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*What To Do
With Germany*

by

LOUIS NIZER



CHICAGO • NEW YORK

1944
2703 PTA

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A79 3075

TABLE OF CONTENTS

FOREWORD	1
CHAPTER I	
MEDICINES WITHOUT CURE	3
1. <i>Extirpation and Sterilization</i>	3
2. <i>Breeding, a Mendelian Theory</i>	6
3. <i>Political Dismemberment</i>	7
4. <i>Compulsory Migration</i>	9
<i>Justice—Not Sentimentality or Cruelty</i>	10
CHAPTER II	
WHO IS RESPONSIBLE?	12
<i>Another Scrap of Paper</i>	15
<i>Caesar and Tacitus Report on Nazism</i>	18
<i>Earlier German Fuehrers</i>	23
<i>Gangsterism in Intellectual Garb</i>	26
<i>Race and Murder Become a Philosophy</i>	30
<i>Paganism Adopts Music</i>	39
<i>A German Nostradamus Speaks</i>	42
<i>Hitler's Inheritance</i>	47
<i>Lightning Struck Twice</i>	52
CHAPTER III	
PUNISHMENT	55
<i>The Common Sense of International Law</i>	56
<i>The World Undertakes a Task</i>	64

<i>The Previous Indictment</i>	68
<i>The American-Japanese "Axis"</i>	73
<i>The Judicial System Never Used</i>	76
<i>Germany Does a Houdini</i>	79
<i>German Courts Slap Several Wrists</i>	88
<i>Judgment Day</i>	91

1. <i>Occupation of Germany—Its Sovereignty Suspended</i>	91
2. <i>Who Shall Be Punished</i>	95
3. <i>Asylum and Extradition</i>	98
4. <i>Is Obedience to a Command a Defense?</i>	100
5. <i>Practical Judicial Machinery for Punishment</i>	101
6. <i>Property Courts with Criminal Jurisdiction</i>	104
7. <i>Restitution by Labor</i>	107
<i>Weighting the Scales of Justice</i>	108

CHAPTER IV

<i>CUTTING SAMSON'S HAIR</i>	110
<i>German Industry Plots a War</i>	111
<i>The Axis Is Founded Long Before Hitler</i>	115
<i>The Americas Are Invaded</i>	116
<i>Industry and Espionage</i>	120
<i>The Cartel, a Secret Weapon</i>	124
<i>A Fifty Billion Dollar Haul</i>	127
<i>Title By Hold-Up</i>	128
<i>The Business High Command</i>	131
<i>The Reparations Fraud</i>	132
<i>Economic Disarmament</i>	136
<i>Iron and Rye</i>	139

<i>The Quality of Mercy</i>	140
<i>International Economic Control of Germany</i>	141
<i>Economic Isolation Is Also Bankrupt</i>	144
<i>Filling the Stomach Before the Mind</i>	148

CHAPTER V

<i>EDUCATING CAIN</i>	149
<i>"The Most Important Fact of the Last Half Century"</i>	151
<i>Self Education After World War I</i>	153
<i>The Devil's Brew</i>	155
<i>The Physician Is Not a Trespasser</i>	164
<i>The Teutonic Plague</i>	167
<i>The International University</i>	168
<i>Invading the German Mind</i>	171

CHAPTER VI

<i>TOMORROW THE WORLD</i>	177
<i>The Mysticism of Sovereignty</i>	177
<i>Regional Federalism</i>	181
<i>Forever Hold Your Peace</i>	186

CHAPTER VII

<i>NO MORE YESTERDAYS</i>	188
<i>Program Summarized</i>	191
<i>Punishment</i>	191
<i>Economic Program</i>	192
<i>Educational Program</i>	197
<i>Harvesting the Peace</i>	199

APPENDIX

BIBLIOGRAPHY

Chapter I	205
Chapter II	206
Chapter III	208
Chapter IV	210
Chapter V	211
Chapter VI	212
Chapter VII	213

WHAT TO DO WITH GERMANY

FOREWORD

"Peace hath her victories no less renowned than war", wrote John Milton.

The great tragedy of the twentieth century is that peace has suffered defeats even after wars have been won for her. In 1918 an agonized world laid down its guns. Peace was here, but we turned our backs on her as though she nourished herself, as though the same intense planning and torrents of energy which win wars are not necessary to maintain peace. The Germans were democratized, but not made safe for democracy. We were smug about the newly instituted Republic as though democracy were a mere format of government instead of an expression of the people's yearning for self-regulation. As a result, within twenty years, the peace so dearly won had been squandered. Only then did we discover that our unpreparedness for peace had made that period a prelude to another war. And ironically enough we were unprepared for that, too.

During a war there is no confusion of immediate objectives. One must win—or perish. Where choice is thus limited, the temptation to procrastinate and to compromise is likewise diminished. There is a penalty of death for error or even hesitancy. But peacemaking is leisurely. It permits all the devices of indecision—commissions, committees, experiments, debates.

The day is approaching when another chance, perhaps the last chance, will be given to us to win a renowned victory for peace. On that day word that the war has ended will be flashed around the world and will be echoed by gleeful church bells and hysterical whistles. Millions of hearts will stop for a second in solemn prayer. Then a wave of ecstasy will sweep across the world. Emotional riots will break out everywhere. Hundreds of New Year celebrations will be crowded into one night of delirious joy. Children, astonished by the madness of their parents, will scream and dance in contagious imitation. Churches will be crowded with worshipers too stirred to pray. Men in fits of gratitude will indulge in philanthropic orgies. Women, too pained to cry during the war, will learn to cry with overwhelming joy. There will be bonfires in our hearts and from them will ascend a wave of religious gratitude to the heavens. Peace will be here. Peace! We will go berserk with triumph and peace. And that will be the most dangerous moment in all history!

Will we again waste the sacrifice of millions of people because we are not prepared to think? Will we simply rearrange our prejudices and reclothe our demagoguery? Or will we, with knowledge of the causes of the disaster, grimly set ourselves to the task of winning the peace and preventing World War III now?

MEDICINES WITHOUT CURE

In the short span of twenty-five years the Germans have erupted twice, dislocated all humanity, and forced us to abandon peaceful pursuits. Judged by ordinary criminal standards, her crimes are so great as to exceed our concepts of punishment. This is a perplexing phenomenon. We know readily what to do with a truant boy or with a vicious murderer. But what shall we do with millions of murderers? Our rules for punishment disintegrate when the criminal gang is a whole nation. For this reason, the customary penalties for individual offenses become inapplicable to mass crime.

1. *Extermination and Sterilization*

We still shudder at the hanging or electrocution of a convicted murderer. But we lull our squeamish sensibilities by citing the religious doctrine, "An eye for an eye—" and justify the punishment as a deterrent to others. But what shall we say of the proposed extension of this doctrine to an extermination of the entire German people! A dozen resistant reasons instantly spring to mind. "The entire German people is not responsible; one can't convict a whole people"—"such punishment apes the abnormal cruelty of the condemned and makes us his imitators"—"you can't kill 80 millions"—"it would create

another crisis in Europe to wipe out one of its largest and most efficient populations"—etc., etc.

The French were accustomed to saying, "We must destroy Germany or make peace with her—and to destroy her is an absurdity." But as the French have since learned, it is not easy to make peace with her.

Others, stirred to consuming hatred by German brutalities, suggest that they be destroyed as a race by eugenic sterilization.

They argue that if compulsory serum treatments are justified by their benefits to the community, sterilization of the German people might similarly be considered a protective measure to immunize the world forever against the virus of Germanism. They point out that the surgical procedure is simple, painless and does not even deprive the patient of normal instincts, or their gratification. Vasectomy, the operation on the male, simply requires a slight incision since the sperm duct lies just beneath the skin. The operation takes only ten minutes to perform and the patient may resume work immediately afterwards. Ligation of the fallopian tubes, the operation which renders the female sterile, is more difficult but not much more dangerous.

There are about 50 million German men and women within the procreation ages, and it is estimated that twenty thousand surgeons performing about twenty-five operations daily could sterilize the entire male population of Germany within three months and the entire female population in less than three years. At the normal death rate of two per cent per annum or one and a half million people yearly, the German people would practically disappear within two generations.

We reject this proposal but not because of German protests. They have forfeited all right to protest, for they

themselves set this precedent. It is estimated that in Germany 300,000 people have been sterilized and in Poland 700,000 people. They have not been beyond the abolition of education so as to make populations slave-fit, the physical and mental corruption of the masses by pornographic and drug incitation, and the systematic extermination of whole peoples.

So we will not heed the voice of Nazi protest. Too often have they claimed protection by hypocritical resort to the moral and ethical inhibitions of their enemies, which they themselves scorn as contemptible weakness. But our own consciences cannot be easily stilled if we resort to unmoral retaliation. If a world of justice is to be built revenge must be avoided. For in its wake are thousands of injustices and the lingering hatreds which are the devils of the future. Would not the innocent be punished with the guilty? When would the penalty cease? Would not the present generation of German children, dispersed throughout the world, defeat the purpose?

Above all, religious and ethical concepts deprive us of the will to abolish a people. The horror of scientific mutilation is stronger than all the cold justification which logic can marshal. For though inhumanity begets inhumanity, we are ashamed of the offspring. The moral restraints upon us are the residue of centuries of slow civilizing processes. We need not be ashamed of them. Let us direct them into channels which will strengthen the regard for such values.

We must not emulate the abnormal even in wreaking vengeance upon them—certainly not in constructing a world of justice. The measuring yardstick of appropriate penalty must accord with common religious and ethical concepts. A program of compulsory eugenic sterilization or wholesale executions would arouse violent dissents in

religious and other circles and breed new disunity among the victors. It would martyrize Germans who would, of course, rebel *en masse*. Unless there were universal confidence in the justice of the remedy, it would fail as a practical measure. Moral sanction must precede physical application.

Furthermore, sterilization might solve the German problem for future generations but it would constitute no present solution. To safeguard posterity is admirable but there is a more immediate duty to ourselves and our children.

We must forego the solution of sterilization.

Such abnegation is far from misplaced sentiment. We shall see that there are methods available for stern punishment. At present it is enough to conclude that capital punishment or sterilization for millions of people is impracticable, and violates those moral precepts which limit even legalized murder.

2. *Breeding, A Mendelian Theory*

Nor can we accept the suggestion of Professor Earnest A. Hooton, anthropologist of Harvard University, that we breed German aggressiveness out of its people. He would force the bulk of the present German army to work as labor units in devastated areas for a period of 20 years or more. Single men would be permitted to marry only women living in these areas. By such outbreeding he would reduce the birthrate of "pure Germans" and neutralize aggressiveness.

The theory of race purity is no more valid when turned against the Nazis than when offered by them against others. Aggressiveness is not a biological trait. At one time in history the Dutch and Turks were aggressors. Today they are peaceful. The eugenic solution ignores the

educational, economic and social conditioning which affect a people's traits.

3. *Political Dismemberment*

What, then, of other remedies? Shall we slice Germany into many segments and by such dismemberment inflict capital punishment on her nationhood rather than on her people? The suggestion is enticing and has already received wide consideration. It rests upon the assumption that the recuperative powers of the German people will be stunted if Germany is divided into small or minority groups. Germany originally consisted of many separate States differing in culture, origin and language.* One by one they were conquered by the Prussians. Many believe that dismemberment of the Reich into its original units might revive their national and ethnological differences. Thus hatred for the Prussians might be sowed among the Germans themselves.

But such a partition might well give added incentive to the extreme nationalism which permeates Teutonic peoples. German unity has been one of the most successful propaganda arguments of Pan-Germanism since the nineteenth century. Philosophers like Fichte and Hegel advocated it.

* It is often overlooked that Germany is composed of two elements which differ racially and culturally. The original German tribes, who were influenced by Western civilization early in their history, lived in the Western and Southern parts of present-day Germany. The inhabitants of the territory east of the River Elbe, however, were Slavic in origin and tongue. These Slavic groups were conquered and enslaved 700 years ago by German knights whose descendants are the Junkers of today. They lost their cultural heritage slowly and, in fact, there is, within fifty miles of Berlin, a large group (300,000) which still retains its Slavic tongue. In the days of Frederick the Great, only one-third of his "Prussians" spoke German. The balance remained faithful to their Slavic languages. After Bismarck had created the German Reich in 1870, the conflict continued between the Western Germans and the Junkers. Bismarck wrote in his Memoirs that the Prussians were hated by the Rhinelanders who called the Junkers, "Spree-Kosacken" (Cossacks of the River Spree).

In 1866 Prussia became the predominant state in Germany by virtue of her victory over Austria. The slogan of the "unity of German blood" was exploited by Bismarck as the driving force for a new Pan-German effort. He dissolved the former distinctions among Bavaria, Prussia, Saxony, Wurtemberg and Hanover.

The separation, after the last war, of fragments of the German people, as in Danzig and the Polish Corridor, punished but did not weaken Germany. It decreased Germany's population by a fractional per cent, but the same policy toward Hungary, Austria and Bulgaria helped to sow the dragon's teeth for the future.

The fanatical belief of the present generation in German unity would make recourse to the old divisions an impracticable device. It would be a mere invitation for the Germans to wipe out the fictional boundary lines. After previous defeats, they have been dismembered only to re-group, their strength increased by the inspiration of a new cohesion.

So popular with Germans is this notion of unity that it has been cleverly exploited as an additional excuse for world conquest. For in every country there are Germans, and, according to the blood theory, they always remain such. There are approximately 33 million Germans outside of the German Reich. Of the 15 million in the western hemisphere, 10 million live in the United States. They cannot, according to this theory, divest themselves of exclusive loyalty to the German state even by acquiring citizenship in another.

If nothing is done to eradicate this fundamentally corrupt belief then mere segregation will be to no avail. Indeed, it will provide the impetus for unity movements which will plague the world. It will create a whole series of minority problems. It will create economic barriers as well as political intrigues.

Furthermore, division does not destroy or even suspend German sovereignty. On the contrary, it creates many smaller German sovereignties and to this extent multiplies the problem. For each sovereignty will claim its own police force, if not, indeed, its own army. We have seen how German deception makes the two indistinguishable. The proximity of the several small German nations would add to the difficulty of preserving their separateness. It would create economic and political problems for other nations, for whom the divided entities would be real, while for their own purposes the many Germans could consider the distinctions amongst them dissolved.

If we join segments of Germany to other surrounding nations, then we Balkanize another virile portion of the European continent, with all of the class and national feuds magnified. Currencies, trade, political and military alignments—all ascend to their old roles of devilment.

4. *Compulsory Migration*

Similarly unacceptable is the proposal that the Germans be shipped out of Germany to colonization areas. This theory inclines to the belief that Germans being scattered will be shorn of military power while preserving their constructive abilities. Once more we need not heed the horror of the Nazis at such extreme measures. It was they who taught us that whole populations could be transported mercilessly—500,000 Czechs were summarily moved from Czechoslovakia to Germany; 4,320,000 Poles were transported from their native land (after 900,000 had been put to death). Nor had the Nazis any scruples about the compulsory transmigration of 2,350,000 Frenchmen, 468,400 Dutchmen, 13,000 Norwegians, 532,000 Belgians, 60,000 Danes, all robbed of their possessions, driven from their soil to other nations of foreign tongue and custom.

No, German protest against the colonization theory is the least impressive of the arguments against it.

But virtually emptying the Central European basin would not be a contribution to economic reconstruction. Aside from the problems of allocation and compulsory migration of at least fifty million people, what are the assurances for ultimate advantage to peace? This plan might well be compared with that of eradicating a communicable disease by spreading its carriers thinly throughout the world.

Psychologically, these proposals of segregation are efforts to escape from the problem rather than solve it; to substitute the satisfaction of an extreme effort for a solution. Just as extermination is a vengeful remedy, so political dismemberment and dispersion are escapist devices.

Justice—Not Sentimentality or Cruelty

The surest sign of our not having thought the problem through is the prevalence of the pat extremes commonly advocated—"kill them" or "forgive and forget."

We must shun the maudlin theorist who suffers heart-throbs for the meanest criminal and "his family" while wagging a somber but unfeeling head for the victim because he "can no longer be restored to life anyway." In the international sphere there is his counterpart—the statesman who suggests that only complete forgiveness will forestall military resurgence.

Justice would drop her scales and turn her blindfolded head in shame if such incredible cruelties as our enemies inflicted on the whole world were not punished. Swift, certain and appropriate penalties must be handed out. We shall examine this subject later.

We must be sure that the new peace is not a mere interim during which the Germans, unrepentant, prepare another onslaught. If we are not wise enough to prevent forever German resurgence, *Der Tag* is inevitable and our sacrifices will have been in vain. We have never won until we are assured that the attack will not recur.

No reliance can be placed on German "repentance" or newborn realization of past error. No confidence can be had in their self-reform, or in good-will bribed with generosity.

Is there a solution for the German problem which will remove its recurrent threat to world peace?

There is.

WHO IS RESPONSIBLE?

Are the German people or only their leaders to blame? If only the leaders, then the prophylactic steps against their militarism are comparatively simple. If the people, then we must cope with millions of problems. Before any consideration can be given to a proper solution of Germanism, its magnitude and nature must be assayed.

All generalities suffer from the same defect. They are too inclusive to be accurate. Therefore, it becomes impossible to indict a whole people in the sense that every individual is personally responsible. But we cannot reject common responsibility simply because of individual innocence. If no fact about a people could be stated unless it had been unanimously established by them, then we could never generalize about group conduct. We need not therefore heed the objection that no general conclusions can be drawn about the responsibility of the German people. We do not hesitate to say that Italians are a musical people though many of them are tonally deaf; or that Scotchmen are thrifty, though among them are spend-thrifts; or that Englishmen are phlegmatic, though they have their share of excitable individuals; or that Americans are an energetic, restless people, though there exist among them innumerable sluggards. We have a right to speak about the German people as such.

When we attribute faults to a whole people we refer to the characteristics which identify a great majority of them. We must not be deterred from the inquiry by questions about the five million Communists who voted in the last pre-Hitler election, the four million German Catholics, the six hundred thousand German Jews, and the eight million Social Democrats.

In the last free Reichstag elections held in November, 1932, the Leftist groups mustered 13,231,650 votes. The Rightist groups polled 22,035,235 votes. Such statistics might give the impression that a large minority of Germans disapproved of Hitlerism and acted under duress. But research into this important subject cannot be thus summarily terminated. There was the Kaiser before Hitler, and Bismarck before the Kaiser and Frederick the Great before Bismarck—indeed, two thousand years of Germanism to account for. Under each ruler millions of Germans fought fanatically, heroically, sacrificially. Theirs was not conduct induced by compulsion. Theirs was a will to execute a program and a readiness to die for it. The vaunted efficiency of German aggression depends on millions of little cogs acting in perfect coordination which involuntary compliance could not possibly produce.

Preparation for military conquest requires enthusiastic popular support and willingness to sacrifice. No sulky adherence can suffice. Some great incentive, such as world domination or, conversely, resistance to extinction, is necessary. The Germans and Russians supply illustrations of each. Germany, beginning in destitution and defeat, built the most powerful attacking force in all history. For the greater part of a generation its people denied itself necessities as well as luxuries to construct its war monster. Does not such a mechanical and industrial

achievement indicate willing determination and co-operation rather than obedience to a tyrant?

During the first World War it was generally accepted in intelligent quarters that we had no quarrel with the German people; that only their unprincipled leaders were our enemies. Wilson made the classic statement of this view: "We have no quarrel with the German people," he said. "It was not upon their impulse that their government acted in entering this war." His appeals were directed to the German people as if they were merely oppressed brothers whom we would free from their own overlords. In thus directing all responsibility for breaking treaties and desecrating international law upon the deposed leaders, the German people were actually absolved from blame. That they later considered the humiliation of their leaders their own is a significant commentary. We shall see that they went so far as to sabotage the punishment provisions of the Versailles Treaty in a desperate effort to protect the very men who, we insisted, had enslaved them.

All the powers of the German democracy were exerted on behalf of its military caste. The French in 1871 exiled their monarch and his family permanently. The Germans, by plebiscite, voted millions to their deserting Kaiser. And in three democratic elections they designated Hindenburg as President—Hindenburg, who was an avowed monarchist, whose sole claim to their affection was that he had been a field marshal. As the regularly chosen President, he legally appointed Hitler Chancellor. At that time the Nazi Party had won 288 seats in the Reichstag and was the strongest in Germany. This expression of the people, directly and through their constitutional President, was made with the full knowledge of Hitler's program as revealed in *Mein Kampf*. Thus

public opinion in Germany revealed itself even before censorship and tyranny choked its voice.

Another Scrap of Paper

For many years, until Hitler's adoption of the same theory made us wary, it was popularly accepted that the Versailles Treaty was iniquitously severe. Here and there were early dissents. One remembers the anecdote of Marshal Foch submitting armistice terms to Count Brockdorff-Rantzau, who turned pale at their harshness and stated that they exceeded all civilized standards. Foch then advised him that he had the real terms in his other pocket, but that he had submitted a copy of the German terms which had been prepared in anticipation of victory, and which had fallen into the hands of the French secret service. The veracity of the point was illustrated by the Carthaginian terms laid down to the Russians at Brest-Litovsk in 1917, to the French in the railway car at Compiègne in 1940, and by the Germans' general inhumanity toward conquered nations.

The Versailles Treaty has been branded as being either too severe or too generous. Actually it was not the cause or inciter of the next war. Too much has been attributed to this document, which, by German standards, was merely a piece of paper not to be taken seriously except as a convenient pretext of "oppression."

Germans would have been more impressed by a pitiless victor than by a charitable one. Their respect would have grown for a harsh enemy as their respect was devotedly given to their own autocrats in direct proportion to the cruelties these autocrats inflicted. A softer peace, in the opinion of Emil Ludwig, would not have prevented Hitler

but would have caused him to come five or ten years sooner.*

Is it any wonder that generosity failed as an international policy? Aside from its sheer military and practical inefficacy, it ignored the abnormal national psychology of the Germans, which makes them contemptuous of tolerance and respectful of brutality.

The Versailles Treaty would have been violated irrespective of its terms unless the age-old German program of world conquest had been destroyed. That is the bald fact. The onus may not be placed upon the Treaty which, for all its faults, was a humane Christian document compared with demonstrated Nazi impositions upon the conquered. It must be placed upon the inability of the treaty designers to recognize that formulation of rules was insufficient; that root causes of German perfidy must be discovered and dealt with if reform is to be effected; that a prescription without proper diagnosis is meaningless even though written in imposing medical terms.

*In this respect there is a natural affinity between the Japanese and the Germans. In 1862 an Englishman, H. L. Richardson, who refused to yield the sidewalk to a Japanese officer, was slain. The English sent several battleships to Kagoshima and shelled it to smithereens. Europe was horrified by this retaliatory measure. Even the English nervously awaited the angry reaction of the Japanese and took special defense precautions. To their amazement, the Japanese not only offered profuse apologies and paid indemnity but responded with profoundly respectful overtures to the English, and for the first time expressed open admiration for them.

To the Japanese, the remorseless avenging of a wrong is the highest symbol of honor. English retaliation by brutal force was, to the Japanese, an impressive demonstration of high character. Had the English written polite notes of protest, the Japanese would have had nothing but contempt for their weakness in not avenging an insult.

In spite of this object lesson in Eastern psychology, England and the United States continued in later years to mollify Japanese public opinion by generous overtures. Guam must not be fortified lest it offend Japanese sensibilities. Japanese aggressions and horrors in China must receive only polite slaps on the wrist. In the meantime, steel and iron and gasoline must be shipped to Japan lest she be irritated by our disapproval.

The Versailles Treaty permitted the Germans to choose their own leaders. And fourteen years later they were heiling Hitler! Granted that distressful circumstances conditioned them for demagoguery, is it not curious that they followed, not the appeal of a more secure and prosperous life, but rather the promise of world domination? How recurrent is this theme in German history! Was Nazism a coincidence or the fulfillment of age-old German dreams, philosophically and systematically inculcated into German consciousness for centuries?

The peoples of the world now instinctively sense the answer. Though they have not traced down in laborious research the course of German history and its abnormal mission for conquering the world, their attitude towards the German people has changed. Common sense, which is the ordinary man's erudition, informs him that no people can be innocent who have twice in one generation burst forth in aggression against all their neighbors, near and far. How is it that one spot on the surface of the earth, no larger than Texas, should so persistently explode and ravage the world?

And what were the toasts, the slogans, the anthems, the battle cries of this people? "Der Tag"—when Germany will rule the world. "Deutschland uber Alles". "Tomorrow we will rule the world." "The destiny of Germany is to rule the world." Rule the world! Rule the world! No people who can thrill to such a mission are innocent victims of wicked leaders.

At the beginning of the second World War, the leaders of the democracies still spoke with extreme caution about "the German people." But as German ruthlessness asserted itself, important statesmen began to express their belief in the responsibility of the German people.

Not for the purpose of mere indictment, but with the view of isolating the germ, the better to prescribe the remedy, let us examine the historical background of German chauvinism. Nazism is no new theory born out of the inequities of the Versailles Treaty, or because of economic distress. It is an expression of German aspirations voiced through the centuries.

Caesar and Tacitus Report on Nazism

The Germans in defeat, even in Caesar's day as he reported, had reason to fear the "general hatred of the Germans" and to resort to the distinction between the people and their leaders.

Caesar wrote: "Their whole life is composed of hunting expeditions and military pursuits; from early boyhood they are zealous for toil and hardship. Those who remain longest in chastity win greatest praise among their kindred; some think that stature, some that strength and sinew are fortified thereby. Further they deem it a most disgraceful thing to have had knowledge of a woman before the twentieth year."

Psychiatrists will find in this observation fruitful material for their studies of the root causes of German sadism and of the inferiority complex which seeks to express itself through conquest and domination. The well-known tendencies in Germany towards homosexuality became public knowledge when Hitler justified his purge of Roehm and his adherents on the ground that they had been guilty of practices of degradation which corrupted the governing circles. Hitler's and Hess' own "aestheticism," Goering's abnormal practices (as determined by a Swiss court), and the evil conduct of the Streichers and other Nazi leaders, fit well into the characteristic pattern of bestiality. The study of psychotic be-

havior is still in the exploratory stages, but Caesar's report on the training begun ages ago by the German people to deny and invert normal instincts as part of the tribal custom may be a significant clue to sick German conduct. Is it possible that German cruelty and blood lust is traceable to sexual inhibitions? Is there significance in the pornographic tendencies of the Germans fed by such official documents as Streicher's *Stuermer*? These and similar questions we leave to the reflection of experts in a domain of medicine still elusive and challenging.

More certain is the conclusion that the Germans made these sacrifices to gain strength and stature for "military pursuits."

Caesar, who as a dictator had no high ethical standards, was reporting rather than moralizing when he continued with these observations:

"For agriculture they have no zeal, and the greater part of their food consists of milk, cheese and flesh. No man has a definite quantity of land or estate of his own; the magistrates and chiefs every year assign to tribes and clans that have assembled together as much land and in such place as seems good to them, and compel the tenants after a year to pass on elsewhere. They adduce many reasons for that practice—the fear that they may be tempted by continuous association to substitute agriculture for their warrior zeal; . . . Their states account it the highest praise by devastating their borders to have areas of wilderness as wide as possible around them. They think it the true sign of valor when the neighbors are driven to retire from their lands and no man dares to settle near, and at the same time they believe they will be safer thereby, having removed all fear of a sudden inroad. . . . Acts of brigandage committed outside the borders of each several state involve no disgrace; in fact,

they affirm that such are committed in order to practice the young men and to diminish sloth. And when any of the chiefs has said in public assembly that he will be leader, 'Let those who will follow declare it', then all who approve the cause and the man rise together to his service and promise their own assistance, and win the general praise of the people. Any of them who have not followed, after promise, are reckoned as deserters and traitors."

Caesar's keen reporting is confirmed by centuries of experience. We shall see how the Germans' fear of agriculture lest it diminish "their warrior zeal" affected their national development. Of course, the program of "de-astating their borders" and committing "acts of brigandage" has remained a constant aspiration of the Germans. Most striking is the selection of a leader, the oath to follow him blindly, and the ritual of obedience. All who disagree are traitors. Is not this self-appointed, self-annointed leadership and blind fealty a description of Hitlerism? It is to precisely this tradition in German history that the Nazi leaders have appealed.

Always in German history the inverted pyramid has been the governing form. All authority rests on the apex. In primitive days the leader was the foremost warrior or huntsman. Often his son or grandson succeeded him. Later he was designated King or Duke, but at all times the people swore solemn loyalty and offered sacrifices to him under their ancient oaks. All independent thought was surrendered. The leader's word was final, even if it required treachery and dishonesty. The common denominator of all leaders was that they were warriors. Political rule was based upon the ability to wage war. Perhaps it was not extraordinary in the dark age of Caesar, but its persistence, unchanged through the many centuries, is a

meaningful phenomenon. Five hundred years after the revolt in Athens, and after social revolution had sent its civilizing streams through the Mediterranean, the Germans were still blindly following their leaders.

About a century later, Tacitus, in his famous *De Germania* took sight again of German tendencies. Had they changed? He writes: "Without being armed they transact nothing, whether of public or private concernment. The Princes fight for victory; for the Prince his followers fight. Many of the young nobility, when their own community comes to languish in its vigor by long peace and inactivity, betake themselves through impatience to other states which then prove to be in war. In addition to the fact that this people cannot brook repose, and that by perilous adventures they more quickly blazon their fame, they require violence and war to support their huge train of retainers. They demand and enjoy their war-horses and victorious javelins dyed in the blood of their enemies. In the place of pay, they are supplied with a daily table and repasts; though grossly prepared, yet very profuse. For maintaining such liberality and munificence, a fund is furnished by continual wars and plunder. Nor can you as easily persuade them to cultivate the ground, or to await the return of the seasons and produce of the year, as to provoke the foe and risk wounds and death; since they account it stupid and spiritless to acquire by their sweat what they can gain by their blood."

The cause of such consistent conduct is less significant than the effect. They still transact nothing without being armed. They still consider it stupid to acquire by their sweat what they can gain by their blood. They still seek wealth from plunder. And though the javelin dyed in the blood of their enemies is outmoded, symbolically they still "demand and enjoy it."

The military staffs of the United Nations, astonished by the daring gambles taken by German generals, may gain some understanding from Tacitus' humorous observation: "What is marvellous, playing at dice is one of their most serious employments; and even sober, they are gamblers; nay, so desperately do they venture upon the chance of winning or losing, that when their whole substance is played away, they stake their liberty and their persons upon one and the last throw."

The Blitzkrieg, despite its meticulous, detailed planning, is an all or nothing strategy. Lines of communication are disregarded for the infiltrating tanks which dash to the enemy's rear. Either disorganization and terror result, or the gamble is lost. That is why the word "time-table" became the key word in Nazi tactics. And that is why the United Nations recognized the inestimable value of delay. It not only afforded opportunity for preparation, but it upset the schedule of winning all in one blow, and therefore made possible losing all in many blows. Goebbels unwittingly echoed Tacitus when he said "We will either conquer the world or if we have to go out, we will slam the door so hard the universe will collapse." Also, this gambler's instinct nourishes complete ruthlessness. If the alternative is nothing, what is to be gained by observing the rules of international law or the dictates of common humanity? The desperate gambler who contemplates suicide as the end of misfortune need not concern himself with the players' opinion of his honesty or sportsmanship. How true it is that the Germans staked their "liberty and their persons upon one and the last throw!" They were willing to sacrifice their freedom in advance so that they could win the game of world conquest. Truculently they strode across Europe, enjoying their temporary triumphs in the illusion that they were to be the master race for

"one thousand years to come." Losing has never deterred them from playing the hideous game of war. They are inveterate gamblers.

The Germans crushed Latin civilization at the battle of Adrianople in 378. Almost sixteen hundred years later they overran France. History, too, is global, and the endless treading of man often finds him in the same spot. Caesar's description of the Gauls (French) after their defeat by the Germans is a glove-fitting commentary upon Vichy. He writes: "Now there was a time in the past when the Gauls were superior in valor to the Germans and made aggressive war upon them, and because of the number of their people and the lack of land they sent colonies across the Rhine. . . . Little by little the Gauls have grown accustomed to defeat, and after being conquered in many battles they do not even compare themselves in point of valor with the Germans."

Here is the tragedy of France, from the soft and luxurious life before battle to the fawning obeisance after defeat.

The Teuton invaders made war their occupation. Wherever they tread, culture withered and died. They sacked Paris, Arras, Rheims, Amiens, Tours, Bordeaux and dozens of other cities which have been visited by their descendant criminals repeatedly in later generations. The very word "vandalism" was coined to describe German savagery, and the word "war" stems from the Old High German "werra"—to embroil, to confuse.

Earlier German Fuehrers

Four centuries after Adrianople, Charlemagne continued the German tradition.

Other leaders had waged war because "from their youth up war is their passion." Plunder and the gratification

of conquest were the driving force. But Charlemagne decreed an objective. It was not modest. He sought to conquer the world, a refrain which has since run through German existence with maddening and devastating persistence. He fought a war every year. His brilliant gifts were devoted to annihilating his neighbors and robbing them of their possessions. Germans followed him with fanatical devotion for the same principles which inspired them to follow the Kaiser and Hitler in our generation.

In the twelfth century the leader was different but the program was monotonously the same. Then it was Frederick Barbarossa who scorned peace. The sole question was whether the Italians or Slavs should be subjugated. He chose the Slavs and waged war upon them with frightful brutality. After victory, he forbade the use of native Slav languages and passed severe regulations against the Jews. Hitler cannot lay claim to originality. The consistent antecedents in German history establish him as merely the latest of a long line of German barbarians.

Through the fourteenth century German infamy continued to assert itself. Froissart, the foremost historian of his time, writes: "The Germans are covetous people above all others. They have no pity if they have the upper hand, and they are hard and cruel with their prisoners." The doctrine of world conquest began to take on organizational developments. The Hanseatic League organized Germans in all other countries on the theory that their loyalty was still due their German leader. The Auslands Deutsche fifth-column activities of Hitler's regime are merely an extended copy of an old German device. Once more we find that the evils of the Nazis are not unique constructions of a new movement but the persistent repetition of German behavior for centuries.

The temperature readings by historians, no matter of what century, reveal always the same war fever. More than four hundred years ago Machiavelli reports: "German towns are at little or no expense in anything, but in laying up military stores and making good their fortifications . . . on holidays instead of other diversion, the Germans are taught the use of weapons."

During the Thirty Years War of the seventeenth century, the Germans were torn by internal feuds of petty dynasties and quarreling princes. Their brutality in war was undiminished. They overran Bohemia and persecuted the Czech people with a ferocity exceeded only by the Nazi legions. Thousands of hostages were shot. Torture and terror walked hand in hand—the ubiquitous companions of the German program. The sack of Magdeburg constitutes one of the most barbaric and inhuman incidents in the history of man. Some thirty thousand innocent people were deliberately butchered. The Germans succeeded in surpassing this atrocity by more recent efforts in Rotterdam and in Poland.

Fuehrers to express German war lust were never lacking: Frederick Wilhelm, the Great Elector, who laid the foundations of Prussian military despotism; the Soldier King (father of Frederick the Great) described as one of the "nastiest bullies who ever lived"; and then the pride of all Germans, Frederick the Great. He harnessed his gifts to avowed treachery and unscrupulousness. He once said: "He is a fool, and that nation is a fool, who, having the power to strike his enemy unawares, does not strike and strike his deadliest." Frederick the Great destroyed whatever freedom existed among his own followers and moulded Prussia into a military autocracy whose sole aim was war and conquest. Among his depredations was the ravaging and partitioning of Poland in concert with another Prussian, Catherine the Great of Russia.

Other nations have been guilty of territorial aggrandizement. England's imperialism built an empire. Even the United States has isolated chapters in its history of attacking the weak to aggrandize its borders. But brutality and terrorization were not deliberate methods sadistically enjoyed. Much more important, the processes of civilization were never rejected as decadent and weak. Dominion status, self-determination, the recognition of individual freedoms, took their places on the agenda of political evolution. England is still the birthplace of the Magna Carta. The United States voted freedom for the Filipinos and gave a unique demonstration of international altruism at the end of the last war. In these nations minorities' rights are shielded and intolerance is a mob expression, not a governmental policy. The Statue of Liberty and not the "mailed fist" is the symbol which appeals to the masses. Demagogues, even in times of economic distress, achieve only limited popularity and sooner or later the healthy common sense of the people rejects them and they disappear from the public scene. No one would now succeed politically who offered a program of future wars or who sought to appeal to the lust for conquest by pointing out what easy prey undefended South America would be. The Good Neighbor policy is found to be a vote-catching slogan. Can anyone, in the light of German history, conceive this to be similarly true of the German people?

Gangsterism in Intellectual Garb

While state and religion are separated in the democracies, there is a unity of Christian ethics. The virtues of kindness, honesty, loyalty and peace are universally accepted. In few countries could militarism be adopted as a state creed as it was in Germany, without immediately disastrous consequences to the government. There are in-

dividual Christian martyrs in Germany, but the people do not express their revulsion. If the destruction of religion is essential to the program of world conquest, then even religion, the profoundest of human emotions, is yielded up by great masses of Germans as a willing sacrifice. We can weigh right and wrong only in scales of an accepted standard. But weights are meaningless where the standards are reversed and we encounter a double set of morals. In the Nazi and Fascist world, where lying is a virtue as well as a practical weapon; where treachery and treaty-breaking are admirable devices for national achievement; where immorality is required in the interest of building a populous soldier state; where mercy and kindness are despicable weaknesses; where science is evil if it searches for truth and scholarly if it aids the theories of party heads; where education is a dangerous development in men who should blindly obey their rulers in ignorance; where death on the battlefield is the highest achievement and hope of man; in such a world of curved distorted mirrors, what purpose is there in pointing out a speck of dust which obscures a clearer view?

The Germans have developed a philosophy which makes a religion of war and a cult of mass murder. They consider it their mission to subjugate all other peoples to slavery. They exclude the doctrines of the sacredness of human life and liberty and substitute for it the ideal of war. The unique phenomenon of Germanism is that its conspiracy against world peace is not mere gangsterism or nihilism. It is an intellectual movement, if you please. It is supported by a philosophy carefully devised, nurtured and inculcated into every citizen. This philosophy has been developed by some of its most brilliant minds and appears in the most profoundly written treatises. The great error which still persists among the democracies

is that Nazism is the expression of the dregs of German life. Unfortunately, this is not true. It is the actual execution of a program prescribed by German intellectuals. This cannot be denied for it is the confession of Germans themselves, set forth in the permanence of innumerable tracts, books and articles. Every German is familiar with them and was long before Hitler was born.

There could be, and was, anti-Semitism in other countries. It was the expression of ignorance and dark prejudice. The illiterate *mujik* of Russia was the typical example. But only in Germany could there be cultural anti-Semitism. Only in Germany could a great artist like Wagner immerse his talent in blood lust and supply an emotional incitation to German mass murder. The significance lies not in some particular theory, but in the association of cultural and intellectual thinking in Germany with mob standards. Lynching is thus raised to the level of national policy. It is then deified as a world mission and becomes an international program. The lowest common denominator of mob brutality is elevated to a national ideal. Gangsterism puts on a uniform and becomes patriotism. Racism goes to school and becomes *Weltanschauung*. Unscrupulousness is clothed with philosophy and becomes destiny. The whole admixture becomes a cult for war. The end justifies the meanness.

Of course it was incomprehensible to the western world that such corruption could be the accepted diet of an apparently intelligent people. That is why the democracies misconceived the true nature and meaning of Nazism. They regarded it as a temporary evil, a passing phase in a people captured by a gangster clique.

One still has a burning recollection of a newsreel scene showing Chamberlain descending from a plane just returned from Berchtesgarden and triumphantly waving a

rectangular piece of paper upon which was written Hitler's personal promise to make no further aggressions. The trusting people strewed flowers in his path and in front of Daladier, too. But written in Hitler's book and in dozens of German political works was the express statement that promises may be broken by Germans whenever it served the national interest. Deceit and treachery are acknowledged national policies.

Actually, as we shall see, Nazism is but another name for Pan-Germanism which was projected by the aristocratic Junkers. The philosophy and drive were the same and received the same fanatical devotion from the German people. In the Kaiser's day Germany was prosperous. It was determined to carry out its program of war. "Germany," said the Kaiser, "like the spirit of Imperial Rome, must expand and impose itself." In Hitler's day Germany was poor. The program was the same. Rich or poor, aristocrat or upstart, intellectual or ignoramus, these people consider they have a mission of conquest. Leaders are always available. Those who appeal to this basest instinct of the German people are instantly assured the most devoted following. The western world is well aware of its inability to fathom the psychology of the Japanese.* But in our very recognition that we do not understand, there is some protection. The Germans, too, have an unfathomable national psychology and paganism. But they deceive us because in all other respects they are Westerners and because we apply the standards to them that we adhere to. Thus, we are not even alert to the danger they represent. Indeed, to this day we are divided

*We have never fully understood their regard for their emperor as the actual descendant of the Sun God, the ritual of hara-kiri, its common practice because of loss of face (the chauffeur who drives the emperor and is delayed by a flat tire commits hara-kiri at the end of the journey), the lack of regard for life in the East, and all its strange customs.

as to their real intentions. It is difficult to believe that wrong is deliberately preached as right; that our virtues are scorned by them as stupidity and weakness; and that their vices are brazenly announced as national policy and part of their divine mission. Yes, theirs is a German conspiracy against world peace and against every free man in any country. It is a conspiracy which has never died with defeat. It is ingrained in the people and sustains them in every dark period until *Der Tag*. Intervals of enforced peace are but the opportunity to prepare for a more horrendous attack, so overwhelming and brutal that finally it will succeed and the world will be ruled by Germans as masters who have fulfilled their destiny. Lest this be deemed mere opinion, the most persuasive evidence to establish the facts is available. It exists in the writings of Germans who have become the philosophical heroes of the German people.

Race and Murder Become A Philosophy

Hegel, a follower of the noted German philosopher, Fichte, was among the first to give German aberration an intellectual base. He was a dreary teacher at Heidelberg, but he achieved national popularity when his book *Philosophy of History* propounded the theory that humanity had finally come to manhood in the Germanic race. This *Weltanschauung* was transmitted to whole generations of young Germans. The Pan-German League was formed in 1894 with the specific program of world conquest. Its motto was the Great Elector's declaration: "Remember you are a German!" The inevitable implication was every German's duty to join in the movement to enslave the rest of mankind.

Then followed another German professor, Heinrich von Treitschke, who has since been elevated by Germans

as the foremost philosopher of their program. He interpreted Germanism as anti-Christianity. He brazenly taught the doctrine of "might makes right." He enthralled the German people with his theory of the German super-state, which would rule the universe. He asserted that there were no individual rights and that every person existed only for the State. Its will was the only legitimate force and war was the best way in which to assert it. He denied the sacredness of human life and declared war was sublime because it ennobled man to "murder without passion."

Treitschke became a popular hero in his day. It is significant that he also captured the intellectuals. His teachings were echoed in universities by avid disciples. Education and culture consisted of such indoctrination. Hitler, too, received support from German intellectuals, who wrote volumes confirming the theory of Aryanism and racial superiority. In weighing the responsibility of the German people, it is peculiarly condemnatory that not only their masses but the erudite among them shared the same dream of world conquest.

Treitschke did not content himself with abstractions. He gave specifications. "Germany must make it a duty to employ traitors in the enemy state for its own interests." He declared that "every good German subject is a latent, and when opportunity arises, an active, spy." As for treaties, "they can and must be denounced by Germany whenever the promise they hold becomes unprofitable to her." He denied the existence of international law and order, or the validity of any covenants among nations. He concluded that other nations constituted "a foreign world, which cannot be reformed, but can only be overthrown."

That this was not irresponsible ranting is established by the fact that the Pan-German League officially adopted

this program. By 1900 the League had fifty foreign associations, all committed to the preparation for the eventual holocaust. Thus there were planted in foreign nations, organizations which could carry out the sinister designs of Professor Treitschke which were adopted as State policy. What was later to become known as the fifth column was in existence long before the first World War.

The intellectual preparation for German dynamism gathered momentum. In 1887 Nietzsche in his *Genealogy of Morals* wrote: "When the instincts of a society ultimately make it give up war and conquest, it is decadent; it is ripe for democracy and the rule of shop-keepers . . ."

The aggressions of the Germans differ from those of other peoples not only in their philosophical motivation but in the artificial creation of a Master Race theory. Count Arthur de Gobineau was the first modern writer to propound the supremacy of Aryans. In his books, *The Inequality of Human Races* and *Moral and Intellectual Diversity of Races*, written in the nineteenth century, he served to an eager German public pseudo-scientific trash which they gobbled up. He contended that the strength of a people depended upon the amount of Aryan blood which it had preserved. His biology was as atrocious as his history but Germans disregarded all errors. He accepted the Biblical divisions of men into three peoples: the sons of Ham, Shem and Japheth. The first, he contended, was absorbed by the African Negroes; the second "died out" through racial intermixtures; while the third developed into three branches. One branch settled in Persia and became "Iranian Aryans", the second became the Greeks and Romans, and the third and noblest of them all became the "Germanic Aryans". Thus he forgot completely about the yellow race! The Aryans' first appearance in history, wrote de Gobineau, began with the conquest of Babylon

by the Medes. They defeated the Hamites and the Semites, and demonstrated immediately that the word "Aryan" meant "honorable" and that an Aryan had superior intelligence and strength.

The fatuous notions of de Gobineau would not be worth mention, were it not for the fact that they form the basic racial ideology of the Germans, which Hitler simply lifted and put into his book. He did not even contribute the refinements of interpretation or development. This, too, was done by predecessors. Houston Stewart Chamberlain, the son-in-law of Richard Wagner, translated de Gobineau's theorizing into a semi-political program. In his book, *Foundations of the Nineteenth Century*, he reduced the vast complexity of human history to the equation of race qualities. There were only "Teutonic" and "anti-Teutonic" peoples. He "proved" that the German or "Teuton" was the dominant factor in the growth of civilization. The physical characteristics of the Teuton were set forth. He was tall, fair and somewhat "carrotty" (the exact opposite of the leading Nazis who used this ideology and adopted it as their own).

The Nazis found this racial theory so ingrained in German consciousness that it made the surest demagogic appeal. It was constantly exploited for purposes of rabble-rousing and gave "philosophical justification" to anti-Semitism. Alfred Rosenberg, "the race expert" of the Nazi regime, has acknowledged the source of the Nazi race doctrine. "It has been a truism for a long while," he wrote, "that all the Western States and their creative values have been produced by the Germans. Houston Stewart Chamberlain was the first one who drew the necessary conclusions from this fact: 'if German blood were to disappear from Europe . . . the entire culture of the West would go with it . . .' Today we are con-

scious that we stand before a final decision of terrible significance. Either we rise to an ennobled achievement by a revival and purification of the ancient blood, thus renewing our will to fight, or the very last Germanic Western values of civilization and state discipline will be submerged in the polluted human masses of the cities of the world . . .”

We have seen the rantings of Treitschke and Nietzsche, deemed innocuous theorizing by other nations, translated into the two greatest blood-sheddings in history. The race theory made its contribution to the mission of world conquest. Considered unscientific blabbering by learned men in other nations, we have seen it applied first internally in Germany and then by brutal war in an effort to give it universal reality. The earliest Nazi declaration of racial policy came in February, 1920, thirteen years before Hitler's ascension to the Chancellery. The National Socialist Party proposed that none but those of German blood should be citizens of the Nation. All others were to be “guests” until they emigrated. On April 7, 1933, the Nazi Reichstag enacted a statute providing that “officials who are of non-Aryan descent are to be retired.” These provisions were, a short time later, made to apply to professions and universities. In May, 1935, the new Conscription Law provided that only “Aryans” were to be permitted in active military service. It was decreed that a non-Aryan is one who is descended from non-Aryan, particularly Jewish, parents or grand-parents. It sufficed if one parent or one grandparent was non-Aryan. The search for Jewish blood was to be extended back to January 1, 1800, and a “racial expert” was appointed to delve into the obscure pedigrees of doubtful “Aryans” and answer all questions of heredity. On September 15, 1935 the Party Congress at Nuremberg adopted decrees which limited citizenship to those “of

German or cognate blood” and who also conform to the National Socialistic conception of loyalty to the State.

These decrees have not even the virtue of misguided sincerity. For while the Germans adopted the racial theory of de Gobineau and Houston Stewart Chamberlain, they deliberately ignored certain conclusions of these very authors which did not suit their sinister plans. Thus, de Gobineau, while he extolled the superiority of the Aryan, concluded that, by virtue of contamination with “inferior races”, there no longer was such a thing as a pure Aryan. He declared pessimistically that the Aryan mission was therefore at an end and could never be restored. But Rosenberg, who, we have seen, is a devoted disciple of de Gobineau, nevertheless writes in his *Mythus*: “Today there is rising a new belief, the myth of blood; the belief that through blood the divine being of man is to be defended; the belief enshrined in the clearest knowledge that Nordic blood represents the mystery which has overcome and replaced the old sacraments.” And Dr. Wilhelm Kuserow, a noted German author, as Vice-President of the Nordic Faith Movement, prepared the *Nordic Confession of Faith* which states: “We believe in the immortality of Nordic man, in the inheritance of his kind, and in the everlasting Nordic Soul as power of the divine on earth and in the universe.” Lest this be too abstruse, the explicit statement is made: “Nordic man has a divine mission on earth and he will exist as long as the world lasts.”

Also de Gobineau paid grudging tribute to the real achievements of the Jews and even admitted that the Negro “element” had contributed to the development of the arts. Though he disliked the Jews, he wrote, “The Jew is no enemy of Teutonic civilization and culture.”

Such is the mental dishonesty of the Nazis that they suppressed these tenets of their own idolized prophets.

Anything that did not aid in moulding a war spirit must be sidetracked. Nor is this tendency to distort text attributable solely to the ignorant. Once more we find the intellectual circles, the professors of German universities, lending themselves to such methods. For example, the theories of Chamberlain gave rise to a whole series of interpretative and expanded works by learned men. Yet they, too, chose to ignore Chamberlain's broad definition of "Teutons" as including the English, Celts and the Scandinavians. Indeed, he even considered the French Teutonic because they were a people of Northern Europe, and he called the Russians "at least half Teutonic." By such broad inclusion Chamberlain diluted his own unscientific conclusions to meaninglessness. It is significant that the Nazis' own Nuremberg laws abandoned the word "Aryan" and substituted for it "German." Also "Jew" was used instead of non-Aryan. It was provided that a "Jew" was forbidden to marry a "German," "Jewish" households were forbidden to hire "German" servant girls. Chamberlain's thesis included doctrines which would land him posthaste in a concentration camp if he were alive to tread the soil whose "race" benefactor he was. For he contended that the Magna Carta of 1215 was a development of German ideas. "Whoever," he wrote, "runs counter to this [liberty of Magna Carta] is a criminal even if he wear a crown." But de Gobineau and Chamberlain remained the apostles of the German racial theories even in their frantic efforts to prove that Jesus was not a Jew.

Once more we find that *Mein Kampf* is no original work. It reveals itself as a puerile anthology of theories absorbed and accepted by Germans before Hitler was born. The race theories in *Mein Kampf* are mere paraphrases of de Gobineau and Chamberlain. It states: "Human culture and civilization on this earth are inseparably bound

up with the existence of the Aryan. By his extinction or decline the dark veils of an uncultured age will descend once more." Also, "The Aryan Man alone is the founder of a higher humanity itself and consequently represents . . . the Prometheus of mankind . . . It is the duty of the national State to see to it that a history of the world is eventually written in which the question of race occupies the most prominent position."

The history thus to be written was to conform with Chamberlain's political thesis, which surprisingly emerged from an abstract "scientific" work, namely, that it is "the most sacred duty of the Teutons . . . to serve the Teutonic cause . . . and seek not only to extend our empire farther and farther over the surface of the globe and over the power of nature, but above all unconditionally to subject the inner world to ourselves by mercilessly overthrowing and excluding those who are alien. . . ."

The theme of world conquest and race supremacy runs through the symphony of German hate and war plotting as a persistent, repeated *motif* growing ever louder and more maddening, until it reaches its furious climax. Then blood flows all over Europe and other continents. Millions of German soldiers are once more on the march to kill, ravage, and commit unmentionable atrocities so that *Deutschland* may be *über alles*. The philosophical horns contributing to the crescendo are many. Moeller Van der Bruck, in *Germany's Third Empire*, writes: "We are not thinking of the Europe of today, which is too contemptible to have any value. We are thinking of the Europe of yesterday and whatever thereof may be salvaged for tomorrow. We are thinking of the Germany of all time, the Germany of a two-thousand years past, the Germany of eternal present which dwells in the spirit but must be secured in reality and can only so be politically

secured. The ape and tiger in man are threatening. The shadow of Africa falls across Europe. It is our task to be guardians on the threshold of values." And Oswald Spengler, in *Man and Technics*, writes that man is a carnivorous animal: "That to such beasts as we, eternal peace would be like intolerable boredom (*taedium vitae*) of Imperial Rome, and that pacifism is a silly dream."

Treitschke explains in *Die Politik* that since Germany will never be able to understand the world, she must conquer the world and reform it so that it will be able to conform to German thought. Muller, Novalis, Fichte, Johann Josef Gorres, all play the same tune. The German people avidly listen to this martial music. It stirs their emotions. They are hypnotized by its frenzy and they follow it with brutal boots. The theme is recurrent through the ages of German development. They are familiar with it, and the leader of the day is not the inciting cause of their reactions. It is the tom-tom which calls them and to which they devote their lives—finally on the battlefield.

These facts have not been generally accepted in the past because it appeared incredible that an apparently civilized people should be in a constant state of agitation for war.

Charles Francis Adams, the noted American historian, emerged from the same state of incredulity, a chastened man. He wrote: "Suspecting in my own case (that I did not think like a German) I have of late confined my reading on this topic almost exclusively to German sources. I have been taking a course on Nietzsche and Treitschke, as also in the German *Denkschrift*, illumined by excerpts from the German papers in this country and the official utterances of Chancellor von Bethmann-Hollweg. The result has been most disastrous. It has

utterly destroyed my capacity for judicial consideration. I can only say that if what I find in those sources is a capacity to think Germanically, I would rather cease thinking at all. It is the absolute negation of everything which in the past tended to the elevation of mankind, and the installation in place thereof, of a system of thorough dishonesty, emphasized by brutal stupidity. There is a low cunning about it, too, which is to me in the last degree repulsive."

Paganism Adopts Music

The war lust of the German people is composed not only of a philosophy for conquest, but of a race theory to justify it. There is an additional ingredient, one that applies a mystical religious quality and transforms the political movement into a fanatical pagan rite. Richard Wagner did not invent this ingredient. It existed in the folklore of the German people for many centuries. But he gave it palatable and popular form in brilliant music and story. To the rest of the world Wagner's operas were merely artistic fantasy. To the Germans they were reality, even if only unconscious.

Hitler has acknowledged his indebtedness to Wagner. In *Mein Kampf*, he writes: "At the age of twelve I saw the first opera of my life, Wagner's *Lohengrin*. I was captivated at once. My youthful enthusiasm for the master of Bayreuth knew no bounds. Again and again I was drawn to his works. . ."

Opera is a popular tradition in Germany, and there is an opera house in almost every German town. What were these Germans attracted to? The pure art of Wagner's genius, or the inspirational *metapolitik* of his legends?

The Ring is composed of three musical dramas and a prologue. Wagner labored more than a quarter of a

century on this work. It contains all the mystical, pagan elements of German antiquity which have been eagerly accepted by the German people as the destiny they must fulfill. Wotan is the typical Fuehrer. As the chief of ancient Germanic gods, he makes his own law and is all powerful. He strives constantly to increase his power. Wotan deliberately disregards his pacts. He is depicted as breaking his treaty with the giants, Fasolt and Fafner. He depends on his cunning Chancellor, Loki, to relieve him of his difficulties. Goebbels may well imagine himself the Loki to Hitler's Wotan. When Wotan must have money, he obtains it by force. He captures the ruler of the Niebelings and squeezes money from him as ransom. The Jews have been cast in this role by the Nazis.

When Wotan must recapture the gold ring of all power, he calls upon the most perfect of all heroes, his own grandson, Siegfried. Siegfried kills the dragon, but is later killed by Hagen, a lust child, after which comes the twilight of the gods. Wagner conceived Siegfried as a grandson of a god, even though he was a man. German tendency to interchange gods and men is a basic characteristic. Rauschnig reports Hitler saying to him: "Man has to be passed and surpassed. Nietzsche did, it is true, realize something of this, in his way. He went so far as to recognize the superman as a new biological variety. But he was not too sure of it. Man is becoming God—that is the simple fact. Man is God in the making." Spoken by someone with ethical concepts, this might be deemed a noble symbolism. Spoken by a German with a "mission", it has all of the ominous mysticism which drives this people to kill. Words take on significance from their utters. Your dearest friend or a notorious gangster may insist that "you take a ride." A pleasant trip or imminent death lurks behind the words. Psychologically,

the indiscriminate association by the Germans of themselves with gods is the creation of cult above law and decency. By creating another plane of power, they shed the last vestiges of conscience and civilization which might restrain them. Shielded by the darkness of mysticism they plunder and kill with fewer inhibitions. And their claim to race superiority affords them the pretense that they are benefiting rather than destroying civilization.

Another Wagnerian concept is the stab in the back, which finally defeats the Hero. Germany, according to this symbol, can never be conquered on the battlefield. But some explanation for its repeated defeats must be offered, and Wagner has constructed a classic one. Why, she is stabbed in the back! Of course by ever present Hagens, who are usually designated as Jews—the lust-child symbol being intended to designate impurity of blood. Not only Hitler, but the generals and the masses of German people insist that they won the first World War on the battlefields, only to be "stabbed in the back" at home. German acceptance of this alibi reconciled them their belief in the superiority of the German race with the humiliating defeat they had nevertheless sustained. These are no mere psychological reflections. They are the stuff of which a third and fourth World War will be made by the Germans, if we do not really understand them and this time take adequate preventive steps.

Wagner's romanticism has been swallowed in whole draughts by the German people. Hitler, who despised the common people but was sensitive to their susceptibilities, included Wagnerism in his patched-up program. He plagiarized from Wagner the "heil" of the salute, the National Socialist battle slogan, "German Awake!" and called the western line of forts, the Siegfried Line. In *Mein Kampf*, he writes about the Nazi party that "out of its flames was

bound to come the sword which was to regain the freedom of the German Siegfried."

German war lust is thus based not only on the spurious profundity of war philosophy, and racial superiority, but upon the revival of pagan epics. What was at first a base combative instinct flourished through philosophical, scientific and then mystical stages into a full flowered religious-political program of world conquest. Nietzsche wrote the new German Biblical creed: "Ye have heard how in old times it was said, Blessed are the meek, for they shall inherit the earth, but I say unto you, Blessed are the valiant, for they shall make the earth their throne. And ye have heard man say, Blessed are the poor in spirit; but I say unto you, Blessed are the great in soul and the free in spirit, for they shall enter into Valhalla. And ye have heard men say, Blessed are the peacemakers; but I say unto you, Blessed are the warmakers, for they shall be called, if not the children of Jahva, the children of Odin, who is greater than Jahva."

A German Nostradamus Speaks

One of their own truly wise men, Heinrich Heine, saw the storm approaching. Since he preceded Wagner, his analysis of the "philosophy of nature" which Wagner epitomized, is truly remarkable. His predictions of the coming wars to be waged by a mad German people are prophetic. We may well consider him the Nostradamus of the nineteenth century. Indeed, he is not half as mystical and obscure as Nostradamus. Listen to him. In 1834, in his *History and Philosophy in Germany*, Heine wrote: "The philosopher of nature will be terrible because he will appear in alliance with the primitive powers of nature, able to evoke the demoniac energies of old German Pantheism—doing which there will awake in him that battle-

madness which we find among the ancient Teutonic races who fought neither to kill nor conquer, but for the very love of fighting itself. It is the fairest merit of Christianity that it somewhat mitigated that brutal German *gandium certaminis* or joy of battle, but it could not destroy it, and should that subduing talisman, the Cross, break, then will come crashing and roaring forth the wild madness of the old champions, the insane berserker rage, of which Northern poets say and sing. That talisman is brittle, and the day will come when it will pitifully break. The old stone gods will rise from long forgotten ruin, and rub the dust of a thousand years from their eyes, and Thor, leaping to life with his giant hammer, will smash the Gothic cathedrals!"

This is an accurate prediction of an anti-Christian movement to be launched by the Germans in preparation for the return of German paganism. Only by subduing Christianity could the Germans launch their campaign of complete paganism. Their attacks upon the Jews served a quadruple purpose. They provided a characteristically brutal outlet for the race theory; they afforded a Hagen against whom revenge could be taken for an imagined stab in the back; they gave an opportunity for plunder and robbery, which was later to be extended to whole nations; but most important, they were an attack on orthodox religion. In this instance the Nazis shrewdly picked the most vulnerable sector, for they counted on Christians to be dulled by their own prejudices into not recognizing that this was the beginning of an offensive against *them*. The sameness of German tactics whether in the military, political or psychological domains, should make them transparently clear. Yet such was our intellectual astigmatism that we failed to observe the obvious. Germany's religious attacks could well be described in its military terms. First

came the *Schwerpunkt*, the opening thrust, against the Jews. Then through the opening wedge, new offensives were launched, the *Aufrollen* of military strategy against Catholics and Protestants. Or it might be described as the simple political strategem of conquering one by one. To achieve this result, it was necessary to prevent unity of resistance among the religions to be attacked. A typical illustration of such religious fifth columning was the plan of Hasse and Schoenerer (of the Pan-German League) to ripen Austria for German conquest as early as 1898 by breaking the Austrian-Catholic bond. The strategy was typically circuitous. First a frightful anti-Semitic campaign was organized, headed by some renegade "Catholics". Then Schoenerer and Hasse suddenly turned these hatreds against the Catholics themselves. Pseudo-evangelical German clergymen were imported from Germany, who railed against Catholics under the slogan of a "free from Rome" movement and "No Popery".

The Nazi campaign against the Jews similarly revealed itself finally as an attack against all Christianity. The identity of Judeo-Christian ethics was fully exploited. Of course there is such an identity, as there is indeed among all religions. Having been conditioned to identify Judaism with corruption, the Germans found the proof that Christianity is of Jewish origin, conclusive proof of the corruption of Christianity. Nazi girls have added an unseemly vulgarity to the program. The League of German Maidens has adopted the song:

"We've given up the Christian line,
For Christ was just a Jewish swine.
As for his mother—what a shame
Cohn was the lady's real name."

Despite the ineradicable impress of religious convictions, the Nazis succeeded in tearing away Catholic children

from their religious schools and subjecting them to the infection of Nazism. They succeeded in damming the Protestant protest and conforming the masses of Germans to the creeds of German antiquity. Bishops issued brave pronouncements. Pastors of all religions martyred themselves, but the religious revolt which would have flared to uncontrollable flames in almost any other country, machine guns or no, was lacking. The profoundest of all human feelings has in the past oftentimes stirred revolt, occasionally in the very armies intended to suppress it. But in Germany anti-Christianity has been one of the least troublesome of the governmental planks. The talisman, predicted Heine, would be brittle and the old stone gods of war would rise. So they did. Our modern Nostradamus, with unerring accuracy, foresaw the consequences.

"And laugh not", he wrote, "at my advice. The advice of a dreamer who warns you against the Kantians, Fichtians and the philosophers of Nature, nor at the fantast who awaits in the world of things to be seen that which has been before in the world of shadows. Thought goes before the deed as lightning before the thunder. German thunder is indeed German, and not in a hurry, and it comes rolling slowly onward; but come it will, and when ye hear the crash as naught ever crashed before in the whole history of the world, then know that *der Deutsche Donner*, our German Thunder, has at last hit the mark. At that sound the eagles will fall dead from on high, the lions in remotest deserts in Africa will draw in their tails and creep into their royal caves. There will be played in Germany a drama compared to which the French Revolution will be only an innocent child . . ."

When Heine wrote these words, Germany was still divided. She was politically powerless. A handful of university professors was teaching small groups the philosophy of conquest and racism. Yet with a sure in-

sight into the tendencies of the German masses, he knew that this was preparation for the slow but terrible German thunders. Other peoples then, and later, minimized the danger. The French were not concerned with a Germany split by internal feudal conflicts. Heine warned them: "You have more to fear from Germany set free than from all the Holy Alliance with all the Croats and Cossacks . . . We do not hate one another for external trifles, like you, as, for instance, ruffled vanity, or an epigram, or a visiting card not returned. No, we hate in our enemies the deepest, the most essential part in them—that is, thought itself."

Those who are apt in the interpretation of prophecies might see in the clause "eagles will fall dead from on high" reference to the awesome aerial conflict one hundred and six years later, and in the phrase "lions in the remotest deserts of Africa will draw in their tails" a prediction of the Libyan campaigns. But more important is Heine's recognition that Germans hated thought itself and would some day attempt to demonstrate the power of sheer barbarism over intellectualism. His statement that German thunder will make the French Revolution appear like "an innocent child" is filled with significance. The French Revolution like the Nazi Revolution was prepared by philosophers, but Voltaire, Rousseau and Diderot were humanitarians, and their philosophy sought to liberate the masses. The same aspirations for liberty, equality and fraternity were voiced by Locke, Heine and many others. German philosophers, however, sought to enslave the people. German philosophy is *sui generis*. It is derived from barbarism, polished and made more dangerous by *Kultur*. It remains, however, the tooth-and-claw philosophy, modernized with airplane teeth and tank claws. The centuries have not altered it. The evolution of man, which developed his spiritual qualities, has been resisted by the Germans.

Hitler's Inheritance

Hitler did not create a new movement. He inherited an old one—as old as the German people. He did not write a new program. He collated the planks of Pan-Germanism, which anteceded him by many generations. He did not evolve a military plan. He followed the Prussian text for conquest, revised technically by the lessons the military caste had received in each succeeding war. He did not devise a time table or a method. They were publicly printed by other Germans decades ago. So devoted were the German people to the ideal of world conquest that books flourished which prophesied the manner in which this national obsession was to be fulfilled. Many predictions were written in the present tense to thrill the reader with a sense of reality. For example, in 1900, the book *Grossdeutschland und Mitteleuropa um das Jahr 1950* foresaw the triumphant day as falling in 1950: "All Germans have been united, Holland enters the German union; in Belgium, the Flemings grow in power and because the French element causes increasing trouble, Germany is obliged to intervene. . . . Maybe the French will fight, in which case all Belgium will be annexed and incorporated in the German World Empire . . . in the year 1950 Great World Germany will possess a population of two hundred millions. Everybody is happy because all the Germans are now united and are ruling the world!"

Another author foresaw a much earlier triumph. In *Germania Triumphans* he writes: "Around about 1915 the whole world starts trembling. Two great states take action in self-defense, America and Russia. America proclaims aloud the doctrine of Pan-America. Russia concludes customs treaties with Turkey, Persia and China". The war is described, including the prediction that "the United States, declining to give way, the German,

Italian, and French navies mobilize and set sail for America. The American navy is destroyed. On land, the German armies made short work of the American mercenaries. Under the brilliant leadership of the German Leader, the Germans were everywhere victorious. On sea the German ships, guns and men showed their superiority over the English, who were regularly defeated. German discipline, courage and skill made the German navy invincible. The British navy was destroyed. Invaded, the English offered but a half-hearted resistance. The German and Italian soldiers seized London. England and America were defeated. Peace was concluded." Even the details of the peace terms were not omitted. They include, among many other provisions, Germany's acquisition of Mexico, and of almost all South America, with a few morsels for Italy.

This day-dreaming literature abounded in Germany at all times and was accepted by the German people with a mixture of enthusiasm and matter-of-factness. Maps were not limited in Germany to their customary purposes. They were geographical predictions of how the world would look when the glorious day of German world domination arrived. Just as authors vied with each other to predict the precise nature of the "German thunder," when finally it would be heard, so map makers competed to give visual demonstrations of *Der Tag*. In this profuse literature will be found substantially all the strategy, tactics and even the sequence later adopted by the Nazis; detailed descriptions of how Norway would be conquered by surprise—German soldiers hiding in freighters which moved innocently into the ports; how Denmark and Holland would be pounced upon to protect the right flank, before armies moved into Belgium and France; how a non-aggression pact would be made with Russia to immobilize her

until France had been destroyed, and then how Russia would be attacked without warning—this and much more, even to the details of so-called timing, was written before Hitler was born.

One of the excerpts quoted was written in 1895. Yet the author speaks of "the brilliant leadership of the German Leader." The fuhrership principle was always accepted in Germany. There is an anxiety to be blindly obedient which amazes other people. The German is ready to subjugate himself to achieve his mission. A people which despises the liberty of others learns to consider liberty a vice for itself.

So Hitler even inherited a worshipful, unquestioning acquiescence. In this instance the tradition of fealty received more than the usual test. He was not a domineering Prussian, whose curved, defiant mustache bespoke power through ruthlessness. That would have appealed to the people. He was not a trained military scientist, whose education fitted him for the task of conquest. That would have inspired respect and admiration. He was not an imposing figure, fitting the Wagnerian symbol of Herculean Aryanism. That would have stirred pride in the German heart. No, he was an hysterical, ignorant, funny-looking little man, who spoke bad German and was laughed at and scorned when he ranted ineffectually in Munich beer halls. Genius has since been attributed to him because of the successful conquests by the Germany army. But these evil achievements were due to an efficient General Staff, which never ceased to exist even after the first World War.

Hitler inherited that General Staff and also an efficient army secretly trained in "Sport Clubs" and "Athletic Organizations." Above all, let credit be given where it is due—the German military successes were achieved

by the perfect soldiery of millions of eager Germans fulfilling their world mission. Since total war requires that the entire civilian population serve on the home front, credit should likewise be given to the millions of German men and women and children who fanatically considered it a privilege to contribute to *Der Tag*. One of the reasons for German military success is that warfare has developed so that not only armies, but populations down to boys and girls in their teens play an important role in the horrible game. Automatically this has been a great advantage to the Germans. For while other populations have responded only when brutally attacked, the German people needed no other incentive than the opportunity to conquer.

Though the German people would probably consider their soldierly qualities a great compliment, we can weigh them soberly in the scales of responsibility. These are the attributes of German aggression: eagerness for war, valor and blind obedience, and long-planned military efficiency. They are often mistaken for the genius of Hitler. Germans would have achieved the same, or possibly better, military results under another leader. They almost succeeded for the Kaiser, who has not been considered a genius, and they succeeded for Bismarck. Hitler contributed very little to the German *Drang*.

When the substantial forces which preached isolationism in the United States are estimated in the light of Hitler's arrogance, one shudders to think what might have happened if the German Fuehrer had spoken with diplomatic correctness, disguising his brutality with Machiavellian explanations, and lulling our senses with compliments and assurances.

Suppose he had cleverly respected the Christian Church and given lip service to its ideals? Suppose he had elim-

inated or at least delayed the pogroms? Suppose he had concocted incidents with the nations he attacked (as the Marco Polo bridge incident was created)? Might we not have been so deceived and divided that the Lease-Lend Act which saved England would not have been possible? Might we not have failed to enact military conscription before we were attacked? Might we not have refused to become the arsenal of democracy? Suppose Hitler had possessed an infinitesimal part of Napoleon's, or even Frederick the Great's, administrative capacity, he might have created a "new order" in the conquered territories, which might have given the semblance of security, peace, and a little justice. Then millions of exhausted, disillusioned people might have accepted their conqueror and eased his problems. Instead, his one-track mind, devoted to butchery and terrorism, fanned the dying embers of resistance, so that constant revolution and anarchy burned the heels of the oppressor.

Hitler's interference with the General Staff has resulted in military disasters. Notable instances were his insistence on attacking Moscow late in 1941, when his military advisers warned that a winter line should be stabilized, and his decision to attack Stalingrad in 1942, against his generals' advice that this would be too costly and that, instead, a continued attack in the Caucasus was indicated by military science. Originally Hitler was somewhat deferential towards the trained General Staff. But as victories were turned into hysterical propaganda for his genius, he yielded to self-deception and actually made the ludicrous announcement, in removing General von Brauchitsch, that henceforth his intuition would direct the Russian campaign.

Some day, from the vantage point of historical perspective, we may find that the German plot against the

world failed by only a fraction, and that the egomaniacal stupidity of Hitler defeated a movement so thoroughly prepared and devotedly executed by the German people that intelligent leadership might have crowned it with success.

Lightning Struck Twice

Never again must we be deluded into misplacing responsibility for German aggression. It is not the leader of the day, whether he be Charlemagne, Barbarossa, Frederick Wilhelm, the Great Elector, Frederick the Great, Bismarck, the Kaiser or Hitler, who wages war against mankind. It is the German people. Conditioned by centuries of false indoctrination—of a mad philosophy, of an absurd “soil-blood” racial theory, of a mystical paganism, the German people have ever been arch-conspirators against civilization. They have deliberately plotted to destroy it and subdue all mankind to serfdom. They have given their brains, their energies and their very lives through the centuries in fanatical devotion to this task. They have used inhuman and sadistic methods to achieve their psychotic national desires. They have ignored all civilized standards and restraints, and have made barbarism an ideal. They have distorted nationalism into a ritual of international murder.

This is the greatest indictment of a people in all history. But it is the truth. Unless we recognize it as such, we will be unable to cope with the German problem—and that problem has been, and will continue to be, the greatest threat to future peace. For defeat will not deter the Germans from their determined criminality. They will force war upon the world again and again. Each succeeding effort comes frighteningly closer to success. The next slaughter, inflicted by rabid, wild-eyed Nazi youths grown

to manhood, may actually blow out the light of civilization forever. We dare not fail the peace this time, and the first step in our precautions must be a clear, unflinching realization that the problem is the German people, and that they include, and are not to be separated from, their leaders and their military caste.

Once this bitter fact is recognized, we can give proper values to the exceptions. The most generous view is that the individual German is quite normal in his ethical outlook, but that *en masse* he is welded into an evil machine. Goethe said: “I have often felt a bitter pang at the thought of the German people so estimable as individuals and so wretched in the whole.” This schizophrenic national trait makes the German think that Germany is all, and every individual, nothing.

Another explanation for the phenomenon of national bestiality in a people which has produced Lessing, Schiller, Kant, Beethoven, Hölderlin and Goethe, is that the great spirits among them have never influenced the government or the masses. Certainly they were not nationalists. Klaus Mann has written that they were great Europeans who considered it beneath their dignity to be concerned with social problems and necessities. Emil Ludwig, while conceding that the intellectual leaders applauded the conquests of the Kaiser and provided him with a philosophy to support his invasion, blames it all on the German admiration for violence and respect for uniforms. But he, too, contends for the noble exception and illustrates it by a two-tier bus, the upper passengers having a broad view but having no control of the direction below. Whether the intellectual in Germany has merely forfeited his rights, or whether he, too, finds the wine of national conquest too heady, does not alter the conclusion.

We shall not consider every German a vicious representative of his nation's corruptness. Indeed, we shall call upon the decent elements of that people to aid in a just reconstruction. We shall see that they have much to contribute. We shall neither persecute the innocent individual, nor absolve the German masses because of the exceptions. We will not gamble upon their reformation, nor make that reformation impossible by reciprocal brutality. Since we do not share their racial theory, we will not turn it against them, and conclude that they are a corrupt people in their very blood and beyond the possibility of redemption.

What, then, shall we do with the German people? The answer requires consideration of four problems. First, punishment of the violators of International Law and the dictates of humanity. Second, the prophylactic precautions against the recurrence of German militarism. Third, an economic and financial policy of reconstruction. Fourth, eradication (by education) of the poisonous doctrines of Pan-Germanism, so that Germany may safely join the community of civilized nations.

These will be considered in turn.

PUNISHMENT

A civil wrong merely disturbs an individual. A crime is of concern to all citizens and endangers their safety—no matter how vicariously. The assaulter is a threat to all citizens, not to the particular victim alone. That is why the community prosecutes.

This principle is magnified by international relations. Elihu Root pointed out that breaches of International Law were erroneously treated as if they concerned only the particular nation upon which the injury was inflicted and the nation inflicting it. He proposed that each nation should have the right to protest against violations of the laws of war, even though the lives and property of its own nationals had not been directly affected. In no other manner could there be developed "a real public opinion of the world responding to the duty of preserving the law inviolate."

A violation of International Law is a crime against all the peoples of the world. The immediate victims are not the only peoples who have a right to demand justice.

In the realm of international relations we must have the strength to decree just punishment to the unjust, particularly when their wickedness has exceeded all concepts of horrifying brutality of which the mind is capable. Let no voice, confused by good intentions, be heeded which advises us to cast down the sword of justice after we have been mutilated by the sword of conquest. The whole world

demands punishment, legally administered, and commensurate with the crime of each individual.

No finely spun arguments about the endlessness of hate must deter us from our duty. Justice requires punishment. "It is as expedient," said Plato, "that a wicked man be punished as that a sick man be cured by a physician; for all chastisement is a kind of medicine." If the criminal hates his sentence, let him remember that at least it was legally imposed on proper proof of guilt. His victims were innocently butchered. Yes, often for no other reason than that they were fine men of intellectual capacity or of courageous revulsion to barbarity.

We recognize the necessity of feudlessness in society. We shall deal with the constructive plans for developing international relationships freed from the hunger of lingering revenge. But no hopes for a brotherly society can be realized by ignoring hideous crimes in the hope of appealing to the criminal's good will. Such a program would be an unforgettable injustice to the survivors of the German terror. They can hate, too, and they would hate with all the bitterness of disillusionment as well as betrayal, if penalties were not imposed on the wrongdoers.

If penalties are to be meted out to the guilty, they must be in accordance with law. Otherwise they become mere retaliation and lose their full moral impress.

This instantly brings us to the realm of International Law, a subject of such mysterious and intangible proportions to the lawyer as well as to the common man that it is shrouded in pedantic obscurantism.

The Common Sense of International Law

Domestic law, as distinguished from International Law, is the crystallization of common sense filtered and

purified by centuries of experience. It aids us in maintaining order with justice, in a complex society. Each nation enacts statutes expressing its laws and endeavoring thereby to give fair notice to its citizens of what they may or may not do.

Laws grow in number as the wisdom of the times determines what is just and unjust in a developing society. Since infinite varieties of situations arise, which statutes cannot foresee or provide for, courts endeavor by reasonable interpretation to apply the laws to each variation. Thus there grows up a body of common law. In sovereign states, statutes and interpretive or judge-made laws constantly develop. The law is therefore not a static thing but a dynamic growth adjusting itself to the necessities of society. It expresses the rules under which that society lives.

International Law has no different objective. But there is no international society of nations, and no international sovereign state. Consequently, there are no statutes enacted by an international legislature. More important, there are no international courts which constitute a compulsory forum for disputes. Finally, there is no international enforcement agency to give practical meaning to international rights and duties.

Yet International Law has existed for centuries. What then is it? It is the customs and usages which have grown up among nations in their dealings with one another. It is often expressed in treaties, which are international contracts setting forth the intentions of sovereign states rather than mere private parties. Sometimes it is expressed in international conventions assembled for the very purpose of codifying the rules of international intercourse. Sometimes it is found in recognized treatises. Whatever its source, it derives from the need for definite rules of

conduct to guide international as well as domestic relations. ⁴⁹

The most important founts of International Law are those pacts among nations which sought to outlaw war as a means of determining disputes. Notable amongst these was the Pact of Paris, more commonly known as the Briand-Kellogg Pact of 1928. Fifteen nations, including Germany, Japan and Italy, signed the Pact at its inception, and by January 1929, twenty-one nations had ratified the agreement, solemnly declaring "that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another."

Of course, the Covenant of the League of Nations, signed by fifty-seven nations, again including Germany, had made similar resolve. Also, the Statute of the Permanent Court of International Justice and the Protocol ratified by forty-nine nations was in aid of this policy of peaceful determination of disputes.

These various agreements automatically became binding tenets of International Law. As Dr. Baye, a delegate said, "The state which in contravention of the Pact of Paris begins a war must be branded as an offender against the Law of Nations, as a criminal against humanity."

Hitler, after his rise to power, ratified these commitments of Germany. The Four Power Pact, otherwise called the Pact of Rome entered into on July 7, 1933 by Hitler's Germany, Great Britain, France and Italy recites in its preamble:

"Faithful to the obligations which they have assumed by virtue of the Covenant of the League of Nations, the Locarno Treaties and the Briand-Kellogg Pact, and taking into account that declaration of the renunciation of force, the principle of which was proclaimed in the declaration

signed at Geneva on December 11, 1932, by their delegates at the Disarmament Conference and adopted on March 2, 1933, by the Political Commission of that conference. . . ."

Furthermore the German-Polish Pact of Non-Aggression was entered into on January 26, 1934. In this the Briand-Kellogg Pact was set forth at length. Hitler expressly referred to the Pact which had become the most important post-war provision of International Law. He specifically incorporated this treaty and its terms in his pact with Poland.

By subsequent ratification these resolutions became more deeply imbedded in International Law. In September, 1934, the International Law Association, meeting in Budapest, adopted Articles of Interpretation of the Briand-Kellogg Pact. It declared that a nation which violated the provision outlawing war would be "an offender against the Law of Nations."

Thus we are not dealing with some prior concept of International Law which the Nazis might reject because it antedated them. There is no room for contention as to the binding nature of international agreements which have been formally and voluntarily accepted. The Budapest Articles of Interpretation of 1934 declared that "A signatory state cannot by denunciation or non-observance of the Pact release itself from its obligations thereunder" and further "that a signatory state which threatens resort to armed force for the solution of an international dispute or conflict is guilty of a violation of the Pact." Such an interpretation merely codified common sense. If a party to a contract could cancel it by breach, then contracts would be valueless. They would cease to be binding whenever it no longer suited one of the parties to comply. The whole purpose of agreement would be destroyed. It would no longer be dishonorable to break one's word, for the very

act of bad faith would be declared to be the annulment of the agreement.

We conclude, then, that Germany, was bound by International Law not to make war. But in addition, as we shall see, it was also bound to comply with certain rules if it did, illegally, declare war.

Unfortunately, the relationships between nations are not always peaceful, and war affects neutrals as well as belligerents. Thus there was need for some codification of the rules which should apply between belligerents, and between belligerents and neutral nations. This has become one of the chief functions of International Law: the determination of the rules of war.

At first blush, it would appear to be mere scholasticism to make rules as to how men may or may not kill each other. But such laws have a function as a restraint upon barbarism, even if they appear to sanction killing when done in accordance with rules.

One may be opposed to the brutality of prize fights and yet recognize the value of the Queensbury rules. International Law, as it applies to war, is the aspiration of mankind that even in battle not all concepts of mercy and gallantry will be abandoned. It utilizes the conscience of mankind as a restraint upon animalism. It seeks to canalize world opinion so that it may exert pressure upon the warrior to limit his depredations and to respect even in warfare some of the religious and moral precepts to which civilization clings.

Exact statements of these Rules of War are to be found in the Geneva Conventions of 1864, 1906 and 1929, the International Convention relative to the Treatment of Prisoners of War in 1929, and the Hague Conventions of 1899 and 1907. The Hague Convention of 1907 imposed numerous restrictions upon invading or occupying forces. They must respect the laws in force in the country (Article

43), the religious convictions, family honor and lives and private property of its inhabitants (Article 46). Pillage is forbidden (Article 47). No general penalty, pecuniary or otherwise, may be inflicted upon the population for the acts of individuals (Article 50). The property of religious, charitable and educational institutions and objects of art and science must be treated as private property and may not be molested (Article 56).

The methods of combat are also restricted in the interest of humanity. The Convention forbids a belligerent: to employ poison or poisoned arms, to kill or wound by treachery, to employ arms, projectiles and substances which are calculated to cause unnecessary pain (Article 23). Bombardment by naval forces of undefended towns is forbidden (Articles 1-6). The use of automatic submarine contact mines is condemned because of their danger to innocent vessels (Article 20). Discharging explosives "from balloons" is similarly outlawed.

The provision forbidding forced labor by the civil population in occupied districts dates back to the Brussels Conference of 1874 and is now an accepted doctrine of International Law. Another provision, firmly imbedded in International Law, is that merchantmen may not be sunk without previous visit and search and without placing the passengers and crew of the vessel in safety. German submarine warfare is brazen piratical practice, not an act of war.

Thus we conclude that Germany was bound to obey the Rules of War, a duty which fell upon every soldier, officer and civilian of the Reich. What does this duty entail? To what extent do the rules of International Law condemn the individual German for his acts, once war has been declared? He is immune only if he acts within the rules prescribed for warfare. If he commits an act in violation of the laws of war, he is liable to trial and punish-

ment by the courts of the injured adversary. In 1880 the Institute of International Law expressly affirmed this doctrine. Article 84 of its Manual of the Laws of War on Land, adopted at Oxford that year, declared that "The offending parties should be punished, after judicial hearing, by the belligerent in whose hands they are." It was further added that "offenders against the laws of war are liable to the punishment specified in the penal or criminal law."

Acts of pillage, incendiarism, rape, assassination, maltreatment of prisoners and similar violations of the rules of war are crimes. The soldiers who commit them are not immune because they were committed in the course of war. Acts of war, ordinarily crimes, are "legal" only if they are committed in conformity to the rules of International Law.

In the United States, the Supreme Court has held that soldiers are not liable for acts done by them in accordance with the usage of civilized warfare and by military authority. (*Dow v. Johnson*, 100 U. S. 158; *Freedland v. Williams*, 131 U. S. 405.) The negative proposition is also true, that if soldiers have committed acts in violation of these rules they are personally responsible.

The French Code of Military Justice provided that "every individual who, in the zone of operations, despoils a wounded, sick or dead soldier shall be punished by imprisonment and every individual who commits violence on such a soldier shall be put to death" (Article 249). Obviously this referred not only to the French soldier but to any enemy soldier who committed such a crime.

The American Basic Field Manual "Rules of Land Warfare" (1914) provide punishment for acts of pillage and maltreatment of wounded (Article 112), for intentionally injuring or killing an enemy already disabled, etc. These rules apply equally to soldiers of the Army of

the United States and to an enemy captured after having committed the misdeed.

The British Manual of Military Law has similar provisions.

Germany fully recognized the validity of these standards, and she may not now contend that they are not binding on her. The German *Kriegsbrauch im Landkriege* declares that the inhabitants of occupied territory must not be injured in life, limb, honor or freedom; that every unlawful killing, every bodily injury due to fraud or negligence, every insult, every disturbance of domestic peace, every attack on family, honor or morality, and generally, every unlawful act of violence is punishable as though it had been committed against the inhabitants of Germany. The code prohibits all destruction, devastation, burning and ravaging of the enemy's country, and declares that the soldier who does such acts is "an offender according to the appropriate law." It also declares that the seizure and carrying away of money, jewelry, and other objects of value is criminal theft and punishable as such.

When at the Hague Conference of 1907 rules were being formulated with regard to automatic submarine contact mines, the German Chief Delegate, Baron Adolf Marschall von Bieberstein delivered himself as follows: "A belligerent who lays mines assumes a very heavy responsibility towards neutrals and shipping. On that point we are all agreed. No one will resort to such means unless for military reasons of an absolutely urgent character. But military acts are not governed solely by principles of International Law. There are other factors: conscience, good sense, and the sentiment of duty imposed by principles of humanity will be the surest guides to the conduct of sailors, and will constitute the most effective guarantee against abuses. The officers of the German Navy, I emphatically affirm, will always fulfill in the strictest manner

the duties which emanate from the unwritten law of humanity and civilization."

This statement is a recognition of those principles of International Law which are not reduced to written statutes, but which derive their force from the dictates of "humanity and civilization."

It has been charged that "International Law is filmy, gauzy, founded upon precedent and without certainty, decision or definiteness," but the discerning will see the definiteness and grandeur of moral codes which have grown with the development of civilization.

The civilized world intends to indict and convict the Germans for their violations of International Law. In the words of the Moscow Declaration issued by President Roosevelt, Prime Minister Churchill and Premier Stalin on November 1, 1943:

"At the time of granting of any armistice to any government which may be set up in Germany, those German officers and men and members of the Nazi party who have been responsible for or have taken a consenting part in the above atrocities, massacres and executions will be sent back to the countries in which their abominable deeds were done in order that they may be judged and punished according to the laws of these liberated countries and of the free governments which will be erected therein. . . . Let those who have hitherto not imbued their hands with innocent blood beware lest they join the ranks of the guilty, for most assuredly the three Allied powers will pursue them to the uttermost ends of the earth and will deliver them to their accusers in order that justice may be done."

The World Undertakes a Task

Similar determination and brave words were not enough in 1918. Then, too, the whole world demanded

punishment. French women presented the following resolution to the Peace Conference:

"In violation of the primitive law of humanity, thousands of women and girls, even children, of all social conditions have been systematically torn from their families and submitted to inhuman tortures and treated as slaves. With broken and bleeding hearts, we women of France and the Allied countries come before the Peace Congress to ask justice in the name of our martyred sisters. To prevent a recurrence of similar atrocities, we ask that those who have directed them and ordered them may be condemned as criminals."

A foremost French author who compiled a list of international crimes concluded: "Probably there is no sentiment more generally prevailing in the world today than the demand for the punishment of those who fought the most atrocious war in history in the most atrocious way."

A legal report by distinguished French professors of International Law (Ferdinand Larnaude, Dean of the Paris Law Faculty, and Dr. A. G. de Lapradelle, Professor of International Law on the same Faculty) listed the crimes of the Germans, thus giving scholarly basis to the outcries of the peoples of the ravaged nations. For example, they cited a letter from the Kaiser to the Emperor of Austria, which, as part of the diplomatic archives, fell into the hands of the Allies. The Kaiser wrote:

"My soul is torn asunder, but everything must be put to fire and blood. The throats of men and women, children and the aged must be cut and not a tree nor a house left standing.

"With such methods of terror, which alone can strike so degenerate a people as the French, the war will finish before two months, while if I use humanitarian methods,

it may prolong for years. Despite all my repugnance, I have had to choose the first system."

Here is the familiar hypocrisy of the Germans justifying barbarism on grounds of mercy. The Nazis have extended it with the addendum that those who do not accept enslavement and defeat are responsible for the disturbance of the peace which results from their resistance. Thus all victims are warmongers. The Germans seek and wish peace. They are compelled to slay if their superiority is not acknowledged with bowed head.

Clemenceau in his speech of acceptance of the Presidency of the Peace Conference said:

"I come now to the order of the day. The first question is as follows: 'The responsibility of the authors of the war?' The second is thus expressed: 'Penalties for crimes committed during the war.' We beg of you to begin by examining the question as to the responsibility of the authors of the war. I do not need to set forth our reasons for this. If we wish to establish justice in the world we can do so now, for we have won victory and can impose the penalties demanded by justice. We shall insist on the imposition of penalties on the authors of the abominable crimes committed during the war."

Overwhelming public opinion beat upon the Peace Conference, demanding punishment of the guilty. The Peace Conference acted, but its extensive steps to set up tribunals and mete out punishment ended in a complete fiasco. Why did the efforts of so many brilliant men to comply with these demands for simple justice go awry? It is important to analyze this failure in order to reach wiser decisions today. We will be aided in finding the correct road by observing the by-paths of confusion which our

predecessors followed. Rarely in the realm of political science is so rich an opportunity afforded to learn from past history. Then as now the Germans were the offenders, against almost the entire world. Then as now their outrages were admitted, though they were child's play compared with Nazi thoroughness and sadism. Then as now the world dreamed of a permanent peace and was desirous of making all possible concessions to achieve it—except surrender the right to punish for the criminal acts.

The Versailles Conference began brilliantly. It was the first treaty of peace in which an attempt was made by the victorious belligerents to enforce against a defeated adversary the principle of individual responsibility for crimes committed during war. It formally declared that individuals belonging to armed forces of the adversary, as well as enemy civil functionaries, were responsible under military law for violations of International Law. Article 228 of the Treaty stated that Germany recognized "the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war." Also: "Such persons shall, if found guilty, be sentenced to punishment laid down by law. This provision will apply notwithstanding any proceedings or prosecution before a tribunal in Germany or the territory of her Allies."

Further, the Treaty required Germany to surrender to the Allied and Associated Powers all persons accused of having committed an act in violation of the laws and customs of war and to furnish "all documents and information of every kind, the production of which may be necessary to the full knowledge of the incriminating facts, the discovery of offenders, and the just appreciation of responsibility" (Article 230). Identical provisions were contained in the Allies' treaty with Austria (Articles 173, 175).

The Previous Indictment

A commission appointed by the Peace Conference made an elaborate report on four subjects: (1) the responsibility of the authors of the war; (2) the breaches of the laws and customs of war; (3) the degree of responsibility for these crimes attaching to particular members of the enemy forces; (4) the constitution and procedure of a tribunal appropriate for the trial of these offenses.

The commission unanimously reported that "the war was premeditated by the Central Powers, together with their allies, Turkey and Bulgaria, and was the result of acts deliberately committed in order to make it unavoidable."

In support of this conclusion were cited, among other evidence, decoded confidential documents which had come into the Allies' possession from the Austrian official archives. One was a report to the Austrian Government by von Wiesner, the Austro-Hungarian agent sent to Sarajevo to investigate the assassination of Archduke Franz Ferdinand, heir to the Austro-Hungarian throne, and the Duchess of Hohenberg, hismorganatic wife. He wired: "Cognizance on the part of the Serbian Government, participation in the murderous assault, or in its preparation, and supplying the weapons, proved by nothing, nor even to be suspected. On the contrary there are indications which cause this to be rejected."

Another official document referred to was the decoded telegram of Count Szogyeny, Austrian ambassador at Berlin, sent to the Minister of Foreign Affairs at Vienna:

"Here it is generally taken for granted that in case of a possible refusal on the part of Serbia, our immediate declaration of war will be coincident with military operations.

"Delay in beginning military operations is here considered as a great danger because of the intervention of other Powers.

"We are urgently advised to proceed at once and to confront the world with a *fait accompli*."

The fear was not of military intervention but lest overtures for peaceful adjustment be made. This appears in the production of a deciphered telegram marked "strictly confidential", sent by the Austrian Ambassador at Berlin to his own government the day before war was declared. The material portion read:

"The Secretary of State informed me very definitely and in the strictest of confidence that in the near future possible proposals for mediation on the part of England would be brought to Your Excellency's knowledge by the German Government.

"The German Government gives its most bending assurance that it does not in any way associate itself with the proposals; on the contrary, it is absolutely opposed to their consideration and only transmits them in compliance with the English request."

The English proposal had been telegraphed by Sir Edward Grey, Secretary of State for Foreign Affairs, to Sir William Edward Goschen, British Ambassador at Berlin. It read: "If the peace of Europe can be preserved, and the present crisis safely passed, my own endeavour will be to promote some arrangement to which Germany could be a party, by which she could be assured that no aggressive or hostile policy would be pursued against her or her Allies by France, Russia, and ourselves, jointly or separately."

It is unnecessary to dwell upon the analogy between these incidents and the frantic appeals a quarter of a century later by a humiliated English Prime Minister and a

President of the United States, to Hitler to preserve peace and thus gain the "undying gratitude of all mankind."

The Commission reported separately on Belgium and Luxemburg and reached the conclusion that the neutrality of both of these countries had been deliberately violated. It unanimously reported that "Germany, in agreement with Austria-Hungary, deliberately worked to defeat all the many conciliatory proposals made by the Entente Powers and their repeated efforts to avoid war." The conclusion was inevitable, and grandiosely stated that these acts should be condemned in no uncertain terms and that their perpetrators should be held up to the "execration" of mankind.

In the course of their findings concerning breaches of law and customs of war, the Commission gathered authoritative data from high sources. Reports were made by Lord Bryce of the British Commission and by many other distinguished scholars and jurists. There was no disagreement concerning the facts established. The Report unanimously stated:

"Violations of the rights of combatants, of the rights of civilians, . . . are multiplied in this list of the most cruel practices which primitive barbarism, aided by all the resources of modern science, could devise for the execution of a system of terrorism carefully planned and carried out to the end. Not even prisoners, or wounded, or women or children have been respected by belligerents who deliberately sought to strike terror into every heart for the purpose of repressing all resistance. Murders and massacres, tortures, shields formed of living human beings, collective penalties, the arrest and execution of hostages, the requisitioning of services for military purposes, the arbitrary destruction of public and private property, the aerial bombardment of open towns without there being any

regular siege, the destruction of merchant ships without previous visit and without any precautions for the safety of passengers and crew, the massacre of prisoners, attacks on hospital ships, the poisoning of springs and wells, outrages and profanation without regard for religion or the honor of individuals, the issue of counterfeit money reported by the Polish Government, the methodical and deliberate destruction of industries with no other object than to promote German economic supremacy after the war, constitute the most striking list of crimes that has ever been drawn up to the eternal shame of those who committed them. The facts are established. They are numerous and so vouched for that they admit of no doubt and cry for justice."

Are these not familiar echoes? How precise the repetition! In 1919 a Special Commission was appointed to classify proof and data under certain headings. Such is the consistency of the Hun that they may be listed here since they are unchanged and remain as appropriate at the end of the second World War as at the end of the first. The list of thirty-two crimes charged is:

- 1) Murders and massacres; systematic terrorism.
- 2) Putting hostages to death.
- 3) Torture of civilians.
- 4) Deliberate starvation of civilians.
- 5) Rape.
- 6) Abduction of girls and women for the purpose of enforced prostitution.
- 7) Deportation of civilians.
- 8) Internment of civilians under inhuman conditions.
- 9) Forced labor of civilians in connection with the military operations of the enemy.

- 10) Usurpation of sovereignty during military occupation.
- 11) Compulsory enlistment of soldiers among the inhabitants of occupied territory.
- 12) Attempts to denationalize the inhabitants' occupied territory.
- 13) Pillage.
- 14) Confiscation of property.
- 15) Exaction of illegitimate or of exorbitant contributions and requisitions.
- 16) Debasement of the currency, and issue of spurious currency.
- 17) Imposition of collective penalties.
- 18) Wanton devastation and destruction of property.
- 19) Deliberate bombardment of undefended places.
- 20) Wanton destruction of religious, charitable, educational and historic buildings and monuments.
- 21) Destruction of merchant ships and passenger vessels without warning and without provision for the safety of passenger or crew.
- 22) Destruction of fishing boats and of relief ships.
- 23) Deliberate bombardment of hospitals.
- 24) Attack on and destruction of hospital ships.
- 25) Breach of other rules relating to the Red Cross.
- 26) Use of deleterious and asphyxiating gases.
- 27) Use of explosive or expanding bullets, and other inhuman appliances.
- 28) Directions to give no quarter.
- 29) Ill-treatment of wounded and prisoners of war.
- 30) Employment of prisoners of war on unauthorized works.

- 31) Misuse of flags of truce.
- 32) Poisoning wells.

Here, then, was unanimity on the subject of German criminality. The Commission recommended that the guilty be punished.

The American-Japanese "Axis"

American representatives vigorously dissented from the procedure suggested by the Commission to punish the violations. Their sole comrades in dissent were the Japanese. They found it necessary to submit a lengthy memorandum of their minority views. Robert Lansing and James Brown Scott, who wrote this memorandum, sought eloquently to diminish the friction which had arisen from the conflict in opinion. ". . . we desire to express our high appreciation", they wrote, "of the conciliatory and considerate spirit manifested by our colleagues throughout the many and protracted sessions of the Commission. From the first of these, there was an earnest purpose shown to compose the difference which existed, to find a formula acceptable to all, and to render, if possible, a unanimous report. That this purpose failed was not because of want of effort on the part of this Commission. It failed because, after all the proposed means of adjustment had been tested with frank and open minds, no practicable way could be found to harmonize the difference without an abandonment of principles which were fundamental. This the representatives of the United States could not do and they could not expect it of others."

What were the differences which could not be adjusted without abandonment of principles? And what were the principles involved? An analysis of this struggle and the opportunity, not available to the contestants, to test their

theories pragmatically in the light of subsequent history, will point to certain definite conclusions about the proper solution today.

American delegates objected to the following language: ". . . all persons belonging to enemy countries, however high their position may have been, without distinction of rank, including chiefs of states, who have been guilty of offenses against the laws and customs of war or the laws of humanity, are liable to criminal prosecution."

They contended that the laws of humanity were too uncertain to be the basis of criminal prosecution. The laws and customs of war, they admitted, were sufficiently certain. They were to be found "in books of authority and in the practice of nations." But they balked at the legal prosecution of "chiefs of state" whose responsibility had never before been established in municipal or international law, and "for which no precedents are to be found in the modern practice of nations."

They were particularly solicitous about not bringing the ex-Kaiser to criminal trial. They contended that a chief executive, whether he be called emperor, king, or kaiser, is not responsible for breaches of law. He is answerable "not to the judicial, but to the political authority of his country." They relied on Chief Justice Marshall's decision in the early case of *Schooner Exchange v. McFaddon and Others*, 7 Cranch. 116, decided in 1812, in which a sovereign was held to be exempt from judicial process.

What they overlooked was that the doctrine of immunity of heads and ex-heads of state from the jurisdiction of foreign courts (*de Haber v. Queen of Portugal*, 17 Q. B. 171; *Hatch v. Baez*, 7 Hun. 596; *Underhill v. Hernandez*, 168 U. S. 250), is not a binding doctrine of International Law. It is merely a voluntary rule of international comity and public policy and is intended to prevent the courts of one state from interfering with another

country's sovereign in the discharge of his duties. It was not intended to shield heads of states from punishment for crimes against the rights of other nations. No authority states that an abdicated or deposed chief of state can not be arraigned before an international tribunal for high crimes committed by him against other nations while he was in power.

The Peace Conference having set a new precedent in asserting personal responsibility for individual offenders against the laws of war, of what consequence was the objection that there was no precedent for punishing such a violator who happened to be an ex-head of state? It is an elementary principle of democracy that no man, however high his station, is above the law. Heads of state who permit, approve and even encourage the commission of crimes by their subordinates, are equally guilty with them and cannot take refuge in a plea of immunity intended to shield them from their crimes.

The American and Japanese dissent was unjustified. It was nothing but legal dilettantism to distinguish between legal and moral crimes and to profess helplessness to deal with the latter. True, the crimes committed were unprecedented. Do they derive immunity from that very fact? Are we so devoid of conscientious resourcefulness that we are unable to punish a crime so heinous that it was never committed before? Precedents are valuable guide posts, but they are not more important than the road, and roads may be constructed to a necessary objective without them. It is distorted emphasis to consider precedent more important than justice. Prior experience merely advises us how others applied their wisdom. Often it is a comfort; sometimes it does nothing more than reveal error and encourage us to seek the right conclusion. If lack of precedent paralyzed our intellectual initiative, there would be no common law, for at some point each rule

adopted was a pioneering effort to be tested by subsequent, not prior, experience.

It is not without ironic significance that the dissenting Americans found support from the two Japanese members of the commission who doubted that offenders against the laws of war, belonging to the forces of an adversary, could be tried before a court constituted of opposing belligerents. We may wonder today whether the Japanese shared the refined moral view of the Americans or whether their agreement in dissent revealed the lack of true moral indignation against the world's greatest crimes.

The Judicial System Never Used

Despite the disagreement of the American and Japanese, the Peace Conference adopted the majority report of the Commission that there was no reason why rank, however exalted, should "in any circumstances protect the holder of it from responsibility when that responsibility has been established before a properly constituted tribunal. This extends even to the heads of states." All offenses against "the laws and customs of war or the laws of humanity are liable to prosecution."

As to the acts which provoked the war, a distinction was made. These were not made the object of criminal proceedings, but a special court was organized to fix responsibility. Art. 227 of the Treaty provided:

"The Allied and Associated Powers publicly arraign William II of Hohenzollern, formerly German Emperor, for a supreme offence against international morality and the sanctity of treaties. A special tribunal will be constituted to try the accused, thereby assuring him the guarantees essential to the right of defense. It will be composed of five judges, one appointed by each of the following Powers: namely the United States of America, Great

Britain, France, Italy and Japan. In its decision the tribunal will be guided by the highest motives of international policy, with a view to vindicating the solemn obligations of international undertakings and the validity of international morality. It will be its duty to fix the punishment which it considers should be imposed. The Allied and Associated Powers will address a request to the government of the Netherlands for the surrender to them of the ex-Emperor in order that he may be put on trial."

The request was made. The Dutch Government refused to surrender the ex-Kaiser. "This Government," it stated in its reply, "cannot admit any other duty than that imposed upon it by the laws of the Kingdom and national tradition". According to this tradition "Holland has always been regarded as a refuge for the vanquished in international conflicts" and the government could not refuse "to the former Emperor the benefit of the laws and this tradition" and thus "betray the faith of those who have confided themselves to their free institutions." Holland refused to betray the faith of the Kaiser. Shades of Rotterdam!

As a result of Holland's solicitude for the Kaiser, the special court designated to fix responsibility for the war and the breach of treaty never met. It found itself without any defendant to prosecute.

Another juristic mechanism to punish those who had violated International Law was the authorization to each country to try before its own military or civil courts any prisoner who was charged with an offense.

Where the offender had not been captured, or where the violation affected several nations (such as maltreatment of prisoners of different nationalities herded into one

camp) a special High Tribunal was created to try them. It was composed of twenty-two judges, three each appointed by the United States, the British Empire, France, Italy and Japan and one each appointed by Belgium, Greece, Poland, Portugal, Rumania, Serbia and Czechoslovakia. The law to be applied by the tribunal was to be "the principles of the law of nations as they result from the usages established among civilized peoples, from the laws of humanity and from the dictates of public conscience." The High Tribunal had the power to impose such punishment as the courts of the accusing nation or the courts of the prisoner's nation, could have meted out. It was to determine its own procedure and could sit in divisions of not less than five members. A Prosecuting Commission of five members was appointed to select and try cases, upon the request of any nation. It was composed of one appointee from each of the governments of the United States, the British Empire, France, Italy and Japan. Other Allied governments had the right to delegate a representative to assist the Prosecuting Commission. A national court, that is, the military or civil court of any nation, was not permitted to prosecute any prisoner who had been selected by the Prosecuting Commission for trial before the High Tribunal. It was specifically provided that no trial or sentence by a court of a defeated enemy could bar trial by an Allied national court or by the High Tribunal.

This was the elaborate machinery set up to punish the German offenders. It was thorough and practical. The manner in which it was sabotaged constitutes one of the great betrayals in history. Mountains of dead had been piled up so that free men could have control over a just peace. But the men to whom the responsibility was entrusted were unable to live up to it. They were outmanoeuvred, deceived and blocked by the defeated. The

result was unrequited infamy. The most costly victory on the battlefield in all history was nullified by a skillful obstructive campaign during peace. This story affords an object lesson which must be fully studied and appreciated if the peace is not to be lost again. However, more is to be learned than mere avoidance of the repeated betrayal of justice. There is revealed in this historic evasion the intrinsic character and tendencies of the German people, as well as of their criminal overlords.

Germany Does a Houdini

German avoidance of punishment began by encouraging the view (held in certain Allied quarters) that the German people felt deeply aggrieved by the outrageous conduct of their leaders and that they were anxious to punish them. It was pointed out that the German people, too, had suffered under the compulsion of Prussian militarism. Germany had been reduced to its plight by the avarice of its militarists. There was a unity of interest between the Allied peoples and the German people in seeing that justice was done and the guilty punished. Indeed, it was argued that the German people had a special stake in carrying out the penalty clauses, for the distinction between the rulers and the people would thereby be established. In placing responsibility on the former, the latter would be absolved. Credibility was given to this by some public statements in Germany. Dr. Hans Delbruck and other conservative politicians appealed to the German government to appoint a committee of impartial men, including prominent neutrals, to investigate accusations of breaches of International Law by Germany during the war. These appeals demanded that the inquiry be conducted regardless of the rank or dignity of the accused persons so that "the German people may be able to clear its conscience."

A German State Tribunal was organized. It was in the nature of a parliamentary committee to establish the war guilt. The first session was held in Berlin. Count Johann-Heinrich A. von Bernstorff appeared as a witness and testified, among other things, how the German Emperor disdained the peace offer of President Wilson. Bethmann-Hollweg, who was the German Chancellor at the time of the invasion of Belgium, testified evasively. Other witnesses, like von Kapelle and von Koch, were examined concerning the submarine warfare. The German National Party leader, Helferrich, appeared before the Tribunal, openly praised the old regime, and assailed President Wilson. He refused to answer questions by a Deputy, was fined for contempt, but persisted in his contumacy.

When Hindenburg was invited to appear, many nationalists protested and Pan-German students objected to his appearing before the Committee. Finally, a list of questions was prepared and sent to Hindenburg. Then he appeared. An adoring audience strewed flowers in his path. This was the manner in which the German people expressed their feelings about their "criminal betrayers". That this was no demonstration by a personal coterie is established by Hindenburg's subsequent election as President of the Republic. He testified that he had urged the institution and continuance of the U-boat war and took this occasion to plant the lie that the Germans had not been defeated militarily but that a knife of betrayal had been plunged into Germany's back at home, while her soldiers were still victorious in the field. The Committee, embarrassed and confused by finding defendants who defiantly confessed guilt, ordered a secret session. The Tribunal then adjourned and never met again.

Hjalmar Branting, writing for the Swedish newspaper, *Social Demokraten*, rightly called the proceedings of this parliamentary investigating committee a "parody."

The Commission took flight into adjournment, after standing, humbly bowing, before its pre-revolutionary masters. It had not dared call important witnesses, including the Kaiser. Indeed, the German Peace Envoy, Schücking, in an interview in the *New Zuericher Zeitung*, said: "I am astonished that the idea of prosecuting former Emperor William and his generals is seriously entertained."

Branting wrote, "Everything indicates that the old spirit is raising its head more impudently than ever. We can hear beforehand the furious protests echoing through the German press when the Allies some day tire of this farce and demand extradition of the culprits for a real trial by a real investigating committee which will stand before humanity as a moral judge to brand those guilty according to each one's part in the most terrible disaster that has ever befallen humanity in civilized times."

This first attempt by the Germans to draw the teeth from the Allied program was too inept to succeed. German awe for its own leaders intervened to defeat the effort. Timorous adjournment could not be held out as self-regulation, which would make Allied interposition unnecessary.

The Allies were aroused by the German people's solicitude for their militarists. They organized the tribunals provided for by the Versailles Treaty. They demanded the extradition of those accused of war crimes. In the meantime the United States Senate had rejected the Peace Treaty. Instantly the Berlin Foreign Office declared that this rejection justified Germany's repudiation of the criminal-trial clauses in the Treaty and demanded that concessions be made by the Allies. This repercussion from American isolationism in 1919 has never been sufficiently studied. The German Republic, newly born, pounced upon the division in its enemies' ranks and, even

in defeat, launched an offensive, as its successor so frequently did fourteen years later. It was a diplomatic offensive designed, not to give relief to the suffering German people, but to shield the officials and heartless army officers of the "prior" regime from punishment.

Encouraged by the popular resentment in Germany against the Allied demand, Baron von Lersner, German representative at the Peace Conference, declined to deliver the Allies' extradition request to his government in Berlin. Clemenceau's reply to von Lersner's refusal is an extraordinary mixture of incredulity at German incorrigibility and of instructive insight into German inconsistency. He wrote, "The Germans themselves do not deny that numerous crimes have been committed and that universal morality would be seriously injured if these crimes, whose authors are known, remain unpunished. Any human being going through the northern regions of France, as well as into Belgium, and also seeing with his own eyes these provinces systematically ravaged, with all industrial establishments leveled to the ground, dwellings reduced to dust by savage methods, all the fruit trees sawed within a meter of the ground, mines blown up and filled with water, human work of entire centuries spitefully annihilated, cannot understand Germany's hesitation to consent to the reparation for her crimes.

"If the same impartial observers then heard from the mouths of the inhabitants the tale of the treatment to which they had been subjected for four years and the violences and the abominable constraints imposed upon young girls brutally separated from their families, he would be unable to restrain his indignation in face of the attitude of Germany and the arrogant tone of your letters.

"As to the Allies, they are profoundly surprised to see that German public opinion, even at the present time, is

so unconscious of its responsibilities as not itself to ask, for the just punishment of crimes committed, and that among the criminals there seems to be neither sufficient courage nor patriotism to come forward for trial as they have deserved, to defend their conduct and to facilitate for their country the fulfillment of its obligation.

"Until the German conscience understands, like that of the whole world, that wrong must be righted and criminals punished, Germany must not expect to enter the communion of nations nor obtain from the Allies forgiveness of her crimes.

Although it was announced by M. Ignace, Under Secretary of the French Ministry of Justice, that there was not the slightest disposition on the part of the Allies to weaken in their demands for the surrender of the accused Germans and that "all of the guilty ones will pay quickly wherever they are and whoever they are," German defiance had its effect. The list of accused was reduced to only fifteen hundred names, although tens of thousands should have been dealt with.

Baron von Lersner again defied the Allies and submitted a memorandum stating that the German National Assembly had passed a law providing that Germans accused of war crimes should be tried only in German courts. The British and French representatives rejected the memorandum and announced that the trials would be held in Paris and in Lille.

The Germans then indulged in a series of delaying actions. They kept the demand for extradition in the discussion stage while refusing to comply. In the meantime, carefully arranged popular demonstrations were held within Germany, thus reversing the procedure and putting pressure on the Allies. In January 5, 1920, a Pan-German conference was held in Berlin, at which there

was an open demonstration against extradition. Chancellor Scheidemann predicted that Germany would conduct the trials, and that the Allies "would calm themselves."

The Council of Ambassadors in London sought to overcome Baron von Lersner's refusal to submit the demand formally, by sending it directly to Berlin. The demands were transmitted through the various Embassies of the Allies situated in Berlin. By this time the list of accused had shrunk to 896. England demanded the trial of only 97 persons, Belgium 334, France 334, Italy 29, Poland 57, and Rumania, 41. Among the accused were Generals Hindenberg, Ludendorff and von Mackensen, Prince Rupprecht of Bavaria, the Duke of Württemberg, ex-Chancellor von Bethmann-Hollweg, and a number of admirals, including von Tirpitz. It included General Stenger, who had issued written orders directing his soldiers not to take prisoners, but to kill all captives.

The restricted nature of this list made it virtually a demand for a token demonstration of "punishment." The outrages committed ranged in the tens of thousands. Yet fewer than 900 men in Germany out of a population of 60 million and an army of twelve million were to be extradited. Obviously, the Allies were endeavoring to make submission by Germany as painless as possible. Almost without exception, those listed were bitter militarists, chiefly of the Prussian military caste. These men were supposed to be hated by the simple and kindly German people. They were supposed to be the cruel over-lords who had brought the unwitting, undesigning masses of Germans to their misery.

One would expect that it would be popular in Germany to wreak vengeance on its betrayers. Ordinarily a depressed people is avid for a victim. Revolutionary groups count on the burning desire for revenge against

the prior ruling forces. Therefore, even if the German nationalistic leaders had not been as guilty as they were, one would not expect that compassion would flow to them from the people they had led to defeat. Despite all fine distinctions between the German people and their leaders, the German Republic, voicing the sentiments of the common man in Germany remained loyal to those very leaders. The Republic continued to sacrifice its own interests, not to improve its lot, by shielding the sacrosanct reputations and persons of the generals.

Socialist Minister Noske announced in reply to the demand for extradition, now formally submitted, that surrender was impossible. Chancellor Bauer echoed the same sentiment. The German Council of Ministers met and decided to refuse the demand for extradition. The German Officers Association called the nation to defiance. University students in Berlin opposed surrender. They held a formal banquet to proclaim their opposition.

The Germans not only acted as if they were victors, diplomatically challenging other nations, but revealed a complete misconception of the issue at stake. They interpreted the demand for extradition not as an insistence for the punishment of guilt, but rather as a symbolic humiliation.

The German Crown Prince therefore sent a cable to President Wilson declaring his willingness to substitute himself in place of the 896 persons listed for extradition. The hostage idea in reverse! To the Germans it would be no miscarriage of justice if hundreds of guilty went free and one presumably innocent man was condemned. It would martyrize the hero and change the symbolism from humiliation to glorious sacrifice. If the Crown Prince himself was guilty of the violation of International Law, his punishment ought not to absolve 895 others.

If he were innocent, his immolation would constitute injustice rather than justice. Even if it were conceivable to engage in bargains in justice, the transaction was rather top-heavy. No reply was sent to the Crown Prince's cable.

Lest it be considered a libel upon the German people to say that their loyalties to militarist leaders never wavered, we need only trace their own conduct. Even the processes of democracy were utilized to express opposition to the punishment clauses of the Treaty. The German government formally submitted its recommendations to the German National Assembly in Weimar. The voice of the people was thus permitted to express itself through its newly elected legislature. It was a new voice, but the echo of unreasonable nationalistic pride was the same. The National Assembly voted to support the government's position against extradition. Minister Noske reaffirmed that neither he nor anyone else would order an arrest for the purpose of extradition.

As a sop to the Allies, and in a further effort to devitalize their insistence upon their rights, the Attorney General at Leipzig was ordered to investigate complaints against persons accused of crimes and to arrange for their trials.

The program of sabotage continued with all the efficiency and artfulness of which the Germans are capable. Envoys were continually sent to Paris and London with varying schemes of compromise. Every conceivable suggestion was put forward except compliance with the Treaty which Germany had signed only a short time previously. Allied statesmen were kept in constant turmoil while the debates were deliberately prolonged.

In the meantime, Germany resorted to unscrupulous pressure behind the scenes. It annulled the German-Belgian financial agreement because of Belgium's participa-

tion in the extradition demands. Thus Germany, even in defeat, was punishing rather than being punished.

The Allies were faced with the necessity of using force to extradite the guilty culprits. Many of them had meanwhile fled to Switzerland and Holland. They fled, not from the wrath of the German people, but in connivance with them against their old enemies. Admiral von Kapelle, one of the accused, brazenly announced his arrival in Davos, Switzerland. It was a deliberate nose-thumbing gesture at the Allies and swelled the German heart with delight and relief.

Everywhere in Allied circles there were strong groups preaching caution and avoidance of conflict. The Allies surrendered. Their reply to the German note of January 25, 1920 was that they accepted the proposal to have Germany itself try the criminals at Leipzig!

In an article which he wrote later for the archives of German history, von Lersner concludes with a Wagnerian trumpet note: "This first great demand which the Entente Governments imposed on us by virtue of the *Diktat von Versailles* was shattered, like glass upon a stone, against the unity of the German people."

The German government then shrewdly eased the situation for the Allies. Announcement was made that the German government intended vigorously to prosecute every man on the extradition list against whom there was *prima facie* evidence of the commission of a crime. The National Assembly enacted a bill to organize the trials in Germany. Seven judges were designated. The Minister of Justice announced that he would arrest any defendant who was refractory. The German press, however, explained to the people that there really was no intention on the part of the government to yield. The *Nationalist Deutsche Zeitung* in Berlin explained that the Allies merely desired a few "sample convictions" and that the

trial of a few men would be sufficient. Thus, the list of thousands, which had shrunk to 1500 and then to 896, dwindled to 14.

German Courts Slap Several Wrists

The German prosecutor advised the Allies that he had difficulty in obtaining evidence. The Allies undertook to prepare seven cases. Preliminary examinations were conducted in France and Belgium; depositions were taken in London. Witnesses were collected from across the seas and brought to Leipzig. The trials began two and one-half years after the war ended. Only four of these seven defendants were tried.

The *Oberreichsanwalt* (public prosecutor) was "unable" to find the three others against whom the Allies had prepared evidence. One, U-boat Commander Patzig, was in Danzig, but his address "was unknown." Another, Trinke, had become a resident of Poland, and Lieutenant-Commander Werner, they said, could not be traced.

Lieutenants Ludwig Dithmar and John Boldt, subordinates of Patzig, were put on trial for sinking without warning the British hospital ship, *Llandovery Castle*, and then firing on and sinking its life-boats, killing 234 wounded passengers. They were found guilty and sentenced to four years imprisonment. Boldt was held at Holstenplatz, a house of detention at Hamburg, where ordinarily only indicted, not convicted, prisoners are kept. He was permitted a private room, communication with the outside world, and civilian clothes. He promptly "escaped" and was taken by accessories to safety across the Dutch frontier. The other prisoner convicted for the U-boat atrocity also mysteriously "escaped."

Another trial was that of Captain Emil Miller, who was charged with inflicting sadistic cruelties on numerous

prisoners and with maintaining such atrocious prison conditions that hundreds of prisoners died. The Leipzig Court found:

"The accused admits that he liked, as soon as he appeared at roll-call, to ride quickly up the ranks. The prisoners scattered on all sides and many who could not get out of the way quickly were thrown down by the horse. The accused once struck Drewcock at roll-call across his wounded knee with his riding cane so hard that an abscess developed and later had to be cut. The accused could not have foreseen this for the wounds on Drewcock's knee were not visible to him. According to the statement of the witness Lovegrove, the accused once saw two sick men lying down; they were so weak they could not stand up before him, and were groaning pitifully. But the accused is said to have got angry and impatient and to have kicked them. There is a possibility that the accused did not wish to hurt the men, whose sickness he apparently did not yet believe to be real, but that he only wished to secure that his order to get up was immediately obeyed."

For the sixteen offenses of which he was found guilty Captain Miller was sentenced to a total of six months imprisonment.

General Stenger, commander of the 58th Brigade, was tried on charges that he had ordered the massacre of wounded war prisoners. His order dated August 26, 1914 was presented to the court. It read:

"(a) Beginning with today, no more prisoners will be taken. All prisoners, whether wounded or not, must be destroyed;

"(b) All prisoners will be massacred; the wounded, whether armed or not, massacred; even men captured in

large or organized units will be massacred. Behind us, no enemy must remain alive."

Nevertheless, Stenger was acquitted. The German Major who executed his orders was convicted for "misinterpreting" them.

The few others who appeared for trial sobbed about their patriotism, and were instantly acquitted.

The French and English observers who attended the first trials withdrew. They reported the bad faith in which the proceedings were being conducted. The Allied commission sent bitter memoranda objecting to the procedure. But German "justice" took its course.

The trials in the Supreme Court at Leipzig were a farce. From hundreds of thousands of offenders, the Allies had drawn a list of only 1500, subsequently reduced to 896. None of the chief figures was even molested. Of those tried, a few were convicted and received preposterously light sentences. In most instances even these were not served.

It had been argued by the Germans that it was unfair for the former enemy to conduct these trials, even though the courts were to be constituted of internationally known jurists. In view of the attitude of the German people, the trials conducted by themselves were equivalent to the criminals setting up their own tribunals and prosecuting themselves. When the Allies protested, the German Republic brazenly demanded more concessions. It even sent a note to Lloyd George demanding that Germans held by the Allies be surrendered for trial in the German courts!

Such is the record of German evasion and bad faith. The sonorous and extensive reports by the various commissions of the Versailles Conference concerning punishment; the establishment of a Special Tribunal to try the Kaiser and other responsible leaders; the debates which

raged furiously for years about the principles involved, all seem pretty ludicrous in the light of the record. The Germans, defeated and helpless, succeeded in nullifying one of the most important clauses of the Treaty, and the process began within a week after their delegates had solemnly signed it. This circumvention was practiced by the German Republic. The "democratic" forces which were in power conspired with the Junkers to prevent any punishment of those who had betrayed Germany.

This history provides a clear answer to the not inconsiderable body of opinion today that the Germans should be permitted to punish their own; that only such a self-purge would be devoid of nationalistic incitation against "foreign intervention."

On the contrary, the United Nations must adjudge the guilt and impose the punishment. They must eradicate completely those elements which not only planned and waged the last war, but which will constitute the bridge between defeat and a third World War.

Judgment Day

How this shall be done becomes clearer if we understand our previous failure. Wide avenues of choice are narrowed by the lessons of history. Its wisdom shuts off many by-paths and directs us down the following programmatic road:

1. Occupation of Germany—Its Sovereignty Suspended

There will be as many national and international military and civil courts as will be needed to try promptly the hundreds of thousands of German offenders in all parts of the world. But the prosecuting authorities will not be able to bring to justice every one of the many millions who will be guilty. This fact should be faced realistically. It

is true of criminal procedure even in ordinary times. Not every offender is indicted and tried. To a certain extent, law enforcement is symbolic. The punishment of the most important criminals and a fair proportion of others is intended to act as a deterrent, and to discourage those who measure their conduct by the possibilities of punishment rather than by social obligation. So, in the international realm, not every German who has violated the rules of International Law will receive his just deserts. The people as a whole must be taken into "protective custody," to use a German expression in its sincere sense. We have dealt at length with the responsibility of the German people, not in the individual sense, but as a group. They, and not merely their leaders, are the cause of the slaughter. We have previously resolved not to permit the exceptions to blind us to this fact. They, exceptions and all, cannot be trusted to preserve the peace. Their state, the corporate entity through which they have acted, must be dissolved. Their nationhood must be forfeited until such time as they demonstrate their reform by the acceptance of civilized standards. In short, German sovereignty must be suspended. The country must be completely occupied by the forces of the United Nations.

Those who fear that the burdens of occupation will be too heavy upon the victors may take comfort from the fact that the Allied Military Government has performed its functions heretofore with ease as well as efficiency. In the beginning, the occupation of Germany will involve its investment by large military forces. But as the disarmament and other features of the peace program, which we will discuss later, are being effectuated, the police control will dwindle to token proportions. Germany's terror of internal chaos, and the consequences to the safety of its people as well as its self-interest in a reduction of occupation costs, may result in co-operation not at present en-

visaged. Psychologically, a complete occupation is a necessary prerequisite to the educational program later to be discussed. The best answer to the myth of invincibility must be so conclusive a demonstration of defeat that spurious contentions about the "undefeated German Armies" can never again be made. By any criterion, the burdens of a prolonged occupation are a cheap price for this contribution to peace.

Unlike German occupations, it will be benevolent and friendly as well as firm. There will be no plundering, mass executions or hostages. But we will not heed any nationalistic protests about Germany's right to independent action and sovereignty as a nation. The criminal state may no more demand its freedom than the individual criminal. Confinement is the result of its own conduct, and a necessity for maintaining peace.

Thus at one fell swoop the many juristic concepts which plagued the representatives at Versailles will be removed. The American and Japanese minority report on that occasion asserting the principle that a sovereign is responsible only to his own people will not be possible again. Having agreed to destroy Germany's statehood for its crimes, we will not listen to quibbles about the immunity of its ex-sovereign. Technical international problems illustrated by the declaration Churchill was obliged to make that Rudolph Hess is a prisoner of state, because, if he were a prisoner of war, he would have to be released when the war ended, will be avoided. There will be no German government to refuse to turn over war criminals, to conduct its own sham trials, to threaten smaller nations with economic injury if they do not cooperate with her against the victors, to receive loans while reparations are unpaid, and, above all, to plan economically and militarily for the next try at world conquest. There being no sovereignty, there would be no professional army of

100,000 men such as Germany was permitted last time, in addition to a small navy. This implied assent to the existence of a General Staff (and the perpetuation of the warrior caste) would therefore not be given. At the end of the first World War we dealt with the "new" German government, even though such recognition was in itself the absolution of the German people from their responsibility!

There ought to be no peace treaty with Germany, for treaties can be made only between two sovereign states. The treaty should await Germany's emergence from probation into statehood. Since it is not likely that Germany, despite the program we shall discuss later, will have learned to accept the standards of international good behavior for a long time, it may be contemplated that the peace treaty will be suspended for ten or twenty years, or perhaps more. Thus the evil will be avoided of settling disputes while the flames of war still heat the passions, and its smoke beclouds a historic perspective. It is now generally agreed among qualified observers of our last Peace Conference that the procedure of solving the world's ills under the pressure of time and national "lobbying" is inadvisable. The whole atmosphere of a peace conference immediately following a war is conducive to frayed nerves, emotional instability, and make-shift arrangements. Even the best advance planning cannot anticipate the emergencies which will arise—for Europe may be torn by a whole series of readjusting revolts with unforeseeable consequences. Some of these upheavals and crises, which would loom large in a close perspective, may be only the minor convulsions preceding the birth of a new order, and of no lasting consequence. Yet to provide immediate permanent solution may be to sow the seeds of more aggravating future crises. General military control under an armistice and the gradual evolution of peace plans not frozen in a peace treaty are preferable.

2. *Who Shall Be Punished*

Nazi group leaders must be the first to be punished. Proof of their guilt is abundant. The armistice terms should simply declare them guilty. It would be farcical to try Hitler, Himmler, Goering, Streicher, Ley or other mass murderers. They have written the evidence of their guilt in blood on every pavement in Europe. The dossiers of the United Nations are bulging with data of their unsurpassed brutality. A trial tribunal should permit them to be heard on the questions of proper identification and the extent of the punishment, but no more.

As a Russian declaration states "All mankind already is aware of the names and sanguinary crimes of the ringleaders of the criminal Hitlerite chain. . . . The Soviet Government considers itself, as well as the governments of all states . . . obliged to regard severe punishment of these already unmasked ringleaders of the criminal Hitlerite gang as its urgent duty to innumerable widows and orphans, relatives and kin of those innocent people who have been brutally tortured to death and murdered on instructions of the criminals."

In addition to distinguished legal authority for the needlessness of trials under such circumstances, there is also international precedent. Napoleon was never tried. By a formal convention among England, Austria, Prussia, and Russia on August 2, 1815, he was declared to be their common prisoner, to be permanently confined without trial. The Prince Regent of England gave the reason in a letter to Napoleon, in which he said this decision was necessary in order not to give him "any further opportunity of disturbing the peace of Europe."

It may be contended by those finicky about judicial propriety that no injury could come from a public trial and that it would avoid criticism against the "absolutism"

of the procedure. However, International Law is still to be molded on these critical problems, and it would have a salutary effect if the rule adopted were suitable to the heinousness of the offenses and the public anxiety for swift and certain punishment. The enormity of the crimes announced by the criminals themselves and the existence of millions of witnesses, make the requirement of proof an empty formalism. Since the purpose of the procedure is also to deter future international crime, any lumbering, awkward ritual to prove the self-evident would only cause contempt rather than respect for law. There is a point at which solicitude for a possible innocent victim of a severe rule becomes mawkish over-caution. We must be concerned with the dictates of common sense.

The ordinary man and woman must feel the majesty of law, the directness and practicability of its procedure, and its avoidance of routine ceremony. Only then will the thirst for retribution be directed into healthy legal channels. Otherwise, frustration may set in motion forces of violence far more serious than any legal unorthodoxy.

However, whether the arch-criminals are tried in a military or criminal court is a comparatively minor point. Certainly their names and the charges against them should be prepared in advance and included in the very armistice provisions. Those condemned by name in the armistice should include the Fuehrer, the members of his cabinet, the Gauleiters, and the members of the High Command, governors of the occupied regions, and the leading bureaucrats in the state, municipal and Nazi Party organizations. These would number approximately five thousand men. Death penalties should be demanded. This would dispose of the commanding figures of the party and government. The United Nations could then turn to the lesser criminals.

Next, the leaders of German mass organizations should be indicted and tried. The Gestapo and Labor Front have about 75,000 such officials. In addition, there are about 75,000 subordinates who organized and taught the S. S., the Peasant Front and other such organizations. This entire group of about 150,000 men were the whole-hearted fanatical Nazis upon whom the ruling group relied. Death penalties should be sought against each of them.

Every German officer above the rank of colonel, including corresponding ranks in the Air Force and Navy, every member of the Gestapo, S.S. officials, and members of the German People's Court and of the German Reichstag, should be indicted and tried.

Every German official, no matter how subordinate, who at any time gave or performed orders for the execution of hostages or the murder of conquered nationals, should be indicted, tried, and the death penalty sought.

In addition, the armistice should provide for the complete dissolution of the Officers Corps of the German army as well as of the army itself. Those among them who have violated any criminal or international law should be tried, and appropriate severe penalties imposed.

Any administrator, no matter how subordinate, who participated in the plunder of foreign countries, all directors of the German Steel Trust, of I. G. Farben or of the other German cartels, who, as we shall see later, participated in the conspiracy against world peace should be indicted, and appropriate severe penalties imposed.

Irrespective of rank or position, every soldier or civilian should be tried, against whom charges are filed involving any violation of law.

It is only by such thorough methods that the backbone of Nazism and Prussianism can be smashed and the danger of future aggression reduced.

3. Asylum and Extradition

There is no problem concerning those defendants who are under the control of the United Nations. The armistice should provide for their surrender for trial upon proper demand. A serious problem will arise as to any accused who has fled to a neutral state. This problem will assume large proportions since Berne, Switzerland, is only half an hour from Munich by plane. Malmö, Sweden, is only fifteen minutes from Stettin, and Spain is just across the border from France. Once in a neutral country, Nazis will claim the right of asylum, as the Kaiser claimed it in 1918. Unless steps are taken now to prevent it, the same immunity will ensue. There must be no sedentary, reflective old age for the greatest disrupters in history.

Recently President Roosevelt and Prime Minister Churchill appealed to neutral states not to harbor or protect any war criminals. They were rebuffed on the theory that the independence of action of the neutral state must not be yielded to any foreign intervention. But the matter must not rest there. It must be made clear to Switzerland, Sweden, Turkey, Spain, Eire and the few other potential havens of war criminals that the doctrine of political asylum is not a rule of International Law. It is a kind of international *noblesse oblige*, resting solely in the discretion of the neutral and intended to shield the politically oppressed. But to apply it to the Nazis, who have destroyed so many neutral nations, would be a misapplication of a humane rule. If it will aid in clarifying this murky misconception among the neutral nations, there may be cited the decision in the Federal Court of Germany in 1926 (*60 Entsch. in Strafsacher 202*) which denied the existence of any rule of International Law prohibiting the extradition of political offenders. There is additional legal authority to the same effect ("Harvard Research

on International Law", *Encyclopedia of the Social Sciences*) (1935, p. 110).

Perhaps the position of the neutral states was influenced by the fact that the Nazis were still in power when the President's appeal was addressed to them. Their very assertion of independence might well indicate their lack of it, since the Nazi beast breathed heavily upon their necks. Perhaps they will change their minds when the war criminal changes from hunter to quarry. However, the matter should be pursued vigorously. Strong efforts should be made to persuade the neutral nations to amend their extradition treaties so that persons who have waged a war of aggression or who have violated International Law shall not be considered political refugees. If this were done, they would be subject to extradition like any other criminal. Small neutral nations should be too anxious for the good-will of the United Nations and the advantages of cooperative action to risk all for the sake of a distorted rule. The moral force behind demand for extradition will be quite real, because almost every neutral country borders nations which have been outraged by the Germans and which will be inflamed against a neighbor that shields the guilty parties. Furthermore, any neutral country harboring the criminals will also court the internal protest of its own citizens, for the peoples of the world will have a common sympathy in this matter. If the subject is treated firmly enough in advance, neutral nations may seek to avoid embarrassment and may refuse entry to the fugitives in the first instance. It may be that one of the results of the total war will be that the offenders will have no place to flee. By their very aggressions they will have wiped out the asylum which might otherwise be available to them.



4. *Is Obedience to a Command a Defense?*

The responsibility of soldiers for acts committed under orders must be determined in advance. To what extent should such a defense be considered valid?

Discipline is one of the recognized obligations of a soldier. Ordinarily he may not refuse to obey under pain of death or imprisonment. Acting under such compulsion, should he be held responsible even for an illegal act? There are some precedents. In 1915 a French council of war sitting at Rennes, sentenced a German soldier to death for pillage, incendiarism and assassination of wounded soldiers on the field of battle. When arraigned before the council, he pleaded the formal orders of his commander, and he named the general from whom the order emanated and the lieutenant who compelled him to execute it. The court found him guilty nevertheless, and made a report of these facts to the Minister of War, so that he might recommend clemency if he desired to do so.

While proof of mere obedience should be considered as mitigating punishment, it should not be deemed a complete defense. It is an axiom of English and American law, that the plea of "superior order" is no defense to an illegal act. Chief Justice Marshall said it was the duty of a soldier to execute the lawful orders of his superiors, but that he was personally liable for the execution of an illegal order (*Little v. Barreme*, 2 Cranch, 170). In a later case the United States Supreme Court repudiated the doctrine that an officer may take shelter under the plea of a superior command. The court said, "Upon principle, independent of the weight of judicial decision, it can never be maintained that a military officer can justify himself for doing an unlawful act by producing the order of his superior" (*Mitchell v. Harmony*, 13 How. 115).

The law should not permit an offender to shift responsibility to his superior and entirely absolve himself. One who commits a crime acts at his peril, irrespective of orders, and we have seen that infractions of International Law, even during war, are crimes. The profession of a soldier is a hazardous one and the risk should include his responsibility for an illegal act even when ordered to commit it. To adopt any other view would lead to absurdity—the successive shifting of responsibility from superior to superior until every one was exculpated except the commander-in-chief. The doctrine of constraint should not absolve any person who has any share in the commission of a criminal act during war. At most, it may affect the degree, not the fact, of guilt.

5. *Practical Judicial Machinery for Punishment*

The large number of criminals to be tried and the necessity for speed requires an extensive judicial system. However, simplicity and expedition are most likely to be achieved by the following plan:

The civilian and military courts of each nation should have jurisdiction to punish all offences committed on its territory. The law, procedure, and punishment would be that existent in the country of trial. The accused would come into the possession of the prosecuting nation either by capture, or by transfer under the armistice provisions, or by extradition. As we have seen, this is in accordance with the well-established principle of International Law that any nation may try an offender in its own courts if he comes into its hands. For example, the *American Basic Field Manual*, "Rules of Land Warfare," provides specifically that the remedy to a belligerent for an injury in violation of the "laws of war" is the "punishment of captured individual offenders". Thus the great mass of

trials would be dispersed among the many aggrieved nations. Their judicial systems (existing or reconstituted), including judges, prosecutors, statutes, and procedures, would be available. Their military courts would be available to act in accordance with well-established military principles. Their prison systems could be utilized and in the event of death penalties, their form of capital punishment applied.

However, in addition to these national courts, other tribunals must be created to try offenders whose crimes were committed against nationals of several countries in combination; for example, cruelties inflicted on prisoners of several nations herded in one camp. There is also the type of case where the offense was committed against "stateless" persons, whose exact nationality is not certain. In the tragic events in which nations were snuffed out over night, many such confusions exist.

Most important of all, there are the trials (should it be decided to proceed with the formality of trial, despite their evident guilt) of prominent military and naval officials and civilian authorities who determined major policies. This group would include heads of state and their chief ministers. Their offenses transcend the jurisdiction of the courts of any one nation. Their crimes were international in scope, and public indignation is also international. Even if any one nation might properly obtain jurisdiction over such an offender, it should yield to an international court to be created. Humanity could best express its dictates through such a forum. Nor is the least advantage from an international court the joining hands of all nations after the war to act concertedly in dealing out justice.

Two kinds of international courts would be desirable. Representatives from the existing national military tribunals or commissions of the United Nations could be con-

stituted an International Military Tribunal. As many of these courts could be quickly created as would be necessary to deal with the large dockets. Acting as a final appellate court and also as a court of original jurisdiction for the trial of the most important offenders would be an International Criminal Court especially designated for this purpose. The judges would be appointed in the same manner as those chosen for the Permanent Court of International Justice.* It would be desirable, as has been recommended by Professor Sheldon Glueck, that neutral nations be invited to designate representatives on these international courts. In this way these courts might best represent the conscience of all mankind. Indeed, it would be fitting that several outstanding pro-democratic jurists who were hounded out of Germany or Italy should be appointed to this court as distinguished citizens of the world and not as representatives of any particular country.

Any of these international courts, whether military or criminal, would have superseding jurisdiction. Its claim to try an offender would take precedence over that of any national court. Conversely, if a nation preferred for any reason not to try any particular offenders, it could request one of the international courts to accept jurisdiction.

A staff of prosecutors for the international courts should be designated by the various countries which are represented on the court. To these prosecutors should

*This court has had a distinguished record of service. More than forty nations have at some time accepted the opportunity to submit their disputes to this court. This obligation has usually been limited to a five-year period but some acceptances have been for ten years or have had no time limit. Between 1921 and 1934 there was a real approach toward universal recognition of a duty to submit international disputes to judicial settlement. This may be an encouraging precedent for those who are so jealous of their nation's sovereignty that they shun cooperation even in an international court for the punishment of war criminals.

be submitted as early as possible the confidential data of the accusing governments or governments-in-exile, concerning the guilt of the accused. The prosecutions would proceed in advance to gather additional evidence and take the depositions of witnesses who may not later be available. In other words, the prosecutors and their efficient staffs should be prepared to proceed promptly after the armistice with as many trials as possible. Each nation should appoint special prosecuting commissions to gather evidence for the hundreds of trials which it, rather than the international court, will conduct. Public defenders should be provided for indigent prisoners.

The Provost-Marschals of the military forces of the United Nations should designate police officials to arrest and detain accused persons and to execute sentences imposed. The jails, hospitals for insane and probationary and parole facilities of the accusing country should be used. Similarly, where there is conflict of law as between nations, the law of the accusing nation should apply.

The armistice should provide that all evidence of guilt shall be turned over to the international court and that destruction if any such evidence must be made a serious crime.

6. *Property Courts with Criminal Jurisdiction*

In addition to the criminal courts, special property courts should be created to determine disputes involving restitution of property. In the larger sense, this is an economic problem and will be treated later as such. For the present it will suffice to say that the Nazis robbed Europe of property valued at the incomprehensible sum of fifty billion dollars. As far as possible, these stolen goods must be returned, either to their rightful owners, or if they can no longer be determined, to the government of

the country from which they were removed. Each victimized nation should appoint commissions to investigate and gather evidence concerning the stolen property. The secretion or destruction of such property or the refusal to reveal its whereabouts, should be deemed a crime and should be severely punished. The property courts should have criminal jurisdiction for this purpose. Restitution must be made, not only of ordinary chattels, such as money, machinery, works of art, commercial and industrial goods, cattle, and implements, but also of shares of stock or other symbols of ownership no matter how intricate the transfer and the disguises. Fortunately, the complexity of the task has not discouraged an early effort to cope with it. An Inter-Allied Information Committee in London recently reported concerning the control of various enterprises obtained by German banks.*

*The Deutsche Bank controlled and administered directly or indirectly:

Creditanstalt-Bankverein of Vienna
Böhmische Union-Bank of Prague
Union-Bank of Bratislava
Kredit Bank of Sofia
Banka Commerciale Romana of Bucharest
Kroatischer Bankverein of Zagreb
Banque Nationale de Grèce of Athens
H. Albert De Bary & Co. N.V. of Amsterdam
Deutsche Ueberseeische Bank of Madrid
General-Bank Luxemburg A.G.

It also constitutes a significant trail that the Deutsche Bank has its own branches in Katowice, Bielsko, Danzig, Gdynia, Lodz, Poznan, Czeozyn, Zoppot, Cracow, Lwow, Budapest and Brussels.

The Dresdner Bank controlled and administered directly or indirectly:

Länderbank A.G. of Vienna
Kommerzbank A.G. of Cracow
Ostbank A.G. of Poznan
Oberschlesische Diskontobank A.G. of Longshutte
Deutsche Handels-und Kredit Bank A.G. of Bratislava
Kroatische Landesbank A.G.
Societatea Bancara Romana of Bucharest
Handels-und Kreditbank A.G. of Riga
Banque d'Athènes of Athens
Société Financière Gréco-Allemande
Wechselstube A.G. "Merkur"

Those in charge of economic warfare in England and the United States have followed the changes in Continental industry and have large files on German economic activities. These and other clues are available as to the ultimate resting places of the plundered goods. German fanaticism always stops short at one practical point. It envisages the possibilities of defeat and cunningly plans to retain the wherewithal for another try. Therefore, we shall examine later the skillful organizations and devices adopted by the Nazi to create the appearance of *bona fide* title to stolen goods and to place as many obstacles in the path of investigation as possible.

There will be transfers of title galore, and intermingling with "valid purchases" in most cases. But loot is loot,

Ungarische Allgemeine Kreditbank
Bulgarische Handelsbank of Sofia
Kontinentale Bank of Brussels and Antwerp
Handelstrust West N.V. of Amsterdam Internationale Bank

The London Commission further reported that the Commerzbank A.G. controlled and administered directly or indirectly:

Hansabank N.V. of Brussels
N.V. Rynische Bank Mij.
Banque Commerciale de Grèce
Branches at Pozman, Lodz, Cracow, Zakopane, Sosnowiec, and Katowice, Riga, Tallinn
Rumanische Bank Anstalt
Bankverein "Agram" A.G.
Allgemeine Jugoslawische Bankverein

The London Commission further reported that the Berliner Handelsgesellschaft controlled and administered directly or indirectly:

Banka Chrissovveloni S.A.R. of Bucharest
Badische Bank

The Handels-gesellschaft controlled the majority of Alsatian business through the Allgemeine Elsassisch Bank-gesellschaft.

The report further stated that the Bank der Deutschen Arbeit controlled and administered directly or indirectly:

Ostdeutsche Privatbank A.G. Danzig
Bank voor Nederlandsche Arbeit N.V. of Amsterdam
Westbank N.V. (Banque de Travail S.A.) of Brussels
Branches in Prague, Luxemburg, Metz, Strasbourg and Riga.

The Reichs Kredit-Gesellschaft controlled and administered directly or indirectly the Rumansche Kredit-Bank of Bucharest.

and the legalistic masks of respectability should be swept aside by the property courts with a firm hand. The property of all German functionaries who have enriched themselves during the Nazi regime should be expropriated, and if its ownership cannot be traced, it should become part of a fund for substituted restitution *pari passu* to the Nazi's victims in conquered territories. This will in some measure compensate for the loss of irreplaceable chattels.

7. Restitution by Labor

There remains one other form of restitution—labor. The dissolution of the German Army, *Schutzstaffel* and *Sturm-Abteilung* groups among others, will affect at least four million men. Of these, hundreds of thousands will have been sentenced to jail terms by national and international courts. These sentences will range up to life imprisonment. Jail sentences should be served in labor battalions which will rebuild the devastated areas and help in the resettlement of families driven from their homes.

Care must be taken to prevent too great an importation of labor, which may injure the country to be restored, just as the flooding of German reparation goods after the first World War injured the markets of the creditors. A balance must be maintained between the proper assistance required in the devastated areas and the unemployment problem in the assisted nation. The controls for maintaining such an equilibrium will be considered in the economic program to be applied.

But subject to this limitation, it is obvious justice as well as proper penalty that Germany should provide the manpower to rehabilitate the territories she has wantonly desolated. It was Frederich Froebel, the noted educator and founder of the kindergarten system, who said that children who destroyed other children's toys should be

made to replace them with their own. Mere verbal chastisement is ineffective. The Germans have proceeded on the theory that real wealth is labor and they should be required to pay partly in that coinage.

Weighting the Scales of Justice

In the first World War, almost all of the eight million dead were battle field casualties. In the Hitler war, it is estimated that four million civilians have been killed by ruthless race extermination squads, hostage executions, and deliberate terroristic tactics as the Germans advanced. No punishment can be deemed fully adequate for the wrongs committed. But within the limits of the available retributions as prescribed by humanity, and with due regard for the educational and reform program to be applied simultaneously with the penal provisions, these recommendations have been made.

For the two objectives must always be kept in mind. By forfeiting German sovereignty we punish her and protect ourselves, but we promise an end of the probationary period and the restoration of Germany as an equal member of the international family, if she reforms.

To eradicate her military clique down to its very roots, we decree capital punishment for the most conscienceless murderers in history. At the same time we free the German people from the leadership, subterranean or openly avowed, which has encouraged its repeated orgies of war lust.

By restitution in the form of property and labor, we return to the victims some of the works ruthlessly stolen or destroyed. At the same time, the German people will be learning, too. They will learn the simple American slogan that crime does not pay. Not only the enforced

surrender of loot, but the devastation of their own land should have some sobering effect.

These punishment provisions cannot, however, in themselves, either fully protect us or constitute sufficient educational deterrents.

Much more must be done.

CUTTING SAMSON'S HAIR

Economic justice will be due all the peoples of the earth, whether they be citizens of large and powerful nations, or small and weak ones; whether they be colonials under international supervision awaiting self-determination; whether they be erstwhile enemies; yes, whether they be Nazis or Japanese. The German people may be deprived of sovereignty, but not of food. Their preparation for international cooperation must be founded on a healthy economy. One cannot educate them to political democracy while practicing economic autocracy against them. We have seen that economic distress was not the cause of Hitlerism. Deeper, corrupt, super-national phobias drove the German people.

But the community of nations must include the defeated peoples on equal terms, in the economic peace or the world's economic structure will suffer.

Such a policy can, however, readily be a prelude to another tragedy. On the previous occasion the Germans shrewdly exploited our desire for economic justice, to plot another war.

Much can be learned from prior German perfidy. A journey through some historical paths will make us familiar with the terrain.

Germany declared war upon the world during its republican regime. It was economic war, and therefore not as shocking or discernible as the subsequent incursions of panzer troops. But it was deliberate and purposeful and unscrupulous—all trade-marks of German efficiency. Its effectiveness was magnified in proportion to the unawareness of the "victorious" nations. Even to this day few appreciate the cunning of this economic warfare. In military attack, the element of surprise ends with the visit of the first bombers. In economic attack, the element of deception remains a constant ally. It is as subtle as it is deadly.

As early as 1920, and probably before, the leading German chemists and industrialists planned the second World War. They had unlimited funds at their disposal, hidden in Holland, Switzerland and the United States, in the names of citizens of those countries. And they rightly calculated that foreign investors would pour money into Germany if it feigned inability to pay reparations.

Many of the German patents were seized in Britain and the United States during the first World War. But the Germans were little affected by this because they had never properly revealed their patents, though this is required by international and national patent laws. Thus, when, to cure syphilis, the United States attempted to manufacture salvarsan from the German patent, it discovered all too late that the formula was defective. Many soldiers were poisoned. We had a similar experience when we tried to make synthetic nitrates for explosives.

These German industrialists and chemists planned *Der Tag* with their own weapons. Having a monopoly of synthetic nitrogen, they planned to infiltrate into foreign industry an economic fifth column which would

seize control of war industries. Karl Duisberg, the chief chemist of the German Bayer Company, had prolonged the first World War by his development of ersatz food and clothes. Karl Bosch, chief chemist of the Badische Anilin-und-Soda Fabrik, had invented chlorine poison gas, surpalite and yperite. Fritz Haber, head of the Kaiser Wilhelm Institut, had discovered how to take nitrogen out of the air. Synthetic nitrogen had served for both explosives and fertilizer. These three veterans of the first World War, together with many younger adherents, plotted to recapture the dye and pharmaceutical markets. The first step was to merge every important chemical firm in Germany into one huge trust. The Germans with their craving for polysyllabic names called it the "Interessengemeinschaft Farbenindustrie Aktien Gesellschaft". Then branches were established throughout the world. It was known in the United States as the I. G. Farben. In other countries it bore other names. But it is no exaggeration to say that this enormous enterprise, which obtained control of vital industries throughout the world, and acted at the same time as the espionage center for the German military clique, was as instrumental in conquering Europe as the German army. And it antedated Hitler's ascent by fourteen years.

Karl Duisberg became chairman of the Board of I. G. Farben, Karl Bosch, its President. It encompassed not only the chemical industries but also the heavy industries, such as steel and munitions. Therefore it included representation of Adolf Kirdorf, czar of the German Coal Trust, Krupp von Bohlen, Fritz Thyssen, Hjalmar Schacht, Hugo Stinnes, Albert Voegler, director general of the United Steel Works, and many others. The I. G. Farben in a short while regained control of its former impressive holdings in the United States. As it extended its American interests, it combined its various activities under the

innocuous name of the American I. G. Chemical Corporation. This later became known as the General Aniline and Film Corporation.

The German industrialists planned not only to make Germany self-sufficient for war, but also to prevent foreign preparation, through extending their control into foreign countries. They planned, if and when this work was completed, to destroy the German Republic and select some suitable leader to execute their plans for world conquest. Hitler was not even dreamed of as the Fuehrer; and if he had been proposed to the conspirators during this period, he would undoubtedly have been scorned as a stupid and neurotic scamp. It was only later, when his exciting demagoguery, combined with the requisite gangsterlike unscrupulousness, had built a following, that he was financed for bigger deeds. In the early stages of the industrial and military conspiracy against civilization, Hitler was ranting in a beer hall against big business and corporations, and demanding National Socialism. He was later to be lifted by industrialists to a position of power, where he could give vent to German aspiration for world conquest. He inherited a war machine. He did not build it.

Those who did build it combined arms preparation with economic conquest.

The Versailles Peace Treaty had fixed the German Army at no more than 100,000 officers and men. The theory of this limitation was that such a force might be necessary to preserve internal order.

But Germany had faith took immediate command. Krupp and Thyssen financed the Free Corps, the nucleus of the army which was to conquer Europe. This was being done in the very days of the German Republic. The industrial barons provided funds to von Schleicher, who organized the Black Reichswehr. It trained in secrecy. They also financed Major Duesterberg, who organized the

Stahlhelm (Steel Helmets), the veterans of the first World War. Von Schleicher became the financial conduit for the Free Corps and its notorious leaders, Captains Ehrhart and Schlageter. Those in the government who would not join the conspiracy were terrorized. Chancellor Friederich Ebert's liberal Minister of Finance, Mathias Erzberger, leader of the Catholic Center Party, was assassinated by the Free Corps. This *Nazi* method likewise preceded the Nazis and Hitler.

Professor Major General Karl E. Nikolas Haushofer, as early as 1925, was expounding the geopolitics of world hegemony to the officers of the Black Reichswehr. The development of a skilled general staff trained in newer technique could be carried on secretly. But how was a huge army to be trained in secret? The answer was the sport camps and recreational centers throughout Germany. The entire youth of Germany suddenly became interested in physical culture and long hikes. Aviation training was achieved through glider clubs. Thus the prohibition against the construction of military planes was circumvented. All this, too, preceded Hitler and the Nazis.

Dr. Karl Joseph Wirth, new leader of the Catholic Center Party and Chancellor of the Weimar Republic, boasted openly that the real foundation for the German rearmament had been already laid in the beginning of the Weimar Republic and that Hitler only completed the work which had been started:

"As to the rearmament of Germany, Hitler has only continued the rearmament that had been prepared by the Weimar Republic. I, myself, deserve great credit for this preparation . . . The great difficulty was that our military efforts had to be kept secret from the Allies. I, therefore, always had to appear polite and harmless . . . When Hitler

came to power he no longer needed to concern himself with the quality of the German Army but only with the quantity. The real reorganization was our work." (*Lucerne Daily News*, August 9, 1937)

The Axis Is Founded Long Before Hitler

In 1928 Germany successfully invaded the Orient in its economic war. An agreement was entered into with the Japanese government to take over its chemical industry and train the Japanese in the manufacture of explosives and light metals. Poison gases were included, and under the tutelage of an I. G. Farben chemist were, and are still, being manufactured at the Sumitomo Chemical Co. plant at Wihima. Full agreement was also reached with Japan concerning synthetic nitrogen, which involved licenses to the Japanese trusts of Mitsui and Mitsubishi. The Axis was forming long before Hitler.

In 1931 Mussolini desired a great Italian chemical industry for war purposes. He needed the Farben patents and secret formulae. He was readily induced to force the Italian firm of Montecatini to join the Farben monopoly. This was achieved by the organization of the Agenzia Chimiche Nazionali Associati to manufacture all dyes, heavy chemicals and aluminum for Italy. Farben took 49 per cent of the stock. Montecatini received 51 per cent. But this was a typical German illusion. Actually Germany dominated this company through its patent control. Italian industry had become just another plant for I. G. Farben. It is to be noted again that this took place in 1931. The Italian-German Axis was really formed through economic arrangements prior to Hitler's ascent. The purpose was preparation for war.

The reticent Karl Duisberg could not restrain his sense of triumph. In a public speech in Munich on March 26,

1931, he said: "Only a solid economic block from Odessa to Bordeaux will give Europe that economic backbone which it needs in order to maintain its position in the world."

Had the French government noticed the word "Bordeaux" or the Russian government the word "Odessa", they would have known the Germans' ultimate goal.

By 1932 I. G. Farben substantially controlled important European industry. Chiefly by means of price-cutting policies the outstanding French firm, Etablissements Kuhlmann, was forced into alignment with I. G. Farben in 1927. In 1929 I. G. Farben obtained control of the three largest chemical companies in Switzerland—the Ciba, the Gergy and the Sandoz companies. It proportioned the manufacture of certain chemicals among its international subsidiaries. Dyes were to be made 5% by Switzerland, 5% by Italy, 8% by France and 82% by Germany. The English chemical industry, too, was forced to make market arrangements with I. G. Farben. Similar control was obtained of the manufacture of nitrogen. France and Chile, Germany's chief competitors in this field, acquiesced (through a cartel) in quota restrictions which favored Germany.

The attorney and representative of I. G. Farben in France was Pierre Laval!

The Americas Are Invaded

I. G. Farben acquired 50% of the stock of the Grasselli Dyestuff Corporation, the American company which had obtained the I. G. Farben patents from the Federal Alien Property Custodian. Soon Farben owned 100% of this company. It had recaptured its patents. Then it changed the Grasselli Company into the General Aniline and Film Corporation. Similarly the American Bayer Company,

which had acquired the German Bayer patents from the Alien Property Custodian, was absorbed and made an I. G. Farben unit in the Sterling Products Corporation. These companies were the main suppliers of the pharmaceutical markets throughout Latin America. They were now in German hands.

The infiltration of vital American industries continued, —all this within five years after Germany's defeat and when she was "unable" to pay reparations.

I. G. Farben had owned a substantial share of stock in the Ford plant at Cologne, Germany. Edsel Ford owned shares in the I. G. Farben organization (General Aniline and Film Corp.) in the United States. He became a director of this company. This association, while innocent so far as Ford was concerned, resulted in such anomalous by-products as Fritz Kuhn, later the leader of the Nazi Bund in the United States, being employed in this country as a chemist in the Ford motor plant; Henry Ford receiving a Nazi medal; and his refusal to manufacture airplane motors for England.

Holding forth its patents for the manufacture of synthetic gasoline as bait, I. G. Farben formed an association with the Standard Oil Co. of New Jersey. This was achieved through the medium of a new corporation called Standard I. G. Company. Thereafter this company acquired the International Hydrogenation Patents Company Ltd., which controlled synthetic oil patents throughout the rest of the world. Walter C. Teagle, Chairman of the Board of Directors of the Standard Oil Co. of New Jersey, became a director of General Aniline and Film Corporation. The annual business of General Aniline in the United States alone exceeded \$40,000,000.

German patent control through cartels extended to vital and new materials essential to war. Under patent

arrangements with German firms, American companies were obliged to exchange information. Thus we find that important secrets concerning the production of synthetic rubber were revealed by American concerns to Nazi Germany, although they were concealed from the U. S. Navy Department. And as late as Pearl Harbor, royalties on aviation gasoline sold to the R. A. F. were put aside to be paid to I. G. Farben after the war.

Strategic new materials were concealed from our country. When a Nazi armored car was captured, chemists discovered that it had been constructed from an unknown metal alloy, lighter than aluminum and stronger than steel. Only then did it become plain how Nazi motorized forces had been able to extend their radius of activities "abnormally". This and other alloys were made from magnesium and beryllium. Beryllium is the most remarkable of the light metals and cheap to produce. It is lighter and stronger than magnesium. In the United States, production of light metals was limited almost entirely to aluminum. Yet magnesium is 50 per cent lighter than aluminum, and aluminum is only one-third as heavy as steel.

At the beginning of the second World War, Germany was producing almost three quarters of the world's entire output of magnesium. This was four times what the United States produced, even though Germany had to produce this metal from by-products, whereas our country had better access to the natural raw material. How was the German predominance obtained? By patent monopolies which prevented or curbed the expansion of such new industries in the United States.

Mr. Andrew J. Gahagan, president of the Beryllium Corporation of Pennsylvania, testified before the Truman Committee of the United States Senate that his company, which had through independent research attempted to de-

velop this metal, found a basic patent in a little known corporation called Metal and Thermit Corporation. He approached his "competitor" for a license. After three years of negotiation, he discovered that it did not really control the patent. Rather, it was owned by Siemens und Halske, Germany's biggest electro-technical concern. Gahagan went to Berlin and obtained a license, but under such terms that the manufacture of beryllium in the United States was limited to insignificant quantities.

In the same manner, international cartels gave Germany advantages in the plastic field. It is not yet clear to what extent plastics will replace iron, steel, cement and wood. But many have predicted that we are about to emerge industrially into the "plastic" era. Certain it is that plastics have in many instances qualities superior to wood, glass, porcelain, and other materials. Moreover, it becomes possible to replace complicated machine-tool work with simplified casting. Germany held basic patents for plastics of strategic military importance and issued licenses in such a manner as to limit foreign production. Monopoly, through cartel, was exploited to tempt American firms into these arrangements. For example, Plexiglas is a new material with almost miraculous qualities. It is a glasslike plastic but it does not splinter. It can be sawed or carved like wood and can be treated like soft metal. Its suitability for cockpit enclosures, transparent bomber noses, gun turrets and windshields is obvious. It increases the efficiency and safety of military planes.

When the war began, German planes were already equipped with this material. The German firm of Rohm and Haas A. G. held the basic patents. Subsequent evidence before the Truman Committee revealed that there was only one company in the United States producing this strategic material. It was Rohm and Haas, Inc., of Philadelphia. The German and American firms had a world

monopoly on Plexiglas. By agreement between them, the German firm was not permitted to sell in the United States, but had the exclusive market for Europe, Africa and Asia (excluding Japan). While the German firm could not sell Plexiglas to the United States, it could sell finished articles made of Plexiglas anywhere. In 1936 Imperial Chemical Industries of Great Britain received a license under similar conditions.

I. G. Farben had a special agreement with Rohm and Haas, Inc., whereby Farben agreed not to manufacture any product similar to Plexiglas, while Rohm and Haas agreed not to use their patents for articles which would be competitive with Farben. The base of Plexiglas is methyl methacrylate, a synthetic product, which can also be utilized for production of artificial rubber, dyestuffs and pharmaceutical articles. Thus, by virtue of the restrictive arrangements concerning Plexiglas, Germany also limited foreign production of artificial rubber and other war materials.

When the American government purchased Plexiglas, a royalty of three per cent was paid to the German company. Royalties for sales to Russia were ten per cent.

Even after the war began in 1939, Germany continued to do "business as usual" with Plexiglas. It arranged for the American company to serve Germany's markets and pay over the profits, minus an appropriate service charge. The agreement expressly provided that "at the time when we will be able again to sell to the aforementioned countries you will let us have copies of all bills, price arrangements, etc. which are necessary for us in order to get back into business again."

Industry and Espionage

Thus, irrespective of the outcome of the war, Germany was planning a new start—not merely a commercial start,

but the control of strategic military materials for the next effort at world domination. One cannot study the tactics of Germany's economic war without the overwhelming conviction that she intends a continuity of effort until *Der Tag* is achieved. Defeats are philosophically considered merely the hard task-master by which experience and information are obtained for the ultimate successful effort.

Royalties were paid on Plexiglas to the German firm even after enactment of the Lend-Lease Act. The reports on sales to the United States and Canada served of course as an easy index for the Luftwaffe as to the progress of the manufacture of military airplanes in the United States.

I. G. Farben did not consider itself merely a great commercial empire. It was part and parcel of the German military conspiracy. Its representatives in the United States became citizens here, and were surrounded socially and otherwise with domestic respectability. This fitted them all the better to become the espionage agents of Germany. The F.B.I. struggled to uncover the sources of the huge sums of money which flooded the United States and South America with subversive propaganda. In 1934 Congress fell upon a clue. In the course of an investigation concerning Ivy Lee, a noted lobbyist, it was discovered that he was on the payroll of I. G. Farben at a salary of \$25,000 a year plus expenses. As part of his employment, Lee had visited Germany and received direct instructions from Goebbels. He spent millions of dollars in the United States to spread Nazi propaganda. In this country, Lee was paid through General Aniline, the Farben subsidiary. Some payments came through the Farben holding company of Switzerland—I. G. Chemie.

Every fifth-column agitator in the United States, no matter how ignorant or low his estate, lived in comfort, if not in luxury. Funds for scurrilous publications were never lacking. The William Dudley Pelleys, the Joe Mc-

Williams, the Deatheridges, and other of their ilk prospered. I. G. Farben was the financial arsenal of Fascism.

Finally, in the fall of 1941 Federal authorities completed their studies of the activities of Farben officials who hid behind their American citizenship. A criminal indictment was obtained against W. E. Weiss, a director of General Aniline and chairman of the board of that other Farben subsidiary, Sterling Products. Also indicted were A. E. Diebold of Sterling Products and a host of others, leading figures in I. G. Farben. The charge was criminal conspiracy. But Sterling Products succeeded in obtaining a consent decree which dissolved the agreement between Sterling and I. G. Farben. The defendants were fined a mere \$26,000. An indictment was also obtained against Rudolf Ilgner, one of the founders of American Aniline, a brother of Max Ilgner of the Berlin office of I. G. Farben. The charges involved the control of nitrogen and other vital chemicals used in the manufacture of high explosives and munitions in the United States. While the F.B.I. was pursuing its investigation, Ilgner ordered the destruction of all his records which related to Farben patents and royalties. He brazenly pleaded guilty to ordering these records burned and was fined \$1000!

In 1941 disclosures of Farben arrangements with Standard Oil Company, whereby the world was allocated into exclusive spheres for the use of synthetic oil patents, caused little public excitement. Synthetic rubber patents were also controlled by these two companies acting through a subsidiary called Jasco, Inc. The Goodyear and Goodrich Companies were stymied in their endeavor to provide a synthetic rubber industry for national defense. Even after Pearl Harbor, these companies could not obtain licenses to use the Farben patents held by Jasco. Thus the Nazis, through their American affiliate, reached into

the United States to prevent the production of rubber while the Japs took the natural sources from us.

Although Great Britain, Belgium and Holland confiscated Farben assets after the war began, the pretense was long maintained in the United States that Farben was an "American" enterprise owned either by Americans or the neutral Swiss. Finally in October, 1941, President Roosevelt intervened, and named Judge John E. Mack president of General Aniline, replacing Dietrich A. Schmitz; and William C. Bullitt was appointed Chairman of the Board to replace Wilhelm von Rath. In December, 1941, the Treasury agents took over complete supervision. Three days later, Federal indictments were handed down against the Farben companies and their officials for criminal practices which allegedly had commenced in May, 1924. In February, 1942, Secretary of the Treasury Morgenthau took over 97 per cent of the Farben stock and thus stopped the flow of money through subterranean channels to Germany, and the equally dangerous financing of vicious Nazi propaganda in this hemisphere. For Farben's activities were not limited to the United States. At the Latin-American conference in Rio de Janeiro in January, 1941, it was revealed that Farben representatives had combined economic power and bold espionage with deadly effectiveness.

In Ecuador, the Farben firm of Brueckmann & Co. of Guayaquil, was headed by L. E. Brueckmann, the Nazi consul. Several Nazi consular employees were Farben representatives! The manager of Brueckmann's, Herr Tetke and the treasurer, Herr Reperti, were the leading Nazis in Ecuador.

The chief center of Nazi activities in Brazil were the Farben firms of Allianca Commercial de Anilinas Ltda., and A. Quimica Bayer of Rio de Janeiro. Herr Hammers

was a ranking executive of Farben and a high member of the Nazi secret service. Two other Farben-Nazi secret service men were Herr Burmeister and Max Hahne.

In Chile the Farben-Nazi chiefs were Werner Siering, Nazi Party secretary, who organized the Nazi intelligence service in Chile.

In Peru, two Nazi secret service men were executives of the Farben Compania General de Anilinas.

In Mexico, the Farben chief executive was Baron von Humboldt, who represented the Gestapo in that country. Farben maintained three leading firms in Mexico, which were supplied by General Aniline and Sterling Products from New York.

Similarly, Farben's commercial and political power were predominant in Colombia, adjacent to the Panama Canal, and in other Latin American countries.

The Cartel, a Secret Weapon

Nor was I. G. Farben the only industrial giant to serve the German "mission". Another typical illustration of world control through cartel monopoly is afforded in military optical equipment. The Zeiss works in Germany are the world's largest manufacturers of this essential war material. Careful steps were taken to prevent American skill from developing in this field. Bausch & Lomb, also German, became Zeiss' exclusive agent in the United States. Zeiss bought into this American firm. Then came the first World War and the country was in such dire need of military optical instruments that appeals were made to the public for binoculars and other instruments. Under the guidance of the Bureau of Standards, Bausch & Lomb and other companies were encouraged to produce optical glass.

Despite this experience, when the war was ended, this field was left to Bausch & Lomb, and that company in 1921

signed a 21-year contract with Zeiss. Thereby, Bausch & Lomb obtained the United States as exclusive territory for the manufacture and sale of military instruments. Zeiss received the rest of the world. Bausch & Lomb paid 7 per cent royalty to Zeiss on all goods sold by it. Once again, the iniquitous feature of an innocent royalty payment was that it enabled Germany to know exactly what kinds of equipment and in what quantity the United States was buying.

In 1935, Bausch & Lomb refused contracts with Britain and France for \$1,500,000 worth of military instruments.

Pains were taken to limit American output. Although in 1918 Bausch & Lomb had produced 480,000 pounds of optical glass, in 1940 it produced only 200,000 pounds. Its remaining needs were filled by Zeiss. In other words, Germany controlled the American supply, through its cartel arrangement with Bausch & Lomb.

Another illustration involves the Krupp works in Germany. Tungsten carbide gives greater cutting power to machine tools. It is called the *martial diamond*. In 1928, the General Electric and Krupp pooled their patents on this material. In 1936 they entered into a further agreement, which gave General Electric exclusive control of the United States market, and Krupp, the rest of the world. General Electric agreed it would grant no further licenses to manufacture tungsten carbide without Krupp's approval.

The importance of this limitation may be gleaned from the fact that in many machining operations tungsten carbide increases the rate of production 500 per cent. Yet in 1938 Germany had twenty times as much tungsten carbide in use as the United States.

One of the reasons for our small production was General Electric's monopoly in this country, which permitted it to limit production and fix prices without competition.

Thus, when Krupp's price was \$90.60 a pound, General Electric's was \$407.70. When Krupp's price was \$37.14, General Electric's was \$199.32.

When the second World War came, Germany, previously defeated, had succeeded in depriving the United States of the large-scale use of the martial diamond.

These are not isolated instances of German scheming, aided by American firms bribed by the grant of monopoly. They were part and parcel of a deliberate German program which was applied to aluminum, synthetic rubber, quinine, atabrine and other important chemicals and metals.

During the first World War the United States seized 12,000 German patents. Almost all of them illegally secreted essential information, so that they were not genuine patents. American ingenuity, which had been too long under-estimated, found its own way. But Germany later either directly reacquired its patents, or regained control of them through cartel agreements.

Thus, in almost every instance where there was a cartel, there was a military shortage in 1942.

American firms, whatever their financial ambitions, operated independently and not pursuant to governmental direction. Indeed, very recently Vice-President Wallace issued a statement on behalf of Ralph W. Gallagher, president of the Standard Oil Company of New Jersey, after the latter's visit to him, to the effect that there should be no international cartels which hold prices above competitive levels; that all international agreements should be filed with the Federal government; that there should be unrestricted licensing of patents at reasonable royalties; and "that cartels which limit production, fix prices, divide territory and limit technological developments are against public policy and are inconsistent with our principles of

free enterprise." This is the enlightened voice of American business as it is heard today.

The German firms, however, were instruments of the State and their goal was ultimate military domination.

A Fifty Billion Dollar Haul

This discussion of German enterprises will aid in grasping the elusive fact that German industry planned and plotted with the army a military attack upon the world. Their "vision" included the looting of Europe. Both the war and the consequent international robbery were achieved.

The Nazi army was probably the only one in the world which had special economic units working in co-ordination with its General Staff. Their function was to obtain resources for the prosecution of the war. They were special units of the army, scientifically trained in looting. This department was called *Wehrwirtschafts und Ruestungsamt im Oberkommando der Wehrmacht* or War Economy and Armament Board of the High Command of the Armed Forces, abbreviated to *WiRü*. In preparation for the invasion of Poland the *WiRü* conducted an experiment on an area in the Saar. The entire civilian population was evacuated in a few hours. Then, in the abandoned villages and towns, units of the War Economy Staff entered with trucks and tools. Trained mechanics dismantled machine tools and other industrial machinery, while military clerks made detailed inventory and tagged each object. Three thousand railroad cars carried everything to another location in the east. This was a preview of Germany's subsequent program.

The Board of Economic Warfare of the United States reports that the Germans have plundered Europe at the rate of ten billion dollars a year. There has been a system-

atic removal of machinery, food, war material and clothing. The looting has extended from entire industries down to garden tools and door hinges. Little has been left untouched. Laboratory and scientific equipment from Europe's greatest research institutes have been moved to Germany. Horses, cattle, sheep and pigs have been confiscated. Public galleries and private collections have been stripped of art objects.

On April 25, 1941, the German High Command announced that 872 ships totalling some two million tons had been seized in occupied harbors.

In Poland alone, public property valued at \$2,900,000,000 was confiscated.

From France, the Germans acquired enough steel scrap to cover their normal requirements for three and a half years, plus oil reserves, copper, nickel, food, soap, shoes, clothing, paper, razor blades and even toothpaste.

Trains commandeered to haul the loot were not returned. From Czechoslovakia alone, the Germans got more than \$1,500,000,000 worth of military equipment. They stole even the stocks of laundry in military hospitals. Booty from Austria and Czechoslovakia was sent to southeastern Europe in exchange for foodstuffs and raw materials. Then these countries were invaded and the same equipment was recaptured.

By the end of 1941 German robbery amounted to at least 36 billion dollars! In 1943 it exceeded 50 billion dollars. Naples and Rome are recent additions to a record of theft never equalled in all history.

Title By Hold-Up

Nor was this all. Having learned, as we shall soon see, how to avoid reparation payments, the Germans knew how to collect them. They levied "occupation costs" upon

France, payable at the rate of 400,000,000 francs a day. Germany's actual occupation costs were 125,000,000 francs a day. Germany used the balance of 275,000,000 francs a day to "buy" at forced sale prices, every important industrial plant in France.

In the first instance the fund to meet these occupation costs was provided by credits advanced by the Bank of France. But as the Germans used the money to buy French securities and property, the former French owners, having no other outlet for the funds, invested them in Government bonds. This in turn enabled the Vichy government to make renewed payments to Germany. By means of this Machiavellian cycle, France was despoiled of real wealth and forced deeper into currency inflation.

In conquered territories, soldiers' banks were established (*Soldatenbanken*). They were provided with special army promissory notes called *Reichskredit Kassen-scheine* or Reich Credit Office Notes, printed without any backing. They were valid only in the country of issue. *Reichskredit* notes issued for Belgium had no value in France or even in Germany. The German authorities fixed an arbitrary rate of exchange between these occupation marks and the currency of the occupied country. As soon as a complete inventory of stock piles and assets had been made by the *WiRü* (until then all commercial transactions were prohibited without the consent of the military authorities), the *Reichskredit* notes would be declared legal tender. Local banks were compelled to accept them for local currency at the fixed rate. Thus, when a German bought something in a French shop with these marks, the owner exchanged them at his regular bank for their corresponding value in francs. The bank then exchanged these occupation notes for national currency at the branches of the Bank of France. It, too, was compelled to accept them. Since it could neither con-

vert these notes into German currency, nor use them in any other country, the Bank of France was forced to accumulate them. They merely represented a growing debt of the French government. Germany's debt, represented by these notes, was thus transformed into France's debt. In this way "purchases" were nothing but confiscation. The goods went to Germany. The responsibility for payment remained that of the occupied country. Due to the fixing of artificial exchange rates, the Germans even created the illusion that they were paying high prices.

By these devices, Germany acquired, immediately after occupation, two million tons of oil reserves in France and Belgium, 300,000 tons of potatoes from Norway, \$10,000,000 worth of Danish bacon, butter and egg stocks earmarked for the British market, and nine-tenths of Denmark's own butter reserves; 2,000,000 tons of wheat reserves (excluding France). From France alone the Germans took food worth upwards of \$900,000,000 and \$800,000,000 worth of machinery, textiles, metals, oil, even feather-beds and kitchen spices. Every conquered nation was stripped of its food stuffs, minerals, manufactured goods, and even of its industrial and commercial enterprises. Furthermore, the national banks of the occupied countries were compelled to issue more currency with no other backing than the worthless German occupation notes which they held in huge quantities. The result was large-scale inflation, so that ultimately the local shopkeeper had not only parted with his goods, but was unable to buy anything with the inflated money he had received.

Every 41 days Germany collected—mostly in goods—a sum equal to the one it was supposed to pay after the first war as total reparation each year for World War damages. Compared with the four and a half billion dollars which Germany exacted each year from occupied

countries, the \$234,000,000 it was finally asked to pay as reparations under the Young Plan was a drop in the bucket.

When the time for restitution comes we must understand that Germany did not simply steal and loot. The appearance of legal title by "purchase" was deliberately created, for the Germans have always anticipated that their effort at world domination may fail. To hedge against defeat and prepare for another campaign, they have deliberately given the appearance of legality to much of their pillage.

The Business High Command

It is difficult to unravel the complex factors of German scheming, and determine whether the industrial monarchs of Germany contributed more than the Military High Command to Germany's emergence from defeat to another attack upon a peace-hungry world. Neither could have acted without the other. Armies must be financed. Other nations must be weakened by military insufficiency and divisive propaganda. The insatiable German lust for world domination pervaded its business lords no less than its military clique. Significantly enough, the plans for war were hatched and developed long before the appropriate Nazi fanatics and madmen rose to give them hysterical throat service.

Therefore in planning a just economy for Germany, special attention must be given to the unique aspirations of the German businessman. He seeks more than success and prosperity. He considers himself an agent of German destiny. He believes German inventiveness must be utilized as a military weapon. He is a conspirator, not an entrepreneur, and any unethical business practices of his competitors in other countries pale into triviality when

compared with his program for slaughter and world booty. There was totalitarian preparation for war in Germany long before there was totalitarian war.

Just as the German High Command must be eradicated so that it may not breed new military plans; just as the munitions and, "heavy" industries must be eradicated so that they will not secretly again spawn the weapons of annihilation; so the German international "business" infiltrations which, through cartels and control of strategic military materials, constitute an economic fifth column lending its innocent façade to espionage and sabotage, must be destroyed forever. Any plan for economic justice which ignores these realities will be as futile as the disarmament clauses of the Versailles Treaty. German good faith must be entirely discounted. The power to practice bad faith must be annihilated.

Before suggesting an affirmative program for German economic reconstruction with proper safeguards, another historical journey will be instructive. It is into the financial and monetary realms, closely allied with economic planning.

The Reparations Fraud

To this day, Germany claims that she paid 31,875 million dollars in reparations. At various times even Allied experts accepted this estimate. Actually Germany paid 4,671 million dollars. The difference is accounted for by Dr. Schacht's fraud in treating military losses as if they were reparations. Thus he valued German colonies lost in the war at 22.5 billion dollars. He added German state property in the ceded territories, such as railway stations, school buildings, government offices and highways. Germany even included in "reparation payments" the cost of German disarmament, the destruction of German

fortresses and the transformation of German industry from war to peace production. Obviously this is a farcical accounting procedure. The losses of the beaten aggressor were claimed to be "reparations"!

It is true that Germany suffered from a severe inflation. One dollar was equal to 4,200,000 marks. Nevertheless, the fact is that between 1924 and 1939 Germany's real income was higher than in the years preceding the war. The individual German was earning more in those "years of want" than in the palmy days under William II.

Germany received in loans and credits from the Allies, her "conquerors," 6,750 million dollars, a sum far in excess of what she ever paid. Yet during the very period of these loans, while Germany's national income was 77 per cent higher than in 1913, the Allies cancelled 17,100 million dollars of German indebtedness, because of her alleged poverty.

In consideration of these huge cancellations Germany agreed to cease its constant plea for relief and to pay annually \$234,000,000—less than half of the Dawes Plan's "normal" payments. Nevertheless within a year Hindenburg again appealed to President Hoover for relief and a year's moratorium was granted. The next year reparation payments were simply cancelled.

The commercial loans fared no better. Germany received 5,355 million dollars in cash—and Hitler simply kept it. Kept it? Actually these funds were utilized to build another military machine.

The Allies were incredibly duped. Due to inflation in 1923, Germany's internal debt became practically non-existent while Great Britain carried an internal debt of 31.5 billion dollars, and France, 250 billion francs, all this apart from some 8,625 million dollars of war debts which these two countries owed to the United States.

The victorious nations suffered under their obligations while the vanquished obtained cancellations, loans and investments with which a new military machine was built. Germany not only had the advantage of surreptitious military construction under the guise of poverty, but the Allies, while financing Germany, were actually unable to finance their own armament program. Such is Germany's record of cunning, deceit, and ruthlessness in the financial realm. This financial skullduggery must not be repeated.

Of greater value than the monetary study in charting our future course is an analysis of the reparation payments in merchandise. Two main economic theories of reparation existed after the last war. One was held by the French, who insisted that Germany's failure to pay in gold was due to bad faith and that sufficient pressure would compel the Germans to pay. The other theory, advocated by the English under the guidance of Professor John Maynard Keynes' "dynamic solution," urged that German industry be rehabilitated by the grant of large loans. This would enable her to buy raw materials and modernize her production equipment. Only a prosperous Germany, it was argued, would be able to pay the reparations.

A compromise between the two theories was adopted. Under the Dawes Plan a loan of 800 million gold marks was made to the Reichsbank, secured by a mortgage of the German National Railways and certain taxes. Germany was thereafter to pay her reparations bill at the rate of one billion gold marks a year, increasing to two and a half billion in the fifth year. These payments, however, were to be paid in part in manufactured goods or raw materials.

Germany immediately flooded the world markets with goods. The Allied nations raised their trade barriers to keep out the competing German goods. Germany refused to be thus restrained. She resorted to dumping and similar methods, thereby forcing a further revision in the

reparation payments. The Young Plan followed, again substantially reducing Germany's payments, but requiring that they be made in gold, not in merchandise.

Germany accepted the reduction but did not make the required cash payments. Instead, she stopped all payments of interest and principal on foreign loans, and simultaneously increased her exports by dumping. The currency and gold which she thereby acquired were not used to pay reparations but were used to aid the rearmament program.

During the playing of this financial farce Germany engaged in ceaseless propaganda to the effect that without access to raw materials she could not live. Actually, her imports of raw materials far exceeded the pre-war rate and for a smaller population. But they were absorbed by armaments secretly being constructed. This propaganda was amazingly effective with neutral nations and even with former Allies. The Hoover moratorium was a typical reaction.

These historical references are not merely recriminations. The same economic theories which led the experts to their previous conclusions are still in favor in many high quarters. The awareness of German deception may be keener, but traditional beliefs concerning patents, trade, tariffs, and reparations still persist. The lure of sympathy for the masses of "innocent" Germans is not inconsiderable. Nor will our resistive capacity be made firmer by the numerous German organizations which will no doubt assure us with all the emphasis of breast-beating that they were always oppressed democrats performing the Nazi will under compulsion. Victims of Hitlerism will gain authority by their service in concentration camps, and undoubtedly many of them will be sincere. But behind this façade will be plotters against world peace, whose reform and democratic evangelism are only disguises to be worn until

the next drive for conquest. There must not be another. For we must steel ourselves on the economic front as well as on the political front, and extirpate the power to do evil by methods which, though drastic, are imperative.

Economic Disarmament

It will not be sufficient to destroy the military caste. Another can quickly arise. Germany's capacity to build the tools for another war-machine must be permanently removed. There must be complete industrial disarmament. Perhaps we may call it "de-armament." To confiscate Germany's existing weapons may actually be of advantage to her. The confiscated equipment thus acquired by the United Nations would soon become obsolete, while Germany could plan a newer and more effective arsenal. The reverse was true when Germany attacked. The democracies, having been caught unprepared, built newer arms. When they tooled for bombers, fighter planes or tanks, they had the advantages of constant and speedy improvements in models. Burdened by her early start, Germany was constructing obsolete models and feared to take time out to completely overhaul her military machine. Thus, though our quantity was greatly behind schedule, we often approached equality through quality.* Perhaps some moral law of retribution came to the aid of civilization's cause enabling us to punish those who prepared early, and to help those whose unpreparedness revealed peaceful intent. We must not stock ourselves with old weapons and permit the

*This is the explanation of the first triumph in the Battle of Britain when Germany was at the very zenith of her power. She used bombing planes not constructed for heavy loads but rather for auxiliary use in support of tank and infantry forces. Britain used Spitfires specially designed for their task. That was why so few British pilots were able to earn so much for so many of us. The later models of Lancaster and Flying Fortress demonstrated what Germany's bombers should have been to be effective.

Germans surreptitiously to build a modern super-juggernaut. So in addition to confiscating her weapons, all plants engaged in producing war material will have to be stripped, and the factories demolished. This machinery must be moved abroad or scrapped. All stocks of metal, oil, and rubber in excess of current civilian requirements should be removed, and the Germans should never be permitted to accumulate stock piles of strategic materials.

But even more important, the machine tool, iron, steel, aluminum, chemical, and other industries which provide the possibility of reconstructing these plants must be removed from German direction, either physically, or through control of management. One method of control would be to place the majority stock of these "heavy industries" in trust with representatives of the United Nations. If, as shall be explored later in this chapter, jurisdiction is conferred upon an international body to cope with economic problems, that organization could act as trustee. In either event, German industry, which has been, and is, highly centralized, would be deprived of the opportunity of circumventing the disarmament provisions of any armistice.

No reliance can be had upon mere inspection of factories to determine whether they are really building military equipment. The difficulty of unravelling German industrial intrigue is too great. Moreover, the ardor for investigation diminishes with time. Control of industrial policy is essential. Industrial control at the source would eliminate the danger of relaxed supervision. Like most undramatic tasks, there is conscientious intensity in the beginning and later the gradual bribery of boredom. We must not, in so vital a matter, rely solely upon the fevered alertness of early occupation days. The Germans could operate the plants and have day-to-day supervision, but the international trustees should have final power to approve all personnel, contracts, investments, corporate finance,

and all foreign arrangements, whether by cartel or otherwise. It would then be impossible for German industrialists to establish, through foreign affiliates, an espionage and sabotage organization under the guise of business enterprise. The most dangerous form of the fifth column would be eliminated.

Just as the object of a good physician is to prevent rather than cure disease, so this industrial control would stifle secret armament at its source. No longer would it be necessary to unravel the illimitable complexities of foreign subsidiaries; of contract associations; of corporations ostensibly owned by citizens of the resident country; of patents and licenses in their names; of deals to limit production of strategic materials; of price-fixing; of arrangements which aided German research and stymied our own chemical ingenuity. No longer would the most remarkable of German alchemies exist, in which lipstick containers turn out to be cartridge shells, washing machines become anti-aircraft bases, telescopes become field artillery, and moving vans grow up to be tanks.

Not the least advantage from such a program would be the elimination of the demagogic solution of unemployment—namely, the building of armaments. Dictators have often resorted to this artificial remedy for economic distress. It has served too many of their illegitimate plans such as the creation of a military force to protect their own regime and feed on others'; the appeasement of the victims of "capitalism" (though fascism is state capitalism without social welfare); the glamor of military uniform, to make gangsterism respectable; the esteem of the soldier's profession with its assumption of patriotism. In three years under Hitler, German unemployment was reduced from six million to less than a million. In the fourth, 1937, Germany actually imported labor. If the world's

capacity to observe and interpret had not been crippled by a curious sort of self-hypnosis, it would have seen and understood in this simple fact that the storm of destruction was approaching.

Iron and Rye

Finally, economic disarmament must include agrarian reform and the breaking up of the Prussian feudal estates. In 1879 Bismarck announced his famous "compact of iron and rye." This was a high protective policy which aligned heavy industry and the feudal landowners against the middle classes. To justify this shift in political power, resort was once more made to agrarian mysticism—the holiness of German soil. This was contrasted with the "godless" Social Democratic movement and the "Jewish" capitalist traders. Thus, long before Hitler and the Nazis, the superstition of the superiority of German soil and blood was offered to protect the Junkers, the landowning aristocratic and military caste of Prussia.

Until a generation ago, there were really only two classes in Prussia, the feudal estate-owners and the peasants. This contributed to the German caste system, the social cleavage, and the fanatical acceptance of authority. This also explains the paternalism of Prussia. In South Germany, where there was a wider distribution of land under peasant proprietorship, the German *Gemütlichkeit* had an opportunity to develop.

The Junkers remained the ruling class throughout both World Wars. It controlled legislation and joined with Hitler to express Prussian arrogance towards the world. This landowning class, the fanatical sponsors of super-nationalism, must be smashed. It should not be permitted to survive, as it did after the defeat of the Kaiser. Its privileged economic position, based upon an arbitrary and

excessive protection of grain, wheat and rye, must be destroyed. Its estates must be confiscated and distributed to the peasants in small parcels. "Agrarian reform, redistribution of the land, such as occurred in several European countries after the last war, is an essential basis for democracy and peaceful co-operation." (J. B. Condliffe, *Agenda for A Post-War World*.)

It is significant that Germans who seek to wash the curse off their land place special emphasis upon this reform. For example, Professor Einstein has written: "I am convinced that a fresh aggression on the part of Germany can be avoided only if the control of industry on German soil is taken out of German hands, and the large estates dispossessed and parcelled out."

The Quality of Mercy

Immediately after the armistice, the distressful condition of Europe will require a generous healing hand. Such are the insanities of war that the greater the battle, the more there is to rebuild; the more effective the blockade, the more there are to feed. These are not our doing. The civilized world practices killing and destruction only so that these forces may not permanently be enthroned. But reconstruction automatically includes the extension of mercy even to the undeserving. It is estimated that 9,268,138 tons of concentrated foods will have to be sent to Europe in the first six months after the armistice, if any kind of order is to be maintained. Repayment can be made by the recipients in the form of raw materials and other products which the food-producing countries may require. France, the Netherlands and Belgium, which will require the greatest shipments, are fortunately in a position to pay in gold and foreign exchange. Assuming, however, that this aid becomes a "gift", we should not be

deterred. Even on selfish terms, and entirely apart from humanitarian considerations, it will be cheaper than the expensive block-busters we delivered free over Hamburg, or the millions of tons of gasoline our jeeps consumed in Africa, or the warship a day we have been constructing. Compared with the billions of dollars it has cost to destroy an evil order in Europe, the cost of restoring a decent order is trivial. "The United States," wrote Walter Lippmann, "has a very great interest in seeing that the liberated continent goes back to work."

In Germany, children should be aided first, and pains should be taken through the planting of the American, British and other United Nations flags and the distribution of printed material, to advise them that it is the democracies which bring them succor. For no opportunity should be lost, as we shall soon see, to begin the re-education as well as the disarmament of the German people.

It is a significant humanitarian fact that no phase of post-war planning has advanced farther than the solution of the food problem. Forty-four nations have already signed the agreement for the establishment of a United Nations Relief and Rehabilitation Administration.

International Economic Control of Germany

These are some of the prophylactic and relief measures which must be taken. But the dynamic equilibrium between preventive measures and relief requires international controls. After the last war we were caught in the vortex of two opposing economic tides. One sought to punish Germany and make her pay. The other sought to aid Germany and give her economic stability. We achieved neither objective. It is small solace to the planners that German deception intervened to turn all their economic theories topsy-turvy.

The responsibility is ours to make it impossible for German trickery again to seize the day. The task is made more difficult by a whole series of dilemmas: we must insist that Germany make restitution, which will deprive her of illegally acquired wealth. Yet at the same time we wish to avoid a German economic collapse which would spread to the rest of Europe.

We desire to make Germans rebuild the areas they devastated for this, too, is a form of restitution. Yet at the same time we do not want German forced labor to create unemployment problems in the rebuilt countries.

We wish to disarm Germany completely, thus relieving her of enormous expense. Yet we do not wish to have our industries burdened by the cost of maintaining armaments.

We desire to relieve the immediate distress in Germany. Yet we do not wish to suffer the expense of perpetual policing.

We intend that German reparations shall be paid. Yet we must not risk her method of dumping merchandise on our markets. These are but some of the economic conflicts.

The correct policy is clear in general terms: Germany must pay to whatever extent she may be able, without injury to her own or world economy. But only through international control can these conflicts be successfully resolved. The ultimate goal must be the establishment of a more stable order and a more co-operative trading system. Details for such a plan cannot be fixed. It must be flexible. It must be subject to constant supervision and readjustment. That is why a supra-national economic body is essential. Such a World Economic Commission would prevent makeshift arrangements and desperate, last minute Dawes, and Young Plans to deal with crises already in existence. It could engineer the controls so as to keep Germany's economy sufficiently healthy to make the maximum restitution. The imposition of arbitrary punitive

reparations is objectionable not because of any sympathetic or sentimental reasons, but because they are uncollectible. And in the course of non-collection, world economy, a highly sensitive organism, would become dislocated.

Under the close supervision of an international commission, Germany's economic condition could be ameliorated and improved while at the same time she would be obliged to make restitution. Leading economists, such as Professor Eugene Staley, J. E. Meade, Professor P. E. Corbett, Professor Edward H. Carr and Professor J. B. Condliffe subscribe to this view. They believe that greater wealth as well as reparations can be created by intelligent co-ordination. Germany's standard of living has been so low since Hitler's rise that it will be possible to improve it, despite reparation and restitution. Under proper guidance, Germany could produce beyond its increased needs and use the surplus to repair the damage done.

Economic forces are so uncertain and at times so surprising, their consequences so involved and unforeseeable, that static and definite plans to deal with them are bound to be defective. A dynamic solution must be sought, one that adjusts itself to progress. Who knows what new industries will arise? Who knows what new secrets advancing chemical knowledge will unfold? And how can we judge in advance what newly developed materials or products will be required, or in what parts of the world they will happen to be situated? Who can say what new technological processes will have to be financed, and whether it may not be advisable to exploit German efficiency and skill along peaceful lines by setting up some of these new industries in her midst for the benefit of world economy as well as her own?

An international board of directors (similar to the World Investment Commission and World Investment

Bank proposed by Professor Eugene Staley) to consider these business opportunities, could bring them to fruition. No supplanting of private enterprise is here contemplated. On the contrary, it should be encouraged. Its initiative and efficiency are not easily maintained by governmental bodies. But the very power it generates must be channeled in the interest of society. The controls in the domestic sphere, such as anti-trust laws and taxation devices, which we apply to protect the public interest, must similarly be applied in the enlarged realm of international economic activity. Abuse of strength is a self-destructive tendency. Enlightened private enterprise is well aware that it can best remain private when it conforms to social restraint.

Economic Isolationism Is Also Bankrupt

Our attention to the German problem must not make us forgetful of our primary concern for her victims. But Germany is not an island unto herself. She is part of the economic mainland. Epidemics of economic disease cross national borders. Solution of the German problem will help solve the world's problem. But the relationship is bilateral. Complete solution of the German dilemma requires the absence of international economic anarchy. The responsibility is ours so to direct the economic forces as to derive from them the greatest well-being possible for all peoples, including the Germans. Isolationism is no more feasible in the economic than in the political realm.

There was a time when the free movement of goods without controls was responsible for the greatest advance in the standards of living the world has ever known; and this period was also the longest stretch of comparative

peace that man has known. But developments and complexities of growth have altered the situation.

There is a period in every town when traffic proceeds most speedily if unhindered by direction. But with growth, the "let-them-ride" formula becomes dangerous. Traffic lights and policemen must curb the flow of vehicles and give them direction, or there are hopeless snarls and accidents. Economic traffic is no different. It may come to a standstill of depression in the very act of making haste. Such chaos is avoidable by international co-operation.

Co-ordination can bring prosperity where unilateral conduct leaves only depression. Technological progress requires exchange of raw materials, and selfish national restrictions only come back to plague those who apply them.

Necessity has already compelled considerable regional economic cooperation. There is the Inter-American Economic and Financial Advisory Committee and Development Commission. There is its plan for an Inter-American Bank. Here the purpose has been to explore and develop regional resources, to adjust labor supply to local requirements, and to secure capital for desirable enterprises.

The League of Nations' experts and many other economists saw the stupidities of economic anarchy. The League raised loans for the relief of Austria and Hungary. It sought to overcome the effects of rising tariffs by drafting conventions for the simplification and publication of customs rates. It warned of the dangers involved in import and export prohibitions. But it had no power. It could only study, report, advise and adjure.

In 1939 the League of Nations adopted a report providing that its economic activities should be separated from its political activities. In other words the League Council was to surrender jurisdiction, so that states not belonging to the League could be invited to participate in

its economic activities. The directing body of the economic section was to be made up of 24 state representatives and eight non-governmental members. The League Assembly appointed an organizing committee which met at The Hague in February, 1940.

This suspended plan may well be lifted from cold storage to serve as the nucleus of a supra-national organization to co-ordinate international economics. Fine precept is afforded by the International Labor Organization, likewise voluntarily divorced from the League, and the Bank of International Settlements. Under such a supra-national economic authority a Central Bank could be established, similar to the Federal Reserve Bank, with power to raise or lower interest rates simultaneously in all countries. Thus credit could be expanded or contracted in accordance with the best interests of all nations. There would be an "engineer" in charge of the project, and it would not be permitted to run aimlessly. Exchange rates could be stabilized and an international revolving fund could be utilized to check the distress resulting from the fluctuations of short-term credits.

Above all, quotas, tariffs and other restrictions on trade could be controlled. Tariffs would be encouraged for infant industries. The international body's jurisdiction would include control of cartels, which could then be transformed into instruments of international collaboration instead of international conspiracy.

To those who may be more willing to accept a novel idea after it has been partially tried and found to be practicable, reference is made to the Tripartite Agreement among the United States, Great Britain, and France in September, 1936. Subsequently, Belgium, Holland and Switzerland joined the pact. All agreed "to maintain the greatest possible equilibrium in the system of in-

ternational exchange and to avoid to the utmost extent the creation of any disturbance of that system by national monetary action." This agreement was effective, though of course, it suffered from a limited scope.

None of this is starry-eyed idealism. It is the hardest common sense, and good business. The United Nations have subscribed to the Atlantic Charter which provides:

"Fourth: They will endeavor with due respect for their existing obligations to farther the enjoyment by all states, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;

Fifth: They desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;"

But the Charter can be made effective only if it is implemented by some supra-national machinery. Such international co-operation will ultimately be thought as commonplace as our long-standing association with the League of Nations to prevent shipment of opium, to take measures against the spread of dread diseases, and to encourage economic research. While the United States shunned the League, it became an active member of the International Labor Organization and of the Bank for International Settlements. As recently as November, 1941, thirty-two nations met in conference in the United States under the auspices of the International Labor Organization to discuss plans for economic and social reconstruction.

A similar body devoted to international economic problems is the real solution for a whole series of perplexing problems, of which the German is only one.

As the program evolves, it takes on the shape of a peace, politically hard but economically generous. Economic justice necessarily includes the painful task of restitution, and at least partial reparation. To absolve the German people from this burden would constitute economic injustice to the Russians, whose factories, dams and farms have been mercilessly destroyed, and millions of whose citizens have been forced into slave labor, and to the French, Czechs, Poles, Yugoslavs, Dutch, and other victims of German outrage. Foresight likewise requires that, in lieu of revenge, practical steps be taken to prevent Germany from ever again having the means to ravage the world. Some of the measures to accomplish this end have been outlined. Nevertheless the program envisions Germany benefiting from an improved world economy and learning that temporary loot is not the means to genuine wealth; and that the price of military achievement is the constant lowering of standards of living.

Those who write the peace must be gifted with the righteousness which comes from a justified anger against the immediate past, and a calm determination about the long future. Combined the two can achieve that elusive and unprecise concept, justice. The groundwork must be laid in Germany itself, for a healthy economy, in which the German disease will have less ground to fester and in which our own efforts to make the probationary period a successful one can best function. Economic conditioning for the educational process is vital.

EDUCATING CAIN

"Men will be brutal," said Voltaire, "so long as they believe absurdities."

The most charitable view which can be taken of persistent German derangement in international conduct is that her people have been conditioned by false teachings for many generations. Germany's resort to a second World War after having been beaten in her first assault, might lead the impatient to declare her incurable—a case of "bad blood." Such counsel of despair has been given by many an author. One wrote: "This book as I stated at the outset, is written in the firm conviction that the menace will remain and that there is no practical and certain way of removing it." (Jack Cherry, *Once and for All*.) The Germans' own racial theories would support such a view. Having enthroned the imperishable characteristics of blood, soil and race, their own "qualities" might be deemed ineradicable. Professor Karl A. Kuhn in his book, *The True Causes of War*, wrote: "Must Kultur rear its domes over mountains of corpses, oceans of tears, and the death rattle of the conquered? Yes, it must! . . . The might of the conqueror is the highest law of morality, before which the conquered must bow." Professor Werner Sombart of Berlin University in his book, *Hucksters and Heroes*, wrote: "War appears to us who are filled with military zeal as in itself a holy thing, as the holiest thing on earth."

Professor Adolf Lasson in *Das Kulturideal und der Krieg*, ante-dating Hitler by sixty-five years, wrote: "Between states there is only one force of right, the right of the stronger. It is perfectly reasonable that wars should arise between states.

"It is impossible that a state should commit a crime . . . Not all the treaties in the world alter the fact that the weak is always the prey of the stronger, whenever the latter desires and is able to assert this principle. As soon as we consider states as intelligent entities, lawsuits between them are seen to be capable of solution only by material force.

"The state which is organized only for peace is not a true state; the state reveals its whole significance only by its preparations for war . . . Law is the friend of the weak. War is a fundamental phenomenon in the life of the state, and the preparation for it occupies a place of the first importance in national life."

Plain speaking,—and quite discouraging for those who recognize no inherited characteristics which differentiate one human being from another. How ironically alluring it would be to adopt the Nazis' own theories of unchangeable blood stigma and declare them forever the pariahs of society! What philosophical retribution it would be to condemn them by their own standards and thus justify a Carthaginian peace! The murderer professes to be a scientist and assures the court that he is incurable and beyond redemption. Since he would impose death on innocents, he agrees that no mercy should be exhibited to him. But justice does not listen to him or his superstitions, for this is no game of polemics, in which the victim may be trapped by his logic.

We hold the race theory to be arrant nonsense. It is no more valid for Aryans than for non-Aryans. Its thesis that corruption lies in the blood stream is not worthy of

scientific disproof. How else could one explain that other Germany, the Germany of Goethe, Lessing, Kant, Schiller, and Beethoven, none of whom was a nationalist? There is no "difference of gray matter and muscular tissue which distinguishes a man born between such and such lines of longitude and latitude from all other men, white, black, brown or yellow." Sir Norman Angell, "Responsibility, Punishment, Reparation" (*The Dial*, Dec. 28, 1918).

In the ninth century, Scandinavians were the war-like Vikings of the sea. Today, they are exemplars of peace-loving people.

No, there is hope for the Germans. They are born as normal as any of us. What, then, is the explanation for their psychopathic quest for world-rule?

"The Most Important Fact of the Last Half Century"

Experiments conducted with children show that, compared with other animals, the human being has few instincts and that they are the same for all, irrespective of race. A child will have an instinctive fear of sudden loud noises, of falling, of lack of support. It will not instinctively fear any animal whether it be a snake, a crocodile or another human being. Most of its fears and likes are the result of conditioning from experience; similarly, it has no natural craving to kill another animal or to enslave it. This, too, must be *learned*. The higher the stratum of the animal kingdom, the lower the proportion of instincts. The opportunity for learning is automatically increased. A frog cannot learn as much as a mammal, such as a rat or dog, and its behavior is governed by instinct to a much greater degree. Man inherits the most highly evolved brain of any animal in the world. It contains at birth few behavior patterns. It is conditioned by learning; and therefore

man's behavior is plastic, being subject to improvement through experience.

To look for the source of the German war-like "instincts," which are not instincts at all, we must trace the educational streams from which they have been drinking. At the same time we can take comfort that purer water may effect a cure. Though the task is difficult and fraught with uncertainty, and though we may find resistance in the patient, who is still under the influence of the poisonous draughts, there is at least the possibility of success. Scientists are accustomed to years of painstaking experiments with only a glimmer of hope that the trail is not completely false. Can the political scientist hesitate because fulfillment is not assured?

Prior findings have been recorded, tracing the poison to corrupted education. H. G. Wells has written, "It cannot be too clearly stated it is the most important fact in the history of the last half century, that the German people was methodically indoctrinated with the idea of a German world-predominance based on might and with the theory that war was a necessary thing in life."

The key to German historical teaching is to be found in Count Moltke's dictum: "Perpetual peace is a dream, and it is not even a beautiful dream. War is an element in the order of the world ordained by God. Without war the world would stagnate and lose itself in materialism." Nietzsche agreed. "It is mere illusion and pretty sentiment," he wrote, "to expect much (even anything at all) from mankind if it forgets how to make war. As yet no means are known which call so much into action as a great war, that rough energy born of the damp, that deep impersonality born of hatred, that conscience born of murder and cold-bloodedness, that fervour born of effort in the annihilation of the enemy, that proud indifference to loss, to one's own existence, to that of one's fellows, that

earthquake-like soul-shaking which a people needs when it is losing its vitality."

Self-Education After World War I

Even after the Hohenzollern dynasty fell in 1918, the educational processes in Germany ran the usual course, undisturbed.

Text-books and lectures, the embodiment of distilled Pan-Germanism, remained the same. German secondary schools and universities consisted of the same *Gymnasium*, the *Realschule* and *Realgymnasium*, and taught the same courses.

Brave constitutional provisions were adopted, requiring enlightened teaching, but, like the republic itself, they were an experiment never taken seriously.

The constitution of the German Republic, adopted in Weimar in 1919, stated (Section 148):

"In every school the educational aims must be moral training, education in citizenship, personal and vocational efficiency and above all, the cultivation of German national character and of the spirit of international reconciliation.

"In public school teaching care is to be taken not to wound the feelings and susceptibilities of those holding different opinions."

The Prussian teachers, particularly, found the "cultivation of German national character" and "the spirit of international reconciliation" incompatible. When they were required to teach Section 148, they commented to their classes: "This is a very nice ideal and it may be that some day in the future we can educate our youth in such a spirit. As long, however, as French colored troops are quartered on our German Rhine, we cannot even talk about international reconciliation."

This incitation to hatred and revenge was given in the guise of interpreting a constitutional provision on tolerance. The Prussian educational tradition which prevailed in the German school system was "a deception practiced for the bolder political end of rearing the individual to be part and parcel of an artificial and despotic system of government, of training him to be either its instrument or its slave, according to his social station." Samuel Laing, *Notes of a Traveller*.

The plans for democratic self-government in the schools fared badly under the republic. On April 2, 1920, the State Education Department issued a regulation that the pupils of all classes should, at the beginning of each year, elect a speaker by a secret poll. The regulation further provided that the speakers of the higher classes would form an administrative body, a students' committee, and that a general assembly of all students should be called at regular intervals to discuss and regulate all matters of interest to the student body. This well conceived experiment in localized democracy was a complete failure. The student bodies split up along racial lines, or indulged in purely political arguments without doing any constructive work on the administration of the school. The majority of the students was anti-republican and anti-democratic. They believed in the old-fashioned rule of absolute authority, and deliberately sabotaged the provisions for self-government in order to prove that they were ludicrous. The democratic minority, believing in free speech even for the enemies of their experiment, was unable to prevent disturbances which made a mockery of self-government. With endless rant the anti-democratic forces contended that only fruitless talk and indecision can come from a deliberating assembly. Insisting upon their democratic right to be heard, they proved their point by their own

conduct. In this manner, throughout German schools, the movement toward democratic self-discipline was sabotaged.

These scandalous exhibitions were enactments on a tiny scale of what was happening in the larger political sphere of the German Republic.

All this was beyond the ken of the German educational administrators. Even teachers whose sympathies were with the democratic provisions of the regulations, were unable to cope with this hostility. The moral is that liberal regulations, laws, or even constitutions, do not make a democracy. It is not pronouncement of faiths, but practice of them, which can make them a working reality. Education must precede practice. The reverse process results in the attainment of neither. Obviously, the problem cannot be left to the solution of the present school-masters. They and their predecessors have betrayed the democratic faith. They have been so steeped in the prussian tradition that their loyalties have demanded the sabotage of the noblest educational principle, teaching the truth. The Prussian is distinguished by his loyalty to superiors and his obedience to duty, irrespective of sacrifice. His best qualities, because of deluded motivation, are therefore arrayed against us. One may as well trust the German High Command to disarm Germany as to trust the teachers of Germany to re-educate its youth.

The Devil's Brew

The enormity of the problem can only be fully comprehended by an examination of the educational system which has developed under Hitler. It surpasses our worst expectations.

The distortion of truth becomes a recognized pedagogic device. It accelerates the inculcation of an insupportable credo. Falsehood then becomes an ideal. Fiction sup-

plants fact so often that the mind rebels at elementary truths in favor of familiar lies. The whole concoction of mendacity is stirred with prejudice and hate, and thickened by hypnotic repetition. It is really a devil's brew, to unseat the mind and deprive it of all critical qualities. It implants fanaticism and the desire to murder. Those who cannot understand the relentless cruelty of the German people marching off to kill and plunder, must study German education, brought to its extreme perfection under the Nazis. Their incredulity will disappear.

Mein Kampf sets forth the objective:

"The whole end of education in a people's state and its crown, is found by burning into the heart and brain of the youth entrusted to it an instinctive and comprehended sense of race . . . It is the duty of a national state to see to it that a history of the world is eventually written in which the question of race shall occupy a predominant position . . . According to this plan, the curriculum must be built up with this point of view. According to this plan, education must be so arranged that the young person leaving school is not half pacifist, democrat or what have you, but a complete German . . . The aim of the education of women must be inflexibly that of the future mother."

The fact that mis-education is the most important weapon in the arsenal of war is frankly stated in *Mein Kampf*:

"The question is not how we can manufacture arms. Rather it is, how can we create the spirit which renders a people capable of bearing arms? When this spirit dominates a people, will-power finds a thousand ways, each of which leads to a weapon."

With systematic thoroughness, the Nazis have distorted the approach to every academic subject. A teachers' text-

book by Karl Alne advises that the teaching of history "is a means of solving the political-historical task of the people—the aim of instruction is preparation for the battle for self-assertion of a people . . . The history of the world is to be recorded from the racial point of view."

In the periodical, *Nationalsozialistisches Bildungswesen*, Friedrich Freider writes: "History is the science of political education. Present and future instruction in history take cognizance of the fact that the aims are not so much scientific as political," and he adds in italics: "*The ground for our teaching of history consists of nothing but following the Fuehrer.*"

The official Nazi teachers' manual and guide, *Erziehung und Unterricht*, gives the following directive:

"The main topic for the history teacher should be the German nation with its Germanic characteristics and its grandeur, its fateful struggle for inner and outer self-expression.

"Out of the faith of the National Socialistic movement in the future of the German nation has arisen a new understanding of the German past. History instruction must be based on this living faith, it must fill our youth with the realization that it belongs to a nation which of all European nations has suffered longest and most severely before it was unified, but which today can face the future with confidence. This kind of instruction will open to our youth the most noble aspect of our past, which, in turn, will deepen our feeling of our own worthiness and our greatness . . . The principles of race distinction teach us not only to recognize the fundamental characteristics of our nation, but offer the key to universal world history."

In other words, history is not a study of the past but an artificial construction of events to justify the Nazi present.

History is complemented by instruction in geopolitics, which expounds theories as to how and why Germany must rule the world.

The geography teacher is instructed by the official teachers' guide that "we Germans must have our share of the world and its treasures." Geography is called upon to make real Germans and real National Socialists.

The teacher of North American geography is given a special assignment. He must instruct his student that "America is a country where changes of race and landscape have been produced by immigrating Europeans, who have come there because of economic reasons. The conditions of the country before this migration, mixture of races and the results, economic progress, economic exploitation, mass production, overproduction, the Negro question, the problem of the yellow race on the west coast, the Indian question are to be other topics for discussion."

The Nazi educated youth conceives of an American as a demoralized, blood-polluted and enfeebled hybrid, enmeshed in racial problems and incapable of decision.

The biology instructors are told by the teachers' guide that "biology plays an important part in National Socialist ideology . . . Biology is especially suited to destroy the myth that man is primarily intellectual."

The chemistry teacher is directed to emphasize the importance of military and aerial defense, and to reveal to the young students how important it is that engineers, laborers, and business men work together for a greater Germany.

Even mathematics, the impartial science, is bent and twisted by the Nazis. The teachers' guide advises: "The dependence of this subject on race is obvious. It is characteristic of the Nordic spirit that it conquered the great realm of force with the creating hand as well as with the

pondering mind. The philosophical speculations of a Copernicus, a Kepler, a Leibnitz, a Kant and a Gauss have an ideological foundation placed on mathematics."

Occidental mathematics is described as "Aryan spiritual property" and the "expression of the Nordic fighting spirit," thus ignoring the fact that mathematics was developed originally by the Greeks and in the Middle Ages by Arabs and Jews.

The smallest mathematics problem is turned into a propaganda device. Children are requested to compute how many Germans were lost through the Treaty of Versailles, or how many bombs an airplane can carry, or how deep air-raid shelters should be.

Erziehung und Unterricht bluntly states that the German school is part and parcel of National Socialistic order, and that "it has the mission to mold the National Socialistic being . . . The National Socialistic system of education does not stem from a pedagogic theory, but is the result of political conflicts and its laws . . . It is therefore the mission of the German schools to rear men and women who, in true willingness to sacrifice all for nation and Fuehrer, are able to lead a truly German life."

Every German child says "Heil Hitler" from fifty to one hundred-fifty times a day. Every child belongs to at least one Nazi organization, such as the *Jungvolk* or the League of German Girls. A literal report (Patsy Ziemer, *Two Thousand and Ten Days of Hitler*) of a typical history lesson includes the teacher's questions:

"Who is the most important and the most noble human being in the world today?"

The class screams in unison, "Der Fuehrer."

"What must we do to our Fuehrer?"

"We must love and revere him," they all shout.

"Why must every German girl thank God on her knees every night?"

"Because he has given us the Fuehrer."

"Why has God given us the Fuehrer?"

"To save us."

"From what has the Fuehrer saved us?"

"From ruin."

"What else?"

"From Communism."

"From what else?"

"From the rest of the world."

"What is the Fuehrer?"

"He is the savior of Germany."

"Yes, the Fuehrer is our savior. He has made Germany again strong and respected. He has made Germany the most powerful nation, so that we can protect Germans everywhere. What has he given us?"

"The strongest army in the world."

"What else?"

"The strongest air force."

"What must we do every night?"

"We must thank God for the Fuehrer."

"What is the greatest dream of every German girl?"

"To see the Fuehrer," the girls shout.

"What is an even greater dream than that?"

"To touch the Fuehrer's hand," boys and girls answer.

Having completed their history lesson, the children, then proceed to the biology class. The textbook used in all German grammar schools is *The Nazi Primer*. It proclaims the "unlikeness of man", and that the possession of pure German blood is essential for admission into the community of German people. Then a complicated course in biology and anthropology is summarized, and the Ger-

man racial theory established as scientific fact. The Primer teaches:

There are six races in Europe, different not only physically, but in mind and action; Nordic, Phalic, Western, Dinaric, Eastern and East Baltic.

Most of the Nordics are found in Germany but there are also many in the other lands of Northern Europe, such as Scotland, Sweden and Norway.

Nordics are outstanding in truthfulness and energy; action, not talk, is the Nordic motto, and hence they are predisposed to leadership by nature.

Closely related to the Nordic is the Phalic, inhabiting chiefly Westphalia, Sweden and the Canary Islands; the Phalic are better suited to be the driving force under the leadership of the Nordics than for leadership themselves.

The Westerns predominate in England and France and are different in soul qualities, are loquacious and excitable, and lack creative power.

The Dinaric race is somewhat similar to the Nordic in soul qualities, is proud and brave, and is found in southwest and central Germany.

Unfortunately, however, great thinking abilities are not found in them.

The Eastern and East Baltic races are found in Holland, the Baltics and parts of Italy and France, and their histories show that they have always been unable to lead themselves.

To prove the accuracy of all these teachings, the superiority of the Nordics and their mission to rule over inferior races, the *Primer* cites the Mendelian theory of heredity and applies it to the formation of races!

Having completed his biology lesson, the child then proceeds to the courtyard. In doing so, he must pass through various class rooms where he sees signs framed

on the walls. By order of the German Minister of Education issued in 1934, each room must display such slogans as: "The Ten Commandments are the deposit of the lowest human instincts," "The people's state will have to fight for its existence" and, "The final goal always to be kept in mind in the education of a girl is that she is one day to be a mother."

The courtyard is covered with sand so that it will always be dry for marching—marching!

The bottom layer of pseudo-scientific misinformation is the most important, but it was not relied upon by the Nazis nor by their predecessors for "fixing" the German mind. Layer after layer of prejudice and falsehood is imposed upon this foundation in the higher schools, and finally the brilliant polish of a typical German mentality is supplied by the university professors. Learned men prostitute the truth willingly in the service of the German mission. The child, now grown up, is helplessly receptive, and acquires the ultimate persuasion in every tenet of falsehood. By such elaborate processes are human beings, outwardly cultured and apparently normal, turned into savages. Far worse than savages, they have the training and efficiency which make them "backward" only in the civilized sense, not in their organization or weapons.

The German child is molded into these barbaric patterns before its sense of discrimination has been sufficiently developed to protect it. The magnificent plastic quality of the brain, which permits unlimited development, has been exploited for evil doctrine. Not the least of German crimes, and ranking with the enslavement of millions of foreign workers, has been the mental enslavement of its own youth. For here there is no resistance, no underground. They wait for no invading army to set them free. They are in that lowest state of slavery: contentment with their own degradation. And this is the most dangerous of

all the Nazi works, for it cannot be undone by victory alone. It is a self-perpetuating force of the Nazi horror, a growing automaton which, when it attains full size, will goose-step again, tramping the wheat fields and setting cities aflame.

This poisonous conditioning of generation after generation of German minds is "the most important fact in the history of the last half century." Disarmament has failed chiefly because we have not recognized that "de-mentalization," so to speak, must accompany it. The fanatical urge to conquer sets in motion a whole chain of conspiratorial acts against man's neighborliness. All crimes committed in the name of Pan-Germanism are viewed by the criminals as necessities of destiny. From such a perspective they deem their brutal conduct nothing but the inevitable stream of history, *the wave of the future*. Against such mania, self-decorated with patriotism and "world-mission," it is futile to hurl moral preachments. Their education has established another level of morality, which scorns our own and is impervious to its nobility. Nor can appeals to reason be indulged in, for reason has coagulated into cruel concepts, which regard decency as weakness.

"If a subversive psychiatrist had set out to devise the optimum system for impregnating the malleable young mind with a paranoid set of values, he could have done no better than to follow the typical curriculum of the German *Gymnasium*. . . . That it should all culminate in the Nazi *Weltanschauung* is no more astonishing than that a vigorous apple-tree should bear fruit in due season." (Dr. Richard Brickner, *Is Germany Incurable?*)

Merely to imprison and disarm the criminal will not deprive him of his criminal urge. Indeed, it often grows in intensity under imagined persecution, and while we disavow revenge, he swears to exact it. All this does not de-

tract one whit from the necessity of punishing Germany, depriving her of sovereignty, and making physically certain that she cannot arm again. But if we are to welcome her back into the society of nations, if we are to trust her ever again to be a decent citizen of the world we must deal with the deeper cause of her criminality, her mis-education. It becomes our responsibility to cure the German mind, not for its own sake, but for ours. Of course we will not, in any event, risk the chance of another outburst of German fury. But it will make us all uneasy to hold our hands ever upon hers in watchful restraint and to post sentinels forever on her doorstep. Nor can the reconstructed world of commerce and international interchange of goods and ideas flourish as well while one of the important regions of the world, populated by 60,000,000 effectives, is chained off with danger signs.

Germany must be mentally disarmed. Her educational system must be dismantled and scrapped, along with her munition plants. A new pedagogical plant must be constructed, whose product will be of peaceful nature, and conform to the normal standards of moral intercourse.

Any lesser resolve can lead only to the conclusion that the criminal is incurable and therefore must be forever confined or eradicated, his fields strewn with salt. The task of rehabilitating German education is not an intrusion upon her rights, or an insult to her feelings. It is the hand of medicine extending its cure to the protesting patient, to protect her against her own fever, and to guard the world against her foaming fury. It is better than the strait-jacket.

The Physician Is Not a Trespasser

Every suggestion for the re-education of Germany has evoked a storm of disapproval. The objectors accept the

necessity of the task but insist that it cannot be imposed from without. Perhaps their view can best be expressed in Browning's lines, "'Tis an awkward thing to play with souls, and matter enough to save one's own." The challenge is immediately hurled at the United States to explain the illiteracy in its midst and to concern itself with its own fascist rabble-rousers. It is contended that even if German patriotism were not akin to religious fanaticism, it would revolt against the imposition of a foreign culture. The resentment against an "occupied" school system, it is argued, would be at least as great as against an occupied Rhine. All the usual arguments against education by compulsion are advanced. This view sincerely holds that the democratic Germans within Germany must undertake this problem; that interference by the United Nations would inflame the German youth and thus defeat its own purpose. Some justify this inevitable resentment, and observe that we would react no differently. Others regret it, but reach the same conclusion.

It is the earmark of a difficult problem that any solution is open to criticism. But progress cannot wait for perfection, nor be unduly sensitive to chilling words. The enormity of the problem, the danger it presents to world peace, require firm action. The risk from a blind road is often less than that from the journey not begun. For that is what the solution of self-education comes to—no journey. There would be hundreds, perhaps thousands, of German democrats who might qualify as teachers, but they would be unable to overhaul the entire educational system of a hostile nation. We have seen the sabotage methods successfully employed by the "patriots" after the first World War to make a farce of the trials of criminals, of military disarmament and of democratic experiments in education. Can we trust them again? Must we not pro-

tect the genuine democrats in Germany against their enemies within?

The lessons from our past failure have special significance because the conditions we will inherit now will be worse a thousandfold. The corruption of the German mind has been a continuous, consistent process for centuries. It is the deepest tradition of a war-like people. But the Nazis have accelerated the process, and tinged it with unwonted fanaticism. They have by their brazenness substituted the speedy methods of hysteria for the slow pace of conviction. The Nazi youth oozes racial hatreds and writhes in superman complexes. Patriotic democrats would be regarded with as much enmity as representatives of the United Nations. In weighing such considerations there is little to choose between the betrayer at home and the conqueror who invades the school. If thin distinctions are to be evaluated, the corrupt Nazi youth may have more respect for victors than for traitors.

The real point, however, is that we cannot rely on German self-education any more than on German self-imposed disarmament, or German self-rule generally. For one thing is certain, if all historical experience is not to be ignored, that a people must be conditioned and readied for democracy, or its democratic constitution and elaborate democratic forms will be ineffectual. The argument for self-reform assumes that education is a tangential problem, which can be trusted to well-meaning Germans. It under-estimates the crucial nature of the problem. Here we are striking at the very source of the "next" war. We are reaching deep into the very origin of the infection which continues to ooze its infecting poison throughout the body politic. The cause of peace is at stake. If we fail at the doorstep of the little schoolhouse, the millions of men who were educated to death, and the billions of dollars

which were burned on the pyres of war, will have been wasted. The extensive blue-prints for a peaceful world-structure will be defective and the edifice will collapse at the first tremors of new patriotic convulsions.

Quite understandably, there are many who challenge our own cultural equipment to grapple with another people's "soul." "Arrogance"—that is the accusation. But there can be humility in undertaking the solution of a great problem. It will not be the United States, Great Britain or any other nation alone, which sends its educators into Germany. It will be the United Nations, acting, let us hope, through some permanent supra-national council, which will be charged with the duty. But even if the auspices were less international, the objection would be invalid. For there is no assumption of superiority involved. This is not an Olympic contest in which the relative intelligence and education of respective populations are tested.

There was less illiteracy in Germany than in any of the United Nations. Its program of conquest required extensive teaching and studying of other nations' weaknesses. Our task does not involve the three R's but the very quality of German education.

The Teutonic Plague

There must be a reason for the persistent irrationality of German conduct in international affairs. Having diagnosed its origin as biased pedagogy, we must determine to set our best minds to work creating a better educational system; one devoted to the search for truth; one which will make available to Germans forbidden postulates, without which their minds have been unbalanced; one which will inculcate respect for integrity, the elementary virtues of peace, kindness, and decent conduct.

eration for one's fellow man. If the program devised is more effective than those existing in the democracies, and the opportunity for improvement is of course great, then we can adopt it, too, and learn while we teach. In any event, one may as well disqualify a great surgeon because his gall bladder is bad, as to reject the democracies' right to normalize the barbaric pedagogy of Germany because they have ignorance among their own peoples.

There must be no hesitancy in accepting the burden. It is our duty. It is as urgent as our "arrogance" in disarming Germany, depriving her of sovereignty and placing her on probation. If nothing else, it is a self-protective measure. We must unwind the German so that he will not spring at us again. It is a preventive and defensive measure, and it derives the fullest justification from its service to world peace. We shall send food but we must feed the mind, too, with all the nourishing vitamins of a full democratic diet until the patient loses his morbidity, his sullen ugliness and, in full mental comprehension, becomes a useful member of society.

The International University

The direct supervision of this vast and delicate undertaking should be entrusted to an International University.

Such an institution could have many other functions, though its creation would be justified if it performed only this one. It should be established in some historically neutral place, such as Switzerland. Its faculty should be composed of the professors of leading universities, and of others who have achieved international recognition in their chosen field. The distinction of such an appointment, the unlimited opportunities for service, and, last but not least, the generous salaries which should be provided, will be sufficient lure to attract the intellectual leaders of the

world. They must be men devoted to the international ideal of peace and, while selected so far as possible with a view to proportionate representation of the nations of the world, they must be above the narrow prejudices of nationalism. Here, in the academic sphere, where truth is the only idol, we are more likely to achieve impartiality than in the political realm. Such a university could truly represent the nations of the world and act for them without fear or political bias.

Both as to teacher and pupil, the university should be open to all races and religions. The student body would all be post-graduate; and in short time the pre-eminence of such a university would attract the most promising young men and women of all nations. The arts and sciences could flourish here. But for our immediate purpose it should be noted that text-books in all German universities, particularly in history and politics, would require the imprimatur of the International University. It would have jurisdiction to accept, reject or revise all texts proposed for German schools. If necessary, scholars could be commissioned to write such texts. This might insure the teaching of historical truths instead of the distorted patriotic versions which often find their way into school rooms. The impact of accurate historical teaching upon the German mind would be great, because it would be a direct answer to his training that war is noble and the highest expression of man. To insure integrity, the student would be encouraged to read and study the distorted works, but only *after* the truth had been demonstrated to him. In this way he would be trained in the processes of discrimination and develop a healthy skepticism towards his prior convictions.

Courses in humanities, modern civilization, and philosophy could be mapped out by the authorities of the

International University to meet the peculiar predisposition of the German youth. Democracy would be taught, not as a political subject, but as a philosophy of the right of man to determine how he shall be governed.

German literature would be taught with proper emphasis upon all the authors the Nazis disowned. For here the German student could find real German greatness, revered and admired by all the world. His national pride could be legitimately catered to, and an effective contrast presented between his former idols, detested by humanity, and his new discoveries. Gradually it would dawn upon the German student that the hope of National Socialism to survive 1000 years was a futile boast unachieved by almost 990 years. But German greatness is assured permanent recognition by the very literature which he was forbidden to touch. He may sublimate his intense nationalism in the discovery of new heroes, real ones, who could not have stood so firmly and so long in the world of letters, if their feet had been made of clay.

Experts of the university, gifted in the science of teaching, would devise the courses, subject matter and methods of Germany's schools with the purpose of inculcating a healthy democratic spirit and a liberal culture. The most brilliant educational administrators would be drafted to tear down the strongest pillar of Prussianism and its latest model, Nazism, and install a new and revised pedagogical system. Obviously such men would have full understanding of the sensitive psychological factors involved. German teachers should be favored whenever qualified. Non-German teachers would be selected from all the nations of the world. With time, the Teachers' Training School of the International University could return its most brilliant German students to Germany as teachers. Through them the international viewpoint and the democratic ideal would percolate to the newer students. An ever strengthening

cycle of learning and tolerance would be created. Through exchange scholarships and professorships, the restricted vision of nationalism would be broadened to the international view.

While Germany would be the primary beneficiary of such a program, all nations could well profit from it. Perhaps German pride would be soothed by this fact. History books might cease giving undue emphasis to military campaigns, triumphs in war, and the hero worship of generals. Such matters would take their proper places in the recital of man's emergence from stupid belligerence to peace. Wars would not be heralded as mighty achievements any more than duelists are praised for avenging an insult by a sword thrust, or Indians for scalping their enemies. School books might shift emphasis to the co-operative activities* of nations such as the Universal Postal Union and the International Telegraph Union. Sweden and Norway fought three or four sanguinary wars each century for a thousand years. Their governments appointed a commission of scholars to eliminate from their respective text-books any reference which might hurt the feelings of a Norwegian or Swede. Denmark and Sweden then entered into the same arrangement. The resulting good will is out of all proportion to the simplicity and ease with which this understanding was effected.

Invading the German Mind

If we recognize the importance of educational reform, the criticisms against international supervision will ap-

*If the prosaic must be glorified, let the story be told of how under the Convention of 1929 the United States Government undertook to protect the safety of life in the North Atlantic lanes, and how all the rest of the Atlantic nations contribute to the cost of this ice patrol. The United States pays 18% of the expenses, Norway 3% and the United Kingdom 40%. Other nations bear 39%.

pear in proper perspective. Also, we will approach the task with the imagination, originality and thoroughness which the desperateness of the situation impels. One must envision something more than improved curricula, better texts, saner staffs. We must lavish upon the campaign at least a fraction of the money and time which the "High Command" spent on military operations. We must employ all the ingenuity and resourcefulness of which radio, motion pictures and skillful educational propaganda are capable. It is the greatest and noblest task in "public relations" ever posed, for it requires the extirpation of a whole people's frame of mind and the inculcation of a new one.

The effort would not be limited to the blackboard. All the forces of the arsenal for the invasion of the German mind must be employed in this noble attack. The church would be encouraged to recapture its lost flocks, for religious ideals are part of the reconditioning in decency which the Germans must regain.

There is much to be undone. The slogan of the German Faith Movement was "The cross must fall if Germany is to live." The youth have been reared on Hitler's instruction that "conscience is a Jewish invention. It is a blemish like circumcision" and Alfred Rosenberg's "Either Christian or German! There is no 'Aryan Christ' and no Christian German. They are incompatible." Their religious training has come from Bishop Muller who taught: "Mercy is an un-German conception, with which we can have nothing to do." And when the children marched they sang obscene songs such as "Let Christ rot and the Hitler youth march."

The eradication of pagan beliefs would be a step forward in the healing process. The churches of all denominations would of course be pleased to co-operate, and resist-

ance to them is bound to be feeble among large sections of the population.

The world's clergy would be invited to organize a campaign against the modern heathen and his ungodly lust for war.

"Christianity has not failed," said Shaw. "It has never been tried."

There is considerable truth in this epigrammatic exaggeration. The churches would be invited to make their professions of faith a live and practical program. A religious renaissance in Germany would be an essential element in the psychiatric release of a tormented people which transfers its torment to others.

The labor unions, reborn from the ashes of fascism, should be valuable allies in the re-education program. Certainly they have a stake in the creation of a sane German economy. Moreover, actual participation in union elections may help prepare German workers for the experience of intelligent suffrage in a representative republic.

Education would be made compulsory for old and young alike, but it would not always be confined to the classroom. The enormous persuasive force of dramatic presentation would be fully utilized. Motion pictures could here reach their fullest maturity. The greatest writers, producers and stars would, under the aegis of the International University, dramatize the unfathomable wickedness of Nazism, and the beauty and simplicity of a Germany no longer preoccupied with shooting, marching, shooting and marching home—defeated. They would be commissioned to create a German stage in the image of democracy. And the radio, through entertainment and undisguised lecture, would invade the home itself. No device for the undoing of Nazi training would be ignored nor be beneath our earnest effort. The authors, dramatists, editors and publishers

would have to pass muster of the International University. This is consistent, for they are all educators. News would be uncensored but at the beginning all non-democratic publications would be barred. After the German mind had had an opportunity to be strengthened by new ideals, it could be subjected to contrary views in the confidence that it would reject the virus. In the course of doing so, it would develop a greater immunity for the future.

There would be extensive practice of democratic procedure. For democracy is not only a belief but a habit to be acquired. School, community, city and national elections would be devised in the gradual preparation for self-government. The intellectuals, the "better Germans," who, according to their apologists, considered it beneath their dignity to be concerned with social problems, and forfeited the political field to others, must be induced to accept their civic responsibility.

The educational process would pervade all Germany and blanket her. All factories would be required to have recess periods, during which simplified lectures on democracy would be given to the workers. The personnel of offices would have similar interludes. Citizenship could be obtained only by earning an education certificate obtainable by any of alternative educational methods (not excluding extensive correspondence courses) to be sanctioned by the International University. Summer schools would be organized everywhere, and part of all vacation periods would be required to be spent in them.

Only when Germans had satisfied the distinguished and impartial trustees of the International University that they were ready for statehood, and were no longer a menace to the world, would they be admitted to the family of nations. The probation would then be over. It will be

up to the Germans to make that probationary period short. In the ultimate sense of the word, their fate will be in their own hands.

Every phase of this program will contribute towards their emancipation. By depriving them of sovereignty we will only have relieved them of the burdens of state for which they are now unprepared. By punishing their war criminals we will have removed the most violent and revengeful in their midst, and thus have given them the freedom to reform without the relentless watchfulness of their prior overseers. By economic relief and opportunity we will have made it possible for them to make restitution and pay reparations without exhaustion and collapse, which their enormous obligations would ordinarily insure.

Also there will be their own great disillusionment to aid them. The very extremism of Nazism, its absolute certainty in victory for the *Herrenvolk*, its assumption that democracies are decadent and cannot fight—all this was accepted as holy fact. Will their fall wake the Germans from the nightmare they have been living? Convictions achieved by psychotic logic often survive defeat and actually flourish in martyrdom. But may there not be some point at which fanaticism and hysteria will be shocked into extinction by defeat?

The psychiatrist confesses that he does not know the cause of paranoia, but its symptoms are easily detectable. They are grandiose mystic notions, a belief in destiny, an exclusive personal right to satisfy ambitions, and a persecution complex which justifies coldly calculated murder. Dr. Richard Brickner (in *Is Germany Incurable?*) has made a most persuasive diagnosis of German conduct as mass paranoia with all the symptoms of megalomania, sense of mission, fanatic violence and persecution. If the analogy is to be pursued, the cure, in those instances where

it can be effected at all, is to utilize the "clear" area of the personality, that which is not subject to paranoid delusions, and to extend it over the paranoid area. In that people, the pro-democratic Germans constitute the clear area. By associating their beliefs with normal patriotism, pride, and economic benefits, while removing from their midst the most fanatical, we may gradually extend the clear area to a controlling majority of Germans.

Nevertheless, having seen the depth of the rotten structure, we need have no illusions about the excavating problem and the difficulties of building a new democratic edifice. There will be contemptuous compliance, sullen inattention and bold defiance. But these moods will be part of the problem, and must be treated by understanding experts with detachment. By persistence and endless repetition the masses of the Germans must be started on a new tradition. Prussian training must be forever abolished.

The German will have to learn that *Der Tag* is everyone's day, that the warmth of the sun, the wheat from the field, and joy of family and comradeship belong to all. In sharing them, they are preserved for each of us.

TOMORROW THE WORLD

Now the time has come to study the ever-widening circles. It should be observed that the plan for Germany envisioned, not without prayerful hope, an international community. While theoretically the plan might be workable if it were applied by the group action of the victors, it would be preferable if the supervision were supra-national rather than merely national. For we have seen that international co-operation is equally essential in the economic, educational and political spheres.

The Mysticism of Sovereignty

What is the major obstacle to vesting authority in a supra-national organization? It is the doctrine of sovereignty, which refuses to accede to the interests of international law and order.

Perhaps we shall learn from the extreme German illustration that excessive nationalism and the full prerogatives of sovereignty are not essential to a people's welfare. Few topics are so ahead of the times as this. Its unpopularity must therefore be taken for granted. But a few reflections would not be amiss.

Originally it was difficult to divest the clans and the families of their "sovereignty" and combine them into a community. It took ages to persuade the clan of its new

loyalty to a larger group. Clan "patriotism" beat the demagogic drums. "Shall we be subject to the will of foreign groups? What about our family and our traditions?" But as society advanced and became more complex, the necessity for the joint action of neighboring clans overcame natural jealousies. The nation-state gradually came into existence and proceeded to develop the doctrine of sovereignty. To a great extent this was done in self-defense. It was a shield against the claims of the Papacy and of the Holy Roman Empire. No outside direction could be tolerated, argued the chiefs of state, because each nation had sovereign rights, which were pre-eminent. It was a sort of Monroe Doctrine for the independence of each political entity.

The nation-state then sought to overcome the friction among its several groups by preaching patriotism and by substituting national pride for group pride. This was a useful device for unification. The United States employed it after the Revolutionary and Civil Wars. But the virtues of loyalty and love for country soon exceeded normal bounds. Poets, orators, lawyers, and philosophers gilded the lily until it blinded us. All sorts of mystical properties were claimed for sovereignty. It became a supreme and ineffable being in itself. It developed its own will, residing in a super-organism called the state. A nation ceased to be merely an organization to carry on the business of its citizens. It became an entity with its own destiny, its own desires, as though it existed entirely apart from its citizens. Nationalism became an ideal in itself, and patriotism the fanatical devotion to it. A sort of religious aura hovered over the subject and the consequent loyalty depended on faith, not reason. "My country, right or wrong, but my country!"

The Nazis of course developed nationalism to its ultimate extent. The state became a sort of mythical god which owned its subjects and exacted every conceivable sacrifice for the service of its own "will." Nazism sought only one loyalty, to replace all other loyalties. Its aspiration was medieval unity of devotion without reservation. The Nazi developed sovereignty into a Frankensteinian monster, over which no person had control. It was merely to be served blindly.

To a lesser degree, the notion of sovereignty as held by the democracies is also an outworn extremism. For a nation should not be an entity entirely independent of external control. The rights of other nations should be a restriction upon it. But the "theology" of sovereignty denies this simple truth. It insists upon each state's omnipotence, which makes impossible any real co-operation in a supra-national organization. None of the members of the League of Nations would modify its sovereignty to the slightest extent. Unanimous vote was necessary for any important decision. In other words, it was a voluntary society, without any real obligation whatsoever on the part of its members. None would whittle away the prerogatives of sovereignty. The United States considered its sovereignty so sacrosanct that it would not even risk the persuasion which might result from League balloting. The Versailles Treaty constructed new states, granting each its own untouchable sovereignty. Since the League of Nations had no power to affect the sovereignty of any state, the clash of nationalisms was actually increased.

Today, the fact is that few activities of a state are wholly confined within its frontiers. Each nation is interdependent with other nations. There is no actual national independence in an industrial, commercial or finan-

cial sense. Forces beyond our borders determine our health and economic condition. Even jurists are turning to a theory of international law built upon the legal supremacy of the law of nations. "What cries out for understanding is that modern technology and business organization have woven humanity into a community. Man's political organization still lags behind." (P. E. Corbett, *Post-War Worlds*) We are approaching the new concept gingerly, through Universal Telegraph and Postal Unions, the International Bank of Settlement, the Permanent Court of International Justice and the International Labor Organization. But we are far from having stripped the pretensions from the doctrine of sovereignty.

Some brilliant thinkers, like Walter Lippmann, propose a British-American alliance rather than an International Society, in order to avoid relinquishing sovereignty in the slightest degree. And when the nationalists attack even such an alliance on the ground that our sovereignty would be compromised, his answer is an apologetic explanation that there would be "consultation" and, therefore, there is likely to be "agreement" in each instance. Our sovereignty, he assures us, will be unscathed. Indeed, it will be preserved and strengthened by the advantages flowing from the pact. Thus it is proposed that we go back to old-fashioned military alliances, with all the acknowledged evils they present in inciting rival alliances, with all the consequent tug and pull of balances of power, all to avoid tarnishing the bright luster of the sovereignty doctrine. It does not matter that the alliance proposed is wise and benevolent, nor that it may be the first practical step toward a genuine association of nations, to whose limited sphere of authority over international peace all nations will be subordinated. The fact remains that public opinion is still unprepared for the full

evolution of the state into the superstate, and that by-paths must be cautiously taken, if the destination is to be approached at all.

Patriotism, which is the affection for the greatness of one's nation is a natural as well as noble impulse. It has, however, been distorted into chauvinism, and derives its power from an exaggerated notion of sovereignty. Sooner or later we will learn that, in our complex world, the yielding of some of our sovereignty is essential to the preservation of peace. Many nations know now that in guarding their sovereignty too zealously, they were left alone to be devoured by the ravenous German wolf. The story of the collapse of collective security is a tale of national prima donnas, too smug and self-sufficient to cooperate.

There are undoubtedly many, very many, who would view any restriction upon national sovereignty with outraged patriotism and who would spring to heroic postures ready to forfeit their lives for their misguided loyalty. Such thalassism is the motive power for war. It is national emotion out of control. To those who cannot take the first step of organization to peace, the second, that of a supra-national police force, is of course even more offensive. They calmly accept legal restraints upon the individual, but ascribe such different moral standards to the state that it becomes superior to the application of legal force. They can even swallow the resort to illegal force called war. They sometimes preach its inevitability, if not its necessity, but they are unable to conceive of legal force applied to an offending nation.

Regional Federalism

The citizen of New York or California looks for security not only to his state but to the nation. He cherishes his

national citizenship at least as much as his membership in the state or local community. But the addition of another loyalty, to a commonwealth of nations, seems to be a forbidding psychological transition.

The "logical" reasons offered by such opposition reveal its bias. For example, much is made about "our boys travelling to the far ends of the earth" to police some region, but no objection is made to the necessity, even during peace, of a huge navy which constantly sends "our boys" to remote waters. The professional soldier of an international police force would accept travel as part of his duty. Civilians would have a better chance of being spared an unwanted trip, if there were an international control and sufficient force to make control effective.

After all, the United States itself is a successful federation of states, among whom there was war only 80 years ago. The Constitution, viewed in the light of the current controversy, is an amazing document. The proud and sovereign states, Virginia, New York and the rest, gave up their inalienable rights to fight each other, wage trade wars, and levy taxes on exports. The United States Supreme Court in its jurisdiction over the controversies of sovereign states is the first example of an international court in history. From this very limited precedent, others have proposed broader experiments. Their hope is by gradualism to reach a World Federation.

Lionel Curtis, in *Civitas Dei*, has proposed a grouping of Great Britain, Australia and New Zealand. Clarence Streit, in *Union Now*, urges a larger federation of 15 nations (the United States, Great Britain, Canada, France, Australia, Belgium, Denmark, Finland, Ireland, Netherlands, New Zealand, Norway, Sweden, Switzerland and the Union of South Africa). Most functions would be preserved for the individual nations, but citizenship, defense,

international trade, currency, and communications would be controlled by the Union. A bicameral legislature, executive board, prime minister, cabinet and high court are provided as the federal organs. The representation would be based on population, in one house of the legislature, and on a minimum-plus-population basis in the other branch of the legislature.

These and other regional plans (such as Count Coudenhove-Kalergi's) are the gropings of a distraught world towards a goal not immediately obtainable. They are to be distinguished from an international League of Nations, which recognizes the absolute sovereignty of each state, and is therefore unworkable. These proposals at least envision a surrender of certain sovereign functions in the interest of world peace. Their educational and psychological value is considerable, for the consideration of such suggestions prepares public opinion for the new and shocking idea. Patriotism may thereby discover that there is no inconsistency between affection for one's country and allegiance to the constellation of states of which it is part. Indeed, when one views the suffering which each country is compelled to undergo periodically, the sacrifice of a portion of sovereign exclusiveness is a cheap price to pay for national security.

Lincoln once stated the case for that higher patriotism which does not falter at an untried concept. "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so must bethink anew and act anew. We must disenthrall ourselves, and then we shall save our country."

Some have criticized regional federalism and have urged the attainment of the ultimate step in one bold leap. "A world federation or a world state is the feasible

political structure of a universal civilization. The less mankind experiments with *ersatz* or artificial solutions of regionalism, the sooner it will attain security and peace," wrote Nicholas Doman in *The Coming Age of World Control*. But in choosing between the possibility of complete failure because of popular apprehensiveness, and partial success, is not the latter the wiser course?

We may be sure that the evolution of international federation is gradually taking place. Dynastic wars brought about monarchical states. National wars were instrumental in shaping national states. Now world wars are accelerating the movement toward world-wide organization.

The fierce flames of war make us stand at a distance and hide from some of us the melting processes going on within. Our attention is riveted on the battle and we may not be aware that some of the instruments being forged for combat will have utility in peace. The nationalist jealousies of the military leaders and armies have been overcome in an unprecedented manner. General Dwight Eisenhower, General Douglas MacArthur and Lord Louis Mountbatten command armies of many nations. Joint conferences shape political and military plans. The traditional military hierarchy, whose supreme authority stemmed from nationalism, now is disciplined to international leadership. This is an advance over the most difficult sector of the entire front. It is an approach to the International Police Force such as one would not have dared anticipate ten years ago.

Similarly, regional political constellations are being formed, their orbit determined by the hazards of war. Churchill during a war crisis offered to join France and England into one nation. Similar trends are observed in Scandinavia and in the Balkans. The Czech

and Polish governments in exile have discussed post-war federation of their two nations. The Italians have proposed a Latin bloc. The Pan-American community has progressed through the Montevideo Conference in 1933, the agreement at Buenos Aires in 1936, and the agreement at Lima in 1938, all founded upon the system of settlement of inter-American disputes devised in 1929. The settlement of the Bolivia-Paraguay conflict by joint pressure of the informal "federation" was an illustration of the potential power of regional organization. In August, 1940, the President of the United States and the Prime Minister of Canada made the Ogdensburg agreement, setting up a Joint Defense Board for their two countries.

These are far from constitutional federations but they indicate the pressure of historical development. Above all other tendencies is the closely knit, unified conduct of Great Britain and the United States, pooling economic resources, armies, weapons, and political purpose in one grand strategy. Together with China and Russia, they could well constitute the ties among the regional federations. Here too, the portents are favorable and in the same direction. The "Big Four", the United States, Britain, Russia and China recently revised the United Nations Relief and Rehabilitation Administration to include forty of their smaller colleagues. It created a policy-making Council consisting of one member from each of the nations ultimately participating in it, and a Central Committee consisting of one representative of each of the "Big Four". The Council will act by a majority vote of all its members, big and little. It will appoint a Director General on the unanimous recommendation of the Central Committee. Between sessions of the Council, this Central Committee "shall, when necessary, make policy decisions of an emergency character," but all such decisions "shall

be open to reconsideration by the Council at any regular session or at any special session."

Here is a fine structure for post-war organization. Its massive lines and practical detail should comfort those who fear that it will be impossible to translate into actuality the wraith-like designs of unpracticed world architects.

Forever Hold Your Peace

Thus the ideal of a world supra-national organization can be perceived in the distance, even if dimly. Perhaps the prophetic words written by Victor Hugo on the walls of the Palais de Vosges in Paris will still come true, "I am a party, a party which does not exist yet. A party of revolution—civilization. This party will make the twentieth century, out of which first the United States of Europe and later the United States of the World will emerge."

The usual taunts will be hurled: "starry-eyed idealism," "visionary schemes," "impractical dreams"—and all the worn-out clichés composed by those practical, hard-headed men who have been unable to stop the world's descent into the chasm of darkness. They are "experts", thoroughly disqualified by the greatest failure in history. They have lost the privilege of derisive criticism and superior airs. In the test-tube of history, it was their "realism" which proved to be starry-eyed and impracticable. The torch which fell from their inept hands is extinguished. We must light it again with courage and daring. There is little to lose. We inherit from them a desolate world, ravaged and wracked with agony. Their feeble echoes which follow us with warnings of impracticability and impossibility are the last groans of defeatism. We must not heed them. The world has always struggled against the detractors of progress. Our valor in this

critical period of man's history must include a disregard for these prophets of disaster. If the global slaughterhouse which they have created is "keeping one's feet on the ground", we may well aspire to put our heads in the clouds.

NO MORE YESTERDAYS

Perhaps this chapter should have been the first. It is an introduction—an introduction to peace for tomorrow. But it is placed here because its considerations may be most critically observed in such light as may be cast by the preceding pages.

Three methods have been used in the search for a solution to the German problem. First, we have proceeded from analysis of particular situations to general conclusions rather than vice versa. A prescription for world peace was not devised and then applied to Germany. Rather, the German problem has been studied, and from it broader deductions have been made for world peace. This method was adopted not only because Germany is a unique and explosive element in world disequilibrium, but also because, by limiting the original scope of inquiry, concentrated analysis was made possible. The temptation for sweeping generalization was diminished. Specific problems reared their troublesome heads and demanded attention. A speck, sufficiently close to the eye, will shut out the stars.

Second, we have adopted the historical approach. The Versailles Treaty, and German and Allied conduct have been examined, to deduce the present recommendations. History may repeat itself, but it is rare for the differentiating factors to be so few as in the case of the

two World Wars. By close examination of prior events we are actually afforded the opportunity of hindsight as to the future! Here, far more than in the ordinary case, the study of history has not been merely an academic indulgence. It has afforded a prescience, to be eagerly grasped by one confronted with the German enigma. That is why so much attention has been lavished upon the events of the past. Even the boldest and most original thinking must be tempered by its lessons.

We saw how Germany, though manacled and apparently tied hand and foot, performed a magical escape from the war-guilt trials of the Versailles Treaty. Now that we know about the fake knots and the loose handcuffs, the jail will not be cheated again. We studied the fraudulent bookkeeping entries of reparations, the secretion of assets, and the clever manipulations by which the disarmament provisions were nullified. Our understanding makes this deception no longer possible. Nor have we overlooked the fact that, just as a corporation which commits a crime may be dissolved and its charter forfeited, so a criminal nation must lose its charter of sovereignty.

We have, like good probation officials, traced the case history of the criminal and found a corrupt educational background running back many generations. Now we know that reform school is essential, and that particular attention must be given to special curricula, adequate to correct the inculcation of false moral principles. We have realized that the educational program must be devised not by local politicians but by academic authorities of the highest standing—the International University.

Having observed that an environment of poverty and hopelessness prevents a psychology of penitence and reform, we have provided for a favorable economic conditioning of the defective. In all this, history has acted as

a sign-post pointing the direction—its inscriptions filled with significant instruction.

Third, we have permitted the facts to shape the recommendations, even if the results appeared inconsistent. Most peace plans for Germany fall into definite categories. There is the so-called "sob-sister" plan preaching generosity and forgiveness. At the other extreme is the "kill them" plan with its "eye for an eye" philosophy. But wisdom does not fall into prearranged classifications. It has no concern with consistency. We have seen that the Germans must be treated with severity insofar as punishment, restitution, and preventive measures are concerned, but with generosity in the economic sphere. For education, neither method is appropriate. Paradoxically enough, in this realm there must be a severe application of a generous principle. Life is not a contest between "schools of thought" with a convenient decision rendered at the end of the bout. I have endeavored to permit the conclusions, as well as the chips, to fall where they may, without regard to the unevenness of the pattern.

Good painters learn to be faithful to what they see. The lines actually observed may seem impossible but the net effect, if one has the courage to draw them, is a proper perspective. The amateur fears the apparent distortion and "corrects" the line so that it will represent his knowledge rather than his observation. His logic is sound but his conclusion is false. This is often true in philosophical planning. The proper solution for Germany may, according to the logic of consistency, be either wrath or mercy. Actually the lines are not to be drawn so neatly. They curve and break irregularly as complex forces move them. The suggested irregularities of the lines are not compromises. They are true to observation. It is to be hoped that the result is in perspective.

Program Summarized

The laborious struggle of man towards a happier existence has overcome many superstitions, prejudices and injustices. One nation, however, can seize civilization as it climbs slowly upwards and drag it down through the centuries to barbarism. Germany has chosen this pagan role with a persistence and venom which has confounded all men of good will. We resolve solemnly that she must not do so again. We back that profound determination with a program.

Punishment

Having determined where the responsibility rests, we apply the sword of justice in all its measured impartial fury.

First, we forfeit Germany's sovereignty as a nation, to be restored if, and when, she ceases to be a menace to the society of peoples. We have provided how that decision shall be made.

Second, having punished the nation as an entity, we punish her individual war criminals. For this purpose we construct two kinds of courts. Those of each nation in which the criminals may be found, or national courts (military and criminal), will apply their own laws and provide their own prosecutors, prisons, probation departments and insane institutions. The second kind is the international court (with its criminal and military subsidiaries) to act as a final appellate court and also to try "sovereigns" and other important criminals. The armistice itself will require the immediate surrender for trial of all war criminals. Their names and the accusations against them will in many instances be annexed to

the armistice terms. Also all official documents and evidentiary data must be produced intact.

Third, international commissions as well as national commissions should gather the abundant data of criminality under the immediate direction of the prosecutors.

Fourth, we list bureaucratic groups of Pan-Germans from which the officially organized brutality stemmed. They must be the first to face an inexorable avenging justice. These, the upper crust of Nazism, the Leader, Cabinet and Gauleiters, the High Command, the Gestapo, the *Sturm Abteilung*, the Labor Front, the German Peoples' Courts, the *Schutzstaffel* and others must be exterminated according to law.

Fifth, we have recommended how certain troublesome questions of International Law should be answered—such as the defense that a superior officer's command was being executed.

Sixth, we have proposed measures to prevent the guilty from obtaining asylum in neutral countries.

Despite a most extensive judicial system constituted in the Versailles Treaty Germany evaded any real punishment. We have studied the ingenious methods which she employed so successfully. Our program shuts the door to such cunning. The Prussian war cult and its Nazi high executioners must be destroyed. Justice demands it. Hope for a better world requires it.

Economic Program

The punishment provisions spill over into the economic realm. This is quite natural, since the complex forces of society will not be confined to labeled compartments. Life is stormy and unorthodox, and no respecter of the plan-

ner's well-carved designs. The economic program has two main directions, one preventive and punitive, the other affirmative.

The former is designed to disarm Germany economically as well as militarily. It proposes:

First, that all plants and machinery which produce war material be scrapped, removed or demolished.

Second, that the machine tool industry, steel mills, power houses and important "heavy industries" be destroyed or taken from German control. While physical operation could be left to Germans, international trustees should determine personnel of management, contracts, investments and foreign arrangements. There would be no reliance upon mere "inspection." Control of policy itself would be attained. No cartel arrangements could then be made to restrict foreign production of vital materials. Nor could fifth columns of sabotage and espionage be organized under the respectable guise of business enterprise.

Third, that stocks of metals, oil or other strategic war materials in excess of normal domestic consumption be removed from the country and never replenished.

Fourth, that restitution be made of stolen property wherever possible. We have analyzed the different methods by which it was illegally obtained. They range from looting by military marauders called *WiRü* to the "acquisition of title" by devious frauds such as the *Soldatenbanken*. Through one form or another the Germans have made the greatest haul in the history of banditry, almost 50 billion dollars.

Fifth, that property courts, with criminal jurisdiction to punish recalcitrants, shall determine disputes over title

to property. The accumulations of the Nazis, no matter in what form or country, will be confiscated and pooled for restoration to the victims or their governments. The devices for dressing these embezzlements with color of title will be pierced. We have analyzed some of the fraudulent methods which merely disguise the robberies.

Sixth, that reparations be paid in money and goods to the fullest extent of Germany's capacity. However, the obligation will be elastic, and exacted under the control of an International Economic Board which will (a) prevent the collapse of German economy through exhaustion and (b) prevent damage to the world's markets by dumping of goods or otherwise. We have analyzed the cunning employed by Germany to avoid making reparation payments and at the same time receive huge loans. The plan proposed will make the victors the beneficiaries, not the victims, of reparations.

Seventh, that reparations also be paid in the form of labor battalions to reconstruct devastated areas. These are to be composed chiefly of war criminals sentenced to prison terms. This payment shall also be subject to the International Board's control in order to avoid injury to the restored area by importation of excess labor.

This program will not only destroy the German war plant, but will remove the mortar and bricks without which a new one cannot be built. It provides for thorough economic disarmament and it has been carefully designed to check the unscrupulous manipulations and recuperative powers of German war planners (businessmen as well as military men). German fanaticism must be stripped naked and kept naked, so that its irrationality and shame will be evident to all. It must not be permitted to acquire another coat of armor and pose for all the world as a

brave knight and warrior. At the same time, the program is intended to do simple justice by restitution.

The second phase of the economic program is not punitive though it may have preventive effects. It is chiefly designed to serve the economic health and growth of Germany. It provides:

First, that it share in the immediate food relief which will be extended to all Europe during the emergency period following the armistice. An extensive international commission has already worked out plans for succor. Germany must also be a full participant in medical aid. As it is our intention to eradicate Germany's mass paranoiac tendencies, we must create a favorable physical condition to aid her mental reorientation. Her persecution complex must not be aggravated by hunger and economic distress. For these, unlike punishment, become widespread and are inflicted upon innocent and guilty alike. We have talked of the guilt of the German people, always conscious of the many individual exceptions. In the economic phase of our program the exception determines the rule. Every consideration is extended to improve the standard of living in Germany.

Second, that Prussian estates be confiscated and distributed to German peasants in small parcels. The feudal class in Germany, an anachronism which still survives, would thus be eliminated. Such agrarian reform would put an end to the intolerable domination of Germany by land-owning Junkers, and their arrogant military and nationalistic creeds. It would end the Prussian reign, which terrorized the better instincts of many Germans. It would improve and democratize German economy.

Third, that Germany be in full proportion the beneficiary of international economic planning and control. We

have suggested an Economic Council such as was designed in February, 1940, at the Hague. The following economic benefits could be conferred on Germany as well as other nations: (a) a Central Bank would raise or lower interest rates simultaneously in all countries, to increase or limit finances for production, (b) regional resources would be developed, (c) labor supply would be adjusted to local requirements through the relaxation or tightening of immigration restrictions, (d) exchange rates would be stabilized by fixing the price of gold in each currency periodically, (e) a stabilization fund would check distress due to the withdrawal of short-term capital, (f) quotas and restrictions on international trade would be removed except in special circumstances, (g) tariffs would be encouraged chiefly for infant industries, (h) cartels would be subjected to the scrutiny of a sort of international S.E.C. to be sure that they were in the public's interest, (i) new, peaceful industries might be assigned to German efficiency or to other countries in accordance with the economic advantages resulting from the location of certain materials or resources.

These and similar activities would satisfy the pledge of the Atlantic Charter "to farther the enjoyment by all States, great or small, victor or vanquished, of access on equal terms to the trade and to the raw materials of the world which are needed for their economic prosperity."

Germany will be restored to economic health and standards. She will learn from this living course in political economy that war devours wealth more quickly than it supplies loot. Impoverishment is the common denominator of victory and defeat. Perhaps this will be some encouragement toward a peaceful frame of mind. Certainly it will aid world economy. But the German obsession with world domination is not to be disposed of

so easily. Economic justice is essential to the plan for re-education, but it is not the education itself. The effort in this direction is as ambitious as the size of the problem requires. It is designed to condition Germany for a rightful place in a peaceful society.

Educational Program

This phase of the program provides:

First, that the entire educational system of Germany be scrapped, just as its arms factories must be. The mental products it has produced have been no less dangerous to mankind than the other varieties of explosives from its munition plants.

Second, that the task of obliterating the false doctrines of German nationalism is not to be entrusted solely to the Germans. They have been immersed in vicious credos for many generations, and the Nazis have accelerated the process with hysteria. We have seen the degenerative educational processes unmolested after the first World War, when the problem was left to German solution. Noble resolutions went as unheeded as solemn assurances of disarmament. The price of failure was a second World War. The matter cannot again be left to German self-reform.

Third, that the educational program be effectuated under international auspices. If a supra-national authority is created, it would afford the most appropriate and least biased supervision. Otherwise, the United Nations would be charged with the task, just as they must accept the responsibility of the other phases of the program. The most suitable agency to devise the details of the educational reform, such as the curricula of the schools, the selection of teachers and text-books, and pedagogical matters generally,

would be an International University. We have outlined the structure, function and authority of such an institution. It would be the "High Command" of the educational offensive. All German text-books must bear the imprimatur of the International University. Outstanding German students would be offered the opportunity of post-graduate courses in the International University. They would return to Germany as teachers, to found a new cultural tradition infused with an international civic sense. A new cycle of normal nationalism would be begun, whose expression would be Germany's contribution to the welfare and peace of Europe.

Fourth, that the professors, wherever possible, should be German liberals and democrats. Others will be chosen internationally. We have considered the irritation of "foreign" intrusion. It must be reduced to its minimum, but it must never become the reason for abandoning control. We have studied the disastrous effects of the last experiment in autonomous educational reform.

Fifth, that the revitalization of a democratic culture be implemented by every conceivable instrument for invading the mind. We have outlined the possible function in this respect of the church, the motion picture, the theatre, the radio, the press, and the labor unions.

There will be educational service instead of military service, and every German will be under compulsion to become prepared for his peaceful duty as once he was for his martial one.

Sixth, that the extensive educational program will have for one of its main objects training in democratic self-rule. If and when the German people are, in the impartial judgment of the International University, prepared for their proper place in the society of nations, they will be

welcomed to their new obligation. No more will they be deemed a menace. Their sovereignty will be restored. Their redemption quite properly will come through the mind. For only when their intentions and viewpoints are normal will the physical safeguards against them become unnecessary.

Harvesting the Peace

Any architect of peace should be awed by the stupendous nature of his task. Wisdom is given to none of us to rebuild the world. No neat blue-print can possibly be given without grievous defect. Humility therefore flows, not from any ordinary springs of modesty, but from a genuine sense of inadequacy to solve by formula the most troublesome threat to man's existence. But humility can have two effects. It can induce passivity, which is cowardice, or it can inspire courage to propose, devoid of messianic conviction.

One peers anxiously upwards for the next rung in man's ascent and the tightness with which the rung is grasped does not really indicate full confidence that it will support the weight. Vehemence in the course of exposition or persuasion often only hides uncertainty. We assure ourselves, by insisting to others, but we may feel rewarded if from the much that is offered, something is of value.

This program of what to do with Germany is an effort to meet this test; to preserve man's normal life from the violence of a chronic assailant; and after due punishment and prophylactic measures have conditioned the offender, to accept him into the family of nations.

Belief in the forces of destiny has been man's most costly superstition. Throughout the centuries it has stimulated aberrations which have wrought havoc with mankind. Every kind of savagery has been committed in its name.

The tyrant and war maker imagines himself merely the pliant agent of "the wave of the future" and his evil thus derives sanction from an incontestable source.

This substitution of "mission" for morals, has been the most tragic fact in man's decline. It is the negation of all ethics, and stunts the idealism of religion. It is no accident that Germany and Japan prattle continuously about their destiny, their fate. They have substituted an image which they have created, for the image of God. Their obsession is real to them; from its hollow depths spring fanaticism, which is no less dangerous because it is a conviction about a myth.

We are not twigs, swept helplessly down the stream of life by turbulent waters. The neuter concept of man is the real atheism of our lives. There is destiny only in the sense that we are masters of it and can shape it. We cannot absolve ourselves from wrong or failure by blaming the forces beyond us. There is no escape from responsibility for what we do. The strength to face this is the supreme test of our adequacy.

So in the course of events the critical time comes when man must seize the helm and stop pretending that the aimlessness of the ship is the design of the waves. If we must steady ourselves with fantasies, let them be healthy ones. Let us imagine that the young men some of us knew, who cut short their precious lives so that we might plan, hover near us now to plead for the full span of life of today's children. Let us remember that the next generation, and the next, and next is in our care. In a certain sense we have become the custodians of the future. The convulsions of our time have made it so.

A cartographer can record the broad expanses of the world upon a single map, giving us a perspective of the peaks and valleys of the terrain. If there were a similar

science for creating a map to reduce the ages of time to a single surface, a few days would stand mountain-high in the story of emancipation.

Such a day was June 23, 1215, when William d'Albini, Stephen Langton and their associates met on the triangular plain of Runnymede, in a quiet corner of the 160 acres of pasture land, and exacted the written promise from King John that "no freeman shall be seized, or imprisoned . . . except by the legal judgment of his peers, or by the laws of the land." This was the day of the Magna Carta, which in Blackstone's words was the "gradual mutation and final establishment of the Charter of Liberties."

Such a day was September 12, 1787, when at a closed session in Independence Hall, Gouverneur Morris reported on behalf of a committee on "Style and Arrangement" the final draft of the Constitution of the United States.

Such a day is upon us now. All mankind will have cause for many centuries to look upon it and judge whether we missed or met its historic challenge.

We must not fail.

APPENDIX

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