

SE y: Inquart

50,01

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SECTION OF INDICTMENT

Appendix A, pp. 32,33

Statement of Individual Responsibility for Crimes Set Forth
in Counts I, II, III and IV of the Indictment and Appendix A.

ARTHUR SEYSS-INQUART:

" The defendant Seyss-Inquart between 1932 - 1945 was : a member of the Nazi Party, a General in the SS, State Councillor of Austria, Minister of the Interior and Security of Austria, Chancellor of Austria, a member of the Reichstag, a member of the Reich Cabinet, Reich Minister without Portfolio, Chief of the Civil Administration in South Poland, Deputy Governor General of the Polish Occupied Territory, and Reich Commissar for the Occupied Netherlands. The defendant Seyss-Inquart used the foregoing positions and his personal influence in such a manner that : he promoted the seizure and the consolidation of control over Austria by the Nazi conspirators set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property."

LITUAL REFERENCES

1. Charter of the International Military Tribunal, II, Articles 6, 6 (a), 6 (b), 6 (c), 7 and 8.
2. The Hague Regulations of 1907, Articles 46 to 56, inclusive.
3. Treaty of St. Germain, Article 88.

STATEMENT OF EVIDENCE

1. "The defendant Seyss-Inquart used the foregoing positions and his personal influence in such a manner that : he promoted the seizure and consolidation of control over Austria by the Nazi conspirators set forth in Count One of the Indictment; he participated in the political planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment, and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property."

A. Biographical Data.

1. Proof of positions held in the order set forth in the Indictment.

- a. Member of the NSDAP (Nazi Party) 13 March 1938 - 8 May 1945.

_____, PS, Certificate of defendant, 10 Nov., 1945.

- b. General in the SS, 15 March 1938 - 8 May 1945.

_____, PS, Certificate of defendant, 10 Nov., 1945.

- c. State Councillor of Austria, May 1937 - 12 February 1938.

_____, PS, Certificate of defendant, 10 Nov., 1945.

- d. Minister of Interior and Security of Austria, 16 February 1938 - 11 March 1938.

_____, PS, Certificate of defendant, 10 Nov., 1945.

_____, PS, Das Archiv, Vol. 47, p. 1470.

- e. Chancellor of Austria, 11 March 1938 - 15 March 1938.

_____, PS, Certificate of defendant, 10 Nov., 1945.

f. Member of the Reichstag, April 1933 - 8 May 1945.

_____ PS, Certificate of defendant, 10 Nov., 1945.

g. Member of the Reich Cabinet, 1 May 1939 - 1945.

_____ PS, Certificate of defendant, 10 Nov., 1945.

h. Reich Minister without Portfolio, 1 May 1939 - Sept. 1939.

_____ PS, Certificate of defendant, 10 Nov., 1945.

i. Chief of the Civil Administration of South Poland, early September 1939.

_____ PS, Certificate of defendant, 10 Nov., 1945.

j. Deputy Governor - General of the Polish Occupied Territory, 12 October 1939 - 18 May 1940.

_____ PS, Certificate of defendant, 10 Nov., 1945.

k. Reich Commissar for Occupied Netherlands 18 May 1940 - 8 May 1945.

_____ PS, Certificate of defendant, 10 Nov., 1945.

2. Proof of positions held in addition to those set forth in the Indictment.

a. Reich Governor of Austria, 15 March 1938 - 1 May 1939.

_____ PS, Certificate of defendant, 10 Nov., 1945.

b. President of the German Academy, Munich, 1943.

_____ PS, Berliner Boersen-Zeitung, 22 December 1943.

B. Promotion of the seizure and consolidation of control over Austria by the Nazi conspirators as set forth in Count One of the Indictment.

1. The defendant, Arthur Seyss-Inquart, was in favor of a union of Austria with Germany under any conditions and with any regime in Germany.

Transcript of Interrogation of Seyss-Inquart,
5 September 1945, p. 16.

He was a supporter of and had contributed to the Nazi Party in Austria as far back as 1932.

Transcript of Interrogation of Seyss-Inquart,
5 September 1945, p. 18, and 18 September 1945, pp. 11, 12.

He backed the Austrian Nazi Party because they wished for an Anschluss with Germany.

Transcript of Interrogation of Seyss-Inquart,
5 September 1945, p. 15.

He worked with von Papen for the anchluss from the day von Papen arrived in Austria as German Ambassador.

Transcript of Interrogation of Seyss-Inquart

5 September 1945, p. 11

One of von Papen's objectives in Austria was to effect a change in the personnel of the Austrian government to eliminate anti Nazi opposition particularly in the Ministry of Interior and Security.

2246 - PS. Excerpt of letter from von Papen to Hitler.

He asserted he had been a party member since 1931, and in July 1934 decided to counter the opposition of the clerical regime to the anchluss with Hitler's means so as to give him a chance to use whatever method he desired.

2219 - PS, Copy of letter dated 14 July 1939, from Seyss-Inquart to Goering.

He knew that Hitler had been preaching anchluss with Austria for a long time.

a. Transcript of Interrogation of Seyss-Inquart

5 September 1945, p. 11.

b. "Mein Kampf", Hitler, p.1.

Goering and Schacht both stated it was Germany's determination to annex Austria and the Sudetenland.

1-151, Photostatic copy of dispatch 1267, Paris dated 23 November 1937 from Ambassador Bullitt to U. S. State Dept.

His Austrian collaborators were Dr. Rainer, Major Klausner, Dr. Lohmann, Tova, Leopold, and other members of the illegal Nazi Party in Austria.

Transcript of Interrogation of Dr. Rainer,

6 November 1945

He knew the Austrian government, under Chancellors Dollfus and Schuschnigg, was opposed to anchluss with Germany.

Transcript of Interrogation of Seyss-Inquart

13 September 1945, p. 9;

2. The defendant admitted he knew that, even before the assassination of Chancellor Dolfuss in 1934, the illegal Nazi Party was responsible for terroristic attacks for some time and apparently had support of the Reich.

Transcript of Interrogation of Seyss-Inquart

5 September 1945, p. 16.

In addition the German Reich applied economic pressure upon Austria, one of the means adopted being the law of 24 March 1933, which required the payment of 1,000 Reich Marks by every German crossing the border into Austria.

____PS Reichsgesetzblatt, 1933, I, 311.

The Austrian Chancellor, Dolfuss, conferred with Seyss-Inquart about the troubled state of Austria on or about 16 July 1934, and the defendant immediately thereafter disclosed the substance of their conversation to leading Austrian Nazis.

Transcript of Interrogation of Seyss-Inquart,
6 September 1945, 1430-1730, p. 17-19.

The defendant advised Chancellor Dolfuss to make some sort of arrangement with Hitler because the Austrian Nazis would then obey, but about a week later the Chancellor telephoned him and said it would not do.

Transcript of Interrogation of Seyss-Inquart,

5 September 1945, p. 17.

On or about 24 July 1934, the unsuccessful Nazi "putsch" of 1934 took place, in which Chancellor Dolfuss was murdered as the result of a plot of the SS to kidnap the Chancellor.

Transcript of Interrogation of Seyss-Inquart

5 September 1945, 1430-1730, p. 17, 18.

He knew that Cardinal Innitzer had grave difficulties with the Nazis, and, although defendant is a Roman Catholic, the anschluss was more important to him than the racial and religious persecutions by the Nazis.

Transcript of Interrogation of Seyss-Inquart.

5 September 1945, pp. 21, 22, 23, 24.

These disturbances finally led to an agreement on 11 July 1936 between Austria and Germany covering economic and political relations between the two countries. The defendant was to be appointed a State Councillor of Austria by Chancellor Schuschnigg.

— P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p. 9.

Goering frightened Austrian economic representatives by a speech to them in July 1937, telling them the Anschluss was to be effected soon and calling them traitors to the German cause for not making Austria a part of Germany.

Transcript of Interrogation of Goering.

3 October 1945.

3. After defendant became a State Councillor, the German State Secretary for Austrian affairs, Keppler, arranged a visit for him in Berlin with Hess and Goering, to whom he explained his intentions. He discovered that Goering had already established a connection with Guido Schmidt, Foreign Minister of Austria.

— P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p. 11.

Toward the end of 1937 the defendant had a talk with von Papen.

Transcript of Interrogation of Seyss-Inquart

6 September 1945, 1430 - 1730, p. 35.

On 4 12 February 1938 Chancellor Schuschnigg and Foreign Minister Guido Schmidt conferred with Hitler at Berchtesgarden.

Possibilities for military action by Germany against Austria were demonstrated to the Chancellor. The result was that amnesty to Nazis convicted of crime was to be granted by Austria, and the defendant was to be appointed Minister of Interior and Security.

____P.S. Memorandum "The Austrian Question" by Seyss-Inquart p.13.

Defendant was appointed Minister of Interior and Security on 16 February 1938.

____P.S. Dokumente der Deutschen Politik, VI, 1, p. 125,
21 b.

He then went to Berlin to confer with Hitler on 17 February 1938.

____P.S. Dokumente der Deutschen Politik VI, 1, p. 123.

On arrival in Berlin he was met by Keppler,^{and} taken to Himmler who gave him some instructions. Later he was received by Hitler, to whom he gave the Nazi salute. Keppler and Ribbentrop waited in the anti chamber. After relating the situation in Austria since June 1934, he asked Hitler's approval of his suggestions. Hitler gave his approval, but expressed some doubts about defendant being able to carry them ~~him~~ out.

____P.S. Memorandum "The Austrian Question" by Seyss-Inquart,
pp. 23, 24.

Seyss-Inquart reported to Schuschnigg on his return to Vienna and urged the necessity of a decision. Then he rallied the Nazis in Graz, Linz and several towns to inform them of his plans and of his visit to Hitler. Some of his speeches were broadcast over the Austrian radio network.

____P.S. Memorandum "The Austrian Question" by Seyss-Inquart
p. 25.

Chancellor Schuschnigg then planned a plebiscite on Austrian independence. The defendant learned about it on 8 March 1945.

Defendant in a letter to the Chancellor objected to the proposed plebiscite and said it was unconstitutional. A copy of his letter was sent to Hitler.

— P.S. Memorandum, "The Austrian Question" by Seyss-Inquart, p. 28.

Defendant then discussed the plebiscite with Chancellor Schuschnigg again, asked that it be postponed and for appointment of some Nazis as Ministers.

— P.S. Memorandum, "The Austrian Question", by Seyss-Inquart, p. 29.

After the conference with the Chancellor Seyss-Inquart attended a meeting in the Regina Hotel, Vienna, with Nazi leaders from all over the country, including Klausner, Dr. Rainer and Globocnik. He was there informed that he would receive a letter from Hitler by messenger the next morning.

— P.S. Memorandum, "The Austrian Question", by Seyss-Inquart, p. 30.

The defendant received the letter from Hitler early on 11 March 1938. It contained "many erroneous things", and made certain demands, including one for a decision before noon.

— P.S. Memorandum "The Austrian Question", by Seyss-Inquart, p. 31.

Globocnik was the messenger who delivered a copy of Seyss-Inquart's letter objecting to the plebiscite. Hitler received this copy on 9 March 1938. Globocnik carried Hitler's letter back to the defendant on the night of 10 March 1938. Hitler's letter stated that any action taken by the Austrian Nazis toward the Schuschnigg government would be backed by the German Reich and Hitler personally.

Transcription of Interrogation of Dr. Frederick Rainer, 6 November 1945.

Glaise von Horstenau returned to Vienna from Berlin by mid morning of 11 March 1938 carrying a demand from Hitler and Goering upon Chancellor Schuschnigg to call off the plebiscite or else serious trouble would develop.

Transcript of Interrogation of Dr. Frederick Rainer
6 November ~~1944~~ 1945.

Major Klausner summoned Seyss-Inquart, Horstenau, Rainer, Muhlmann, Jury, Tavs, and other leading Nazis. Seyss-Inquart and Horstenau were then detailed to convey a demand upon Chancellor Schuschnigg to call off the plebiscite. On their way to the Chancellery they received a subsequent message from the German Reich giving the Chancellor the choice of calling off the plebiscite or else Germany would invade Austria.

Transcript of Interrogation of Dr. Frederick Rainer,
6 November 1945.

While Seyss-Inquart was presenting the Nazi demand upon Chancellor Schuschnigg, he was called to the telephone. Goering was calling and he told the defendant that the agreement of 12 February 1938 was cancelled and a demand was to be made for von Schuschnigg's resignation. A demand that the defendant be made Chancellor was also to be presented. Military action was threatened.

Transcription of Interrogation of Seyss-Inquart
18 September 1945, pp. 1-7.

Seyss-Inquart then presented the new demands to the Chancellor and left the Chancellery.

____ P.S. Memorandum "The Austrian question" by Seyss-Inquart
p. 32.

Keppler had then arrived from Berlin to present the Reich's demand to President Miklas of Austria, and also showed a pre-arranged telegram to Seyss-Inquart to be sent in defendant's name as head of a provisional government requesting German troops in Austria because of unrest

and disorder.

a. _____ P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p. 33.

b. Transcript of Interrogation of Seyss-Inquart,
13 September 1945, p. 8.

The defendant admits that there were no disorders or unrest in Austria.

a. _____ P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p.34.

b. Transcript of Interrogation of Seyss-Inquart,
13 September 1945, p. 8.

Defendant told Keppler to wait, but, when Keppler insisted upon sending the telegram, Seyss-Inquart finally told him to do as he liked. This happened about 6:00 p.m. o'clock on 11 March 1938.

_____ P.S. Memorandum "The Austrian Question", By Seyss-Inquart, p. 34.

About 7:30 p.m. 11 March 1938 Chancellor von Schuschnigg was informed by a frontier post that German troops had crossed the border. As prearranged the Chancellor broadcast a farewell address and the defendant followed him on the radio with a speech urging the maintenance of order.

_____ P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p. 35.

Chancellor Schuschnigg presented his resignation and defendant was selected as his successor by President Miklas.

_____ P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p. 35.

Seyss-Inquart's appointment as Chancellor came late on the evening of 11 March 1938, and the radio announcement was made at 11:15 p.m. o'clock.

_____ P. S. Dokumente der Deutschen Politik, VI,1,
p. 137, # 25 a.

He conducted governmental business with Pappler and other Nazis after von Schuschnigg's resignation, knowing that he was only the Minister of Interior of a Cabinet that had resigned, and before he was appointed Chancellor.

Transcript of Interrogation of Seyss-Inquart,

9 October 1945, 1430-1510, pp. 6, 7, 8.

He first learned of his appointment as Chancellor in a telephone conversation with Goering on 11 March 1938 at 2:00 p.m.

Transcript of Interrogation of Seyss-Inquart,

5 September 1945, pp. 3, 4.

C. He participated in the political planning and preparation of the Nazi Conspirators for Wars of Aggression and Wars in Violation of Treaties, Agreements and Assurances set forth in Counts One and Two.

1. Culminating many years of dealings, negotiations and planning with Nazis in Germany and Austria, supra, he conducted negotiations from Vienna with Hitler, Goering and other Nazi officials in Berlin by telephone, telegraph and messenger. The end result was the ultimatum to von Schuschnigg demanding the latter's resignation.

Transcript of Interrogation of Seyss-Inquart

9 October 1945, 1430-1510, pp. 1, 3, 14, 15, 16.

Defendant telephoned Hitler at 8:00 a.m. on 12 March 1938 and suggested that, while German troops marched into Austria, Austrian troops march into Germany as a symbol. Hitler agreed.

Transcript of Interrogation of Seyss-Inquart

5 September 1945, pp. 31-32.

Later on 12 March 1938 the defendant flew to Linz, Upper Austria, with Himmler to meet Hitler. There he greeted Hitler on the balcony of the City Hall in a public speech in which he said that Article 33 of the

Treaty of St. Germain was inoperative and no longer valid.

Article 89 provided that "the independence of Austria is inalienable otherwise than with the consent of the Council of the League of Nations".

a. _____ P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p. 33.

b. L-231 L-51, Telegram 75 from American Legation to U. S. Secretary of State, 13 March 1938.

A conference took place in the Hotel Linzerhof, Linz, Upper Austria, between Hitler and Seyss-Inquart on the night of 12 March 1938.

_____ P.S. Affidavit of August Eigruber, 9 November 1945.

On 13 March 1938 at Linz, Upper Austria, Hitler gave Seyss-Inquart a document containing two points: One, Austria is a part of the German Reich, and, Two, legislation will be under the jurisdiction of the Ministry of the Interior.

a. _____ P.S. Affidavit of August Eigruber, 9 November 1945.

b. _____ P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p. 33

President Miklas resigned under pressure.

_____ P.S. Dokumente der Deutschen Politik, VI,1,p.147. # 301.

Seyss-Inquart then became both Chancellor and President of Austria. His Council of Ministers adopted the anschluss law, and the defendant signed it on 13 March 1938.

a. _____ P.S. Dokumente der Deutschen Politik, VI,1,p.147.

b. _____ P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p 33.

The defendant drove to Linz and reported the adoption of the anschluss law to Hitler, who introduced him in a public demonstration as "Reich Staatshalter for Austria", and put him in charge of Civil Administration while political matters were to be handled by Gauleiter Buerckel.

____ P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p. 41.

Germany then formally incorporated Austria into the Reich by law and declared it to be a province of the German Reich.

____ P.S. Reichsgesetzblatt, 1938, I, p. 237, # 21.

Officials of the Province of Austria were then required by law to take an oath of obedience to Hitler. Jews were barred from taking ^{the} oath. (Decree of the Fuehrer and Reich Chancellor concerning the Administration of the oath to the officials of the Province of Austria, 15 March 1938).

____ P.S. Reichsgesetzblatt, 1938, I, p. 245, # 24.

Members of the Austrian Army were required to take an oath of allegiance to Hitler as their Supreme Commander. (Instruction of the Fuehrer and Reich Chancellor concerning the Austrian Federal Army, 13 March 1938).

____ P.S. Dokumente der Deutschen Politik, VI, I, p. 150.

Compulsory military service was instituted in Austria by law of the German Reich.

1660 P.S. Compulsory Military Service for Austria
1938, RGK, I, 631, ~~VI, I, p. 150.~~

Defendant officially became Reichstatthalter (Reich Governor) of Austria on 15 March 1938.

Transcript of Interrogation of Seyss-Inquart

18 September 1945, 1430 - 1600, p.23.

2. In 1938 the aim of German policy was the elimination of Austria and Czechoslovakia. Will of resistance in both countries was undermined by pressure on the government as well as propaganda and fifth column. At the same time German military preparations for attack were worked out. "Case Otto" was the code name for the Austrian Campaign, and "Case Green" was the battle plan against Czechoslovakia.

1780 P.S., Photostat of Jodl's Diary in his own handwriting, 4 January 1937 to 22 August 1939.

When Chancellor von Schuschnigg announced the proposed

plebiscite for 13 March 1938. Hitler was determined not to take this. Goeting, General Reichenau and Minister Glaise von Horstenau ^{were} ~~was~~ called to Hitler. "Case Otto" ~~was~~ to be prepared and mobilization of army units and air forces is ordered (10 March 1938.) March into Austria took place on 11 March 1938.

1780 P.S. Photostat of Jodl's Diary in his own handwriting, 4 January 1937 to 22 August 1939. Hitler issued a directive, re: operation Otto, to the German armed forces, classified "Top Secret", stating that if other measures proved useless, his intentions were to invade Austria with armed forces. Hitler also prescribed operational duties and assigned objectives. Resistance was to be broken up ruthlessly with armed force.

C-102, Document signed by Hitler, relating to Plan Otto, 11 March 1938.

Later on the same day at 2045 hours Hitler issued Directive No. 2, which in substance stated that the demands of the German ultimatum to Austria had not been fulfilled. The entry of German armed forces into Austria would commence at daybreak on 12 March 1938. Set objectives were to be reached by exerting all forces to the full as quickly as possible.

C-182, Hitler order, 11 March 1938 for entry of troops into Austria.

3. For further data and proof of political planning, preparation and participation of the Nazi conspirators for a war of ~~Aggression~~ against Austria in violation of Treaties, Agreements and Assurances, reference is made to the Briefs of Section 3 on "Aggression against Austria."

D. He authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment.

(I) Poland.

1. Reichminister Arthur Seyss-Inquart was appointed Deputy Governor-General of the General Government of Poland by Hitler's decree of 12 October 1939.

____ P.S. Das Archiv, Vol. 67, p. 830.

The Governor-General of the General Government of Poland and his Deputy were, by decree of Hitler, given the right to make laws in Poland, which were to be published in the official gazette for Occupied Polish Territory, Seat of General Government at Cracow.

a. ____ P. S. Das Archiv, Vol. 67, p. 830

b. ____ P. S. Dokumente der Deutschen Politik,
Vol. II, Part 2, pp. 668-684.

The senior SS and ^{Police} ~~Hitler~~ Leader were subordinated to the Governor-General and his Deputy in Poland.

____ P. S. Dokumente der Deutschen Politik

Vol. II, Part 2, pp. 668-684.

Polish law was to remain in effect except where it contravened the law of the German Reich. Both Polish Courts and German Courts had jurisdiction over offenses, except that Polish Courts had no jurisdiction of offenses against the Reich or Security or over Germans. Decisions of Polish Courts were subject to review by German authority. The Governor-General and his Deputy had jurisdiction over the indigenous police, the public health service, public property, public ~~works~~ utilities and even private property.

____ P. S. Dokumente der Deutschen Politik,

Vol. II, Part 2, pp. 668-684.

Pursuant to his appointment as Deputy Governor-General of the General Government of Poland, the defendant gave lectures to German officials about German Administrative

policy in Poland.

2278-P.S., Report about trip of Reich Minister
Seyss-Inquart to the General Government of Poland,
dated 17-22 November 1939.

Defendant stated in his lectures to German officials in
Poland that the only principle aim of the German administra-
tion lies in the satisfaction of the interests of the
Reich. The motto should be to promote everything of
use ^{to} the Reich and hamper all that causes damage to
the Reich.

2278-P.S. Report about trip of Reich Minister
Seyss-Inquart to the General Government of Poland
dated 17-22 November 1939.

2. Murder and ill treatment of Civilian Population of or
in Occupied Territory.

a. District Governor Dr. Lasch reported to the defendant
that all criminals found in the penitentiaries
were shot. This was not done in public though;
it took place in closed off wood areas.

2278-P.S., Report about trip of Reich
Minister Seyss-Inquart to General Government of
Poland, dated 17-22 November 1939.

Seyss-Inquart reported that the intellectuals of Poland
were to a greater part also locked up, and that District
Governor Schmidt suggests the use of the moorish
country around Cychov as a reservoir for Jews because
this measure might have a decimating effect on the
Jewish population.

2278-P.S., Report about trip of Reich Minister
Seyss-Inquart to General Government of Poland,
dated 17-22 November 1939, pp. 19 and 22..

Hans Frank, Governor-General of the General Government
of Poland, the immediate superior of defendant as

Deputy Governor-General, made an official report to Hitler. In it he stated that "in the course of time," a series of measures or consequences of the German rule have led to a substantial deterioration in the attitude of the entire Polish people, due to malnutrition, whereas before 1939 their food supply was sufficient, mass arrests, mass shootings and rigorous methods used to obtain forced labor.

437-P.S., Copy of secret report of Hans Frank of mass arrests and mass shootings by the German Poles in Poland, dated 19 June 1943.

- b. For additional evidence on the treatment of Civilians within the General Government of Poland reference is made to the Brief on Hans Frank of Section 5, and the Briefs of Section 4 relating to War Crimes against civilians.

8. Plunder of Public and Private Property.

- a. The defendant gave instructions to those under him as Deputy Governor-General of the General Government of Poland that the German Government had to achieve the utilization of the General Government for German Economical Purposes. The balance of Polish communities was less interesting.

2278-P.S., Report about trip of Reich Minister Seyss-Inquart to General Government of Poland, dated 17-22 November 1939, p. 3

- b. Seyss-Inquart ordered the seizure of all soap stocks, and stated that the seizure of soap and tea was to be regarded as most important and the marshalling of goods like oil, salt, manures, etc. in monopolies through Coöperative Societies was also ordered by him

2278-P.S., Report about trip of Reich Minister Seyss-Inquart to General Government of Poland, dated 17-22 November 1939, pp. 8, 9.

The defendant told those under him in Poland that he wanted a considerable amount at the disposal of the support fund for the unemployed used for the repair of damaged buildings.

2278-P.S., Report about trip of Reich Minister Seyss-Inquart to General Government of Poland dated 17-22 November 1939, p. 2/

Hans Frank, Governor-General, under whom the defendant was Deputy Governor-General, reported to Hitler that during the course of time there was a confiscation of a great part of the Polish estates.

437-P.S., Copy of secret report of Hans Frank of mass arrests, and mass shootings by the German Poles in Poland, dated 19 June 1943.

4. Germanification of Occupied Territories

During the time the defendant was Deputy to Hans Frank, who was Governor-General of the General Government of Poland, and thereafter there was expropriation and expulsion of Polish peasants from German settlements as well as troop areas, couple with encroachments upon and confiscation of industries, trades, professions and private property.

437-P.S., Copy of secret report of Hans Frank, supra.

(II) The Netherlands .

1. The defendant was appointed Reich Commissar for the Occupied Dutch territories, by decree of Hitler on 18 May 1940. Great powers were given to defendant by this decree for it designated him to represent the supreme power of the government within the civil sphere and made him directly subordinate to Hitler. He had the German Police forces at his disposal, and he could make laws by decree

1376-P.S. Decree of Hitler, dated 18 May 1940
p. 778, par. 6.

Pursuant to the authority granted him by Hitler he issued a decree establishing administrative court martials. He granted the Leader of the Superior SS and Police and Special Agents appointed by him authority to deviate from existing law in the performance of their functions and duties. He prescribed harsh penalties for misdemeanors, running from ten years to life imprisonment, and death for participating in "activities likely to disturb or to endanger public order and security", and for those who intentionally violated the orders of the Reich Commissioner as well.

2111 P. S. Order of the Reich Commissioner for the Occupied Netherlands Territories concerning the Establishment of Administrative Courts Martial, dated The Hague, 19 March 1941.

He caused a poster to be put up warning the population not to sabotage waterways and communication facilities as otherwise their homes would be blasted and their property seized.

1163-P.S., Original Poster warning Dutch population of reprisals, dated 1944

He accepted this appointment despite the fact that he knew about the excesses and crimes committed under and by the Nazis in Austria and Poland, assuming it to be his duty because Germany was at war.

Transcript of Interrogation of Seyes-Inquart

18 September 1945, p. 15, 16, 17, 18.

2. Murder and ill treatment of Civilian Population of or in occupied territory.

Large numbers of crimes of all sorts were committed by the Germans in the Netherlands from 1940 to 1945.

1726-P.S., Copy of the Official Statement of the Netherlands Government about German War Crimes

in the Netherlands, accompanied by a letter of the Dutch Embassy to Justice Jackson, date 1940 to 1945.

3. Killing of Hostages.

The defendant admitted that people were shot in Holland without trial, but claimed that this was ordered by Himmler and General Christensen.

Transcript of Interrogation of Seyss-Inquart
18 September 1945, pp. 20, 22.

He also stated that once the SS called upon him to furnish fifty hostages to be shot and he gave five instead and these were shot.

Transcript of Interrogation of Seyss-Inquart
18 September 1945, p. 20.

4. Plunder of Public and Private Property.

An official report rendered by the defendant, which covered a period of about seven weeks immediately following his assumption of the duties of Reich Commissar at The Hague, stated that certain police measures had to be taken to make sure existing supplies were distributed among the population in such a manner that a large portion was secured for the Reich. In order to give the appearance that these measures were voluntary on the part of the Dutch, the transactions were signed by Dutch officials.

997-P.S., Top Secret Seyss-Inquart Report re:
the situation in the Netherlands, exploitation
and Nazification in the period May 29 to July 19,
1940. (forwarded by Dr. Lammers to Rosenberg) pp. 9, 10.

In the same official report he also stated that properties of foreigners and "enemies" of the Reich were taken care of. Supplies of raw materials were seized. Financial and currency arrangements were made for the

benefit of the Reich.

997-P.S. Top Secret Report, Supra, pp. 11-13.

5. Conscription of Civilian Labor.

Defendant admitted assisting in carrying out the orders of Minister Lammers to deport 250,000 laborers from the Netherlands to Germany as a matter of indispensability from a military point of view.

Transcript of Interrogation of Seyss-Inquart

13 September 1945, p. 20

He caused four proclamations to be published, which called up Dutch civilians for "temporary" forced labor and threatened death by shooting for non-compliance.

1162-P.S. Four Proclamations calling up Dutch Civilians for Temporary Forced Labor, dated October-December 1944.

6. Germanisation of Occupied Territories.

The defendant reported that he modified the law governing clubs and meetings so as to create the obligation to make official reports thereof and thereon. Elimination of the "Generalstaaten", and the close supervision of provincial representative assemblies, were set forth in the report. Also included was a statement that political activity on the part of legislative bodies was ~~not~~ not tolerated. The building^{up} of Rotterdam was a part of the broader economic plan for Europe. The Dutch Press was controlled. The Nazi Party in the Netherlands was built up, and the creation of NSDAP para-military and corresponding organizations were planned.

997 P.S. Top Secret Seyss-Inquart Report re:

The situation in the Netherlands in exploitation and Nazification in the period May 29 to July 19, 1940 (Forwarded by Dr. Lammers to Rosenberg).

- E. He authorized, directed and participated in the crimes against Humanity set forth in Count Four of the Indictment.

I. Austria:

1. Imprisonment of Persons without Judicial Process

- a. The defendant knew that von Schuschnigg, his predecessor as Chancellor of Austria, was subsequently confined in concentration camps until liberated by the U. S. armed forces.

P.S. Memorandum "The Austrian Question" by Seyss-Inquart, p. 36

- b. He was well aware of all the things that happened in Austria after the Germans marched in, including concentration camps and the activities of the Gestapo and the SS.

Transcript of the Interrogation of Seyss-Inquart 18 September 1945, p. 14.

- c. For additional data and proof of imprisonment without judicial process reference is made to the Briefs of Section 4, particularly the Brief on "Establishment and Operation of Concentration Camps".

2. Persecution of Churches and Other Religious Groups.

- a. He also knew about the terroristic tactics used by the Nazis against Cardinal Innitzer of the Roman Catholic Church in Austria prior to the anschluss.

Transcript of Interrogation of Seyss-Inquart, 5 September 1945, p. 24

- b. He also knew that a great number of the clergy and a great number of the people who then belonged to the Catholic Church were thrown into Concentration Camps.

Transcript of Interrogation of Seyss-Inquart, 18 September 1945, p. 8.

- c. For additional data and proof of persecution of communicants of churches and churches and religious groups reference is made to the Briefs of Section 4, particularly the Brief on "Persecution of Churches and Other Religious Groups."

3. Persecution of Jews.

- a. In addition the defendant not only knew about the exclusion of Austrian Jews from continuing in public office, by legislation effecting the anschluss, but he actively participated in drafting such legislation.

(a) — P.S. Dokumente der Deutsch Politik
VI, 1, 147.

(b) — P.S. Memorandum "The Austrian Question"
by Seyss-Inquart, p. 39

(c) — P.S. Reichsgesetzblatt, 1938, 1, p. 245 & 24.

- b. For additional data and proof of the persecution of Jews reference is made to the Briefs of Section 4, particularly the Briefs on "Persecution of Jews".

4. Murder.

He knew that the murder of Chancellor Dollfuss occurred during the Nazis' unsuccessful "putsch" of July 1934 and as the result of a plot of the SS to kidnap their victim. At the same time he knew that the Austrian Nazis were dependant upon the parent Nazi Party of Germany and would ^{only} obey the orders of Hitler and his Nazi officials of Party and State.

Transcript of Interrogation of Seyss-Inquart
5 September 1945, pp. 16, 17, 18.

(II.) Poland:

1. The defendant was in a position to know all about the Nazi policy toward non-Germans in Poland, because he made a trip around Poland as Reich Minister and Deputy Governor-General of the General Government of Poland and conferred with the District Governors, giving lectures and ^{orders concerning their} official duties and the German Administrative Policy in Poland.

2270-P.S., Report about trip of Reich Minister Seyss-Inquart to the General Government of Poland, Supra.

2. For data and proof of Crimes against Humanity committed in Poland reference is made to the Briefs of Section 4.

(III) The Netherlands:

1. The defendant's high official position in the Netherlands, being the Reich Commissar and directly under Hitler, gave him a full and complete opportunity to know about each and every German policy in effect in that country. For five years he made the laws in the Netherlands by decrees, under authority granted him by Hitler, was the Supreme power of the government within the civil sphere, and he was the protector of the interests of the Reich.

1376-P.S., Decree of Hitler, dated 18 May 1940, p.778

2. All sorts of crimes were committed by Germans in the Netherlands and against Netherlanders outside their country.

1728-P.S., Copy of Official Statement of The Netherlands Government about War Crimes in the Netherlands accompanied by a letter of the Dutch Embassy to Justice Jackson, dated 1940-1945.

3. For additional data and proof of Crimes against Humanity committed in the Netherlands reference is

made to the Briefs of Section 4.

Argument.

The evidence shows that the defendant was an active and important participant in all stages of the conspiracy hatched and carried out by Austrian and German Nazis, and their collaborators and sympathizers, relating to Aggression against and the seizure, consolidation and control of Austria by Germany. Seyss-Inquart was not a mere figurehead or a messenger boy in this conspiracy, because the evidence is conclusive that he was the most important link and figure in conceiving the plot, in coordinating the activities of the Austrian and German Nazi conspirators, and in carrying out the plans of the conspirators to a successful conclusion. There was a constant contact between the defendant and all the important Nazis, both German and Austrian, involved in the conspiracy, before and after the anchluss. For these reasons it is apparent and clear that the credulity of any reasonable person would be taxed to the utmost if asked and expected to believe that the defendant did not know the real intentions of Hitler, the Nazis, and Germany toward Austria. Nor was he ignorant of the consequences of an anchluss of Austria with Nazi Germany, because he has consistently maintained that the tragic consequences were of minor importance as compared to the anchluss, which had been his fanatic desire and mission for years.

While it is true that the defendant was only the second most important man in Poland for a time, yet we find him travelling about Poland, giving lectures about the German policy toward Poland, its people, and giving orders, directives and instructions to German officials in Poland. In a sense he was the professor and not a mere student in Poland, and, therefore, must have known all about the tragic fate of Poles, Jews and other non Germans

in Poland. Thus he was an actual participant in all of the excesses and crimes committed by the Germans in Poland while he occupied the post of Deputy Governor-General of that unhappy country under Nazi rule.

In the Netherlands we find him as the right arm and personal representative of Hitler, who made him the Supreme power of the government within the civil sphere and the protector of the interests of the Reich. He was the absolute master of every phase of Dutch life, the maker of laws, and he held the fate of every Dutch subject in his hands, for Hitler's decree of 18 May 1940, appointing him Reichs Commissioner for the Occupied Dutch territories, gave him these almost unlimited powers. He accepted this post with the full knowledge of all the consequences of Nazi rule in Austria and Poland, because he has admitted it under oath. His only excuse is that Germany was at war and it was his duty to ^{accept} ~~accept~~ the assignment and carry out orders. There is no obligation on anybody to accept and carry out criminal and illegal orders. Not even a soldier has such an obligation, and Dr. Arthur Seyss-Inquart was not a soldier and the terms of Hitler's own decree confirms that fact. He was, therefore, a principal in the commission of every crime, war crime, crime against humanity and crimes against the law of nations committed in the Netherlands by the Germans while he ruled over Holland for five long years.

Conclusion.

There is ample and sufficient evidence to support each and every allegation in Counts I, II, III, and IV and appendix A of the Indictment of which the defendant stands accused.

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