MEMORANDUM FOR: Board of Review
THROUGH: Colonel Brundage
SUBJECT: Trial Brief on Baldur von Schirach

1. Submitted herewith are six (6) copies of a trial brief on Baldur von Schirach and on document folder containing translations (where available), Staff Evidence Analyses (where translations not available) or explanatory inserts of the documents or evidentiary material relied upon in the brief. Staff Evidence Analyses have been included because of the small number of translations available.

2. Only one document folder is submitted due to a lack of copies of translations and Staff Evidence Analyses. It is suggested that the document folder accompany the copy of the brief given to that member of the Board especially charged with Section V activities.

3. Recapitulation of the document situation as of this date, insofar as this brief is concerned, is as follows:

   A - Official translations available:
   - PS-1392
   - PS-1462
   - PS-1492
   - PS-1893
   - R-146

   B - Official translations requested but not yet available:
   - PS-1458
   - PS-1495
   - PS-1850
   - PS-2308
   - PS-2401
   - PS-2435
   - PS-2454

   C - Official translations not yet requested because of freeze on requests and, therefore, not available:
4. None of the documents cited are on the official list. One (extract from Volkischer Beobachter, 15 Sept. 1942, Vienna edition) is not even in Nürnberg but is promised to be in the mails by G-2, US Hq., Vienna.

5. Acknowledgement is made to Capt. Murray whose brief on the Hitler Youth proved very helpful in this compilation.

6. It is considered that the evidence on Count IV activities of von Schirach is weak. All available evidence in Nürnberg has been exhausted. If the Board concurs in the above conclusion, it is recommended that efforts be made to bring in all new evidence available on von Schirach from 1940 - 1945, during which time he was Gauleiter of Vienna.

WILLIAM R. BALDWIN,
Major, A. C.
INDEX

I. TOPICAL INDEX

A. Section of Indictment . . . . . . 1
B. Legal references . . . . . . . 2
C. Statement of evidence . . . . . . 3 - 11
D. Argument and Conclusion . . . . . . 12

II. DOCUMENTS

A. Numerical

<table>
<thead>
<tr>
<th>No.</th>
<th>Document Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>PS-1392, Law on Hitler Youth, 1 Dec 1936, RBBI I, p. 993</td>
</tr>
<tr>
<td>2</td>
<td>PS-1458, Die Hitler Jugend, Idee und Gestalt, pp. 14, 15, 17, 22, 24, 154, and 162</td>
</tr>
<tr>
<td>3</td>
<td>PS-1462, First executive order to the Law for Hitler Youth, RBBI, 1939, I, p. 709</td>
</tr>
<tr>
<td>4</td>
<td>PS-1462, Decree of Reich and Prussian Ministry of Interior, 20 July 1935</td>
</tr>
<tr>
<td>5</td>
<td>PS-1495, Gestapo document re: decision to dissolve Catholic Youth Organizations in Bavaria, dated 20 June 1938</td>
</tr>
<tr>
<td>6</td>
<td>PS-1850, Report on conference between Wehrmacht and S. officers</td>
</tr>
<tr>
<td>7</td>
<td>PS-1893, Organization Buch der NSDAP, 1943</td>
</tr>
<tr>
<td>8</td>
<td>PS-1950, Copy of Secret letter from Lammer to von Schirach re: Deportation of Jews from Vienna</td>
</tr>
<tr>
<td>9</td>
<td>PS-2140, Letters from Dean of Theological Faculty in Vienna to von Schirach reporting on persecution of Catholic priests</td>
</tr>
<tr>
<td>11</td>
<td>PS-2398, Das Archiv, No. 65, p. 361, Agreement between Hitler Youth and Wehrmacht, dated 11 August 1939</td>
</tr>
<tr>
<td>12</td>
<td>PS-2401, Organization Buch der NSDAP, 1938, pp. 50-51</td>
</tr>
<tr>
<td>13</td>
<td>PS-2435, Das Kommando Deutschland, p. 33</td>
</tr>
</tbody>
</table>


### INDEX

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Document Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>PS-2441, Affidavit by Gregor Ziemer</td>
</tr>
<tr>
<td>5</td>
<td>PS-2454, Hitler Speech at Holons Parteitag, 1935, Volkischer Beobachter</td>
</tr>
<tr>
<td>11</td>
<td>PS-, Affidavit of Alois Hoellriegl, Guard and Member of SS Totenkopfverbände at Mauthausen from 1940 to 1945</td>
</tr>
<tr>
<td>10</td>
<td>PS-, Volkischer Beobachter, 16 September 1942, p.</td>
</tr>
<tr>
<td>3</td>
<td>PS-, Der Deutsche Fuhrer-Lexikon 1934/35, p. 415</td>
</tr>
<tr>
<td>4</td>
<td>PS-, Der Grossdeutsche Reichstag 1943, p.</td>
</tr>
<tr>
<td>3, 4</td>
<td>PS- NS Jahrbuch 1943, 1929, p. 142, 1933, p. 155, 1941, pl 337, 1941, p. 390</td>
</tr>
<tr>
<td>3, 4</td>
<td>PS-, Der Deutschen Reichstag, 1936, p. 286</td>
</tr>
<tr>
<td>10</td>
<td>R-146, Circular Letter No 56 to all Gauleiters, with attached copy of letter from Lammers to Reich-minister for the Interior</td>
</tr>
<tr>
<td>3, 4</td>
<td>Interrogation of von Schirach, 11 &amp; 15 September 1945</td>
</tr>
</tbody>
</table>

### TYPES

1. **Affidavits**

   - PS-2441, Affidavit by Gregor Ziemer
   - PS-, Affidavit of Alois Hoellriegl, guard and member of SS Totenkopfverbände at Mauthausen from 1940 - 1945

2. **Correspondence and Memoranda**

   - PS-1495, Gestapo Document re: Decision to dissolve Catholic Youth Organizations in Bavaria, dated 20 Jun 1938
   - PS-1850, Report on Conference between Wehrmacht and SA Officers
   - PS-1950, Copy of Secret letter from Lammers to von Schirach re: Deportation of Jews from Vienna
   - PS-2140, Letter from Dean of Theological Faculty in Vienna to von Schirach reporting on persecution of Catholic priests
INDEX

3. Laws, Decrees and Enactments
   PS-1392, Law on Hitler Youth, 1 Dec 1936, RGBl. I, p. 993 ... 5, 7
   PS-1462, First Executive Order to Law for Hitler Youth, RGBl., 1939, I, p. 709 ... 5
   PS-1482, Decree of Reich and Prussian Ministry of Interior, 20 July 1935 ... 7

4. Official Government Regulations and Orders
   None

5. Party Orders & Directives
   R-146, Circular Letter No. 5G to all Gauleiters with attached copy of letter from Lammers to Reichsminister for the Interior ... 10

6. Interrogation of Defendants
   Interrogation of von Schirach, 11 Sept 1945 ... 3
   Interrogation of von Schirach, 15 Sept 1945 ... 4

7. Military orders
   None

8. Photographs, Moving Pictures, Charts and Visual Aids
   None

9. Publications
   PS-1451, Die Hitler Jugend, Idee und Gestalt, pp. 14, 15, 17, 22, 24, 154, and 162 ... 8
   PS-1823, Organizationbuch der NSDAP, 1943 ... 6, 7
   PS-2398, Das Archiv, No. 65, p. 601. Agreement between Hitler Jugend and Wehrmacht, dated 11 Aug 1939 ... 8
   PS-2401, Organizationbuch der NSDAP, 1938, pp. 50-51 ... 5
   PS-2435, Das Kommende Deutschland, p. 33 ... 8
   PS-2454, Hitler Speech at Parteitag, 1935, Volkischer Beobachter ... 5
   PS-——, Volkischer Beobachter, 15 September, 1942, p. ... 10
   PS-——, Der Deutsche, Führer Lexikon, 1934/35, p. 415. 3
INDEX

**INDEX**

| PS- | Der Grossdeutschreichstag, 1943, p. __________ | 3, 4 |
| PS- | NS Jahrbuch, 1929, p. 142 | 4 |
| PS- | 1933, p. 135 | 3 |
| PS- | 1941, p. 327 | 4 |
| PS- | 1941, p. 330 | 4 |
| PS- | Der Deutsche Reichstag 1936, p. 286 | 3, 4 |

C. List of Individual Defendants Involved

Baldur von Schirach

D. List of Criminal Organizations Involved

1. Das Reichsregierung (Reich Cabinet)

2. Das Korps der Politischen Leiter der NSDAP (Leadership Corps of the Nazi Party)

3. Der Sturmbteilung der NSDAP (commonly known as the "SA")
SCHIRACH:

The defendant SCHIRACH between 1924 and 1945 was: a member of the Nazi Party, a member of the Reichstag, Reich Youth Leader on the Staff of the SA Supreme Command, Reichsleiter in the Nazi Party for Youth Education, Leader of Youth of the German Reich, head of the Hitler Jugend, Reich Defence Commissioner and Reichstatthalter and Gauleiter of Vienna. The defendant SCHIRACH used the foregoing positions, his personal influence and his intimate connection with the Führer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count one of the Indictment; he promoted the psychological and educational preparations for war and the militarization of Nazi-dominated organizations set forth in Count One of the Indictment; and he authorized, directed and participated in the Crimes against Humanity set forth in Count Four of the Indictment, including, particularly, anti-Jewish measures.
LEGAL REFERENCES

I. Charter of the International Military Tribunal

Article 6
Article 6a
Article 6c
STATEMENT OF EVIDENCE

I. Defendant Baldur von Schirach between 1924 and 1945 was:
a member of the Nazi Party, a member of the Reichstag,
Reich Youth Leader on the Staff of the SA Command, Reich-
sleiter in the Nazi Party for Youth Education, Leader
of the Youth of the German Reich, head of the Hitler
Jugend, Reich Defense Commissioner and Reichstatthalter
and Gauleiter of Vienna. The Defendant Schirach used
the foregoing positions, his personal influence and
his intimate connection with the Führer in such a
manner that: he promoted the accession to power of
the Nazi conspirators and the consolidation of their
control over Germany set forth in Count One of the
Indictment.

A. Biographical Data:

1. Proof of positions held in order named in
   Indictment (Indictment, Section IV A, p. 3,
   Appendix A, p. 28)
   a. Party member 1924 - 1945
      Proof: Der Deutsche Führerlexikon,
      1934/35, p. 415
      Interrogation, 11 Sept 1945,
      Nürnberg, p. 3 (afternoon)
   b. Member of Reichstag - 1932 - 1945
   c. Reich Youth Leader on Staff of SA Supreme
      Command (Gruppenführer der OSAF - Obersten
      SA Führung)
      Proof: NS Jahrbuch, 1933, p. 155
      Interrogation, 11 Sept 1945, Nürnberg,
      p. 8
   d. Reichsleiter in the Nazi Party for Youth
      Education (Reichsleiter für die Jugend-
ziehung) 1932 - 1940
      Proof: Der Deutsche Reichstag, 1936, p. 286
(Major W. H. Baldwin)

e. **Leader of Youth in the German Reich (Jugendführer des Deutschen Reiches und Führer aller Deutschen Jugendverbände) - June / July 1933 - 40**

*Proof:* Der Deutsche Reichstag, 1936, p. 286

*Note:* By decree (RG Bl, 1 Dec 1933, I, p. 993) whole German Youth entrusted to Reich Youth Leader of NSDAP, who became Youth Leader of German Reich - membership ceased to be then voluntary.

f. **Head of the Hitler Jugend - 1931 - 1940 (Reichsjugendführer der NSDAP)**


g. **Reich Defense Commissioner for Vienna**

*Proof:* Interrogation, 15 Sept 1945, Nürnberg, p. 5

h. **Reichstatthalter of Vienna - 1940 (Aug)**

*Proof:* NS Jahrbuch, 1941, p. 390

*Interrogation, 15 Sept 1945, Nürnberg, p. 2*

i. **Gauleiter of Vienna - 1940 (Aug)**

*Proof:* NS Jahrbuch, 1941, p. 337

*Interrogation, 15 Sept 1945, Nürnberg, p. 2*

2. **Proof of positions held other than those stated in Indictment.**

j. **Präsident, der Sudosteuropeagesellschaft, Wien**


k. **Deputy to the Führer for the Inspection of the Hitler Youth (Beauftragter des Führer für die Inspektion der Gesamten Hitler Jugend) 1940.**


*Note:* This is point at which Axmann took over Hitler Youth. Von Schirach retained as Reichsleiter for German Youth Education and as Deputy for Hitler Youth.

l. **Reichsleider of NS Student Bunds (Reichsführer die NS Studentenbund) - 1929**

*Proof:* NS Jahrbuch, 1929, p. 142
B. Functions of Important positions held.

1. As Reichsleiter of the NSDAP and Leader of the Hitler Jugend, Defendant had the task of imbuing the members with Nazi ideology and preparing them for membership in the Party and its formations.

2454-P3, Hitler Speech at Reichsparteitag, 1935, Volkscher Beobachter.
2401-PS, Organisationsbuch der NSDAP, 1938, p. 80-81.

2. As Leader of Youth in the German Reich, Defendant was obligated to insure that:

"the German Youth besides being reared within the family and school, shall be educated physically, intellectually, and morally in the spirit of NS to serve the people and community, through the Hitler Youth".


3. In addition:

"The Youth Leader of the German Reich is solely competent for all missions of the physical, ideological and moral education of the entire German Youth of the Reich area outside of the house of the parents and the school".


4. As Gauleiter of the Reichs Gau of Vienna, Defendant was a Hoheitssträger (bearer of Sovereignty) for the NSDAP in a Hoheitsgebiete (sector of Sovereignty). Namely, the Gau of Vienna, Defendant had sovereign political rights within his Gau.

"Within their sector of sovereignty the bearers of sovereignty have sovereign political rights. They represent the Party within their sector, internally
and externally, and they are responsible for the entire political situation within their sector. The Bearers of sovereignty supervise all Party officers within their jurisdiction and they are responsible for the maintenance of discipline within their sector.


"Hoheitsträger (bearers of sovereignty), Gauleiters, Kreisleiters, etc., will meet at least once a month with leaders of the SA, SS, NSKK, and HJ, as well as RAD and NSFK, as found within their zone for the purpose of mutual orientation."


"The Hoheitsträger is the ranking representative of the Party, to include all organizations within his zone. He may requisition the SA located within his zone from the respective SA leader if they are needed for the execution of a political mission."

1893-PS - Organisationsbuch der NSDAP, 1943, p. 71

"The directives laid down with regard to the relationship to the SA are similarly applicable to the SS."

1893-PS - Organisationsbuch der NSDAP, 1943, p. 75

"The Gauleiter is directly subordinate to the Führer. He is appointed by the Führer. The Gauleiter bears the overall responsibility to the Führer for the sector of sovereignty entrusted to him. The rights, duties and jurisdiction of the Gauleiter result primarily from the mission assigned by the Führer and, apart from that, from detailed directives."

1893-PS - Organisationsbuch der NSDAP, 1943, p. 136

"7B. Functions....3) The central coordination office of the Gau Directorate with the state authorities (Reich deputies, police, Gestapo, etc). The arrangement of conferences between the Gauleiter and offices outside
the party (state, economy, and others) and inasmuch as several Gau main offices or Gau offices are interested, in the presence of the respective professional Gau office directors."

1893-PS - Organisationbuch der NSDAP, 1943, p. 140b

II. Defendant Baldur von Schirach promoted the psychological and educational preparations for war and the militarization of Nazi dominated organizations set forth in Count I of the Indictment, (Indictment, Section IV (D) 3 (e), p.6):

A. Defendant, in his capacity as Leader of the Hitler Jugend and Leader of Youth in the German Reich, promoted and caused the abolition of all other youth organizations in Germany and membership in the Hitler Youth was made compulsory.


B. Prior to the Dec 1936 law, above quoted in paragraph B, Catholic youth organizations outside of the Hitler Jugend, were forbidden to wear uniforms, to assemble publicly, to wear insignia or engage in outdoor sport activity.

1482-PS - Decree of Reich and Prussian Minister of Interior, 20 July 1935)

As a result of engaging in other than "spiritual" activities, all Catholic youth organizations in diocese of Bavaria were dissolved, and their cash and valuables confiscated by the Gestapo.

1495-PS - Gestapo document re: decision to dissolve Catholic youth organizations in Bavaria and confiscation of their entire property dated 20 Jan 1938.
C. Through the Hitler Jugend, Defendant imbued the youth with Nazi ideology and Mein Kampf was regarded as the bible of the Hitler Youth. The Hitler Youth emphasized the necessity for, and demanded the return of, the colonies which had been taken from Germany by the "Versailles Shame Dictat".

The Hitler Jugend indoctrinated the youth with the idea that war is a noble activity.

1488-PS - Die Hitler Jugend Idee und Gestalt, pp. 14, 15, 17, 22, 24, 154 and 152.

D. Defendant employed the Hitler youth for extensive pre-military training.

1850-PS - Report on conference between Wehrmacht and SA officers.


E. In 1932 there were 107,956 members of the Hitler Jugend. In 1939 there were 7,728,259 members of the Hitler Jugend.

2435-PS - Das Dommande Deutschland, p. 33.

III. Defendant Baldur von Schirach authorized, directed and participated in the Crimes against Humanity set forth in Count IV of the Indictment, including particularly, anti-Jewish measures.

(Indictment, Section XB, p. 26);

A. Persecution on Political, Racial and Religious grounds in execution of and in connection with the common plan mentioned in Count One.

1. Defendant's National Socialist Deutsche
Studentenbund was active in Jewish purges. The following account of an address by Defendant before Heidelberg students, members of the Bund, indicates this activity:

"The Chief Speaker for the evening was Reichsjugendführer Baldur von Schirach. In a rather high voice, the pudgy youth leader praised the students for devoting so much of their time to the affairs of the Party.

"He declared that the most important phase of German university life in the 3d Reich was the program of the NSDStB. He extolled various activities of the Bund. He reminded the boys of the service they had rendered during the Jewish purge. Dramatically he pointed across the river to the old university town of Heidelberg where several burnt-out synagogues were mute witnesses to the efficiency of Heidelberg students. These skeleton buildings would remain there for centuries, as inspiration for future students; as warning to the enemies of the State."


2. On the basis of report made by Defendant, Hitler decided upon the accelerated evacuation of 60,000 Jews from Vienna to the Gen. Government. Defendant notified various officials of the SS and Gestapo of Hitler's decision and stated that evacuation of the Jews will begin the following year.


3. Defendant stated in a speech, before
the so-called European Youth League in Vienna in September 1942 that;

"If anyone reproaches me with having driven from this city, which was once the metropolis of Jewry, tens of thousands of Jews into the Ghetto of the East, I feel myself compelled to reply; I see in this an active contribution to European culture."

----PS - Volkischer Beobachter, 15 Sept 1942, p.

4. A circular letter to all Gauleiters, signed by Bormann, clarifies the matter of whether the Austrian confiscated Church and Monastery properties should be given to the Reich or the Reich Gau in which the confiscated property is situated. The decision was in favor of the Reichs-Gau. The question was raised by Gauleiter von Schirach, inter alia. The inference is that confiscation of Church properties took place within the Gau of Vienna. In Bormann's letter it is noted that;

"as a matter of principle no compensation is to be paid to the Churches for the seizures".

R-146 - Circular letter No. 56 to all Gauleiters, with attached copy of letter from Lammers to Reichsminister for the Interior.

5. Defendant was informed by responsible persons of mistreatment of priests and the suppression of religious freedom in Austria.

E140-PS - Letters from Dean of Theological Faculty in Vienna to von Schirach reporting on persecution of Catholic priests.
Defendant was familiar with the Mauthausen Concentration Camp (outside of Linz, Austria) and the activities therein by virtue of at least one personal visit to that camp.

PS - Affidavit of Alois Hoellriegl, guard and member of the SS totenkopfverbände at Mauthausen from 1940 - 1945.

ARGUMENT AND CONCLUSION

1. As a Party member since 1924, as Reich Youth Leader on the staff of the SA as a supreme command member of the Reichstag since 1932, as a Reichsleiter in the NSDAP from 1932 to 1940, Defendant Schirach must be held guilty of having participated in the overthrow of the Weimar Republic and of having endorsed and assisted in the formulation of Nazi policies and plans. By virtue of the above stated positions and the functions thereof he was at the least an accomplice in the formulation and execution of the common plan and had knowledge of its aims and purposes, or, at the very least became an early accessory to its aims and purposes.

2. As Leader of Youth in the German Reich and Leader of the Hitler Jugend, Defendant was the foremost agent of the Nazi movement for the indoctrination of the German Youth with the Nazi ideology and the preparation of all the young men and women of Germany for war. His poems and speeches glorified the idea of dying in battle for the Fatherland and Mein Kampf was the Bible of the German Youth Movement.

3. As Gauleiter and Reichsstaatshuter of Vienna from 1940 until the end of the war, Defendant was instrumental in the deportation of thousands of Jews beyond the boundaries of Austria into the misery and degradation of forced labor and concentration camps. Defendant was likewise responsible, under rigid Nazi doctrine, for having executed all Nazi policies in the Gau of Vienna including but not limited to the confiscation, without recompense, of church and Monastery property.