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Draft of introductory rituals

62.03

INTERNATIONAL MILITARY TRIBUNAL

No. 1

THE UNITED STATES OF AMERICA, THE PROVISIONAL GOVERNMENT OF THE
FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND, and THE UNION OF SOVIET SOCIALIST REPUBLICS

- against -

HERMANN WILHELM GOERING, RUDOLF HESS, JOACHIM von RIBBENTROP,
ROBERT LEY, WILHELM KEITEL, ERNST KALTENBRUNNER, ALFRED ROSENBERG,
HANS FRANK, WILHELM FRICK, JULIUS STREICHER, WALTER FUNK, HJALMAR
SCHACHT, GUSTAV KRUPP von BOHLEN und HALBACH, KARL DOENITZ, ERICH
RAEDER, BALDUR von SCHIRACH, FRITZ SAUCKEL, ALFRED JODL, MARTIN
BORMANN, FRANZ von PAPEN, ARTUS SEYSS-INQUART, ALBERT SPEER,
CONSTANTIN von NEURATH, and HANS FRITZSCHE, Individually and as
Members of Any of the Following Groups or Organizations to which
They Respectively Belonged, Namely: THE SS (SCHUTZSTAFFEL), THE
SD (SICHERHEITSDIENST) of the SS, and THE GESTAPO (GEHEIMSTAATS-
POLIZEI),

Defendants

INDICTMENT

I.

1. Pursuant to the provisions of the "Agreement by the
Government of the United States of America, the Provisional
Government of the French Republic, the Government of the United
Kingdom of Great Britain and Northern Ireland and the Government
of the Union of Soviet Socialist Republics for the Prosecution

and Punishment of the Major War Criminals of the European Axis," entered into at London the 8th day of August, 1945, the undersigned, Robert H. Jackson, Francois de Menthon, Hartley Shawcross and E. T. Nikitchenko were appointed by their respective Governments as Chief Prosecutors for the investigation of the charges against and the prosecution of the major war criminals.

2. The Chief Prosecutors have individually and acting in collaboration with one another (a) investigated the charges against the major war criminals, and (b) prepared an Indictment for approval by the Chief Prosecutors acting as a committee.

3. Acting as a Committee, the Chief Prosecutors (a) have designated the defendants herein named as major war criminals to be tried by the Tribunal (without prejudice to the designation from time to time hereafter of additional major war criminals to be so tried), (b) have approved this Indictment, and (c) hereby lodge this Indictment with the Tribunal.

4. Upon the basis of their investigation of the evidence bearing upon the charges against the defendants herein named and other persons, the Chief Prosecutors have found and present to the Tribunal:—

II.

5. The following are guilty, in the respects hereinafter set forth, of the Crimes against Peace, War Crimes, and Crimes against Humanity defined in the Charter of the Tribunal, and are accordingly named as defendants in this cause:

HERMANN WILHELM GOERING, RUDOLF HESS, JOACHIM von RIBBENTROP, ROBERT LEY, WILHELM KEITEL, ERNST KALTENBRUNNER, ALFRED ROSENBERG, HANS FRANK, WILHELM FRICK, JULIUS

STREICHER, WALTER FUNK, HJALMAR SCHACHT, GUSTAV KRUPP von BOHLEN und HALBACH, KARL DOENITZ, ERICH RAEDER, BALDUR von SCHIRACH, FRITZ SAUCKEL, ALFRED JODL, MARTIN BORMANN, FRANZ von PAPEN, ARTUR SEYSS-INQUART, ALBERT SPEER, CONSTANTIN von NEURATH, and HANS FRITZSCHE, Individually and as Members of Any of the Following Groups or Organizations to which They Respectively Belonged, Namely: THE SS (SCHUTZSTAFFEL), THE SD (SICHERHEITSDIENST) of the SS, and THE GESTAPO (GEHEIMESTAATSPOLIZEI).

6. The SS, the SD of the SS, and the Gestapo are named as groups or organizations which should be declared criminal in connection with the conviction of such of the named defendants as were members of those groups or organizations.

III.

7. In 1920 Anton Drexler and others founded in Germany the National Socialistische Deutsche-Arbeiter Partei, also known as the Nazi Party and the NSDAP. In 1921 Adolf Hitler became the Supreme Leader (Fuehrer) of the Nazi Party and he continued as such during the period comprised in this Indictment.

8. Hitler and certain other persons from time to time associated with him as leaders, members, supporters or adherents of the Nazi Party (hereinafter called collectively the "Nazi conspirators") planned and conspired (a) to secure totalitarian control over Germany; (b) to acquire for Germany the territories lost by it as a result of the World War of 1914-1918; (c) to acquire for Germany the territories in Europe alleged by the Nazi conspirators to be occupied primarily by

so-called "racial Germans," including Austria, the Sudetenland and Danzig; (d) to acquire for Germany other territories in continental Europe and elsewhere; (e) ultimately to make Germany the dominant nation in the Eastern Hemisphere and, if possible, in the world. Coincidentally with the attainment of these objectives, and as rewards for their labors in promoting the plans of aggrandizement, the Nazi conspirators were to be placed in positions of power in Germany or in the territories to be acquired for Germany, and to be personally enriched with the spoils of aggrandizement as and when obtained in Germany and elsewhere.

9. To accomplish these objectives, the Nazi conspirators planned and were prepared and committed to use any means, regardless of legality, and in particular they planned to and did in fact use direct action, force and threats of force, aggressive war, terror, false propaganda, fraud, treachery, and other corrupt and unlawful means and methods.

10. Conceiving that their objectives could not be achieved in a society committed to certain fundamental beliefs, including the belief in the equality of all men regardless of political convictions, race or religion, the Nazi conspirators sought to eradicate these beliefs in the German people, and to substitute therefor various dogmas designed to insure for the Nazi conspirators the highest degree of manipulative control over individuals and society. Among the dogmas widely disseminated and taught by the Nazi conspirators to this end were the following:

(a) That persons of so-called "German blood" (as defined by the Nazi conspirators) were a superior race and were accordingly entitled to subjugate, dominate or annihilate other races or peoples;

(b) That persons of so-called "German blood" were destined to rise to world dominance;

(c) That the German people should be ruled under the "leadership principle" according to which (i) power was to reside in a Fuehrer from whom sub-leaders were to derive authority in a hierarchical order, each leader to owe unconditional obedience to his immediate superior but to be absolute in his own sphere of jurisdiction; (ii) the power of the leadership was to be total, extending to all phases of public and private life; and (iii) those governed by the leadership were to be wholly subservient to it and were to have no right of dissent;

(d) That war was the noblest condition of men and accordingly that most of the Christian virtues were despicable and that the soldierly virtues, including obedience, discipline and contempt for death were to be exalted;

(e) That the supreme leadership of the Nazi Party, as the sole bearer of the foregoing and other doctrines, was entitled to shape the structures, policies and practices of the State and all related institutions, and, further, to direct or supervise the activities of all individuals within the State.

11. In pursuance of their first aim or objective, namely, to secure totalitarian control over Germany, the Nazi conspir-

ators sought forcibly to overthrow the lawful government of the German Republic, and when that attempt failed in the Munich Putsch of 1923, to undermine and capture the government. To these ends they used certain of the means set forth in paragraph 9 of this Indictment, and in particular employed the SA (Sturm Abteilung) and the SS as terroristic arms or agencies.

12. On 30 January 1933 Hitler became Chancellor of the German Republic. Promptly thereafter civil liberties were suspended and popular elections were subverted throughout the Republic by the use of violence and intimidation instituted and maintained by the Nazi conspirators, especially through the SS and SA formations. The Nazi conspirators thereupon arrogated governmental power (i) by first causing the Reichstag to vest plenary powers in Hitler and his then cabinet and subsequently retaining such powers after having fully Nazified the Cabinet by forcing the resignation of several of its original members; (ii) by causing all political parties except the Nazi Party to be prohibited and regarding attempted reconstructions of other parties as acts of high treason; and (iii) by causing the Nazi Party to be established as a para-Governmental organization with extensive and extraordinary privileges.

13. The Nazi conspirators finally obliterated all vestiges of popular government in Germany by destroying the Reichstag and similar bodies as democratic institutions and abrogating free popular elections. They transformed the federated states, provinces and municipalities, which had formerly exercised

autonomous powers, into mere administrative organs of the central government; united the offices of the President and the Chancellor into the person of Hitler; and by a purge of civil servants including the judiciary insured that the entire machinery of Government was fully amenable to the will of the conspirators.

14. Further, the Nazi conspirators established a gigantic network of State and Party organizations, greatly enlarged existing State and Party organizations, and "coordinated" and "synchronized" (gleichschalteten) State agencies with the Nazi Party and its branches and affiliates, with the result that German life was dominated by Nazi doctrine and practice and progressively mobilized for the accomplishment of the aims of the conspiracy. Among the many agencies enormously expanded, or established and thereafter enormously expanded during the period of control of Germany by the Nazi conspirators were the SS, the Hitler Youth (Hitler Jugend), the Reich Labor Service (Reichs Arbeitsdienst), the German Labor Front (Deutsche Arbeitsfront), the NSKK, the NSFK, and the propaganda agencies of the Nazi Party.

15. In order to make their rule secure from attack, and to instill fear in the hearts of the German people, the Nazi conspirators established and extended a system of terror against opponents and supposed or suspected opponents of the regime. They imprisoned such persons without judicial process, holding them in "protective custody" (Schutzhaft) and concen-

tration camps, and subjected them to persecution, degradation, despoilment, enslavement, torture and murder (including persecution, torture and murder under the guise of enforcing "eugenics" policy). While the German penal system was progressively brutalized, the independence of criminal judges being reduced and special courts being established to carry out the will of the conspirators, favored branches or agencies of the State and Party were permitted to operate outside the range even of Nazified law and to crush all tendencies and elements which were considered "undesirable." Among the many agencies used in and about the foregoing were: the SA, the SS, the SD of the SS, the Gestapo, the Reich Cabinet, the Reich Ministries of Interior and Justice, the German Police, the Reich Supreme Court and the Reich Public Prosecutor, and the People's Court and the Reich Prosecutor.

16. Conceiving that free trade unions were a source of opposition to the regime, the Nazi conspirators utterly destroyed them by confiscating their funds and properties, persecuting their leaders and prohibiting their activities. The SA, the SS and the National Socialist Workers Cell organization (NSBO) were used as instruments of destruction, and the free trade unions were supplanted by the German Labor Front, as a Party affiliate, and the Strength Through Joy (Kraft durch Freude) organization.

17. Conceiving also that allegiance to churches and church doctrines was at variance with the aims of the conspiracy and

the means to be used in their accomplishment, the Nazi conspirators sought to obtain control of religion in Germany by deceit, "synchronization" or "coordination" of existing religious institutions, or the promotion of competing institutions. When these methods did not meet with complete success, the Nazi conspirators proceeded among other things to persecute members of the clergy and of monastic orders, to expropriate church property, and to interfere with religious services. Among the organizations used for the attack on the churches were the Reich Cabinet, the Reich Ministries for Ecclesiastical Affairs, of Education, Propaganda, and Interior, the Central Department of the Nazi Party for Ideology, the Hitler Youth, the SA, the SS, the Reichssicherheitshauptamt, the SD of the SS, and the Gestapo.

18. In accordance with their dogma of racial superiority, the Nazi conspirators systematically contrived the persecution of persons not of "German blood," and in particular they sought systematically to annihilate the Jews in Germany. The conspirators excluded the Jews from the professions, deprived them of citizenship and placed them outside the pale of the German nation, deprived them of their property, and insulted, tortured and murdered them. Among the many organizations used for these purposes were the Reich Cabinet, the Reich Ministries of Interior, Economics, Finance, and Propaganda, the whole of the Nazi Party including the SS, the police system including the Gestapo, the Reichstag, and the controlled press.

19. The Nazi conspirators, further contriving to render the German people amenable to their will:

(a) Transformed the entire educational system into a means of indoctrinating the nation, and particularly the youth, in the Nazi dogmas including those set forth in paragraph 10 of this Indictment. Recruitment and training of teachers, organization of curricula and content of textbooks were shaped to this end. The leadership principle was introduced into the schools, and the Party and affiliated organizations were given wide supervisory powers over education. New Party schools were set up, including the Adolph Hitler Schools, Ordensburgen, Academies for Youth Leadership, and National Political Educational Institutes, to insure the most intensive indoctrination for future Party leaders. Among the agencies employed by the Nazi conspirators for the transformation of education were: the Reich Cabinet, the Reich Ministries of Interior and Education, the Nazi Party as a whole, and especially the Central Departments of Censorship, Organization, Education and Ideology, the Party Committee for the Protection of National Socialist Literature, the SS, the Hitler Youth, the German Labor Front, the National Socialist Teachers', Professors' and Students' Leagues.

(b) Controlled the dissemination of information and the expression of opinion within Germany, as well as the movement of intelligence of all kinds from and into Germany, in such manner as to promote Nazi ideology and to serve as the mass propaganda basis for the particular tactics of the conspirators as conceived at given times. The control exercised by the conspirators extended to all means of communication,

including the press, book and periodical publication, radio, films, museums and exhibitions, and embraced substantially all the arts and sciences. Control was achieved through the compulsory "synchronization" and "coordination" of persons and enterprises operating in these fields in chambers and groups ruled by the leadership principle, by the establishment of vast State and Party propaganda machines, by the acquisition and operation by the Party of newspapers, publishing houses and similar organs, and by the permeation of all organizations with reliable Party personnel. Among the State and Party agencies used in and about the foregoing were: The Reich Propaganda Ministry; the Foreign Office; the Central Departments of the Nazi Party for Censorship, Ideology and Propaganda, and of the Press Chief and Press Director; the official Party committee for the Protection of National Socialist Literature; the Reich Culture Chamber and its affiliates.

20. The Nazi conspirators placed certain of their dominated organizations on a progressively militarized footing, with a view to their rapid transformation and use whenever necessary as instruments of war, and they indoctrinated the members of such organizations and other segments of the population in methods of violence and brutality. Among the many agencies thus progressively militarized were the SS, the German Police, the Reich Labor Service, the National Socialist Motor Corps (NSKK) and the National Socialist Aviation Corps (NSFK).

21. (Paragraph 21 will deal with economic controls.)

22. On or about _____ 19__, the Nazi conspirators, by the ruthless enforcement of the policies above described or adverted to, comprehending the Crimes Against Humanity set forth in the Charter of the Tribunal, had succeeded in their first objective and had converted the German Republic into a unitary, centralized, monocratic, totalitarian, one-party State under the title of the "Third Reich." The basic policies by which the conspirators secured and developed their control of Germany were, however, maintained during the entire period in power of the Nazi conspirators.