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Miscellaneous Memoranda on War Criminals

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BELGIUM

Dissatisfaction with the progress of the Purge: Recent reports indicate a gradual decline in the popularity which the Van Acker Cabinet has hitherto enjoyed in certain sections of Belgian public opinion. Partially responsible for the Cabinet's declining prestige is the widespread dissatisfaction in left-wing circles over the alleged leniency of the Government in its conduct of the purge. The return of Belgian political prisoners from German concentration camps has greatly intensified the resentment over the delay in the prosecution of accused quislings.¹ Minor incidents have already occurred in many localities² and it is possible that, unless the Government takes drastic steps against former collaborators, the extreme left-wing groups may try to make political capital out of the existing dissatisfaction.

Ever since the liberation, demands for the punishment of collaborationists have been in the forefront of all party programs. In addition to emphasizing the necessity of a speedy and thorough purge, the Socialists and Communists have been particularly insistent in their demands for an investigation of the activities of the big industrialists during the German occupation. On the other hand, the Catholics, who insist on the maintenance of strict legal procedures in the prosecution of collaborationists, have vigorously opposed leftist demands that members of the resistance movements be attached to purge committees established in all communities. The Left groups claim, therefore, that the conservative Catholic Party has deserted its original anti-collaborationist

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1. OSS CID #131281, 7 May 1945
 2. OSS CID # 131649, 13 May 1945

SECRET/CONTROL

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position to embark on a campaign of tolerance and forgiveness. This
action, they assert, is due to Catholic Party awareness that the maj-
ority of the collaborationists came either directly from its member-
ship or from the Fascist VNV and Rex parties, which are alleged to
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have originated in Catholic ranks.

The purge issue has thus given rise to considerable political
strife between extreme Right and Left groups in liberated Belgium
and, earlier in the year, contributed to the fall of the Pierlot Govern-
ment, whose lenient purge policy was dictated largely by Catholic
Party influence. Since Van Acker was obliged to pay for Catholic
Party participation in his new Cabinet by reserving the important
Ministry of Justice for one of its members, the Catholics have succeeded
in retaining a preponderant control over the present Government's
purge policy. The Left parties, therefore, now blame the Catholic
Minister of Justice, Charles du Bus de Warnaffe, for the Government's
failure to keep its pledge to accelerate purge procedures. The fact
that the Liberal Minister of the Interior, Adolphe van Glabbeke, has
initiated a thorough investigation into the wartime activities of all
local officials has served to underline what the Left considers to
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be the ineffective policy of the Catholic Minister of Justice. The
Liberal Party in particular has emphasized the difference between the
vigorous administrative purge conducted by its Cabinet representative
and the lenient attitude taken by du Bus de Warnaffe.

The Government, however, has recently taken the first measures to

1. OSS source X, 16 January 1945
2. Ibid.
3. FCC: Daily, 30 May 1945

SECRET/CONTROL

SECRET/CONTROL

accelerate the prosecution of industrial collaborators, against whom public opinion is particularly aroused. In the latter part of May, the Government promulgated by decree a law defining economic collaboration. Although the Cabinet rejected a Socialist demand that the law be instituted by parliamentary action rather than by Government decree, it accepted a Socialist amendment to the original text submitted by the Minister of Justice. Under this amendment manufacturers who cannot prove that they used all available means to resist the execution of orders placed by the Germans are liable to prosecution.¹

There is increasing evidence, however, that former collaborationists, probably encouraged by the generally ineffective purge policies of the Government, are reforming their ranks. According to recent reports, an extensive organization has already been formed in Belgium to provide false identity papers to returning collaborators.²

1. OSS source D, 31 May 1945
2. FCC: Daily, 7 June 1945

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CZECHOSLOVAK GOVERNMENT NEARS COMPLETION OF PLANS FOR PUNISHMENT
OF WAR CRIMINALS

According to an announcement of Prime Minister Fierlinger, a Presidential decree on the punishment of war criminals will be issued shortly.¹ This decree will provide for the establishment of extraordinary People's Courts to try a variety of crimes committed in the service of Germany against the Czechoslovak state, as well as "crimes of denunciation."

The maximum penalty of death by hanging will be passed against persons who "have plotted against the Republic, committed a crime of public violence (or) robbery... and, who in the service of Germany or any of her allies caused grave bodily injuries, or committed a crime of malicious damage to (Czechoslovak) property." Crimes involving the preparation of political or military plots against the Republic will be punishable by twenty years of imprisonment or more.

The Government is now holding about 5,000 prisoners. Among them are a number of former Czechoslovak political leaders, some of whom have not played an outstanding role under the Nazi regime. They will presumably be tried for such of their policies and deeds during the period before and after the Munich agreement as are considered to have been harmful to the integrity of the state. Among outstanding former politicians now held for trial are Rudolf Beran and Jan Malypetr, vice president and president respectively of the Agrarian Party; and Jaroslav Preiss, member of the pro-Fascist National Democratic Party of Czechoslovakia and president of the Party-controlled Zivnostenska Bank,

1. OWI: Digest, 8 June 1945.

SECRET/CONTROL

SECRET/CONTROL

one of the most influential institutions in the state before 1938. The arrest of General Jan Syrový, former inspector general of the Czechoslovak Army and Premier immediately following the Munich agreement, was also reported, as was the detention of Rudolf Gajda, the former leader of the small but vociferous Fascist community of Czechoslovakia.

The trial of these politicians and military men will probably be conducted as more than a mere indictment of the respective individuals. It will doubtless be enlarged into a general indictment of the parties, political ideologies, and even social groups which these persons represented. If so, the trial can scarcely fail to affect the resurgence of the rightest political parties. It may force them, even if they were later to be allowed to reform, to adopt platforms considerably different from those pursued before 1938.

In preparation for these public trials, the Government has cleared big Pankrac prison in Prague, where the Germans used to keep political prisoners. The Government has also called on the district National Committees to furnish lists of qualified judges to serve as chairmen of the courts, and of persons with legal training to serve a public
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prosecutors.

While the Government is still preparing this decree calling for the punishment of war criminals, trials have already begun in at least
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one place. In Brno, a People's Court charged and convicted three persons: two were condemned to death, and one to eight years of imprisonment. Of the two persons sentenced to death, one was a relatively

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1. OWI: Digest, 10 June 1945
 2. FCC: Daily, 11 June 1945

SECRET/CONTROL

SECRET/CONTROL

minor former Gestapo official charged with having been an informer on whose instigation "many persons from Brno had been taken to concentration camps (some of them not to return)." The other, a Czech caretaker from Brno, was accused of having reported to the police people who were listening to foreign broadcasts, thus causing their deaths. The eight year jail sentence was passed on a man who had reported a Czech engineer for removing the letter 'J' (Jew) from a shop window. These sentences provide a possible foretaste of what is in store for the majority of persons now arraigned.

Land owned by Czech Traitors to be Confiscated:

On 22 June 1945 President Benes signed a decree introducing the new land reform in Czechoslovakia.¹ The exact text is not available, but it is reported to call for the confiscation of all landed property owned by Germans and Hungarians and by Czech traitors. Provision is made for the retention of land by anti-fascist Germans and Hungarians. There is no mention of a provision for the expropriation from loyal Czechs of land above a certain maximum.

Julius Duris, Minister of Agriculture, has estimated that about 2,300,000 hectares of foreign-owned land, and from 200,000 to 700,000 hectares of land held by "traitors," will revert to the Czech people.²

The land reform was officially set in motion on 24 June with the ceremonious confiscation of properties owned by outstanding members of the former Agrarian Party and some German landlords, such as the estates of Rudolf Beran, former president of the Agrarians and prime minister after the Munich agreement, Frantisek Machnik, member of the

1. New York Times, 23 June 1945

2. Zemedske Noviny, Prague, 8 June 1945

SECRET/CONTROL

Agrarians and Minister of National Defense in the Czechoslovak Republic before 1938, and Adolf Hruby, Minister of Agriculture in the Czech quisling cabinet.

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FINLAND

Agitation for punishment of war criminals renewed: The resignation of ex-President Ryti and former Premier Rangell from positions in the Bank of Finland (1) has touched off a new outburst of demands by the Finnish Left for speedy eliminations and punishment of former collaborators. On 29 June, when President Mannerheim was accepting the resignation of Ryti and Rangell, an interpellation, supported by at least forty-nine deputies, (2) was made in the Diet on the question of war criminals and war guilty. The interpellation consisted of two questions, the first demanding information concerning the Government's awareness of the alleged fact that the internal and external position of the country would be appreciably weakened unless persons guilty of initiating and fostering Finland's collaboration with Germany were speedily called to legal account; the second requesting an answer as to whether the Government was cognizant of the internal dangers arising from the continued presence of rightist elements in key positions and whether it was willing to use its full authority to effect a political "cleansing." (3) In the opinion of neutral observers on the scene, the interpellation was not in the nature of an attack on the Government but was designed to allow the Diet to take a stand on the question of war responsibilities. (4)

The importance of the interpellation is clearly shown by the sensational broadcast from the floor of the Diet during the sessions of 4 July, in the course of which Premier Paasikivi, assisted by Ministers Leino (Communist) and Kekkonen (Agrarian), gave the answers to the questions posed on 29 June. After a lengthy introduction, the Premier stated that "the Government feels that the question of war guilt and political guilt in general... should be solved as soon as possible. This is demanded by the country's foreign political position.... it is also essential for stabilizing the country's internal political position.... The Government's aim in this matter is that the inheritance left by the war should be removed as soon as possible from the field of practical politics." (5) Minister of the Interior Leino corroborated the presence of reactionaries in key positions and made a sensational announcement about the discovery of arms dumps, organized by "Army officers, many of them of high rank," and planned "in General Headquarters of the Defense Forces." (6) To give the Government a clean bill of health, Minister of Justice Kekkonen declared that so far sixty-one individuals had been sentenced to penal servitude, eleven to life terms, and fifty-one to imprisonment for varying terms, for war crimes against POW's; and that fifty-two other sentences had also been passed, while one hundred and fifteen individuals had been acquitted. (7)

Whether the recent resignation of General A.E. Heinrichs as Commander-in-Chief of the Finnish Defense Forces (8) is in any way connected with the revelations made by Minister Leino can only be a matter of speculation at this moment. It is certain, however, that the current events in the Diet constitute an important step in the agitation against the war guilty, which is likely to continue. (9)

1. OSS source D, Helsinki, 29 June 1945. Cf. Situation Report: WESTERN EUROPE, 30 June 1945.
2. OSS source D, Helsinki, 29 June 1945
3. OSS source D, Helsinki, 30 June 1945
4. OSS source D, Helsinki, 29 June 1945
5. Finnish Home Service, 4 July 1945 (FCC: Daily, 5 July 1945).
6. Ibid.
7. Ibid.
8. OSS source D, Helsinki, 2 July 1945
9. OSS # S-2814, 29 June 1945

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HUNGARY

Extradition of war criminals requested: Hungarian prosecution of war criminals, heretofore limited to lesser personalities, may soon take a new turn. It has now been announced that the Government has requested from the Allied Control Commission the extradition of the major Arrowcross war criminals, all of whom retreated with the German and Arrowcross forces and are now in Allied custody in southern Germany or Austria. While the extradition is pending, prosecutors from the People's Courts are expected to visit and interrogate these alleged war criminals. They will then be indicted and the trials held at an early date, if necessary even in the absence of the defendants.(1)

Trial in absentia was not even considered at first, and even after the Minister of Justice issued instructions to the People's Courts to proceed with it, difficulties were predicted from some quarters on this point. Trial in absentia is provided for, but the verdict must be limited to declaring whether or not the defendant is guilty and to determining his financial responsibility. The penalty itself cannot be decided or announced until the defendant appears in person before the court. With the giving of this limited verdict, according to present legislation, the role of the People's Courts in this matter will be terminated. It will then be up to the regular courts to provide the penalty, if and when the convict is returned to Hungary.(2)

The prestige of the People's Court, in brief, may suffer. Moreover, a regular court, having more attachment to the old regime, is likely to assign a milder penalty. These two considerations, and the popular criticism they may evoke, may persuade the Government to wait until the major war criminals become available on Hungarian soil or to seek some other solution to overcome the difficulties of a trial in absentia.

The first group of major war criminals whose extradition has been requested by the Hungarian Government includes four men who have been prime minister since 1938, Imredy, Bardossy, Sztojay, and Szalasi; six ministers of the Szalasi cabinet, Beregffy Rajniss, Szollosi, Kassai, Kemeny, and Kovarcz; two former chiefs of the general staff, Werth and Szombathelyi; and two State Secretaries of the Sztojay cabinet, Endre and Baky. (3)

In addition, the following leading Hungarian personalities, some of them suspected war criminals, are also being held in Allied custody: Nicholas Horthy, the former Regent; Nicholas Horthy, Jr., his son; Nicholas Kallay, former prime minister; Lajos Remenyi-Schneller, finance minister from 1938 to 1944; Franz Basch, Führer of the Volksbund; Ferenc Kiss, former president of the Actor's Chamber; Mihaly Kolosvary-Borcsa, former Press Chief and State Secretary.

Since the trial of these major war criminals will probably take some time, the authorities will probably not wait to seize their properties. Among those expected to lose their holdings are the three extremely wealthy Hapsburg archdukes, Joseph, Albrecht, and Joseph Franz, and Count Sandor Festetics, whose trial in absentia is also anticipated.(4)

1. Kossuth Nepe, 20 June 1945.

2. Mai Nap, 15 June 1945.

3. It may be noted that extradition for trial in Hungary is also being requested of two German officers in charge of German units in Hungary during the Russian advance: Generaloberst Johannes Friessner and SS Obergruppenführer and General der Waffen SS Karl von Pfeffer-Wildenbruch.

4. Kis Ujsag, 13 June 1945.

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The People's Courts have available a number of lesser war criminals for trial and sentence. These cases are fully prepared, but it is up to the Minister of Justice to decide whether they shall follow or precede the trial of the major war criminals. Among these lesser war criminals are Tibor Tora, former vice-president of the House of Representatives; Alajos Beldy, former National Youth Leader; Bishop Istvan Zadravec, Catholic Army Chaplain; Bela Berend, Rabbi who served the Arrowcross; Geza Bornemisza, Minister of Industry in the Kallay cabinet; Ferenc Hethelyi, judge of the Supreme Court; Miklos Krayzell, judge of a Court of Appeals; and Laszlo Budavari, former leader of the extreme nationalist and anti-semitic "Awakening Hungarians." (1)

Unless the People's Courts change their attitude considerably, their future activities may meet with renewed criticism from the leftist parties, which have now begun a relentless campaign against allegedly mild treatment of war criminals or politically compromised persons. The storm broke when the leader of a one-man Nazi party, Zoltan Mesko, was sentenced to only five years imprisonment. Upon appeal by the prosecution, the National Council of the People's Courts changed the sentence to life imprisonment. Even this did not satisfy critics of the Court, since the reason given for the new sentence was that Mesko, as a member of Parliament, had not availed himself of the opportunity to protest in Parliament against the Bardossy government's allegedly illegal declaration of war against the USSR on 27 June 1941. The daily paper of the Communist Party expressed editorially its amazement over the fact that Mesko was sentenced "not because he was a fascist, but because he was not a democrat." (2)

Meanwhile, the question of how to treat the ethnic German population, the svabs, appears to be nearing a solution. Much criticism was raised in connection with the land reform because in the svab communities the Communal Land Claimants Committee, being composed of local claimants, distributed the land among the svabs with no regard to their former pro-Nazi record. Many Hungarians clamored for the deportation of all svabs, but the Government refused to accept this principle of collective responsibility and declared that deportations should be carried out only at a later date, and in agreement with the Allied Powers. New land distribution in svab communities has been cancelled and a new procedure set up to determine the war guilt of each individual svab and to reallocate the acreage in question. (3)

Membership in the Volksbund will no longer be regarded as the only criterion of pro-Nazi activities, and, according to the decree which has recently been adopted by the Council of Ministers and is expected to be published soon, the responsibility of each svab will be determined on the basis of whether or not he belongs to one of the following categories: (a) Leaders of "Hitlerite" organizations. Pending trial by People's Courts, these persons will be interned and their land confiscated. (b) Members of "Hitlerite" organizations. They will be assigned to compulsory labor service and their land confiscated. (c) Supporters of "Hitlerite" organizations. This group covers persons who, while not members of the Volksbund, participated in Arrowcross or similar organizations. Their land will be exchanged for plots in barren regions of the country.

The breaking up of svab communities and the dispersion of the ethnic German population throughout Hungary will thus be promoted. This population amounts to approximately 500,000, of which about 300,000 are expected to be penalized in some

1. Magyar Nemzet, 16 June 1945
2. Szabad Nep, 16 June 1945
3. Kossuth Nepe, 23 June 1945

SECRET/CONTROL

SECRET/CONTROL

way for pro-Nazi activities. On the other hand, the 'Loyalty Movement' (Hűség Mozgalom), initiated by anti-Nazi elements in the ethnic German population, has recently petitioned the Minister of the Interior to clear the loyal Hungarian members among the svabs, insisting that many of them actively participated in the resistance movement. (1) Although the Minister has not yet replied to this request, it may be assumed that many of the svabs will, in fact, be exonerated.

In reallocating the land held by svabs, responsibility for their pro-Nazi activities will be determined, not by the local Communal Land Claimants Committees, as was done heretofore, but by a special three-member committee. One of these committees will be formed in every district (the first subdivision of the autonomous county) and will consist of a chairman appointed by the Minister of the Interior, one member delegated by the National Committee, and one member elected from among the "democratic" persons of the community in question.

1. Magyar Nemzet, 21 June 1945

SECRET/CONTROL

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SWITZERLAND

Switzerland acts to expel Nazis: Speaking on behalf of the Justice and Police Department, Edward von Steiger, its chief, announced that 270 expulsions of German nationals have been decreed by the Swiss Government, with more expected to follow.¹ In addition, the Swiss Government has closed down the premises of twenty-four German organizations and four German tourist homes,² and has liquidated the former Deutsche Zeitung in der Schweiz, a Nazi propaganda organ with a subscription list of 16,000.³

These measures have been taken in accordance with the announced policy of Switzerland to outlaw undesirable aliens and to terminate all activities in Switzerland connected with the National Socialist Party.⁴ Undesirable aliens, according to the Federal Prosecutor in Chief, Dr. Stampfli, are those persons whose presence in Switzerland constitutes a danger to the internal or external security of the country. Expulsions will be authorized only after a complete investigation of each case. However, certain activities or facts will automatically be considered a threat to Swiss security and will render the individual liable to immediate expulsion. Such activities or facts include the following: membership in a foreign organization known for its violence, such as the Gestapo; holding of office in the Nazi or Fascist parties; espionage activities; and "militant action -- in particular, actions involving humiliating or threatening references against Switzerland."⁵ Petitions for permission to remain will be accepted only in cases of illness.⁶ Those who are to be expelled to foreign occupied countries, according to Stampfli, will be handed over to the occupying powers and any information desired by those powers as to the reasons for the expulsion, the character of the individual, etc., will be supplied by the Swiss on demand.⁷

In general, those who have already been expelled have involved chiefly members of the German Embassy and consulate staffs⁸ and employees of German State Railways.⁹ President von Steiger announced that it was the unanimous decision of the Federal Council that German Minister Koecher will not be asked to leave. According to von Steiger, Minister Koecher had at all times attempted to facilitate relations between Germany and Switzerland rather than to aggravate them, and had performed his duties as Minister with understanding and moderation. The German Foreign Office, Steiger added, was powerless against the Party, and Koecher had been unable to oppose the Party influence; indeed, he himself had been under the surveillance of the Party.¹⁰

1. FCC: Ticker, (Bern, Swiss Home Service in French), 8 June 1945.
2. OWI: European News Digest, 11 June 1945, quoting the Swiss Radio, 8 June 1945.
3. OWI: European News Digest, quoting Der Bund, Bern, 17 May 1945.
4. Situation Report: CENTRAL EUROPE, 19 May 1945.
5. FCC: Ticker (Paris, AFP in French to Europe), 9 June 1945.
6. OSS source H, Bern, 31 May 1945.
7. FCC: Ticker, 9 June 1945.
8. OSS source D, Bern, 26 May 1945.
9. FCC: Ticker (Swiss Home Service in German), 5 June 1945.
10. OWI: European News Digest, 6 June 1945, quoting Swiss Radio in German, 1 June 1945.

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SECRET

SWITZERLAND

Criticism arises over Swiss expulsion policy: Although to date the expulsions decreed by the Swiss Federal Government have involved only German nationals, it has now been announced that similar measures are to be taken with regard to Italian Fascists. Deportation orders are to apply not only to the person in question but to his family as well. In addition to the lists prepared by the Federal Government, the cantonal authorities are preparing their own lists of those who are to be expelled, and in certain cases have already acted.¹

Meanwhile, the Swiss public is becoming increasingly concerned over the manner in which the Federal Government is handling its expulsion policy. On the one hand, the conservative deputy of Valais declared in the national council that the Federal Council has been going too far and that persons are being thrown out of Switzerland who are politically irreproachable.² On the other hand, demonstrations have occurred in numerous cantons demanding that the Government adopt a more rigorous expulsion policy.³ These demonstrations reached such proportions in the canton of Schaffhausen that the authorities were forced to ban all such public manifestations.⁴

Specifically, criticism from the latter standpoint is being directed at the Federal Government for its lenient policy in permitting the German Minister, Koecher, and such prominent Fascist refugees as the former Italian Foreign Minister, Bastianini; the ex-ambassador to Berlin, Alfieri; and Mussolini's daughter, Edda Ciano, to remain in Switzerland.⁵

Despite the refusal of the Lucerne Canton to grant the German Minister a sojourn permit,⁶ the Federal Council has refused to reconsider its earlier decision and reiterated that it did not consider his presence in Switzerland as constituting a threat either to Swiss internal or external security.⁷ However, in regard to Bastianini, Alfieri, Edda Ciano, and Volpi (former Governor of Libya), von Steiger, Chief of the Swiss Justice and Police Department, reported to the National Council that these persons had never been given the right of asylum in Switzerland and would be requested to leave as soon as circumstances permit.⁸

1. FCC: Ticker quoting Bern in English abroad, 13 June 1945.
2. FCC: Ticker quoting Bern, Swiss Home Service in French, 8 June 1945.
3. FCC: Ticker quoting Paris in French to Europe, 8 June 1945;
FCC: Ticker quoting London in English to Africa, 9 June 1945.
4. FCC: Ticker quoting Bern, Swiss Home Service in German, 14 June 1945.
5. FCC: Ticker quoting London in English to Africa, 9 June 1945.
6. OSS source D, Bern, 14 June 1945.
7. FCC: Ticker quoting Paris (AFP) in French to Europe, 22 June 1945.
8. Ibid.

SECRET

SECRET

- 2 -

Although at least one of the demonstrations which occurred is known to have been organized by Swiss labor groups,¹ it is not yet possible to determine how much of the criticism recently reported springs from interested organizations of the Left and Right, and how much has risen spontaneously from the population as a whole.

It may be assumed, however, that the Swiss expulsion policy is of greater international significance than a mere internal "housecleaning." The Allies appear exceedingly anxious that the chief German officials abroad be sent back to Germany for consideration of their cases.² If the German Minister to Switzerland is among those who have been recalled by the Allied military authorities in Germany, the Swiss Government's decision to let him remain may have serious repercussions. Specifically, in view of the recent charges levelled by the USSR at Switzerland for an alleged pro-fascist policy, and more recently for "mistreatment of Soviet nationals," Switzerland's handling of its policy of expulsion might easily jeopardize any attempts it may contemplate making to resume diplomatic relations with the Soviet Union.

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1. FCC: Ticker quoting Paris (AFP) in French to Europe, 8 June 1945.
 2. OSS source D, 23 June 1945.

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RUSSIA AND THE JACKSON REPORT ON WAR CRIMINALS

Justice Jackson's report on American plans for the punishment of war criminals has been greeted in Moscow by a significant silence. Soviet newspapers, according to all available evidence, have completely ignored the existence of the Jackson report. Were the Russians dissatisfied with the American proposals, it is doubtful that they would have refrained this long from expressing an opinion.

More significant perhaps than the absence of comment on the Jackson report itself is the Soviet silence regarding the way in which the Western Allies are handling the war criminal problem generally. For weeks the Soviet press and radio have taken a critical attitude toward the Western Allies for not accelerating the punishment of war criminals. Since the announcement of the Jackson report, Russian newspapers have not commented¹ on the question of war criminals. Although this sudden cessation of criticism may mean no more than that the Soviet writers are temporarily resting their critical pens, the significance of the Russians halting their attacks after the publication of the Jackson report should not be underestimated.

The Soviet government has never issued such a comprehensive statement as that of Justice Jackson, but instead has used Professor A.N. Trainin as its spokesman in enunciating the Soviet attitude toward the punishment of war criminals. The fact that the Jackson report presents a viewpoint remarkably similar in many respects to that expressed in

1. After two weeks of ignoring the question of war criminals, Radio Moscow broadcast in English to North America on 15 June a commentary which indirectly criticized the Western Allies for not bringing to trial immediately the leading Nazis held in their custody.

SECRET/CONTROL

earlier statements by Trainin may account for the silence of the Soviet press. If the absence of any published reaction to the report does not indicate a certain amount of Soviet approval, then the American plan looks as the basis of Allied policy toward the punishment of war criminals. For Justice Jackson reported that "no substantial differences exist between the United Kingdom representatives and ourselves" and that France "accepts in principle the American proposals."¹ As for Russia, Justice Jackson stated that the Soviet government, "while not yet committed, has been kept informed of our steps and there is no reason to doubt that it will unite in the prosecution." Moscow, however, delayed answering for over a month American proposal that an international military tribunal be established for the prosecution of the major German criminals, and only on 16 June² indicated that it accepted the proposal in principle.

If the writings of Trainin actually reflect official Soviet policy, and there is no evidence to the contrary at present, then the Russians can be expected to approve the following points of the Jackson report, points which Trainin himself has previously advanced.

1. That a war of aggression is a crime, and that the former Nazi leaders will be prosecuted for waging such a war as well as for planning the systematic atrocities.

2. That the legal technicalities observed in ordinary criminal trials should not be permitted to obstruct proceedings against war criminals.

1. New York Times, 7 June 1945.

2. Source D.

SECRET/CONTROL

SECRET/CONTROL

3. That the doctrine of legal immunity for the head of a state is rejected.

4. That the doctrine of superior orders cannot apply in the case of persons who voluntarily participated in criminal organizations such as the Gestapo and the SS.

5. That German industrialists and financiers, as well as the former Nazi leaders and members of the German high command, will face prosecution.

6. That the test of what legally is a crime should take into consideration whether or not the acts committed offended the conscience of the people.

7. That war prisoners suspected of being war criminals should be denied the usual treatment accorded to prisoners of war.

Although these points are believed to meet with Soviet approval, the Russians probably have withheld all comment for at least two reasons. First, the Soviet press does not become immediately enthusiastic over documents which the Kremlin did not help to write. Secondly, the Russians are well aware of the chasm between words and deeds, and apparently are reserving judgement. Yet the Jackson report should reassure the Russians that the American government does not intend to permit the punishment of war criminals to become bogged down in a welter of legal complexities. Whether Moscow now will take positive action, after months of official silence, is questionable. Instead the Soviet Union may delay making any basic move until the Supreme Soviet of the USSR convenes on 22 June-- four years to the day when Germany attacked the USSR.

SECRET/CONTROL

SECRET

FLEXIBLE SOVIET POLICY TOWARD WAR CRIMINALS

The repeated promises of the Soviet press that every war criminal will receive swift and stern punishment do not appear to reflect the actual practice of the Soviet government. While there is little doubt that Moscow firmly intends to liquidate the Nazi leaders and to exact retribution for the war crimes committed by the Germans in occupied Russia, it is not equally clear that the Russians will follow an impartial approach in achieving their objective. The Russians have already demonstrated that while they will be guided by legal principles in punishing war criminals, they also will be motivated by political considerations. As a result, the policy of the Soviet government, when compared with the predictions of the Russian newspapers that all war criminals face certain punishment, may appear somewhat arbitrary and opportunistic.

Russian newspapers recently have expressed impatience that Nazi leaders captured by American and British forces have not yet been brought to trial. The Soviet press, however, ignores the fact that the Soviet government itself, on three occasions, has permitted accused war criminals to escape prosecution for the time being.

1. Three German generals accused as war criminals are now members of the Free Germany Committee and the Union of German Officers in the USSR. In the summer of 1944, the Russians captured Major General von Bogen, commanding the 302nd infantry division, Major General Guenther Klammt, commanding the 260th infantry division, and Major General Hans Traut, commanding the 78th infantry division. All three men have been formally named by the Soviet Extraordinary State Commission as responsible for war crimes committed in occupied Russia. Instead of prosecuting the generals, however, the Russians apparently decided that they could be used for political purposes and permitted them to join the Free Germany Committee. Indeed, it is possible that the Russians forced the generals to join by threatening to prosecute them if they refused. It has been reported, but not confirmed, that Field Marshal Friedrich von Paulus refused to join the committee until the Russians threatened to prosecute him as a war criminal. 1/

2. In Rumania, the Russians have approved Gheorghe Tatarescu as vice-premier of the Groza government, in spite of the fact that as premier in 1934-37 and again in 1939-40 he was a leading supporter of King Carol's fascist dictatorship. Similarly, the Russians have permitted Nicolae Malaxa, a leading Rumanian industrialist and a notorious pro-fascist, to return to his former factory as general manager, in spite of his previous contributions to the fascist Iron Guard in Rumania.

1/ Source T.

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3. In Finland, the Russians have permitted the release without trial of two Finnish generals -- Major General Aaro Pojari and Major General Vaino Polojarvi -- in spite of the fact that both men were named by the Soviet Extraordinary State Commission as war criminals.

It is possible that once these individuals are no longer of use to the Russians, they may be punished. Yet the fact that thus far they have escaped trial indicates that the Soviet government will permit political considerations to affect its policy of punishing war criminals.

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