

Washington Digest

Trial of Nazis Historic Attempt to Outlaw War

Defense Attorneys Co-Operate to Test Validity
Of Effort to Prove Aggression Illegal
Instrument of Policy.

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BERLIN, Germany.—Following back across the hours and days spent in the hectic city of the tremendous effort which has gone into the prosecution of the American case at the war criminal trials, one can see with relief that the final achievement of his trial achievement in the apartment field as compared to our material progress.

The very court house is a symbol of this progress in the field of civilization. The beautiful modern, pomp building stands in the midst of ruins which testify almost unbelievably power of the machine of destruction. Among the masses of the world's great heights are carved upon its walls is that of Hugo Grotius, the father of international law, who lived in Holland in the 17th century. It was he who laid down the principle that aggression was illegal, by asserting that there was a difference between a just war and self defense and an unjust war.

Thus, now, in the middle of the 20th century, the world effort has been made to achieve that principle. Indeed, the lawyers seated sharply away from that center and only today I heard comment with a short distance of the court room that achieving something equivalent to American military circles to the effect that it was wrong to attempt to prosecute or criminalize the German military leaders like Goebbels and Keitel and perhaps Hitler and Jodl. The argument which is so common and which is the heart of the military leaders' case in this trial was heard at in the words of Jodl, whom he made his plea that "What I have done I had to do and I did it with a clear conscience before my people, my God and the world." It was taken from that the military defense would be that the high officials were merely carried out orders as the officers of one nation would.

Indeed, Jodl had been repeatedly at the very beginning and that in why he there he full weight into the argument that these men, all of them, participated in a conspiracy to wage an aggressive war. And he proved it with charts showing the organization of the final parts, how it branched with the steps, and how each step followed the preceding one toward a planned goal of aggression.

If the Americans with their case, it will be a great achievement and one long overdue, for it has taken nearly three centuries to produce a concerted effort to write into international law the concept that aggressive war is just what Goebbels and it was illegal and that the men responsible for planning and carrying it out were criminals.

There remain several considerations of all the separate acts of murder, pillage, destruction, enslavement which war produces. Jodl believes that this last makes condemnation of the thing that produces them sound and logical.

It was very plain that when the German defense counsel heard Jodl's speech and later when they, like the press, were almost buried under the avalanche of evidence in the documents produced, they did not have a definite plan of defense to mount the defenses, either general or specific.

Trial Conducted With Dignity

Shortly after Jodl's address I learned to my surprise of a remark of one of the leading defense lawyers which he made to a close friend. He said that he considered Justice Jackson's presentation a splendid contribution to international law if the court should accept it and that he believed that it represented a forward step of great importance of which he himself fully approved. I might say that as far as the trial proceedings both sides have shown a keen respect for each other and a number of the German lawyers who are professors in universities or accepted authorship in international law are expected to contribute toward the ultimate purpose of the authority of war leader as they did in an without securing their other cases. It may be possible that attempts will be made to reduce the trial by introducing legal

many which might lead to stir up ill will among the allies.

As we heard the German witnesses in the press room in the court house at one of the conferences whom they requested, I could not help feeling that they were representing their job in a businesslike manner and that they were not putting the fact that it was their witness to influence their attitude. I would add that some of the reporters' questions were asked with successful attention rather than a desire to obtain information. This always keeps the trial on the level of a discussion rather than a legal process but for an answer or makes changes in response to which he might expect an explanation, but having always things a picture from the machine.

Final Struggle Out of Phase

It may prove to have been a mistake to include Jodl among the prisoners. As one lawyer has put it, "It's a bit like the case of a man who is a member of the first team but who is not important enough in the final struggle to make him important. He was perhaps chosen as a symbol of the particularly good side of Nazi leadership. The other prisoners from the first team had little to do with him. He was a member, which was devoted entirely to anti-Semitism, was an obscure clerk and it was out of weakness when it was found that Jodl had diverted party funds. I saw his sheet when I was in Germany before and it was one of those miserable attempts at satire which is simply dirty and not at all funny.

This trial is concerned with more important matters than Jodl's moral affairs and it is regrettable that he was included with the others who, well though they may be, fit the most part are criminals worthy of consideration by a respectable court of law.

As one of the members of the American delegation, I am sure that the last impression of the trial is that it satisfies the allied people. They must be satisfied that it is a combined fairly and they must see its significance. In Justice Jackson's words:

"What makes this important signpost is that these prisoners represent sinister influences that will lurk in the world long after their bodies have turned to dust. They are living symbols of barbarism and war-making which have corrupted Europe's generation after generation. Civilization can afford no compromise with the moral forces which would gain renewed strength if we did not completely or selectively with men in whom these forces have survived."

When Justice Jackson made those words I was looking at the prisoners. All were looking quietly. Rudolph Keitel began smiling nervously. I am sure that he felt that such "friction and war-making" as he had engaged in was perfectly legal and proper.

To eliminate that viewpoint is even more important than eliminating Keitel.

German newspapers, one of the greatest problems in the restoration of law and order, are in some places getting the press of de-moralization. In the American national games, reports from Frankfurt indicate that in many places American troops are leaving their equipment and are leaving the Germans behind. This has been done spontaneously without any suggestion from the military government, which, however, looks upon it with approval.

Of course, the G.I.s well known reputation for children, for which the soldiers of World War I were equally famous, tends to put the emphasis on this phase of de-moralization with the more youthful members of the German population. Naturally, any propaganda of the Hitler movement has been stopped and this leaves the boys, especially those of high school age, who are secondary schools are still closed, with plenty of time on their hands. Getting them to spend time on a beneficial channel instead of on the street corners is bound to be a lengthy move.

The commercial situation of the great Germany will follow trials to restore order of the world that the war made possible. The great change that will be made to carry out and your blame from the north or south, and back to the United States again, will have another international scene. Germany's economic situation, however, will not be so simple in many places where a few years back no white man had been seen.



"COME ON, ENE WATER'S FINE" . . . Early members of the Police Boat club took their annual dip in the bay west of Lake Michigan at Milwaukee and agreed that the water was fine. But they failed to mention the spectators on the new-sprung shore. The temperature was 14 degrees above.



ARTIFICIAL HELPING HAND PUT TO WORK . . . Of course the artificial hand won't by this veteran (left), Vincent Fontana, right, who knows the better by the word "disability." The man wonders who he ever let in score him. He has pulled up his trousers to show his artificial leg. Both men are among a group now employed in a North Bergen, N. J., manufacturing plant. These men now spell "disability"—4-B-14-1-1.



COMES BACK NEW TROUSERS . . . Back before trousers, suit of navy blue, the traditional uniform worn by sea-faring men since the 16th century, are men to take into civilian life to right; how, what and gray, with white to match. The blue and white are dress uniforms, while the gray is generally the working uniform. White trousers may be worn with the blue sailor jacket in warm weather. The colors will keep them "sea cool." The new uniforms will be given a three-month test.



WIFE HOLDS ON BROADWAY . . . Miss Ben Adams, the author, is Mrs. Macdonald. She demonstrates how New York looked at Times Square when it was founded, by sitting in the "back of the house." The photo was taken in front of a New York theatre during the opening of a movie built around Ben Adams, Texas. Mrs. Macdonald admits that she would rather use a fighting machine, but decided to become author of New York City and demonstrate the old hand method.

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