

INFORMATION

Bulletin

MONTHLY MAGAZINE OF THE OFFICE OF
US HIGH COMMISSIONER FOR GERMANY



Mission of Peace

(See page 36)

IS ISSUE:

Youth and German Defense

Message from America

Landsberg, A Documentary Report

Swabia Speaks Up

HICOG Houses its Employees



FEBRUARY
1951

The Wichita Special

By T. W. SEELYE

US Resident Officer, Mosbach

HOW WICHITA, KANSAS, came to Mosbach, Wuerttemberg-Baden, is the story of how an enterprising public relations officer helped strengthen the ties of German-American friendship while helping the good name of his Stateside amusement park.

Robert G. Langenwalter, young publicist of Joyland Amusement Park in the Kansas metropolis, thought it was time the children of his town did something for the children of some town in Germany. The State Department, at his request, furnished him with the name of Mosbach, which had already submitted a brochure to Washington for candidacy in an adoption scheme envisaged several years back.

The idea was accepted with great enthusiasm by Wichita's schoolchildren and it was decided that each child would bring to school an item of school equipment for a child in Mosbach. In June, on the day school ended, the gifts — swelled by cash contributions of nickels and dimes — were collected in a big celebration.

The correspondence that had been carried on in the meantime between Mr. Langenwalter, the Mosbach Mayor Wilhelm Schwarz and a local newspaper man of the "Neue Mosbacher Zeitung" created an air of great expectancy among the children of the Wuerttemberg-Baden town.

When the big day came there were no less than 1,200 children to greet the Wichita couple along with the mayor and curious townspeople. All joined to give the Langenwalters a real reception in the townhall. The speeches that took place during the ceremony emphasized the hope that this was the first step



Mosbach's Old World quaintness, friendliness will be seen in Wichita gatherings.

toward a lasting friendship between the two cities. The linkup was accentuated when the Langenwalters visited a Mosbach family whose daughter now lives in Wichita.

The young American couple left their week of festivity in hospitable Mosbach with the firm resolution to strengthen the bond of friendship which now existed

between the two cities. In an effort to make their resolution lasting, they intended to show to various groups in Wichita the films and pictures they had recorded during their visit.

Wichita had come to Mosbach and now a little bit of Mosbach was bound for Wichita. And what about Joyland Park? It hadn't suffered one bit! +END

Townspeople escort their guests about expellee camp.



Eager eyes, happy expressions await presentation of gifts.



Information Bulletin

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OFFICE OF THE US HIGH COMMISSIONER FOR GERMANY
OFFICE OF PUBLIC AFFAIRS
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Preface to Landsberg Documents

FINAL DECISIONS on the sentences of war criminals convicted by the OMGUS Military Tribunals at Nuremberg and still confined in Landsberg Prison were announced Wednesday, Jan. 31, by US High Commissioner John J. McCloy.

Following in large measure the recommendations of his Advisory Board for Clemency, Mr. McCloy commuted to imprisonment 10 of the 15 death sentences originally handed down by the Military Tribunals and still under consideration. Five of the death sentences were confirmed. Previously, seven sentenced to death in the Medical Case had been executed—in April 1948 at Landsberg—and one death sentence commuted—also in 1948 by the US Military Governor.

An additional 69 prisoners, including 19 sentenced to life imprisonment, had their sentences substantially reduced by the High Commissioner's decisions.

Of the five whose death sentences were confirmed, Paul Blobel, Erich Naumann, Werner Braune and Otto Ohlendorf, leaders of the SS extermination units, were responsible for the slaughter of many of the 2,000,000 persons killed in the ruthless liquidation program.

The fifth condemned prisoner, Oswald Pohl, personally supervised the destruction of the Warsaw ghetto in which 56,000 Jews were murdered or deported, and led the organization which administered the concentration camps in which hundreds of thousands perished.

CONCERNING THESE FIVE, Mr. McCloy said: "The enormity of the crimes for which these men were directly responsible was such as to place clemency out of reason." In a statement announcing his decisions, the High Commissioner stressed that sentences were reduced wherever a legitimate basis for clemency appeared. He granted such reductions, he said, where:

The sentence was out of line with sentences for crimes of similar gravity in other cases.

Reduction appeared justified on the ground of defendants' relatively subordinate authority and responsibility.

New evidence, not available to the court, supported such clemency.

A defendant on some occasion had the courage to resist criminal orders at a personal risk.

Acute illness of the prisoner or other special circumstances of a similar nature existed.

Mr. McCloy concluded: "I am satisfied that the dispositions now finally made in the individual cases are just to the individual and society. I have attempted to apply standards of executive clemency as they are understood in a democratic society . . . All of my decisions have been rooted in the firm belief in the basic principle of the rule of law which all must respect and to which all are answerable. With this principle, I have striven to temper justice with mercy."

The cases on which Mr. McCloy acted were those resulting from the 12 trials conducted before the OMGUS Military Tribunals in Nuremberg in 1947 and 1948. They did not include the trial of the 22 top leaders of the Nazi regime before the International Military Tribunal in Nuremberg in 1945-46. They also did not include the trials conducted before the Military Courts in Dachau, which were exclusively under US Army jurisdiction. However, simultaneous with Mr. McCloy's final decisions were announced the final decisions of Gen. Thomas T. Handy, commanding general of the European Command, concerning EUCOM clemency in the Dachau cases.

THE DOCUMENTS MADE PUBLIC on Jan. 31, are printed in this issue. They were previously reprinted in an English-language brochure, entitled "Landsberg, A Documentary Report," by the Special Publications Branch, Public Relations Division. A similar brochure, in the German language, was published and distributed by the Editorial Projection Branch, Information Services Division.

On the following pages are the documents, presented in five parts:

Series A is a statement by Mr. McCloy in which he generally discusses the basis for the clemency review; it explains the causes for delay in the final disposition of these cases and discusses some of the arguments which have been advanced against carrying out death sentences.

Series B contains the actual decisions on the sentences of each prisoner. This part includes a very brief resume and discussion of the cases and the action taken on the individual sentences. This action is listed in table form at the conclusion of each resume.

Series C is the text of the introduction of the Clemency Board's report. This board spent several months in Germany examining the clemency petitions which had been filed in behalf of the prisoners, reviewing the records and judgments in the 12 cases and interviewing each prisoner.

Series D contains a brief description of the crimes committed by those prisoners under sentence of death whose sentences have not been commuted.

The final decisions of General Handy in respect to the review of cases under the jurisdiction of EUCOM.

Landsberg

A Documentary Report

Series A

High Commissioner's Statement

Mr. John J. McCloy, US High Commissioner for Germany, announced Jan. 31 his final decisions regarding requests for clemency for war criminals convicted at Nuremberg. In releasing these decisions which cover all the cases over which he, as US High Commissioner, has jurisdiction, Mr. McCloy made the following statement.

SINCE MY ARRIVAL in Germany I have received many letters and petitions asking clemency for war crimes prisoners convicted at Nuremberg and confined in Landsberg Prison.

It is a fundamental principle of American justice that accused persons shall be given every opportunity to maintain their innocence. If found guilty, it is recognized that they should be permitted to establish mitigating circumstances. In conformity with this latter principle I decided to appoint an impartial board to review these petitions, to examine each case and to consider whether any basis existed for clemency.

Such a board was appointed in March, 1950, and was composed of three well-qualified, distinguished and impartial Americans who had not previously been identified in any way with the Nuremberg trials. Its members were: the Hon. David W. Peck, Presiding Justice, Appellate Division, First Department, New York Supreme Court, chairman; Commissioner Frederick A. Moran, Chairman, New York Board of Parole; and Brig. General Conrad E. Snow, Assistant Legal Adviser, Department of State. The Board commenced its deliberations in Washington and, in July of 1950, established itself in Munich, Germany, where it conducted proceedings during the course of the summer.

The Board submitted its recommendations to me at the end of the summer. In a statement which is being released at this time, the Board has described the general basis on which it proceeded. After reviewing the Nazi criminal programs which were the basis of the Nuremberg trials, this considered statement disposes of certain general arguments commonly made on behalf of a number of the defendants. These arguments include the following: (1) the excuse of 'superior orders'; (2) claims that the offenders are being punished under *ex post facto* laws; (3) the allegation that the delay in carrying out the death sentences should itself be sufficient grounds for commuting them. I urge everyone to read the Board's statement. I call attention to the comments of the Board on conditions in Landsberg Prison. (See page 62.)

WITH THE ASSISTANCE of the Board's recommendations, I have considered each individual request for clemency and in every case I have made the final decision.

Sentences have been reduced in a very large number of cases. They have been reduced wherever there appeared a legitimate basis for clemency. Such reductions have been granted where the sentence was out of line with sentences for crimes of similar gravity in other cases; where the reduction appeared justified on the ground of the relatively subordinate authority and responsibility of the defendants; where new evidence, not available to the court, supported such clemency. Where I was convinced that a defendant on some occasion had the courage to resist criminal orders at personal risk, I took such facts into consideration. It is notable that several of the defendants did have the courage to resist or repudiate such orders without suffering any serious consequences. In certain cases my decision to grant clemency has been influenced by the acute illness of the prisoner or other special circumstances of similar nature.

Fifteen of the prisoners convicted at Nuremberg and now at Landsberg are under sentence of death. In these cases I have taken into account every factor which could justify clemency and have resolved every doubt in favor of the convicted man. Ten of the sentences will be commuted to imprisonment.

THE REMAINING FIVE sentences will be confirmed. In each of these cases the enormity of the crimes for which these men were directly responsible was such as to place clemency out of reason. Four of them were leaders of the SS *Einsatzgruppen* or extermination units which were engaged in the ruthless liquidation of all possible opponents of Nazism in the conquered territories. Their crime was the slaughter among others of Jews, gypsies, insane people and communists who fell into their hands. In all, approximately 2,000,000 helpless human beings were exterminated in the program.

The other prisoner sentenced to death at Nuremberg whose sentence is not commuted is the former leader of the organization responsible for the administration of the concentration camps (WVHA). Hundreds of thousands of people died of starvation or abuse or were murdered in these camps. In addition to many other atrocities this man personally supervised the destruction of the Warsaw ghetto in which 56,000 Jews were murdered or deported.

Objection has been voiced to the execution of these death sentences as contrary to the provision of the Basic German Law of 1949, abolishing the death penalty in Germany. This provision, however worthy of respect,

does not control this situation. It can not affect my obligation to honor the judgments of courts constituted pursuant to international action before the adoption of the German Basic Law.

THE CRIMES FOR which these judgments and sentences were imposed were committed mainly outside Germany and against non-Germans. The flood of criminality engendered by the Hitler regime resulted in an international demand for justice. Courts were established to try individuals accused of a program of deliberate and calculated crime, of historic proportions, perpetrated not on a national but on an international scale. The crimes for which they were found guilty have no counterpart in the ordinary criminal law and the present German law concerning capital punishment cannot be accepted as the standard of punishment.

Some have suggested that the delay since the death sentences were imposed makes it inhumane or unjust to carry them out. These views fail to take account of the facts which induced the delay and the extent of it.

Actually the time which has elapsed since the sentences were imposed has been much shorter than is generally realized and has been taken up with reviews for the benefit of the condemned men. The defendants were originally sentenced in April and August of 1948. The law under which these cases were tried required that death sentences be reviewed and confirmed by the Military Governor. After this review General Clay* confirmed all death sentences except one which was commuted to life imprisonment. This process of reviews necessarily took considerable time.

A further delay was caused by investigations of certain of the war crimes trials by committees of the Congress of the U.S. These investigations were undertaken to make sure that the trials were fair in all respects and gave the defendants an adequate opportunity to present their defenses. While the investigations were in progress, a stay of execution was issued for all capital sentences imposed by Military Tribunals or Military Commissions in Germany. It is now no longer in effect.

IN THE MEANTIME, however, all of the prisoners under death sentence had filed petitions for review of their sentences in the Courts of the United States. Appeals in certain of these cases were taken to the Supreme Court of the United States. The last of these petitions was dismissed in November 1950. I naturally would not permit any executions to take place as long as there was any possibility for legal review.

Finally, the work of the Clemency Board, followed by my own examination of petitions for clemency, has required more than eight months.

As I have said, all of these reviews — by the Military Governor, by the Committees of Congress, by the United States Courts, and by the Clemency Board — have been designed to make sure that each defendant had the full benefit of a fair trial and of any possible legal appeals, and of any grounds for clemency which could be asserted on his behalf. The result of all these reviews has

been that eleven of the original death sentences have been commuted, one by the Military Governor and ten on the basis of my own review. Had the death sentences been carried out when they were originally imposed, men whose sentences have since been commuted would have been executed.

There is one other matter in connection with the Nuremberg sentences upon which I wish to comment generally. It is the charge that sentences against certain former members of the German army malign the German military profession as a whole.

THE SENTENCES rendered at Nuremberg against members of the military profession were based on charges of excesses beyond anything which could possibly be justified on the grounds of military security. The individuals in question were convicted for directing or participating in savage measures of reprisal and oppression against civilian populations far exceeding the limits of international law or accepted military tradition. Whenever the heat of battle or true military considerations could persuasively be pleaded, a conscious effort has been made to moderate the sentences. In reaching my conclusions I have recognized, as did the courts and the Clemency Board, the bitter character of partisan warfare on certain of the fronts. But with every allowance for these considerations there still remain excesses which can not be rationalized or excused. Where sentences were imposed upon former officers, they have, of course, been based on individual responsibility and participation. These sentences reflect upon the individuals concerned, not upon the honor of the German military profession.

I am satisfied that the dispositions now finally made in the individual cases are just to the individual and society. I have attempted to apply standards of executive clemency as they are understood in a democratic society. I have made every effort to decide each individual case objectively, dispassionately and on its own merits. With the subordinate or less influential figures, I have endeavored to grant a greater measure of clemency than to those whose high positions placed on them a greater responsibility.

All of my decisions have been rooted in the firm belief in the basic principle of the rule of law which all must respect and to which all are answerable. With this principle, I have striven to temper justice with mercy.

Series B

Final Decisions of US High Commissioner

IAM ANNOUNCING herewith my decisions on the review which I have undertaken of the sentences rendered by the Military Tribunals established under US Military Government Ordinance No. 7 for the trial of war criminals.

In large measure my decisions are based on the report of the Advisory Board for Clemency for War Criminals which was appointed to review these cases.

* General Lucius D. Clay, US Military Governor in Germany, 1947-49.