany, found in files of OKW.

B. IN COMPLETE DISREGARD AND VIOLATION OF THE LAWS AND CUSTOMS OF WAR AND THE LAWS OF HUMANITY, THE NAZI CONSPIRATORS PROMULGATED DIRECTIVES AND DECREES TO CARRY OUT THEIR PLANS RUTHLESSLY TO EXPLOIT THE PEOPLE AND MATERIAL RESOURCES OF POLAND.

1. In order to administer the Polish economy in accordance with their plan, the Nazi conspirators extended the application of the German Four-Year Plan to Poland: to the Government General, on 12 October 1939; and to the western parts incorporated into Germany, on 30 October 1939.

Decree, concerning the administration of the Occupied Polish Territories, 1939, Reichsgesetzblatt, Part I, p. 2077.

Order concerning introduction of Four-Year Plan in the Eastern Territories, 1939, signed by GOERING, Reichsgesetzblatt, Part I, p. 2125.

2. In a "strictly confidential" letter dated 25 January 1940, to the Director of the Service Agency for the Four-Year Plan, defendant FRANK issued a series of directives designed "so to steer the economy of the Government General that it will, in the shortest possible time, accomplish results representing the maximum that can be gotten out of the economic strength of the Government General for the immediate strengthening of our capacity for defense." These directives commanded:

That the forests of Poland be fully exploited "in temporary disregard of forest conservation principles so as to deliver to the Reich approximately 1 million fm. sawmill lumber, 1.2 million fm of mine timbers and up to 0.4 million rm of fiber wood."

That petroleum production be greatly stepped up in order "to export the greatest possible quantities to the Reich".

That the policy be carried out of "stripping and scrapping of those plants which had neither been made into armament plants nor declared to be replacement plants (previously described as 'militarily vital factories which have been or will be evacuated in the Reich'), as well as of destroyed buildings."

That at least one million male and female workers be transported to Germany, including at least "750,000 agricultural workers of which at least 50% must be women - - in order to guarantee agricultural production in the Reich and as a replacement for industrial workers lacking in the Reich."

That the efficiency of those persons working in "plants vital to life and armaments" be maintained, but that the "rest of the population will have to remain restricted to a minimum ration as long as the food shortage lasts."

That "any production which on the basis of raw materials important for armament, is directed towards objects which in the frame work of the present plan are not vital, is to be ruthlessly discontinued insofar as it will not be possible to switch it over to sufficiently abundant Ersatz materials and other materials (e. g. by producing wooden shoes while simultaneously prohibiting the production of leather shoes and boots for the native population)."

Ec. 1, "Strictly confidential" memorandum by FRANK dated 25 January 1940, relative to directives for Government General of Poland, found in files of OKW.

3. Under a decree of 17 September 1940, signed by defendant GOERING, Nazi officials were granted virtual blanket power both to sequester and to confiscate the property of Poles and Jews in the incorporated areas of Poland. Sequestration of movable and immovable property, shares, and other intangible property interests of Jews and "persons who have fled or are not merely temporarily absent" was made mandatory; in addition, sequestration was authorized if the property were required "for the public welfare, particularly in the interests of Reich defense or the Strengthening of Germanism." Confiscation of sequestered property was authorized "if the public welfare, particularly the defense of the Reich, or the strengthening of Germanism, so requires." However, Section 13 thereof provided for the suspension of sequestration if the owner of the property asserted that he was a German. Hence, the decree served the twofold purpose of stripping Poles and Jews of their property, and of promoting Germanism in Poland.

Decree concerning Treatment of Property of Citizens of the Former Polish State, signed by GOERING, 1940, Reichsgesetzblatt, Part I, p. 1270.

"This decree was issued despite the warning of a high legal officer in the OKW that its provisions would flagrantly violate international law."

This warning was uttered in an undated note, found in the files of the OKW, "concerning the draft of a decree on the confiscation of the private Polish property". The essential terms of the draft of the decree which was discussed in this note were subsequently embodied in the above mentioned decree of 17 September 1940. The note described the legally objectionable features of the decree as follows:

- "1. The proposed decree discriminates openly between German and Polish property, allows the confiscation of Polish property without any actual compensation and makes it possible, in the process of liquidation of business enterprises, to satisfy creditors rights not in accordance with their legal priority but on the basis of political considerations. Statutory provisions of that kind will be welcome means for enemy propaganda as documentary proof of the alleged German extirpation plans.
2. The absolute preservation of enemy private property on land is an established principle of international law. Especially is it illegal:
 - a) Generally to confiscate enemy private property for the benefit of the confiscating country.
 - b) Not to pay an actual compensation.
 - c) To treat enemy property rights contrary to the statutory provisions regarding their priority in relation to the rights of their own countrymen."

* * *
3. As far as the decree shall be used in the annexed east territories, it should be pointed out that these territories, in the opinion of the enemy, are 'occupied enemy territories', so that, according to the Hague regulations on land war, any expropriation of the inhabitants is prohibited, and a requisition is not allowed without compensation and then only for the needs of the occupying troupe. Any measures in violation of these principles may result in retaliatory measures by the enemy."

* * *

5. The violation of international law by the proposed measures, which is admitted in the statement of considerations to sect. 1, is not cured by the fact that one would enumerate for purposes of confiscation only certain designated categories instead of Polish private property as a whole, because these categories would in effect constitute the entire Polish private owned property."

Ec. 263, Legal opinion concerning draft of decree on confiscation of private Polish property.

A comparable decree in the Government General of Poland, dated 24 January 1940, signed by defendant FRANK, authorized sequestration in connection with the performance of tasks "serving the public interest", and liquidation of "anti-social or financially unremunerative concerns". Such undefined criteria obviously empowered Nazi officials in the Government General to engage in outright loot.

Decree concerning Sequestration of Private Property in the Government General, signed by FRANK, Verordnungsblatt des Generalgouverneurs, No. 6, 27 January 1940, p. 23.

4. The conspirators used discriminatory taxation as an instrumentality of German colonization in the incorporated area of Poland. By an order of 9 December 1940, German settlers in that area were exempt from the defense tax, from the tax on the acquisition of land, and from various provisions of the sales tax; and comparable tax benefits were granted to German business establishments. The preamble of the order plainly stated that it was part of an effort "to establish and promote Germanism in the incorporated Eastern Territories through taxation measures, as well as by other means."

Order concerning Tax Abatement for the Benefit of the Incorporated Eastern Territories 1940, Reichsgesetzblatt, Part I, p. 1565.

5. In the Government General of Poland, taxes upon the Poles were drastically increased. The Polish property tax for the fiscal year 1940 was increased by 50%. Registration fees were doubled over the rates prevailing before the invasion. A new tax, called a head tax, was introduced, which communities were required to collect from their inhabitants.

Decree by FRANK concerning increase of property tax for fiscal year 1940; 1940, Verordnungsblatt des Generalgouverneurs, p. 109.

Decree by FRANK concerning industrial tax, 1940, ibid, p. 51.

Decree by FRANK concerning imposition of a head tax, 1940, ibid, p. 211.

C. THE NAZI CONSPIRATORS MERCILESSLY EXECUTED THEIR PROGRAM OF EXPLOITATION OF THE PEOPLE AND MATERIAL RESOURCES OF POLAND. THEY SEIZED RAW MATERIALS AND MACHINERY IN POLAND AND REMOVED THEM TO GERMANY FOR USE IN THE GERMAN WAR EFFORT. THEY CONFISCATED BUSINESS ENTERPRISES, FARMS, AND OTHER PROPERTY. THEY STRIPPED THE COUNTRY OF FOODSTUFFS, THEREBY REDUCING THE POLES TO A STARVATION DIET. THEY DIRECTED THE RESOURCES, PRODUCTION, AND LABOR OF POLAND IN THE INTERESTS OF THE GERMAN WAR ECONOMY, WITH THE CONSEQUENCE THAT THE PEOPLE OF POLAND WERE DEPRIVED OF THE PRODUCTS OF ESSENTIAL INDUSTRIES. THEY DEPORTED ABLE-BODIED CITIZENS OF POLAND, AGAINST THEIR WILL AND WITHOUT THEIR CONSENT, TO GERMANY FOR THE PURPOSE OF SLAVE LABOR UPON DEFENSE WORKS, AND IN OTHER TASKS CONNECTED WITH THE GERMAN WAR EFFORT.

1. Raw materials, machines, machine tools, and factories were removed in wholesale fashion to Germany. Those raw materials which were not immediately removed were ruthlessly exploited in the interest of the total German war effort. The production of consumers' goods was reduced to the absolute minimum. The inevitable result was the virtual obliteration of the Polish civilian economy.

Ec. 303-2, Chapter entitled, "Purpose of the Exploitation of the Military Economy of the Occupied Polish Territory," from report of OKW Economic Armaments Staff on German War Industry in Poland. This report was prepared upon the instructions of General Thomas. Ec. 414, Letter by THOMAS dated 20 August 1940, re "Report Summarizing Experience with German Armament Industry in Poland 1939-1940."

See also Ec. 412, minutes of a meeting of 24 November 1939, relative to dismantlement of Polish factories and removal to Germany.

These measures did not represent merely temporary expedients. Poland, according to the plan of the conspirators, was to be permanently deprived of its pre-war industrial potential. In an order dated 20 November 1939, defendant HESS stated:

" * * * In accordance with a decision by Minister Dr. FRANK, as approved by the Führer, Warsaw shall not be rebuilt, nor is it the intention of the Führer to rebuild or reconstruct any industry in the Government General."

Ec. 411, Copy of an order by HESS, dated 20 November 1939, re rebuilding Polish industry

2. Further proof of the execution of the conspirators' plan to plunder private property in Poland, to degrade the standard of living of the Poles, and, generally, to despoil the country, is contained in a report of the Regional War Production Office dated 16 February 1940, and entitled, "Present Situation in GG". This report states:

* * * * The situation today cannot be considered as serious but rather as critical. * * * Basically, no change is to be expected in relation to the Polish and Jewish population. Out of 110 professors of the Cracow University interned in a concentration camp, 10 died. It is believed that professors over 40 years of age will be released. The confiscation of the entire art treasure from private communal and church collections is being prosecuted to the fullest extent.

"Just as before, there is no legal basis for the continuity of economic life. As before, there are no means for cultural expression for the Polish people. Poles are not permitted to attend moving picture theatres. The 20 to 50 percent reduction of pensions for the former employees of the Polish state has brought about very severe repercussions among the more educated elements of the Polish population. The strong distrust of the peasant population expressed itself in the refusal to volunteer for seasonal labor in Germany.

"The policy against the Jews is being continued in spite of the fact that even the civil administration cannot deny that in certain phases of economic life the Jew is indispensable.

"Regardless of civil outrages, such as the public whipping of 40 Jews in Rzeszow because they did not rush to shovel the snow, many measures are taken which will affect badly the economic life of Poland. For example, the forbidding of Jews to use railroad trains.

* * * * *

"The worker is not in a position to feed himself and his family. The loss of working capacity and work willingness is the result."

Ec. 307-3, Report of the Regional War Production Office, dated 16 February 1940, entitled "Present Situation in GG"

The measures applied against the Poles were so severe that many of them were roused to revolt. Thus, in a munitions factory at Skarzysko Kamienna, a revolutionary movement

against the Nazi authorities was discovered, and 132 Poles were shot.

Ec. 344-9, Report in OKW files relative to unrest among Poles.

3. Inflation followed in the wake of scarcity, caused by the despoilment of Poland; by March 1940, food prices had risen from "four to eight times" over those prevailing before the Nazi invasion. The price of milk had risen 440%, sugar 730% and potatoes 900%. But wages of workers were kept at the same or reduced levels. Thus, the real income of the workers, measured in terms of purchasing power, did not suffice to purchase the bare necessities of life.

Ec. 302-6, Report concerning wages and increases in food prices found in OKW files.

Moreover, there was an extreme scarcity of food. The inevitable consequence was widespread starvation. Governor Fischer of Warsaw suggested that the critical food shortage in Warsaw might be partially relieved by concentrating all remaining Jews in a Ghetto. But the stringent measures adopted against the Jews and other "undesirable elements" did not relieve the situation; the rate of starvation among the Poles continued at an ever-increasing pace. While the Poles were starving, the Mayor of Cracow reported that the "German population is quite well supplied and many of the Reich Germans receive double rations."

Ec. 358, Report of meeting at office of Governor General on 6 and 7 June 1940.

4. A report found in the files of the OKW describes the deportation of Poles to Germany and the ruthless measures employed by the Nazi conspirators to effect their deportation:

* * * * This compulsory deportation happened, after an appeal of the General Governor to the Poles to volunteer for agricultural work in the Reich had remained almost ineffective. Instead of the expected 2,000,000 only 180,000 had volunteered until the beginning of May 1940. The compulsory deportation ordered by the Governor General resulted frequently in disorders among the armament workers, * * * "

* * *

"In the case of higher employees (masters, specialists, engineers) manpower losses have been caused by numerous arrests, carried out by the Gestapo in Stalowa-Wola, Debica, Sieleniswsi--Cracow and in the motor plant Rsizow.

"During the deportation action the subagencies of the civil administration acted with great severity. Checks were made on the streets and in front of churches and the arrested moved into the Reich as quickly as possible. Rumors about the bad treatment of Poles in the Reich and the fact that the remittances of saved wages to the relatives in Poland were deducted from their (the relatives) benefit payments, increased the Poles' disinclination to accept work in the Reich. Mass flights of the deported was the order of the day; 108 escaped off a Warsaw transport of 320 forced laborers. In some cases Poles wore the brassards which distinguish Jews in order not to be deported as forced labor into the Reich.

"In the middle of 1940 the main action was closed. 280,000 agricultural and 50 to 60 thousand industrial workers had been conscripted which represented, however, only 15% of the numbers expected in March/April 1940. Rather unfortunate recruiting methods and the passive resistance of the Poles have brought about the unsatisfactory results."

Ec. 302-7, Report upon deportation of Polish workers to Germany.

During their retreat in 1944, the German forces redoubled their efforts to impoverish the country. Under date of 13 July 1944, the Supreme Headquarters of the German 4th Armoured Forces rendered a report marked "secret" concerning measures which had been and would be taken in connection with the evacuation of Zones in Poland overrun by the advancing Russian armies. Provision was made for the wholesale removal or destruction of goods, factories and machines. Moreover, drastic measures were taken for the forcible seizure and deportation of able-bodied youths to work upon military projects. The report specifically stated:

"In the District of Galichia, all members of the age groups 1926-1930 (Ukrainians) were shipped to the Reich as flak aids for the Hitler Youth.

"The Polish members of these age groups were assigned to the organization Todt; the Ukrainian members of the remaining age groups can volunteer in Ukrainian associations. Those who do not volunteer, and the Poles, will either be employed in military construction work according to a key to be set up and put up in barracks or assigned to the organization Todt or to the Reich Work Employment."

* * *

"On 7 July 1944 the District Captain in Hrubieszaw will discuss the seizure of able-bodied men in his District with representatives of the Army."

Ec. 301-1, Report from Supreme Headquarters of German 4th Armoured Forces dated 13 July 1944.

5. In an effort to extirpate the last vestiges of economic, political, and cultural life among the Poles, defendant ROSENBERG, Reichsminister for the Occupied Eastern territories, in a "secret" memorandum dated 26 November 1942, to the Reichskommissars for the Eastland and the Ukraine, directed that

"1. As quickly and completely as possible all Poles are to be removed from positions which afford an insight into the essential political and economic setup or which in some form or other gives them important influence in matters of administration, culture or economy. In particular mayors, Kreis- and Rayon chiefs of Polish nationality or pro-Polish sympathy as well as Polish or pro-Polish leaders of larger industrial plants and estates will be dismissed and replaced by members of other nationalities (Lithuanians, White Ruthenians, Ukrainians). The same holds for persons of Polish nationality holding positions in the German or native administration especially for former students, teachers, clerics, and other members of the Polish intelligentsia.

2. In view of the enormous tasks which have to be performed in the occupied Eastern territories, the dismissed Poles will be used in other fields, just as generally the employment of the Polish population in agriculture and other fields involving the insurance of the food supply and military economy is to be guaranteed.

3. The Polish school system will not be developed and extended beyond four years of primary school. Exceptions in military technical training may be admitted.

4. No Polish newspapers, periodicals and pamphlets are to be founded. The newspaper 'Coniec Codzienny' published in Polish under German supervision is to be distributed exclusively to Poles living in the Wilna district.

5. The Polish language is to be used only in those localities which have an undisputed Polish majority. It must neither be put on the same level nor be preferred to the use of Lithuanian, White-Ruthenian or Ukrainian."

The execution of these directives, he stated, was "an incessantly to-be-pursued aim, which must never be lost sight of merely for reasons of convenience, for the political aim of Polish activity usually outweighs the monetary economic advantage."

Ec. 336, Secret memorandum from ROSENBERG to Reichskommissars for the Eastland and Ukraine, dated 26 November 1942 concerning "Treatment of Poles in the Occupied Eastern Territories."

Legal Argument and Conclusion

The evidence on this branch of the case establishes the following:

1. The conspirators are guilty of war crimes under Article 6(b) of the Charter, in that the program, as conceived and executed by them, involved the extermination, through systematic starvation, of the Jews and other large segments of the Polish population, the plunder of public and private property in Poland, and the deportation to slave labor of vast numbers of Polish civilians.
2. They are guilty of crimes against humanity as defined in Article 6(c) of the Charter, in that they deported, enslaved, and systematically starved the civilian population of Poland.
3. They are guilty of violations of Article 43 of the Hague Regulations 1907, in that they nullified the laws in force in Poland, without just cause or need therefor.
4. They are guilty of having violated Article 46 of the Hague Regulations 1907, in that they contemptuously disregarded the lives of persons and private property in Poland and confiscated the private property of Poles and Jews.
5. They ruthlessly exploited the people and material resources of Poland for the total German war effort in flagrant violation of Article 52 of the Hague Regulations, 1907. They deliberately disregarded the restrictive provisions of that Article; their action was guided by the concept that the whole of the human and material resources of the occupied country was at the disposal of the conqueror.

Without regard to the limited resources of Poland, they seized raw materials, machines, and plants and removed them to Germany for use in the total German war effort. Those plants which were not removed to Germany were compelled to produce for the German war machine, and not merely for the needs of the army of occupation. They used hunger as an instrument for recruiting labor, and when this program did not bring the desired results, they seized the inhabitants on the streets and in churches, and deported them to Germany, where they were forced to work in the production of arms and munitions which were destined for use against the Polish armies which continued to resist the Nazi aggressors.

6. They seized all types of property of the Polish state without regard to the limited powers of seizure granted by Article 53 of the Hague Regulations, 1907. Despite the implied prohibition against the taking of immovable property belonging to the state, they seized and removed to Germany many immovable factories belonging to the Polish government.
7. Contrary to the provisions of Article 55 of the Hague Regulations, 1917, and in complete disregard of forest conservation principles, they stripped the forests of Poland. Far from safeguarding the capital of properties belonging to the Polish State, as required by this Article, they systematically despoiled such properties and permanently impaired their value.
8. They wilfully and maliciously violated the laws and customs of war by the acts and practices previously recited.