

OFFICE OF STRATEGIC SERVICES
MISSION F. GREAT BRITAIN
U.S. FORCES

SECRET

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To: The Honorable Mr. Justice Jackson,
Chief of Counsel

From: Franz Neumann,
Chief, War Crimes Research Unit, R&A, OSS

Subject: Indictment of Organizations

It appears politically and legally inadequate to indict only the SS, the SD and the Gestapo.

On the other hand, it appears politically and legally necessary to indict the Nazi Movement represented by its leadership.

(1) Among the individual defendants there is only one man (Kaltenbrunner) who is a representative of the SS, SD and the Gestapo. Many of the defendants only held honorary positions in the SS. Others (Krupp, Schacht, Speer and others) did not even hold an honorary position. Only Kaltenbrunner can, therefore, be properly said to represent the three indicted organizations.

(2) The Nazi Party (or Nazi Movement) is mentioned in almost every page of the indictment. It may also become necessary to define the Nazi Party as a conspiracy and to define the "conspiracy charge" as the attempt to establish the Nazi Party.

(3) It is thus indispensable to indict the Nazi Party.

(4) The indictment can, for political reasons, not be postponed. The public will not understand why the incarnation of Nazism, the party, is left out entirely.

(5) It is impossible to indict the whole party and still more impossible to indict the whole Nazi Movement (that is the party, its formations and its affiliates).

Suggestion:

(6) It is therefore suggested that the following be indicted:

The Nazi Movement represented by its political leadership
as defined in the Decree of 1 December 1936 amended 25

April 1939 (Reichsgesetzblatt, 1936, Part 1, pages 991
and Organisationsbuch, 1936, p. 18 (a)).

(7) These decrees release certain groups of political leaders in the Nazi movement from the ordinary duty of a citizen to testify as witnesses and experts before courts, order that specifically named groups of Nazi leaders are prohibited from testifying unless specifically authorized by their superiors.

These decrees, therefore, authoritatively establish the Nazi Party leadership as defined by the Party itself.

The translation of the amended section 2 of the decree of 1 December 1936 is attached herewith.

Respectfully,



Distribution:

Mr. S. Alderman
Mr. F. Shea
Col. T. Taylor
Cmdr. J. Donovan
Lt. Col. S. Kaplan
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"First instruction for the Statute on the appearance as witnesses of members of the NSDAP and the formations", 1 December 1936 (Reichsgesetzblatt, part 1, p. 994); the amendment of the third instruction of 25 April 1939 (Organisationbuch 1943, p. 526a).

"Until a decision is reached by authorized party officers, witnesses and experts who belong or have belonged to the NSDAP or a formation are obligated to the party and the formations, and have the right to refuse to testify before examining officers if;

1. "If they are interrogated on affairs about which it is their duty to maintain official silence insofar as they exercise the following official authority:

Reich Leadership] Reichsleiter, Hauptdienstleiter der Reichsleitung, Hauptamtsleiter der Reichsleitung, Amtsleiter der Reichsleitung, Hauptstellenleiter der Reichsleitung, Stellenleiter der Reichsleitung, Hilfsstellenleiter der Reichsleitung;

Gau Leadership] Gauleiter, Stellvertretende Gauleiter, Gauamtsleiter, Gauhauptstellenleiter;

County Leadership] Kreisleiter, Kreisamtsleiter;

Local Leadership] Ortsgruppenleiter, Stützpunkt-
leiter;

SA Leadership] SA Obergruppenführer, SA Brigade-
führer, SA Oberführer, SA Standartenführer, SA Obersturmbann-
führer, SA Sturmbannführer, SA Sturmhauptführer, SA Obersturm-
führer, SA Sturmführer;

SS Leadership] SS Obergruppenführer, SS Gruppenführer,
SS Brigadeführer, SS Oberführer, SS Standartenführer, SS Ober-
sturmbannführer, SS Sturmbannführer, SS Hauptsturmführer, SS Ober-
sturmführer, SS Untersturmführer;

NSKK Leadership] Korpsführer NSKK, NSKK Obergruppen-
führer, NSKK Gruppenführer, NSKK Brigadeführer, NSKK Oberführer,
NSKK Standartenführer, NSKK Oberstaffelführer, NSKK Staffelführer,
NSKK Hauptsturmführer, NSKK Obersturmführer, NSKK Untersturmführer;

Youth Leadership] HJ Stabsführer, HJ Obergebiets-
führer, HJ Gebietsführer, HJ Hauptbannführer, HJ Oberbannführer,
HJ Bannführer, HJ Oberstammführer, HJ Stammführer, HJ Haupt-
gefolgschaftsführer, HJ Obergefolgschaftsführer, HJ Gefolgschafts-
führer, HJ Hauptjungbannführer Jungvolk, Oberjungbannführer
Jungvolk, Jungbannführer Jungvolk, Oberjungstammführer Jungvolk,
Jungstammführer Jungvolk, Hauptfähnleinführer Jungvolk, Ober-
fähnleinführer Jungvolk, Fähnleinführer Jungvolk;

"[Women's Leadership] Ober^{gau}fuhrerin BDM, Gaufuhrerin
BDM, Untergaufuhrerin BDM, Ringfuhrerin BDM, Untergaufuhrerin JM,
Ringfuhrerin JM, Reichsfrauenfuhrerin, Gaufrauenschaftsleiterin,
einer Kreisfrauenschaftsleiterin mindestens ranggleiche Unterfuhrerin
im Stab, Kreisfrauenschaftsleiterin.