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GENERAL TAYLOR'S REPORT
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Secretary of the Army Kenneth C. Royall today made public a report on the conduct and current status of the Nurnberg war crimes trials by Brigadier General Telford Taylor, Chief of Counsel for War Crimes.

In a letter of acceptance to General Taylor, Secretary Royall wrote:

"I have received and carefully studied your excellent report on the conduct and current status of the war crimes trials before the Nurnberg Military Tribunals.

"I commend you not only for the thoroughness and clarity of the report but also for your competent prosecution of the trials and for the progress which you have made up to this date.

"I have no changes to suggest in the future plans disclosed in your report.

"I have instructed careful study to be made as to the practicability of promptly publishing the proceedings as recommended by you."

The text of General Taylor's report follows:

MORE

May 12, 1948

Secretary of the Army,
Washington 25, D. C.

My dear Mr. Secretary:

The closing of the evidence in the I.G. Farben case is a fitting occasion for the submission, at your request, of this statement on the progress of the Nurnberg War Crimes Trials. It may be expected that the Nurnberg Tribunals will render judgments, in the Farben case and the other three cases which are still pending, during the coming summer. Upon the delivery of these four judgments, a full and final report will be submitted.

The Nurnberg Military Tribunals: Control Council
Law No. 10

As you will recall, the first Nurnberg trial before the International Military Tribunal was conducted under the authority of the London Agreement and Charter of August 8, 1945, signed by the representatives of the United States, United Kingdom, France and the Soviet Union, and adhered to by 19 other governments. The subsequent Nurnberg trials of major war criminals have been conducted under the authority of Control Council Law No. 10, a quadripartite enactment of the Control Council, the purpose of which is to give effect to the Moscow declaration of 1943 and the London Agreement of 1945, and to "establish a uniform legal basis in Germany for the prosecution of war criminals and other similar offenders." The jurisdiction of the Nurnberg Military Tribunals is limited and controlled by Law No. 10, which recognizes certain categories of international crime in substantially the same language as was used in the London Agreement and Charter. Law No. 10 further authorizes each of the four occupying authorities in Germany to establish tribunals, for the trial of offenses against international penal law as declared by Law No. 10. Pursuant to this authority, the Military Governor for the American Zone of Occupation in Germany promulgated Ordinance No. 7 in October 1946, which establishes the tribunals authorized by Law No. 10, and in part governs the procedure for the trial of cases before them.

Since October 1946, a number of such tribunals have been constituted in Nurnberg. The establishment of these tribunals and the holding of these trials has been, as appears above, not only an integral part of our occupation policy, but also a fulfillment of international commitments and obligations entered into by the United States Government at Moscow, London and Berlin. They have been held in the American Zone of Occupation before courts composed of American judges, but the constitution of these tribunals and their jurisdiction to punish offenses under international penal law is governed by an international quadripartite enactment which is, itself, part of an international policy in which our country has participated for nearly five years.

The Twelve Nurnberg Trials Under Control Council
Law No. 10

Under Article III of Ordinance No. 7, the Chief of Council for War Crimes is authorized to determine the persons to be tried before the Nurnberg Military Tribunals and to prepare and file the indictments, setting forth the particular charges against the indicted defendants. Accordingly, one of the first and most important responsibilities of my office was to determine, in the light of the best available information, where the deepest individual responsibility lay for the manifold international crimes committed under the aegis of the Third Reich. It should be emphasized that the Nurnberg trials have been carried out for the punishment of crime, not for the punishment of political or other beliefs, however mistaken or vicious. Consequently, in the selection of defendants, the question whether a given individual was or was not a "Nazi"

in a political or party sense has not been governing. No one has been indicted before the Nurnberg Military Tribunals unless, in my judgment, there appeared to be substantial evidence of criminal conduct under accepted principles of international penal law.

Nor would it have been fair or wise to favor or discriminate against any particular occupation, profession or other category of persons. To preserve the integrity of the proceedings, it was necessary to scrutinize the conduct of leaders in all occupations, and let the chips fall where they might. As might be expected, it developed that there were individuals prominent in nearly all walks of life who participated in the criminal ventures of the Third Reich.

In pursuance of the principles set forth above, 12 indictments in all were prepared and filed before the Nurnberg Military Tribunals. All 12 cases have been brought to trial. Eight of them (involving 114 defendants) have been completed, and the remaining four (involving 70 defendants) are rapidly nearing their conclusion. The 12 cases are listed, together with a brief description of each, in the appendix to this statement.

The eight cases which have been completed include three in which the defendants were leading officials in Himmler's notorious SS, which was declared a criminal organization by the International Military Tribunal; one case in which the defendants were field marshals and generals of the German Army charged with atrocities committed during the German occupation of Norway and the Balkan countries, particularly Greece and Yugoslavia; two cases in which the defendants were leaders in the German medical and legal professions respectively; the case against the well-known industrialist Friedrich Flick and five of his associates; and the case against Field Marshal Erhard Milch. Judgments in these eight cases were rendered by the various Nurnberg Military Tribunals between August 1947 and April 1948. The sentences imposed are tabulated in the appendix.

In my opinion, the records and judgments in these eight trials constitute a landmark in the development of international law, as well as a vital source of information upon the basis of which history can be written far more truthfully and fully than would otherwise have been possible. Their great importance will become more manifest as time goes on. I am confident that the verdict in future years will be that the judges who rendered these decisions were entirely free of any vengeful or repressive motives, and that the judgments reflect their deep concern for the rights of the defendants and the requirements of a fair trial. The basic integrity of these proceedings is manifest in every sentence of the judgments. From a juridical standpoint, their workmanship is honest throughout and often distinguished. As examples only, I may mention the "Medical" judgment, which embodies a classic statement of the circumstances under which human beings may be used for purposes of medical experimentation, and which will be of profound and enduring value in the field of medical jurisprudence, and the "Justice" judgment, in which the permissible standards of conduct of judges and judicial officers are set forth with the greatest care and insight.

The four cases which are still pending include the Farben and Krupp cases, the case against various military and naval officers of high rank, and the case against leading Government officials, including particularly the German Foreign Office. In all four of these cases, the prosecution was completed a month or several months ago. The taking of testimony in the Farben case has just ended and the evidence in the other three cases should be concluded during June and July. It appears probable that the four judgments will be rendered during July and August. Since these cases are still pending before the Tribunals, it appears appropriate to postpone further comment until the final report.

Publication of the Proceedings

The Nurnberg war crimes trials, accordingly, will be finished in two or three months. I have stated above that the significance of these cases will increase in future years, but this will be true only if adequate provision is made for publication of the proceedings, so that the principles applied and issued determined at Nurnberg may be known to all who are interested to read or write about them. The United States Government has made a heavy moral investment in these trials, and this investment will not show a favorable rate of return if the records are left in the dust on the top shelf out of reach.

It is not my province to speak with respect to the large trial now being concluded at Tokyo or the numerous war crimes trials -- such as the "Malmedy Massacre" and "Buchenwald" trials -- which have been conducted under the authority of the Army commanders in all former theaters of war. However, it seems to me that these proceedings should not be overlooked in considering the points set forth below in connection with the Nurnberg trials.

Out of a number of reasons which, in my judgment, require the publication of the essential portions of the Nurnberg proceedings, the following three are perhaps the most important:

To safeguard the reputation of the judicial process as carried out at Nurnberg. As Mr. Justice Jackson stated in opening the trials before the International Military Tribunal, "We must never forget that the record on which we judge these defendants today is the record on which history will judge us tomorrow." The Nurnberg record is a good one. We must not provide an excuse for ill-informed discussion of the Nurnberg trials by making access to the truth difficult. From the standpoint of fairness to the defendants, the Nurnberg record is one of which no American citizen, and particularly no American judge or lawyer, need be anything but proud. It is important that this fact be known as widely as possible, both at home and abroad, and the best way to accomplish this is to lay the record of the proceedings before the lay public and the professional bar.

To aid in the development of a workable and enlightened system of international law. During the past century, the focus of activity in international law has moved rapidly from the academic lecture hall toward the courtroom and diplomatic conference chamber. The Nurnberg proceedings are among the outstanding examples of modern international law in action. Many perplexing problems of international legal procedure have been met and answered in the course of these trials, and many profoundly important substantive questions have received the considered judgment of experienced jurists. International penal law -- like the Anglo-Saxon common law, from which our most cherished legal institutions derive -- is growing by the case method. The trials of major war criminals at Nurnberg, Tokyo; Rastatt (where the French are holding a most important trial under Control Council Law No. 10), and elsewhere, will be looked to by diplomats and international jurists just as the decisions of our own courts are looked to by our statesmen and lawyers.

To promote the interest of historical truth and to aid in the re-establishment of democracy in Germany. As you recently stated in a speech at Denver, "The first purpose of occupation was to prevent Germany from ever again upsetting the peace of the world . . . we were determined to create conditions in Germany which would put a stop to her militarism once and for all. No matter how many other issues have woven themselves into the German picture, we must not forget this original purpose of occupation. To this purpose we must still adhere -- for the sake of our peace and the peace of our world." The re-education of Germany in order to provide a sound basis for a democratic government is a crucial objective, but it is far from easy to take effective steps

in pursuance of this purpose. But one thing we can do is to make the facts available to German historians, so that future generations of Germans will be able to grasp the full and malignant import of the Third Reich, and understand why it proved such a terrible engine of destruction for the world and for Germany herself.

I have laid the principal stress on Germany in this connection, but I do not overlook that history is no respecter of nationalities and has lessons for us all. Never before has such a wealth of tested historical material been put at the disposal of scholars as at Nurnberg. The reports and other documents of the German Foreign Office, the Wehrmacht, and other governmental and private institutions have been made part of a public record and have been subjected to all the explanations and qualifications that the very men who wrote these documents chose to advance. This is the raw material of history in wonderful profusion.

Of course, the reasons sketched above are in large part the same reasons which required holding the trials. The whole project will be left truncated and incomplete unless adequate publication is ensured, in both the English and German languages. Publication in German can best be planned and carried out by the Office of Military Government (U.S.) with the advice of the OMGUS Legal and Education Divisions. Publication in English can, I suggest, be effected through the Civil Affairs Division of the Department of the Army, with the advice of other interested government agencies, such as the State and Justice Departments. Expedition is highly desirable, the project should be planned for substantial completion by the end of the calendar year 1948.

Summary

In summary I report that:

(a) The Nurnberg Military Tribunals have been established in furtherance of the purposes of Control Council Law No. 10 and other international commitments and engagements of the United States in the field of war crimes;

(b) The proceedings have been conducted with the most scrupulous regard for the rights of the defendants and in accordance with high standards of judicial procedure; and

(c) Eight of the twelve cases have been concluded by the rendition of judgments, and the remaining four cases will be concluded this summer. The eight judgments so far entered, considered as a whole, constitute a remarkable contribution to international jurisprudence.

I recommend that immediate provision be made for the expeditious publication of essential portions of the Nurnberg proceedings:

(a) The publication in English to be effected by the Civil Affairs Division of the Department of the Army;

(b) The publication in German to be effected by OMGUS;
and

(c) Both publication projects to be carried out with the advice of other interested government agencies, and to be planned for completion by the end of the calendar year 1948.

Respectfully yours,

Telford Taylor
Brig. Gen. USA
Chief of Counsel for War Crimes

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SCHEDULE OF TRIALS -- MILITARY TRIBUNALS -- NURNBERG, GERMANY								1 May 48
CASE NO.	AGAINST	INDICTMENT FILED	COUNTS OF INDICTMENT	JUDGES	OPENING DATE OF TRIAL	JUDGMENT	NATURE OF SENTENCE	
1	MEDICAL Karl Brandt, et al. 23 Def. indicted and tried	25 Oct 46	1-Common Design or Conspiracy 2-War Crimes 3-Crimes against Humanity 4-Membership in Criminal Org.	*W.B. Beals, State of Wash. H. L. Sebring, Florida J.T. Crawford, Oklahoma **V. C. Swearingen, Michigan	9 Dec 46	20 Aug 47	A-7; D-7; L-5; 20Y-2; 15Y-1; 10Y-1	
2	MILCH Erhard Milch 1 Def. indicted and tried	13 Nov 46	1-Slave Labor 2-War Crimes 3-Crimes against Humanity	*R. M. Toms, Michigan M.A. Musmanno, Penna. F. D. Phillips, N. Carolina **J. J. Speight, Alabama	2 Jan 47	17 Apr 47	Life Imprisonment	
3	JUSTICE Josef Alstoetter, et al. 16 Def. indicted 14 tried	4 Jan 47	1-Common Design or Conspiracy 2-War Crimes 3-Crimes against Humanity 4-Membership in Criminal Org.	*J. T. Brand, Oregon M. B. Blair, Texas J. W. Harding, Ohio (C. T. Marshall, Presiding, resigned because of poor health)	5 Mar 47	4 Dec 47	A-4; L-4; 10Y-4; 7Y-1; 5Y-1; 1 suicide 1 severed due to illness	
4	POHL & WVHA Oswald Pohl, et al. 18 Def. indicted and tried	13 Jan 47	1-Common Design or Conspiracy 2-War Crimes 3-Crimes against Humanity 4-Membership in Criminal Org.	*R. M. Toms, Michigan M. A. Musmanno, Penna. F. D. Phillips, N. Carolina **J. J. Speight, Alabama	8 Apr 47	3 Nov 47	A-3; D-4; L-3; 25Y-1; 20Y-1; 10Y-6	
5	FLICK Friedrich Flick, et al. 6 Def. Indicted and tried	8 Feb 47 18 Mar 47 (amended)	1-Slave Labor 2-Soliation in Occupied Ter. 3-Aryanization 4-Membership in Criminal Org.	*C. B. Sears, New York F. N. Richman, Indiana W. C. Christianson, Minn. **R. D. Dixon, N. Carolina	15 Apr 47	22 Dec 47	A-3; 7Y-1; 5Y-1; 2½Y-1	

CONTINUED (2)

CASE NO.	AGAINST	INDICTMENT FILED	COUNTS OF INDICTMENT	JUDGES	OPENING DATE OF TRIAL	JUDGMENT	NATURE OF SENTENCE
6	FARBEN Carl Krauch, et al. 24 Def. indicted	3 May 47	1-Crimes against Peace 2-Plunder & Spoliation 3-Slavery & Mass Murder 4-Membership in SS 5-Common Plan or Conspiracy	*C. C. Shake, Indiana P. M. Hebert, Louisiana J. Morris, N. Dakota ** C. F. Merrell, Indiana	27 Aug 47	Completion estimated July 48	
7	HOSTAGES Wilhelm List, et al. 12 Def. indicted 10 tried	10 May 47	1-Mass Murder 2-Plunder & Spoliation 3-Illegal Executions 4-Slave Labor	*C. F. Wennerstrum, Iowa E. F. Carter, Nebraska G. J. Burke, Michigan	15 July 47	19 Feb 48	A-2; L-2; 20Y-2; 15Y-1; 12Y-1; 10Y-1; 7Y-1; 1 Severed due to illness 1 Suicide
8	RUSHA Ulrich Greifelt, et al. 14 Def. indicted and tried	1 Jul 47	1-Crimes against Humanity 2-War Crimes 3-Membership in Criminal Org.	*L. B. Wyatt, Georgia D. T. O'Connell, Mass J. T. Crawford, Oklahoma	20 Oct 47	16 Mar 48	A-1; L-1; 25Y-2; 20Y-1; 15Y-3; 10Y-1; 5 convicted of count 3 only but released as having already been adequately punished
9	EINSATZGRUPPEN Otto Ohlendorf, et al. 24 Def. indicted 22 tried	3 Jul 47 25 Jul 47 (amended)	1-Crimes against Humanity 2-War Crimes 3-Membership in criminal org.	*M. A. Musmanno, Penna. R. D. Dixon, N. Carolina J. J. Speight, Alabama	29 Sept 47	10 Apr 48	D-14; L-2; 20Y-3; 10Y-2; 1 convicted of count 3 only but released as having already been adequately punished 1 Suicide 1 Severed due to illness

CONTINUED (3)

CASE NO.	AGAINST	INDICTMENT FILED	COUNTS OF INDICTMENT	JUDGES	OPENING DATE OF TRIAL	JUDGMENTS	NATURE OF SENTENCE
10	KRUPP 12 Def. indicted and tried	16 Aug 47	1-Crimes against Peace 2-Plunder & Spoliation 3-Slave Labor 4-Common Plan of Conspiracy	*H. C. Anderson, Tenn. E. J. Daly, Connecticut W. J. Wilkins, State of Washington	8 Dec 47	Completion estimated July 48	
11	MINISTRIES Ernst von Weizsaecker, et al. 21 Def. indicted and tried	15 Nov 47	1-Crimes against Peace 2-Common Plan of Conspiracy 3-War Crimes 4-Crimes against Humanity - against German Nationals 5-Crimes against Humanity - against civilian populations 6-Plunder & Spoliation 7-Slave Labor 8-Membership in Criminal Org.	* W. C. Christianson, Minn. L. C. Powers, Iowa R. F. Maguire, Oregon	6 Jan 48	Completion estimated Aug 48	
12	HIGH COMMAND Wilhelm von Leeb, et al. 14 Def. Indicted 13 tried (13)	28 Nov 47	1-Crimes against Peace 2-War Crimes & Crimes against Humanity - against enemy belli- gerents & PW's 3-War Crimes & Crimes against Humanity - against civilians 4-Common Plan of Conspiracy	*J. C. Young, Colorado J. W. Harding, Ohio W. B. Hale, Tennessee	4 Feb 48	Completion estimated July 48	
				* Presiding Judge ** Alternate Judge		A-Acquitted D-Death Sentence L-Life Sentence Y-No. of Years	