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The Prosecution of the Major Nazi War Criminals
Before the International Military Tribunal

Preliminary Trial Brief

on

THE DEVELOPMENT OF THE CASE ON OFFENSES INVOLVED IN THE BREAKDOWN
OF THE TRADE UNIONS AND THE REGIMENTATION OF LABOR

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THE DEVELOPMENT OF THE CASE ON OFFENSES INVOLVED
IN THE BREAKDOWN OF THE TRADE UNIONS BY THE NAZIS

I. Responsibility for Developing the Case.

"The breakdown of the trade unions" 1/ by the Nazis within Germany is a part of the "common plan or conspiracy to instigate war". Under the plan for pre-trial preparation of the four chiefs of counsel as announced by Mr. Justice Jackson in his staff memo of 14 August, 1945, the primary responsibility for work in assembling evidence on this phase of the international case falls upon Committee No. 4.

The breakdown of the trade unions in the countries successively occupied by the Nazis was part of the actual operations. It may be decided, therefore, that this second phase of the breakdown of the unions is within the primary responsibility of Committees 2 and 3, headed respectively by the chiefs of counsel of the USSR and France. However, the breakdown of the Unions in occupied countries was in part accomplished to buttress the German war machine for further aggression by assuring that foreign labor could be exploited fully with less likelihood of opposition by the oppressed. In this sense, Committee 4 retains a substantial interest. In any event, both phases of the breakdown of the unions are outlined here for reasons of continuity and simplicity.

II. Theory of the Case.

The breakdown of the trade unions is cognizable under all three sections of Article 6 of the Charter of the International Military Tribunal. First, the suppression of unions in Germany is one of the "crimes against peace". Removing the possibility of any open independent action or resistance by organizations of workers in Germany was an important part of the total liquidation of the opposition to Nazism within Germany. 2/ It was an integral part of the preparation for waging aggressive war. Such action is defined in Article 6(a) of the Charter as

1/ This phrase was used by Mr. Justice Jackson in his report on the prosecution of war criminals to President Truman, 7 June 1945. The phrase is herein construed to mean both the complete elimination of trade unions, as in Germany and most countries occupied by the Germans, as well as the suppression of unions in all but name, such as in occupied Norway.

2/ See statements of fact in Section III-C and Section VI.

a crime against the peace. Second, the continued suppression of the trade unions in the occupied countries was an important phase of exploiting foreign labor in the waging of war itself. The maltreatment and murder of union leaders and the confiscation of trade union property was a violation of the laws or customs of war, and hence one of the "war crimes" defined in Article 6(b). Lastly, the inhuman acts committed within and without Germany in breaking down the unions were crimes against humanity within the definition of Article 6(c), being acts committed in connection with the crimes against peace and the war crimes heretofore mentioned.

III. The Proof on the Breakdown of the German Unions.

A. Historical Setting

The year 1933 in Germany was the year of "Gleichschaltung", the political coordination or forcible assimilation of the principal organizations and groups which were the backbone of the Weimar Republic. The breakdown of the unions in May and June 1933 was one of the central links in this coordinated chain of highly successful activity which accomplished the Nazi revolution. It was a central part of the rooting out of the elements opposed to Nazi ideology and to the preparation for total and aggressive war. Without eliminating the trade unions, with their close connection to the political parties opposing the Nazi-Nationalist coalition, the Nazis were not free and unfettered in advancing their totalitarian purposes. So long as the representatives of the free trade unions retained any independence of action, the Nazis feared continued political opposition as well as future resistance to the exploitation and regimentation of labor on behalf of the German war machine. The breakdown of the trade unions was, therefore, a part of the Nazi conspirators' grand, concerted plan of domination. The plain words, in December 1938, of Colonel General von Fritsch, who just previously had been Commanding General of the Army, reflects the mentality of the German General Staff concerning labor:

Shortly after the first war I came to the conclusion that we should have to be victorious in three battles, if Germany were to become powerful again. 1. The battle against the working class - Hitler has won this. 2. Against the Catholic Church, perhaps better expressed against Ultramontanism. 3. Against the Jews. 3/

3/ Personal letter to Baronin Von Schutzbar, on 11 December 1938. OGC at present has only a translation obtained through OGC, Paris.

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To place this breakdown in proper context, the Tribunal need only be asked to take judicial notice of some of the main decrees of Hitler in 1933, such as those suspending civil rights, wiping out the opposition parties, confiscating the property of opposition elements, and weeding out "undesirables" from the civil service. 4/

B. The Nazi Animus Against German Trade Unions.

Hitler's feelings toward the trade unions in Germany was declared in "Mein Kampf" in terms of the usual Nazi shibboleths: class war, ruination of German economy, the Jews, Marxism, and international finance:

"The trade union in national-socialist interpretation, has not the mission to gradually transform into one class, through condensation, all the various individuals among the people, thereby to take up the fight against other similarly organized structures within the nation. On the whole we cannot assign this mission to the trade union, rather it was first conferred on it at the moment during which it became the weapon of Marxism. It is not that the trade union is imbued with the spirit of the class struggle, directly, on the contrary, Marxism has made of it an instrument for its class war. It created the economic weapon which the international world Jew uses for the ruination of the economic basis of free, independent national states, for the annihilation of their national industry and of their national commerce, and thereby for the enslavement of free peoples in the service of the above-the-state-standing, world finance Jewry ('überstaatlichen Weltfinanz-Judentums')." 5/

C. The Elimination of the ADGB and the IFA.

The two largest groups of unions in pre-Hitler Germany were the ADGB, the General German Trade Union Confederation, and the IFA, the General Independent Employees Confederation. The ADGB had 28 affiliated unions; the IFA, 13 affiliated unions. Together these organizations had a membership of over 4,500,000 in 1933.

4/ These decrees and others are translated into English in a U.S. Treasury publication, "Germany - Preliminary Report on Selected Financial Laws, Decrees and Regulations", Vol. 2, section on "Discrimination". Copies in Central Library, Documentation Division, OGC.

5/ Certified OGC translation from Page 675, 39th edition.

On 21 April 1933, Dr. Robert Ley, Chief of Staff of the Political Organization ("PO") of the NSDAP, issued a Party circular 6/ directing the "Gleichschaltung" (political coordination) of the ADGB and the AF., including the arrest of their principal leaders and the seizure of their properties. This was a party action and not in any way an action of the Government. The plan was skilfully organized and as skilfully executed. Ley named himself chairman of an "Aktionskomitee" of eight to direct the entire action.

The order stated that "Supporters of the action should be members of the NSBO", the Nazi factory cell organization. The Party Gauleiters in each province were held responsible for the successful and disciplined accomplishment of the action and each was "to proceed with his measures on a basis of the closest understanding with the competent regional factory cells directors" of the NSBO. "S. as well as SS are to be employed for the occupation of the trade union properties and for the taking into custody of personalities who come into question". It was expressly directed that the central and district offices of all the unions be occupied, as well as the branches of the Labor Bank, and that the following persons "be taken into protective custody".

1. All trade union chairmen
2. The district secretaries of the unions
3. The branch directors of the Labor Bank.

The seizures and arrests were in fact carried out with the same thoroughness as the ingenious circular directing the action. On the same day as the action took place, 2 May 1933, the "Aktionskomitee" publicly announced the action as the beginning of "the second chapter of the National Socialistic Revolution". 7/

6/ This circular, with deletions of certain names and affiliated unions of the ADGB and AF., is appended as Exhibit A. OCC does not yet have an original copy of this circular. The circular as appended is taken from a German publication by Prof. Dr. Willy Mueller: "Das soziale Leben in neuem Deutschland unter besonderer Berücksichtigung der Deutschen Arbeitsfront" (Verlag E.S. Mittler & Sohn, Berlin, 1938). A copy has been loaned to the Central Library, OCC, by the Erlangen University Library.

7/ Most of the announcement is attached hereto as Exhibit B. It is quoted from "Documente der deutsche Politik", Vol. I, pages 151-2. This series of documentary collections was published by the Director of the High School for Politics and may therefore be accepted as official and accurate. Copy in Central Library, OCC.

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In explaining the motive for the action, the announcement said:

You may say, what else do you want. you have the absolute power. True, we have the power, but we do not have the whole people, we do not have you workers one hundred percent, and it is you whom we want; we will not let you be until you stand with us in complete, genuine acknowledgment.

D. Extent of Terror Against Trade Union Leaders.

Proving in qualified legal form the extent of the arrests of and brutality to union leaders is still a largely undeveloped field. Approaches have been made to refugees from the terror residing outside of Germany and to some of the union leaders who survived the terror and are still within Germany. It is suggested that representatives of Britain, France and the Soviet Union also be requested to furnish concrete proof on this topic.

Mr. Hans Gottfurcht, who in 1933 was district secretary of the "White Collar Workers Union" in Eastern Germany, has submitted a statement to OCC. From 1933-1938, Mr. Gottfurcht remained in Germany and, by underground means, acquired considerable knowledge of the extent of the terror. He names a dozen union leaders who were murdered and some others who were brutally treated under arrest or at concentration camps. His knowledge is based upon conversations with several persons who survived arrest and imprisonment in concentration camps, and with the immediate families of union leaders who were murdered or are still "missing".

It is planned to spend some time in the near future developing the best available evidence along this line.

E. Formation of the German Labor Front (D.F.).

On 10 May 1933 the Nazis sponsored and held the first German Labor Congress. On the same day, Hitler announced the appointment of Dr. Ley as leader of the German Labor Front, known in Germany as the "D.F." (Deutsche Arbeitsfront). At the First Labor Congress Hitler gave both his personal and official support to the new organization by addressing the Congress.^{8/} Within a few years the D.F. was to become the largest single organization in Germany, with 20 million members, and it came to hold the position of first importance in propagandizing and controlling the broad masses of working people, both in Germany and in German-occupied territory.

^{8/} This address in full appears in "Documente der deutschen Politik", Volume I, Page 154. Only parts of this speech have been thoroughly screened.

The "Organization Buch of the NSDAP" states: "The DAF is a member organization of the NSDAP" 9/ It "is the organization of the creative Germans of brain and fist... The object of the DAF is the building of a real folk and productive community of all Germans". 10/ The NSBO (the Nazi factory cell organization) "is the organization of the political leaders of the NSDAP in the DAF" 9/ An official publication of the DAF states:

The DAF has as its first and highest task the construction of the National Socialist ideology in the community of the broad masses of the people. 11/

The NSDAP organization book further states:

"its duty is to see that each individual should find his place in the economic life of the Nation as well as in its physical and spiritual composition, which will enable the individual to reach the highest productivity and therefore make him of greatest use to the folk community." 12/

Thus, within ten days after the destruction of the free German unions, there was imposed by force upon German workers a party organization, led by trusted NSBO men of the old guard. Piercing the veil of Nazi talk on social welfare of the folk community, the announced objectives are plainly those of regimenting the whole of German labor under the centralized direction of the Nazis for the needs and requirements of the Nazi state.

9/ Organisationsbuch der NSDAP, 6th edition, 1940, page 186. Copies in OGC Library.

10/ Ibid, page 185.

11/ "Organisation der deutschen Arbeitsfront und der N.S. Gemeinschaft Kraft Durch Freude", page 9. Copies in OGC Library.

12/ Organisationsbuch der NSDAP, 6th edition, 1940, page 186.

F. Regulation of Employment Conditions by Hitler-appointed Agents.

The next step in regimenting labor also fell within the month of May 1933. Within ten days after the creation of the German Labor Front legal support was given to the Nazis' plain intention that no labor organization was to have any rights of representing workers in collective bargaining with employers concerning working conditions or in otherwise influencing conditions of employment. Collective bargaining was destroyed on 19 May 1933 by a decree 13/ declaring that "trustees of labor" would regulate the conditions of labor contracts in place of the former system of negotiation between representatives of employers and workers. The trustees were to be appointed by Hitler. Thus the German Labor Front, and the then still existing Christian Trade Unions could not possibly exercise the normal functions exercised by unions in a competitive economy.

G. The Seizure of the Christian Trade Unions.

The Christian trade unions in 1933 had over 1,250,000 members. These unions were seized by another Party order signed by Dr. Ley on 24 June 1933:

"I. With the formation of the German Labor Front the majority of workers and capitalists organizations should have an opposite orientation. Not only should the last refuge of Marxism be liquidated by this means, but also it should be possible to remove the unfortunate schism of the German laboring men. Petty and selfish persons do not wish to recognize this great revolutionary fact and seek to weaken this work by imitations and self-help organizations. It is the will of the Fuehrer that outside of the German Labor Front no other organization (whether of worker or of employers) is to exist...

13/ 1933 RGBI. I, 265. -- certified OGC translation is attached, marked Exhibit C/. Note that it is signed by Franz Seldte, Minister of Labor throughout the Hitler regime, as well as Hitler and other ranking ministers.

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II. National Socialism is exercising the power in its strength most generously, however this proceeding is being interpreted here and there by its small opponents as weakness. Thus National Socialism believed that it could be generous in dealing with the Christian trade unions and other middle-class groups. This fact was answered by ingratitude and disloyalty. It turns out that the afore-mentioned unions have shown the greatest corruption in treasury matters and in economic affairs. Because of this knowledge I decree the following: All offices of the Christian trade-unions and of employee unions are to be occupied by National Socialists ...

signed: Dr. Robert LEY" 14/

In early June Dr. Ley had attempted to represent the Nazi regime and the Christian trade unions at the International Labor Conference in Geneva. His reception was anything but warm and he was not accredited by the Conference. --s Professor Mueller comments:

"The Geneva atmosphere was not without the influence of the Christian trade unions." 15/

Perhaps Dr. Ley granted the Christian trade unions a little longer span of life than the ADGB and the DAF because he hoped for a better chance of being admitted to the International Labor Conference, and thus exerting influence in international affairs concerning labor. Perhaps the delay was because the Nazis did not want to subject the whole trade union field to direct attack all at once for reasons of strategy. But in any event, as of 24 June 1933, the last vestige of trade unionism was eliminated from the German scene.

H. The Confiscation of Union Property.

At the time the property of the unions was seized by the Party actions in May and June 1933, the Nazis made no attempt to claim that this was a legal action. However, over three years later a decree was issued with the sometime misleading title "Law Granting Compensation in Connection with Confiscated or Transferred Property". 16/ Under "Title III, Property of the Former Employer and Employee Associations", the property custodian of the German Labor Front (DAF) was "entrusted with the property of the former employers and employees associations, inclusive of their benefit and insurance property administrations, pension funds, or property". Section 24 (3) contains a pathetic admission:

14/ No original of this order is in OCC possession. This excerpt is a certified OCC translation from "Das soziale Leben in neuen Deutschland". See footnote 6.

15/ "Das soziale Leben in neuen Deutschland", page 54.

16/ 1937 RGBI. I, 1333, 9 December 1933. Translated in U.S. Treasury Collection of Decrees. This decree was signed by Hitler, Goering, Hoss, Frick, von Krosigk, Boldt and Guertner.

Insofar as the property of the former employers or employees association has already been liquidated by orderly procedure or otherwise, no change will be made. (Emphasis supplied).

It is unnecessary to dwell long upon this as a belated attempt to give a legal veil to the lawless seizure and confiscation of property of free associations by the Nazis. In arriving at this conclusion, one has only to adopt the frank admission of the defendant Dr. Ley himself at the 1937 Party Congress when he boastfully alluded to a conversation with Hitler as follows:

Once I said to the Fuehrer: "My Fuehrer, actually I am standing daily with one foot in jail, for today I am still the trustee of the comrades Leipart and Imbusch 17/, and should they some day demand me to return their property, then it will be found that I have either mismanaged it or spent it. But they shall never again find it in the condition in which they handed (sic) it over to me. Therefore I would have to be convicted." Then the Fuehrer laughed and remarked that apparently I felt extremely well in this condition. 17a/

IV. Extension of the "Leadership" principle into the Factory. 18/

1. General Significance of the "Fuehrerprinzip".

The oath taken by all Nazis stated:

I pledge faith to my Fuehrer Adolf Hitler. I promise to give every attention and obedience to him and to the Fuehrers which he shall set over me. 19/

The Party was organized so that defined fields of jurisdiction, both geographical and functional, were conferred by Hitler to sub-Fuehrers. Sub-Fuehrers at the national level had under them sub-Fuehrers at the regional level, etc. Each sub-Fuehrer was the "Fuehrer" within his domain and his authority was absolute over those Party members under him who were his followers ("Gefolgschaft"). The "Prinzip" meant that

17/ Two of the principal union leaders arrested over three years earlier in May 1933.

17a/ Page 373, "Von der Grossmacht zur Weltmacht 1937", which is Volume 5 of the official documentary collection entitled "Dokumente der deutschen Politik". Copies in OCC Library.

18/ If it is decided that the Leadership Principle is to be given considerable emphasis as an important factor in establishing the responsibility of individual defendants because of the principal-agent relationship created by it from top to bottom of the Nazi pyramid of authority, then it is planned to rework this section with much greater care.

19/ Organisationsbuch der NSDAP, 6th Edition, 1940, page 6d, published by the Reichsorganisationsleiter der NSDAP, Dr. Robert Ley.

every activity of the Party at each level was subject to a central authority. The person exercising this authority (the Fuehrer) was responsible solely to the Fuehrer over him. The pyramiding of Fuehrers culminated, of course, in Hitler himself. All Party members knew this and followed it. The Party Bible on organizational matters, the "Organisationsbuch der NSDAP", devoted many pages to the "Fuehrerprinzip" in both theory and practice. 20/

This principle meant that once general policy was determined at the top, specific persons were charged with responsibility for its execution, and that there was no room for any democracy about the matter at any lower level. Party people rose or fell not according to how they pleased their followers, but according to how they produced results within their authoritarian sphere. The "Prinzip" was also applied in the affiliated and member organizations of the NSDAP, including the SA, SS, DA, etc.

B. The Law Regulating National Labor.

On 30 November 1934, a decree 21/, was issued under the name "Law Regulating National Labor". In effect it transferred the Party "Fuehrerprinzip" into the factories:

Chapter I. The leader ("Fuehrer") of the factory and the board of trustees.

1. The enterpriser works in the factory as leader (Fuehrer) of the enterprise with the workers who constitute his followers for the furtherance of the aims of the plant and for the common benefit of people and state.
2. (1) The leader of the factory makes the decisions for the employees and laborers in all matters concerning the enterprise, as far as they are regulated by this law.
(2) He is responsible for the well-being of the employees and laborers. The employees and laborers owe him loyalty according to the principle of the factory community.

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5. (1) Trustees recruited from the employees and laborers act in an advisory capacity to the leader of the factory

20/ Ibid, see for example pages 86-88.

21/ 1934 RGBL. I, 1193.

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6. (1) It is the duty of the board of trustees to increase the mutual confidence within the factory community.

The trustees had to be members of the German Labor Front (D.A.F.) with such character and education that they would "step in" for the interests of the "National State" when necessary. (Sec. 8). A majority of the trustees could appeal in writing from any decision of the factory "Fuehrer" to the Hitler-appointed "Treuhander" (perhaps also best translated as "trustee") holding jurisdiction over the factory's working conditions. 22/ Pending action on the appeal, however, the factory Fuehrer's decision remained intact. This "appeal process" in no way mitigates the "Fuehrerprinzip" since the "Treuhander" to whom appeal was made was in any event the "Fuehrer" above the factory Fuehrer for matters concerning working conditions. This merely gave the higher Fuehrer, a Hitler designate, a better chance to enforce state policy over the factory managers within his jurisdiction.

Nothing is said in this law about any "rights" of ordinary employees to petition for correction of alleged grievances. Presumably if the ordinary employee could persuade a carefully chosen D.A.F. trustee to bear his grievance to the trustee committee, the matter might receive some attention. The individual employee had no procedure, however, for enforcing consideration of his grievance. Although the words constantly appear paternalistic in tone, the result was complete, final and unmitigated regimentation of the broad masses of labor under a pyramid of complete authoritarianism regulated by the Leadership Principle.

V. Compulsory Labor Service, the "Reichsarbeitsdienst" (R.A.D.).

The Reichsarbeitsdienst began in 1931 as a Party organization for unemployed young people. On 26 June 1936, by a decree 22/ signed by Hitler and Frick, then Minister of Interior, it was made compulsory for a period of at least six months for all German youths, of both sexes, between the ages of 18 and 25. The decree (Sec. 1) states that its object was to educate youth in the spirit of National Socialism and to instill in youth a true conception of and respect for manual work. Compulsory labor service was under the general jurisdiction of the Minister of Interior, but from the beginning Reichsleiter Hierl, as Reich Labor Leader ("Reichsarbeitsfuehrer") exercised command responsibility, decided upon the work placement of the workers involved, and determined the educational program.

The R.A.D. engaged in military drill and generally developed physical endurance of its constituents. Some of the work projects related to the preparations for war. No documents exchanged between leading Nazis have yet been found admitting that the R.A.D. was intended as another instrument preparing Germany for war. A voluminous literature is on hand which has only been cursorily screened. It is believed that the R.A.D. can be proven to be another Nazi instrument in the preparation for war. After war was declared its constituents were often used under Wehrmacht direction behind the front lines.

22/ 1935 RGBI. I, 769.

VI. Summary analysis relating the Conspiracy to Dominate Other Peoples to the Nazis' Regimentation of German Labor.

Naturally the decrees and public announcements concerning labor matters were clothed with the most idealistic-sounding words at the command of the Nazi leaders. However, by relating some of these pronouncements to the inevitable consequences of the acts accompanying them, the only derivable conclusion is that the Nazis enslaved German labor to more readily prepare for aggressive war.

The Nazis were particularly fearful of organized labor in Germany, for they had good reasons for anticipating its opposition to their preparations for war and the ruthless labor exploitation which war preparation and war involved. The Aktionskomitee which seized the trade unions, on 2 May 1933 admitted the relative weakness of the Nazis in captivating the broad masses of labor in its public announcement of the seizures:

"You may say, what else do you want, you have the absolute power. True, we have the power, but we do not have the whole people, we do not have you workers a hundred percent, and it is you whom we want; we will not let you be until you stand with us in complete, genuine acknowledgment. You shall also be freed of the last Marxian manacles, so that you may find your way to your people.

For we know that without the German worker there is no German nation! And before everything else we must protect you, so that your enemy Marxism and its satellites cannot attack you from the back again."

The unions were always tied to "Marxism" in Nazi propaganda, and the Nazis connected the unions with the alleged "stab in the back" of the last war. One of the declared purposes of the Nazification of the unions was so that the German worker could "enter into the new National Socialistic State as a completely worthwhile and respected member of the nation forward with Hitler for Germany".

The worker was clearly placed in a position of the soldier so far as his individual rights and duties were concerned. At the 1937 Party Congress Dr. Ley stated:

"we have succeeded - and this is about the most important accomplishment of the German Labor Front - in eliminating the association character of the trade unions and the employer associations, and in its place we have substituted the conception "soldier of work". ("Soldat der Arbeit"). 23/

23/ Page 376, "Von der Grossmacht zur Weltmacht 1937", Vo. V of "Dokumente der deutschen Politik". See footnote 17/.

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In the official Party newspaper Volkische Beobachter No. 258, 14 September, 1936, 24/, Dr. Ley was reported to have said concerning his DAF work squads:

"If over Germany has again to face a heavy task and if this should be attended, as was the case in the Great War, by serious individual disturbances at home, then every factory must be so organized internally that it can take the necessary steps itself to restore order" ... "I am able to report to you, my leader (Hitler) that peace and order in the factories is assured, not only in normal times, but in times of serious crisis as well. Disturbances such as munitions strikes are out of the question".

24/ OCC has no copy as yet.

VII. POSSIBLE DEFENDANTS AND CRIMINAL ORGANIZATIONS WHICH ARE DIRECTLY INVOLVED IN THESE OFFENSES

... Leading Nazis.

Dr. Robert Ley, Reichsorganisationsleiter ^{25/} and leader of the German Labor Front, has already been publicly announced as a defendant in the trial. From his mind came the strategy and from his hand flowed most of the orders directing the crimes involved in the arrests of union leaders and the seizure of trade union property. Since he directed the arrest of the union leaders, he should also be held criminally responsible for their maltreatment, even though the immediate brutalities were committed by the SA, the SS or the police. On 12 September 1937 Ley stated "I am today still the trustee of the Comrades Leipart and Imbusch", ^{26/} two of the most important union leaders. It is reasonable to imply that Ley had some knowledge of the treatment of the union leaders whom he claimed as his "wards".

It is urged that Franz Soldte, Minister of Labor throughout the Nazi regime, also be named as a defendant. He was a co-signer with Hitler and others of the decree abolishing collective bargaining on the 22 of May, 1933, the decree extending the "Fuehrer Prinzip" into the factories, dated 19 January 1934; and the decree confirming the confiscation of the property of trade unions and employer associations, dated 6 December, 1937. His ministry was charged by the decree abolishing collective bargaining with the responsibility for decreeing the necessary stipulation for carrying out the law in agreement with the Reich Minister of Economics, who in early 1933 was Hugensberg, and after mid-1933 was Walter Funk. Funk is already publicly declared a defendant.

It is believed that Reichsleiter Konstantin Heirl, Reich labor leader (Reichsarbeitsfuhrer), should also be named a defendant in the principal trial. He was charged with the administration of the compulsory year of labor service for all German young people under the Minister of Interior, Dr. Frick, already declared a defendant.^{27/} This labor service was used largely for the building of the military highways and other military preparations before 1939. The Reich labor service was also a para-military organization, and in effect gave preliminary military training to all German male youth, in addition to compulsory military service decrees on 16 March 1935.^{28/}

^{25/} Ley in 1933 was chief of staff of the Political Organization of the NSDAP, ordinarily referred to only as the "PO". See Exhibit A, attached hereto. Later Ley's position was called Reich organization leader of the NSDAP ("Reichsorganisationsleiter"). See any of the "Organisationsbuch der NSDAP", the official organization books of the Party published every other year or so. Copies on hand in Central Library, Documentation Division, for years 1936, 1938 and 1940.

^{26/} See Section III-H, page 10.

^{27/} Decree of 26 June 1935; 1935 RGBL. I, 769.

^{28/} 1935 RGBL. I; 369 and 375.

B. Criminal Organizations.

Four principal organizations were both principals and accessories in the criminal offenses involved in the breakdown of German unions:

1. The NSBO, the Nazi factory cell organization, which furnished most of the leadership in the action which forcibly destroyed the trade unions; its leaders were charged with coordinating the details of the seizures, arrests, and the temporary interim administration of trade union properties, in cooperation with Party gauleiters, the SA and the SS;
2. The SA, the declared "inner political troops" of the Party, which furnished the bulk of the shock troops for the arrest of trade union members and seizure of property;
3. The SS, which also furnished personnel for making arrests and seizures, and which it is believed, but not yet proven, held the union leaders in "custody" and therefore must be held responsible for their brutalization;
4. The DAF, the German Labor Front, succeeded to the assets of the trade unions, and became the principal organization for regimenting labor within its closely controlled ranks; as will be shown in that portion of the case concerning forced labor, the DAF was officially charged with the welfare of foreign laborers working on behalf of the German war machine, both within Germany and the occupied territories.

Under Article 9 of the Charter, it is necessary for a member or members of an organization to be on trial if the Tribunal is to declare the organization criminal. The following already declared defendants (and such other named defendants as may be found to have been members of these organizations) may be utilized to meet this requirement:

1. Dr. Robert Ley, leader of the NSBO and the DAF.
2. Goering, an early member of the SA.
3. Kaltenbrunner, a top leader in the SS.

Since membership in the DAF was compulsory for ordinary laborers and therefore analogous to the compulsion used to recruit certain SS men after 1943, it is not intended that declaring the DAF a criminal organization would automatically convict the twenty million members of the DAF. However, it is believed that the top leaders of the DAF were so closely related to the execution of the criminal acts of this organization that their membership in the DAF, and presumably in the NSBO, the leadership corps of the DAF, should at least be found prima facie evidence of criminality.

VIII. THE BREAKDOWN OF UNIONS AND THE REGIMENTATIONS OF LABOR IN OCCUPIED

EUROPE

This aspect of this case is not yet sufficiently developed for even a preliminary trial brief. The initial acts of oppression were ordinarily committed under orders of military commanders and OCC has not yet received copies of these orders. Such documents have been placed on the "Target List" of the Field Section, OCC. It is suggested, moreover, that this matter be taken up directly with representatives of France and the Soviet Union, who should be in a position to furnish a great deal of information. This brief, so far as this subject goes, is largely a planning memorandum.

.. Eastern Europe

1. Czechoslovakia

.. german decree of 14 September 1939 (Verordnungsblatt des Reichsprotectors, p. 142) charged the German Labor Front with the exclusive care of all "German" workers in the Protectorate. .. decree of the dominated Czech government, 14 August 1941 (Gesetzsammlung No. 347) authorized the administration to dissolve or merge the existing Czech unions. The Government then tried to bring Czech workers into an authoritarian labor organization, NOUZ, shaped after the German Labor Front (See Section III-E, above).

2. Ostland

By a decree (Neue Internationale Rundschau der Arbeit, 1943, p. 327), 16 April 1943, the Reich Commission for the Ostland abolished unions and replaced them with a single official organization modelled after the German Labor Front.

3. Poland and Occupied Soviet Territory, excluding the "Ostland".

No decrees specifically mentioning unions are known. Since these areas were treated as colonies peopled principally by persons whom the self-styled "Herrnvolk" considered members of distinctly inferior races, the Nazis ruled with complete brutality and disregard of previously existing institutions. Labor matters were handled without any reference to or recognition of previously established organizations.

B. Western and Northern Europe.

1. Norway and Denmark.

No documentary evidence is yet on hand. From oral contacts and reports from union leaders, it is known that the principal trade unions

leaders were killed or arrested, went into hiding, or in a few cases subjected themselves to Nazi pressures. In Norway the unions were permitted to retain their names, although their functions were curtailed to the point of being meaningless. Their active leaders were forced underground or were killed.

2. Belgium

In November 1940 a German Labor Front type of organization was created. On 26 August 1942, the largest democratic trade unions were dissolved (*Rundschau der Arbeit* 1942, 2d issue). On 10 December, 1942, the balance of the unions were curtailed (*Verordnungsblatt*, p. 1109).

3. Netherlands

On 19 May 1941, strikes or lockouts were made punishable by death (*Verordnungsblatt*, p. 364). On 13 October 1942, a decree suppressed all representative union organizations and extended the "Fuehrerprinzip" into the Dutch factories (*Verordnungsblatt*, p. 493). On 30 April 1942, official recognition was given to the NLF (Netherlands *Arbeitsfront*), a Dutch equivalent of the German Labor Front.

4. France

A Vichy decree, applicable also in occupied France, suppressed the largest French union, the CGT, on 16 August 1940. On 4 October 1941, a "Labor Charter" along authoritarian lines was instituted. All active independent French union leaders went underground or were killed.

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NOTE

The crimes committed in the actual exploitation of labor in occupied countries, often referred to under the name of "Forced Labor", are not dealt with in this brief. It is believed that these crimes fall into an entirely different category and should be handled by project officers working with Committees 2 and 3 on "War Crimes" and "Crimes Against Humanity".

This brief deals only with the crimes committed by the Nazis in regimenting labor, both German and foreign, so that labor could be more fully exploited on behalf of the German war machine.