

O. C. C.
T R I A L B R I E F
SECTION 5

HERMANN GÖRING, II, ECONOMIC

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HERMANN GOERING, PART II - ECONOMIC

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STATEMENT OF EVIDENCE

1. Positions of Economic Significance.

Indictment Reference: Appendix A, Goring, p. 28.

The defendant Goring held the following positions of economic significance:

a. On 27 April 1936 Goring was appointed coordinator for all raw material and foreign exchange problems.

2827-PS, Gard Ruchle Das Dritte Reich, Vol. 4, p. 104.

b. On 18 October 1936 Goring was appointed Trustee for the Four-Year Plan.

2071-PS, RGEL, 1936, I, p. 887.

c. On 30 August 1939 Goring was appointed Chairman of the Ministerial Council for Reich Defense.

2012-PS, RGEL, 1939, I, p. 1538.

d. Sometime in 1941, not later than 20 April 1941, Goring was appointed Deputy for the over-all supervision of the Economic Administration in the Eastern Areas.

1157-PS, p. 1.

2. Preparation for War.

Indictment Reference: IV, E, 3:

"They directed Germany's economy towards preparation and equipment of the military machine. To this end they directed finance, capital investment, and foreign trade."

Indictment Reference: IV, E, 5:

"With the object of carrying through the preparation for war, the Nazi conspirators set up a series of administrative agencies and authorities. For example, in 1936 they established for this purpose the Office of the Four-Year Plan with the defendant Goring as Plenipotentiary, investing it with overriding control over Germany's economy."

a. Goring as coordinator for raw materials and devisen.

On 27 April 1936 the following official communique was issued:

"Inasmuch as numerous State and Party agencies collaborate on problems concerning raw materials and foreign exchange, the Fuehrer and Reichschancellor has charged the Prussian Minister President with the supervision and regulation of all necessary measures.

"Minister President Colonel General Goering may supervise all State and Party organizations and issue directives to them for his purpose. He may call for assistance from all Reichsministers concerned and, if necessary, may be represented by them."

2627PS - Gerd Ruehle Das Dritte Reich, Vol. 4, p. 104.

Shortly after his appointment as Coordinator for Raw Materials and Foreign Exchange, Goering had convened all Ministers concerned with the economic preparation for war in his office for repeated inter-agency discussions of the most important problems. This Ministerial Council or Committee consisted of Goering in the Chair, the War Minister Blomberg, the Economic Minister and Reichsbank President Schacht, the Finance Minister Krosigk, the Prussian Finance Minister Popitz, and Goering's Adjutant, Lt Colonel Loeb, as Secretary.

In the meeting of this Council of Ministers of 12 May 1936, the question of the further financing of the Armament Program was discussed in great detail. When the question of synthetic raw material substitutes came up and the prohibitive production costs of these substitutes was discussed, Goering explained bluntly,

"If we have war tomorrow, we need synthetic raw material substitutes. Money will then be of no importance at all. This being the case, we must be prepared to create the necessary conditions already now in peace time."

1301-PS, Doc. No. IV, Minutes of the Meeting of 12 May 1936.

On 30 May 1936 another meeting of the same Ministerial Committee under Goering's chairmanship, with the same Ministers participating, took place. Subject of the discussion was mainly the problem of synthetic raw material substitutes for the German economy. Dr. Schacht suggested a program of plant construction for the production of synthetic raw material substitutes, which would

enable Germany to be ready for production in case of mobilization. He warned, however, against over-expansion for reasons of the financial strain involved. Goring opposed any limitations based on reasons of orthodox financial policy by explaining literally,

"All measures must be viewed from the angle that the means for actual warfare are to be readily available. Production facilities must be, to some extent, in operation already in peace time."

1301-PS, Doc. No. VI, Sheet 147, Minutes of
Meeting of Ministerial Council on 30 May 1936.

b. Goring as Trustee for the Four-Year Plan.

On the Nurnberg Party Day in the Fall of 1936, Hitler proclaimed to Germany and the world at large the program of national self-sufficiency embodied in the Four Year Plan, and announced Goring's appointment as Trustee for the Four-Year Plan. On 18 October 1936 the Decree for the execution of the Four-Year Plan, appointing Goring as Trustee for the Four-Year Plan, was promulgated.

2071-PS, RGBL, 1936, I. p. 887.

The publicly announced objective of the Four Year Plan was to secure Germany's self-sufficiency in regard to raw materials that hitherto had to be imported from abroad. The real meaning of the Plan is best expressed in Goring's own words when interrogated about its purpose:

GORING: "My job was to organize the German economy and my energy was put to work to get things started and carried through. . . My main task was to secure the food supply for Germany for many years ahead and to make Germany self-sufficient. The most important items were iron, petroleum and rubber. . . The industry only wanted very high grade Swedish iron for business reasons. There was danger that during the war Germany would not be able to get iron from Sweden and there would be no iron.

INTERROGATOR: "What war are you talking about? This is 1936 you are speaking of.

GORING: "Any possibility of war. Perhaps with Russia, or in case there was war with anyone, at any time, and any where."

When asked for what reasons the Four Year Plan decreased in importance in 1942, Goring explained that his preoccupation with the Air Force did not allow him the necessary concentration on the affairs of the Four Year Plan, and stated, verbatim,

"The main task of the Four Year Plan had been accomplished. This task was to get Germany ready."

2828-PS. Ashcan Interrogations of Goring, Funk and Krosigk. Amen Register No. 1736, pp. 60, 61 and 64.

This statement of Goring's only confirms what he expressed as early as 1936 when he explained that he understood his task as Four Year Plan Trustee to mean that he had "to put the whole economy on a war footing within four years".

Sc. 408. Memorandum of Defense Division entitled "The Four Year Plan and the Preparation of the Economy".

Goring's appointment as Trustee or Plenipotentiary for this Plan made him virtually the economic dictator of Germany, with overriding powers over any other highest Reich agency and with complete, supreme jurisdiction in all economic matters.

To quote Goring's own statements in the above cited interrogation:

INTERROGATOR: "There was no question that you were boss of the economy?"

GORING: "Yes."

INTERROGATOR: "Could there be any major decisions affecting the German economy and finance without your approval?"

GORING: "In important cases they had to ask me, and I could even use my influence in unimportant cases. . . . The authorization for the Four Year Plan was the most comprehensive licensing power ever given in Germany, and all subsequent authorizations were actually derived from this original authorization, and even Goebbels, as organizer of total war, was under me."

2828-PS. Ashcan Interrogations quoted supra, pp. 61 and 64.

(The detailed story of Germany's preparation for war under the Four Year Plan is being presented in another brief.)

c. Increased Preparation for War, 1938.

On 8 July 1938 G^oring held a conference with the German aircraft manufacturers in which he explained the political situation and laid the groundwork for a vast increase in aircraft production and complete readiness of the industry for war.

The highlights of his speech may be summarized as follows:

i. Imminence of War.

"War is imminent since Czechoslovakia threatens the peace. War may occur within some months, but it may also take some years. At present the situation is this, that Czechoslovakia has promised the Sudeten Germans to meet them half way. Probably no more than some of the unimportant demands of the Sudeten Germans will be satisfied by the Czech Government. Such action would suit the German policy best since, in this case, Germany could put the entire responsibility on England."

The situation being what it is, G^oring believes there is still a 10% to 15% possibility for a relatively small scale action, but he is convinced that an 80%-85%-90% chance exists that the great disaster will occur anyhow and that Germany will have incited the great battle.

(pp. 2, 4 and 10 of the document quoted infra.)

ii. Strength of German Air Force.

"The German Air Force is equivalent to that of England plus. . . It is superior in quantity and quality to England's air strength."

(p. 6 of the document quoted infra.)

iii. Necessity to Neglect Peace Time Business Methods.

"If Germany wins the war, she will be the greatest power in the world, dominating the world market, and Germany will be a rich nation. For this goal risks must be taken. The only thing that matters is increased output regarding quantity and quality. Even if the manufacturers know that their present policies may mean their bankruptcy within three years, they will have to do it all the same."

(p. 12 of the document quoted infra.)

iv. Preparation and Readiness for the Case of Mobilization.

"I want you to be perfectly resolved, today already, how you will run your business when war comes. The earlier the manufacturers make their preparations for mobilization today, the

less danger there will be of work being held up. It must be determined for every worker whether he is essential for production upon outbreak of war, and measures must be taken to secure his deferment in case of mobilization. An executive will be put in charge to work on nothing but the complete preparation of each plant for mobilization day."

(p. 16 of the document quoted infra.)

R-140. Transcript of Speech by Goring to the assembled aircraft manufacturers on 8 July 1936.

On 14 October 1936 -- barely a few weeks after the Munich agreement -- a conference at Goring's office took place. Goring opened the conference with the statement that Hitler had instructed him to organize a gigantic armament program compared with which all past achievements were quite insignificant. Hitler had instructed him to increase armament abnormally (sic), primarily regarding the Air Force, which is to be quintupled as rapidly as possible. Also, the Army and the Navy will have to increase the speed of their armament, and the Army must now concentrate on offensive weapons, especially heavy artillery and heavy tanks. Goring then developed a program designed to execute these orders of the Fuehrer.

1301-PS, Document No. 10, Minutes of Conference held at Goring's office on 14 October 1936.

To recapitulate: In July 1936 war was imminent because of the Czechoslovakian issue. The German Air Force at that time was quantitatively and qualitatively superior to the English Air Force.

On 14 October 1936, immediately upon the complete settlement of the Czechoslovakian issue according to the most far-reaching German demands, this Air Force was to be quintupled and an "abnormal increase in the armament, with concentration upon offensive weapons, was inaugurated."

3. Promotion of German Economic Supremacy over Europe.

Indictment Reference: VIII, E, first paragraph:

"The defendants ruthlessly exploited the people and the natural resources of the countries they occupied in order to strengthen the Nazi war machine, to demoralize and impoverish the rest of Europe, to enrich themselves and their adherents, and to promote German economic supremacy over Europe."

a. On 22 June 1940 the defendant G^oring commissioned the defendant Funk, in his capacity as Economic Minister and Reichsbank President, to develop a program for the new economic order of Europe under German domination.

Funk, in execution of this order, developed a blueprint for the "economic new order" and first submitted it to all other members of the Government who were concerned with economic matters. He thereupon submitted his program, on 6 August 1940, to the defendant G^oring and received G^oring's approval for this program.

The gist of this "new economic order" developed by the defendant Funk on the behest of the defendant G^oring, and expressly in principle and in details approved by the defendant G^oring, may be summarized as follows:

European monetary exchange, intra-European and extra-European commodity exchange, European production, European traffic and transportation were to be organized and directed for the benefit of Germany and of German industrialists, financial and commercial institutions, and for the benefit of the German standard of living. German domination in all these fields was to be secured, the whole of Europe's economy was to be integrated into a German-dominated European economy, adequate personnel and investment policies were to secure German domination over all industrial and financial key enterprises in Europe, and the price level in the European countries was to be adjusted so as to guarantee the optimum results for Germany.

1937-18. Funk's Program for German Domination
over the European Economy of August 1940.

b. One of the principle devices in the Spoliation of German occupied countries, which at the same time constituted the supreme authority of the defendant Goring in the overall direction of such spoliation, consisted in the introduction of the Four Year Plan. *into occupied territories.*

In this way the Four Year Plan was introduced into the following territories:

- i. Into Austria, RGBI, 1938, I, p. 247
- ii. Into Sudetenland, RGBI, 1938, I, p. 1392
- iii. Into the Eastern Territories, RGBI, 1939, I, p. 2126

Thus, supreme control and direction of the economy of these occupied territories was vested in the hands of the defendant Goring. How this power was used to establish the supremacy of German economic designs over the economy of these occupied territories and by the same token to spoliage these domestic economies is dealt with in separate briefs.

~~(A detailed account of execution of these plans is being presented in another brief.)~~

4. Economic Spoliation--Specific.

a. Seizure of Raw Materials and Foodstuffs.

Indictment Reference: VIII, E, 1:

"They degraded the standard of life of the people of occupied countries and caused starvation by stripping occupied countries of foodstuffs for removal to Germany."

Indictment Reference: VIII, E, 2:

"They seized raw materials and industrial machinery in all of the occupied countries, removed them to Germany and used them in the interest of the German war effort and the German economy."

On 19 June 1940 a conference took place at the headquarters of the defendant Goring in which the defendant Goring issued the following orders:

"Greatest emphasis is to be placed on the immediate transfer to Germany of all raw materials found in the occupied areas. A special delegate is to be put in charge for the collection of scrap iron in France.

"On the agricultural sector, the main concern is the shipment of cattle from northern France and Belgium into Germany. Seizure of cattle from the Flemish population should be avoided. The Ministry of Agriculture is to appoint a special delegate for the supervision of agricultural officials serving with the military administration."

1155-18. Top Secret Minutes taken at the Staff Meeting under the chairmanship of Goring.

In July 1941, the administration of a part of the Eastern occupied territories was transferred from the military agencies to German civilian

agencies. On the occasion of this transfer, the defendant Goring sent a communication to the OKW, OKH, Economic Control Staff East, Minister Rosenberg, five Secretaries of State, Reich Commissar Loeb, the Governor General of Poland, and the President of Administration in Koenigsberg. He decreed:

"Also in territories under civilian administration, the inventory, collection, and transport of raw material stocks will, for the time being, be handled by the presently appointed agencies. In this respect they are subject to the directives of the Economic Control Staff East, which in turn disposes of such raw material stocks according to my directives. The powers of the delegate for the seizure of scrap iron and metal are not affected by the new set-up of administration."

1294-PS. Document C. Goring Directive of 18 July 1941.

b. Seizure of Business and Plants.

Indictment Reference: VIII. E. 3:

"In all the occupied countries, in varying degrees, they confiscated businesses, plants and other property."

According to an affidavit of Captain Friedrich Klaas, Adjutant to the defendant Goring since 1 March 1944, the defendant Goring had until 1942/43 supreme jurisdiction over the property rights of all European industries which were located in German occupied areas. Even after 1942, 43, the defendant Goring still was kept informed of all plans of the Reich Minister for Armament and War Production regarding transfers of aircraft factories within Germany and all foreign countries occupied by German troops.

1554-PS. Affidavit of Captain Friedrich Klaas.

c. Establishment of Comprehensive Controls.

Indictment Reference: VIII. E. 5:

"They established comprehensive controls over the economies of all of the occupied countries, and directed their resources and labor in the interests of the German war economy, depriving the local populations of the products of essential industries."

(1) Poland. On 1 November 1939 the defendant Goring, in his capacity as Chairman of the Ministerial Council for Defense and as Trustee for the Four Year Plan, issued a decree concerning the creation of a "Central Trustee's Office East" which was to have supreme jurisdiction over all economic sectors in the administration of Poland. Among its functions were the following:

- i. The organization and control of the money and credit market.
- ii. The management of the seized property of the former Polish State.
- iii. The direction of all economic affairs.
- iv. The execution of special assignments entrusted to this office by the Four Year Plan Agency.
- v. The right of confirmation of all confiscations and requisitions, past and future.

1527-PS. Deutscher Reichsanssizer of 6 Nov. 1939.

(A detailed account of the operation of this agency and its results on the Polish economy is being presented in another brief.)

(c) Russia. On 1 March 1941 -- three and one half months prior to the invasion of Russia -- a conference took place under the chairmanship of General Thomas, head of the Economic Department of OKW, dealing with preparations for the economic exploitation of Russia. General Thomas requested a blueprint for an organization under the jurisdiction of the defendant Goring and the Four Year Plan. This organization was to include the whole realm of the war economy, except food, and was to be completely independent of the jurisdiction of military or civilian administrative agencies.

1317-PS. Top Secret Notes on a Discussion of the Economic Exploitation of Russia.

On 19 March 1941 -- three months prior to the invasion of Russia -- the defendant Goring was informed of the blueprint for an organization for the economic exploitation of Russia and agreed to the proposed organization and appointment of the leading staff members.

1156-PS. Top Secret Minutes of Staff Conference at Goring's house on 19 March 1941.

On 29 April 1941 -- seven weeks prior to the invasion of Russia -- the detailed plans for the economic exploitation of Soviet areas were ready. By this time Hitler had ordered a unified concentration of all economic proceedings and had deputized the defendant Goring with over-all supervision of the economic administration in the area of military operations and the rear areas. The defendant Goring had delegated this task to an Economic Executive Staff under the Chief of the Wirtschaftsstung Amt. Under the supreme jurisdiction of the defendant Goring and the Economic Executive Staff the various lower echelons were to exercise their assigned functions.

1157-PS. Top Secret Wehrmacht Plan.

In June 1941 -- still at peace with Russia -- the most comprehensive and most detailed organization and program for the ruthless exploitation of the Russian economy had been drafted by the Economic Control Staff East, an agency working under the jurisdiction and according to the directives of the defendant Goring.

1743-PS, "Green Folder" of the Economic Control Staff East."

(A detailed account of actual spoliation of Russia through these and other agencies is being presented in another brief.)

(3) Unoccupied France. On 5 July 1940 -- immediately following the armistice between France and Germany -- a special economic delegation was appointed which, by agreement between the defendant Goring and the Foreign Office, was headed by Minister Plenipotentiary Heuman. This delegation was charged with the task of harnessing, as far as possible, the economic potential of the unoccupied area for the service of the German war economy.

1741-PS, Document No. 1, Letter of Goring dated 5 July 1940, to all concerned Ministers and Agencies.

To facilitate the task of France's economic spoliation, German commissars with the French Government were to be instituted: One German Foreign Trade Commissar, one German Foreign Exchange Commissar, and one German Commissar with the Bank of France.

1986-PS, Report of the German Economic Armistice Delegation, No. 1, pp. 2 and 3.

d. Disruption of local economies.

Indictment Reference: VIII, E. 6.

"By a variety of financial mechanisms, they despoiled all of the occupied countries of essential commodities and accumulated wealth, debased the local currency systems, and disrupted the local economies.

(1) Black Market Operations. In November 1941, the Four Year Plan Agency, in conjunction with the Economic Ministry, created a central agency for the purchase of scarce commodities in the French black market.

When other agencies, especially the OKW and the Finance Ministry, stressed the fact that the planned black market operation ran counter to all these agreements with France designed to assure a well-regulated economic life and, therewith, France's continued ability to afford occupation cost payments, the Four Year Plan representative explained that the planned action was based on an express wish of the defendant Goring.

1768-PS. Document No. 1 and Document No. 2. Communications from the Foreign Office to Minister Hammer, dated 24 November 1941 and 26 November 1941.

On 15 January 1943 Colonel Veltjens, who was the defendant Goring's special plenipotentiary for the central planning and execution of all German black market activities in occupied Europe, issued a nineteen page progress report. This report gives a comprehensive picture of the organization created for the wholesale spoliation of Europe by use of the black market, and of the activities of this organization in France, Belgium, the Netherlands and Serbia until 30 November 1942. During the period 1 July 1942 and 30 November 1942, 1.1 billion Reichsmarks were spent for purchases in the various European black markets.

1768-PS. Progress Report of Colonel Veltjens.

On 16 December 1942 the defendant Goring, as Commissioner of the Four Year Plan, issued a dissemination stating that the black market action is scheduled to draw out of France commodities at a value of about 1 billion Reichsmarks within the next five months; although this black market action, in conjunction with the increase in occupation cost payments, involves a very heavy burden on the French economy, this action has to take place.

1768-PS. Document No. 4. Letter of Goring dated 18 December 1942.

According to the computations of an unknown member of the German Economic Armistice Delegation, the figure of about 3 billion Reichsmarks expenditure for black market purchases in France is rather too low than too high an estimate.

1768-PS. Document No. 5. Summary and Estimate of German Black Market Expenditures in France.

Most of the German Ministers and agencies recognized that the black market operations of the defendant Goring not only served to disrupt the economies of the affected countries, but also involved highly detrimental repercussions for the German interests in these countries. The German Finance Ministry, the Economic Ministry, the Reichbank, the Economic Department of the OKW (General Thomas' office), and the office of the German Military Commander in France, General Stuelpnagel, prepared analyses bearing out the thesis that the black market actions did not serve the German interests and disrupted completely the local economies.

2262-PS. Analyses of Various Agencies regarding Black Market Activities.

2265-PS. Memorandum of General Stuelpnagel on the detrimental consequences of the black market action.

2266-PS. Analysis of General Thomas' office on the black market action and related matters.

In various inter-agency discussions, the defendant Goring and his representatives agreed to the discontinuance of further black market activities after March 1943. In spite of these agreements, further black market operations on a large scale were undertaken also in the period following 1 March 1943.

- 2267-PS. Letter of Goring on Discontinuance of Further Black Market Activities, and Letter of the German Army Finance Office (Intendant) complaining of continued operations in violation of the agreement.

(c) Spoliation of Unoccupied France. In his letter of 5 July 1940 to all concerned Ministers and agencies, the defendant Goring gives the following authoritative interpretation of the German-French Armistice Treaty:

"The Armistice Treaty confers no rights whatever of an economic nature on Germany in regard to the unoccupied parts of France. Such rights can not even be construed by way of an extensive interpretation.

"Negotiations regarding economic questions of the Armistice Treaty will no longer be conducted by the German Armistice Commission under the chairmanship of General von Stuelpnagel, but instead through a special economic delegation, at the head of which Minister Plenipotentiary Hemmen has been appointed by agreement between Field Marshal Goring and the Foreign Office."

1741-PS, Document No. 1, Goring's letter of
5 July 1940.

The German Economic Armistice Delegation, which was appointed by agreement between the defendant Goring and the Foreign Office, received its directives throughout the whole period of its activity, e.g. from July 1940 until August 1944, from the German Committee for Foreign Trade Policy (HFA). This committee was composed of the State Secretaries or other high echelon representatives of all Ministries and agencies concerned with foreign trade policies. In this Committee, the representative of the Four Year Plan Agency, thus the representative of the defendant Goring, had the decisive vote and was instrumental in shaping the policies and actions pursued by the German Economic Armistice Delegation.

1967-PS, Statement of Minister Henken.

(A detailed account of the ruthless spoliation of France's economy through the German Economic Armistice Delegation is presented in a separate brief.)

Primarily through the black market purchases of the defendant Goring, the credit balance on Germany's occupation cost account was nearly exhausted in the fall of 1943. The Four Year Plan Agency thereupon devised a scheme to finance the execution of future German armament orders placed with French industrialists, through the illegal use of funds deposited with the German Enemy Property Custodian in France. The essence of the transaction contemplated the transfer of approximately 1.1 billion francs to the German Aerebank in Paris and the use of these funds for commercial loans to French industrialists working for German account. Despite the opposition of the German Enemy Property Custodian, who stated in great detail the absolute illegality of this transaction, the representative of the Four Year Plan insisted on its execution, and the transaction involving over a billion francs was effected.

1210-PS, Correspondence to and from Goring re-
garding the utilization of enemy owned funds.

The defendant Goring, in a directive to the German Military Commander in France, urged a change in the exchange ratio between French

francs and German Reichsmarks regardless of the detrimental influence of such a change for the French currency. Only the detailed representations of other German agencies, who pointed out that the German interest would not be furthered, but damaged through the consequences of such a step, prevented the execution of this policy of the defendant Goring.

2268-PS. Goring's letter on the Question of Exchange Rates.

(3) Seizure of Poland. On October 12, 1939, Hitler issued a decree on the Administration of the Government General. Paragraphs 5 and 6 of this Decree expressly state that the Ministerial Council for Reich Defense and the Trustee for the Four Year Plan are authorized to issue decrees with the power of law for the Government General; furthermore, that the Chairman of the Ministerial Council for Reich Defense, ~~that the Chairman~~ and Trustee for the Four Year Plan, e.g., the Defendant Goering, may issue directives necessary for the planning of the German living and economic sphere in the areas of the Government General.

Hitler Decree on the Government General
RGBl. 1939, I. p. 2077.

In execution of these powers Goering issued on 19 October 1939 a directive on Economic Policy to be pursued in all occupied areas and especially in the Government General. All raw materials, scrap, machines, etc., which are of any use for the German war economy, have to be removed from the Government General into Germany. The same holds true for industrial enterprises which are not absolutely necessary for the meager maintenance of the naked existence of the population.

Goering Directive No. 410.

In a meeting held on 12 February 1940 under the chairmanship of Goering, the defendant Goering again stressed that it was the paramount task of all respective measures to strengthen the German War Potential to the utmost; everything else will have to be subordinated to this ultimate goal. In particular, it had to be assured to gain the greatest possible ^{agricultural} ~~from~~ production from the Eastern Territories regardless of ownership or property rights in farm land. Also, the exploitation of all resources and transportation of oil into the Reich was to be pushed to the utmost without regard to

^{for}
the question of payment therefrom.

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Ex. 305 Minutes of Meeting Ex. 305

On 17 September 1940 Goring issued a decree on the treatment of property of citizens of the former Polish state. This decree, in substance, provides for the possibility of wholesale confiscation of the property of all former Polish citizens, making confiscation in certain cases mandatory.

This decree was issued despite the fact that prior to its promulgation the question of the legality of its provisions had been analyzed with the result that the legal experts cautioned against this decree because its provisions violated all rules of International Law.

ROB1, 1940, I. p. 1270
Ex. 263, note concerning the draft of the Decree on
the confiscation of Polish private property.

(4) Other Occupied Countries. A detailed account of the manner in which the agencies under the jurisdiction of the defendant Goring conducted the systematic plunder of public and private property in many other German occupied or German influenced territories is presented in a separate brief to which reference is made herewith.

5. Forced Labor.

Indictment Reference: VIII. B1

"During the whole period of the occupation by Germany of both the Western and the Eastern Countries it was the policy of the German Government and of the German High Command to deport able bodied citizens from such occupied countries to Germany and to other occupied countries for the purpose of slave labor upon defense works, in factories, and in other tasks connected with the German war effort.

On 25 January 1940 Governor General Frank submitted a report to the defendant Goring dealing with the exploitation of Poland, in which he stated that at least one million farm and industrial workers, both male and female, were being made available for transportation into the Reich, approximately 750,000 were farm workers, 50 per cent of them women. Frank stated verbatim "these workers are needed to guarantee farm production in Germany and to be a substitute for unavailable industrial workers in the Reich.

Ex. 304 Frank Report to Goring.

On 8 March 1940 the defendant Göring, in his capacity as Trustee for the Four Year Plan and as Chairman of the Council of Ministers for National Defense, issued a communication to the supreme Reich authorities dealing with treatment of civilian male and female workers of Polish nationality in the Reich. Point 4 of this directive stated as follows:

"Blameless conduct of the Poles is to be safeguarded by special provisions. The necessary legal and administrative provisions are to be issued by the Reich Fuehrer SS and Chief of the German Police at the Reich Ministry for the Interior.

R-148. Directive of Göring and explanatory remarks to this directive, dated Berlin, 8 March 1940, p. 2.

Attached to this directive, and also dated 8 March 1940, is a series of regulations of Himmler, Reich Fuehrer SS and Chief of the German Police. These regulations of Himmler contain the most stringent measures and the most humiliating discrimination against Polish workers in the Reich. Gestapo treatment is to insure maximum output of the workers and to forestall or punish any laziness on the job. In extraordinarily serious cases, the Chief of the Security Police and the SD is to be informed, and he will decide, in view of the special circumstances of the case, whether "special treatment" (this means, in German Gestapo terminology, killing) is to be employed.

R-148. Documents 3 through 10, especially Document No. 7, p. 3.

On 4 July 1941 a conference took place in which the representative of the Four Year Plan Agency, together with the representatives of other concerned agencies, deliberated the question of utilization of Russian prisoners of war as slave laborers for Germany. All participants in the conference, especially the representative of the Four Year Plan and of the Labor Ministry, resolved to use at least 500,000 Russian prisoners of war for forced labor as soon as Hitler would change his present directive prohibiting the use of Russian prisoners of war in German industry.

1189-PS. Minutes of the conference on the use of Russian prisoners of war in Germany.

On 31 January 1942 the Division for the employment of labor in the Four Year Plan Agency issued a circular to all highest Reich agencies in the Government General, Norway, the Netherlands, Belgium and Northern France, France, Yugoslavia, Luxembourg, Lorraine and Alsace. In this circular, Dr. Mansfeld, who was the general delegate for labor employment in the Four Year Plan Agency, explains the necessity to increase the use of forced labor to compensate for the higher manpower needs of the German armed forces. All measures must be taken to increase the incentive for voluntary enlistment for work in Germany, such as curtailment or complete withdrawal of unemployment benefits, withdrawal of food ration cards, and employment in especially heavy forced labor. However, it will be inevitable to recruit labor by force for work in Germany.

1183-PS. Circular Directive of the Four Year Plan Agency to the governing Reich authorities in practically all occupied territories.

On 21 March 1942 Hitler appointed Fritz Sauckel as Delegate for Labor Allocation "within the framework of the Four Year Plan and directly responsible to the Four Year Plan Trustees".

1666-PS. Hitler Decree. RGBl. 1942. I. p. 179.

Göring in a dissemination to all highest labor authorities in the Reich announced the appointment of Sauckel, stating expressly that "Sauckel was *is directly under* ~~true subordinate~~ to me (i.e. Göring)". Göring furthermore explained that Sauckel was obligated to submit proposals to Göring whenever new legislation was required, or existing laws needed modification, and that in all cases of directives and instructions of primary importance Sauckel was to report to Göring in advance.

1802-PS. Reichsarbeitsblatt. 1942. I. p. 257.

(A detailed account of the use of forced labor in Germany and of the treatment of imported slave labor is presented in a separate brief.)

6. Looting and Destruction of Works of Art.

Indictment Reference: VIII. 2. pp. 20 through 23:

On 5 November 1940 the defendant Göring issued an order to all German military and civilian agencies in which he endorsed the Einsatzstab

Rosenberg, an organization created for the systematic looting of all cultural and art objects. In the same order, he decreed a priority rating for claims on art treasures seized by the Einsatzstab, according to which Hitler had first choice for his personal collection and the defendant Goring second choice for his art collection.

141-PS. Goring Decree of 5 November 1940.

On 21 November 1940 Goring, in a letter to Rosenberg, claimed personal credit for the success of the work of the Einsatzstab Rosenberg.

1015-PS. Goring letter to Rosenberg dated 21 November 1941.

In May 1941 Goring again issued an order to all military and civilian agencies instructing them to support the work of the Einsatzstab.

144-PS. Goring's Order of 1 May 1941.

The defendant Goring also issued orders to Dr. Muehlen to "secure all Polish art treasures."

1709-PS. Report of Dr. Muehlen of July 1943.

(A detailed account of the activities of the Einsatzstab Rosenberg and of the looting of Polish art treasures is presented in another brief to which reference is made herewith.)

ARGUMENT AND CONCLUSION

The defendant Göring bears full criminal responsibility:

1. For all those acts specified hereinbefore, in the commission of which he acted personally in his capacity as coordinator of raw materials and foreign exchange, as Trustee for the Four Year Plan Agency, as Reich Minister for Air, or in any other capacity whatsoever;
2. For all those acts specified hereinbefore which were committed by officials of the Four Year Plan Agency. The responsibility for such acts is based on the fact that these officials acted within the jurisdiction delegated to them by the defendant Göring, subject to his directives, policies, reporting to him, and being responsible to him.
3. For all those acts specified hereinbefore and committed by officials of the Economic Control Staff East (Wirtschaftsführungstab Ost) and its subordinate echelons. The responsibility of the defendant Göring in this respect is based on the fact that he delegated his own powers as "Deputy for the over-all supervision of Economic Administration in Eastern Areas" to the Economic Control Staff East and its subordinate echelons; furthermore, that the defendant Göring personally approved the personnel appointments and the policy directives for the Economic Control Staff East.
4. For all acts specified hereinbefore and committed by the German Economic Armistice Delegation. The responsibility of the defendant Göring in this respect is based on the fact that this body was created by agreement between him and the German Foreign Office, and that the chairman of this Delegation was elected by agreement between the Foreign Office and the Defendant Göring furthermore, on the fact that this Delegation reported to the HPA and received its directives from the HPA, a body in which a member of the Four Year Plan Agency, acting as Deputy for the defendant Göring, participated with a decisive vote.
5. For acts, as specified hereinbefore, committed by Himmler, the Gestapo, the SD and the Nazi police institutions in general, against Polish slave laborers in Germany. The responsibility of the defendant Göring on this count is based on his express delegation of jurisdiction to Himmler as Reich Fuehrer SS and Chief of German Police.

ARGUMENT AND CONCLUSION (CONT'D)

6. For acts committed by the defendant Sauckel in his capacity as Delegate General for Labor Allocation by virtue of the fact that Sauckel, in this capacity, acted within the framework of the Four-Year Plan and as a subordinate to the defendant Goering.