

Washington Digest

Trial of Nazis Historic Attempt to Outlaw War

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

By BAUKHAGE
News Analyst and Commentator.

WNU Service, 1616 Eye Street N. W., Washington, D. C.

NUERNBERG, GERMANY. — Glancing back across the hours and days spent in this broken city at the tremendous effort which has gone into the presentation of the American case at the war criminal trials, one can see with aching clarity the pitiful shortcomings of human achievement in the spiritual field as compared to our material progress.

The very court house is a reminder of this strange inconsistency of civilization. The beautiful renaissance building stands in the midst of ruins which testify to the almost unbelievable power of the machines of destruction. Among the statues of the world's great law-givers carved upon its walls is that of Hugo Grotius, the father of international law, who lived in Holland in the 17th century. It was he who laid down the principle that aggressive war was illegal by asserting that there was a difference between a just war (of self defense) and an unjust war.

Until now, in the middle of the 20th century, no major effort has been made to enforce that principle. Indeed, the tendency veered sharply away from that concept and only today I heard comment within a short distance of the court room itself echoing sentiments expressed in American military circles to the effect that it was unwise to attempt to prosecute as criminals the German military leaders like Doenitz and Keitel and perhaps Raeder and Jodl. The argument which is set forth and which is the heart of the military leaders' case in this trial was hinted at in the words of Jodl when he made his plea that "What I have done I had to do and I did it with a clear conscience before my people, my God and the world." It was taken then that the military defense would be that the high officers merely carried out orders as the officers of any nation would.

Jackson faced that issue squarely at the very beginning and that is why he threw his full weight into the argument that these men, all of them, participated in a conspiracy to wage an aggressive war. And he proved it with charts showing the organization of the Nazi party, how it interlocked with the state, and then how each step followed the preceding one toward a planned goal of aggression.

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

There exists universal condemnation of all the separate acts of murder, pillage, destruction, enslavement which war produces. Jackson believes that this fact makes condemnation of the thing that produces them sound and logical.

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

Trial Conducted With Dignity

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

mony which might tend to stir up ill will among the Allies.

As we faced the German attorneys in the press room in the court house at one of the conferences which they requested, I could not help feeling that they were approaching their job in a businesslike manner and that they were not permitting the fact that it was victor versus vanquished to influence their attitude. I might add that some of the reporters' questions were asked with ill-concealed emotional motives rather than a desire to obtain information. This always annoys trained newsmen. They have no objection when a reporter presses hard for an answer or makes charges in response to which he might expect an explanation, but baiting always brings a protest from the majority.

Finds Streicher Out of Place

It may prove to have been a mistake to include Streicher among the prisoners. As one lawyer here put it, "He's in too fast company." What he meant was that Streicher simply was not important enough in the Nazi set-up to make him responsible. He was perhaps chosen as a symbol of the particularly petty side of Nazi Jew-baiting. The other prisoners from the first have had little to do with him. His newspaper, which was devoted entirely to anti-Semitism, was an obscene sheet and it went out of existence when it was found that Streicher had diverted party funds. I saw his sheet when I was in Germany before and it was one of those miserable attempts at satire which is simply dirty and not at all funny.

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

As one of the members of the American delegation said to me, the real importance of the trial is that it satisfies the allied peoples. They must be assured that it is conducted fairly and they must see its significance. In Justice Jackson's words:

"What makes this inquest significant is that these prisoners represent sinister influences that will lurk in the world long after their bodies have turned to dust. They are living symbols of . . . intrigue and war-making which have embroiled Europe generation after generation. . . . Civilization can afford no compromise with the social forces which would gain renewed strength if we deal ambiguously or indecisively with men in whom these forces now survive."

When Justice Jackson spoke those words I was looking at the prisoners. All were listening quietly. Suddenly Keitel began writing feverishly. I am sure that he felt that such "intrigue and war-making" as he had engaged in was perfectly legal and proper.

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

German teen-agers, one of the greatest problems in the restoration of law and order, are in some places getting one phase of democratization — instruction in the American national game. Reports from Frankfurt indicate that in many places American troops are lending their equipment and are teaching the Germans baseball. This has been done spontaneously without any suggestions from the military government, which, however, looks upon it with approval.

Of course, the G.I.s well known affection for children, for which the soldiers of World War I were equally famous, tends to put the emphasis on this phase of fraternization with the more youthful segment of the German population. Naturally, any perpetuation of the Hitler youth movement has been stopped and this leaves the boys, especially those of high school age (since the secondary schools are still closed), with plenty of time on their hands. Getting them to spend their time on a baseball diamond instead of on the street corners is bound to be a healthy move.

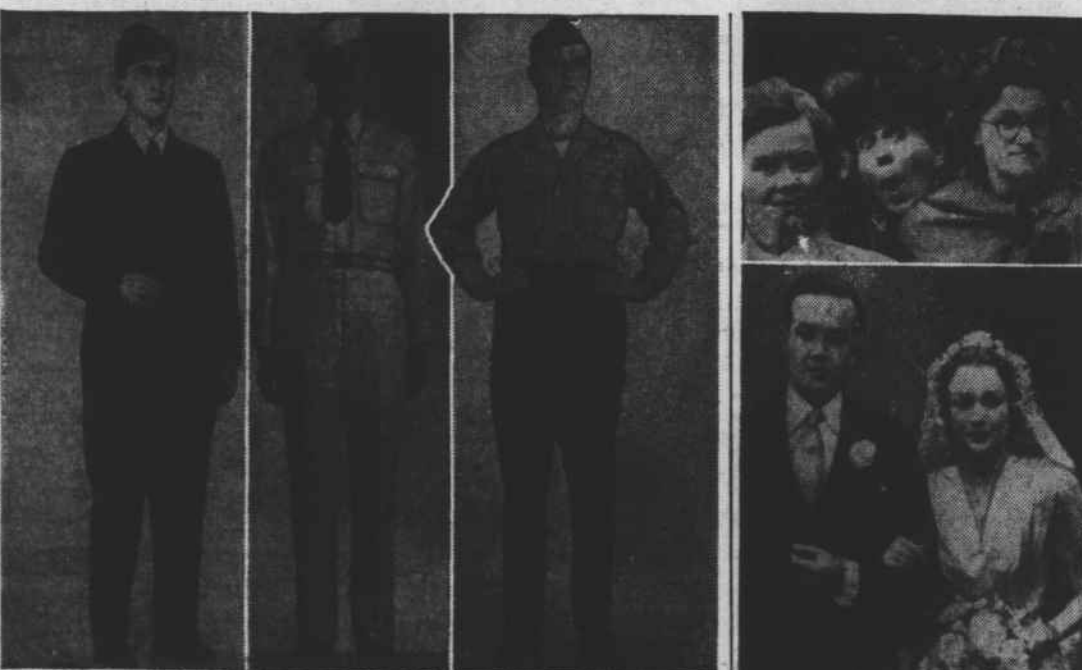
The commercial globsters of the near tomorrow will follow trails to remote corners of the world that the war made possible. The giant planes that will be able to carry you and your friends from the United States due east or west, or north or south, and back to the United States again, will have weather information from hitherto uncommunicable areas, frequently where weather originates. And the planes will land on air-strips in many places where a few years back no white man had been seen.



"COME IN, THE WATER'S FINE" . . . Hardy members of the Polar Bear club took their annual first of the year dip in the icy water of Lake Michigan at Milwaukee and agreed that the water was fine. But they failed to convince the spectators on the snow-capped shore. The temperature was 16 degrees above.



ARTIFICIAL HELPING LIMBS PUT TO WORK . . . Of course the artificial hand worn by this veteran (left), Lawrence Dilworth, is not to be compared with the one he lost. But he can use tools with it. Vincent Yammone, right, also knew the horror inspired by the word "disability." He now wonders why he ever let it scare him. He has pulled up his trousers to show his artificial leg. Both vets are among a group now employed in a North Bergen, N. J., manufacturing plant. These men now spell "disability"—a-b-i-l-i-t-y.



GOBS DON NEW UNIFORMS . . . Bell bottom trousers, suit of navy blue, the traditional uniform worn by sea-faring men since the 14th century, are soon to fade into oblivion. Left to right: blue, white and gray, with shirts to match. The blue and white are dress uniforms, while the gray is primarily the working uniform. White trousers may be worn with the blue battle jacket in warm weather. The sailors will keep their "pea coat." The new uniforms will be given a three-months test.



KYLE MILKS ON BROADWAY . . . Miss San Antonio, the milkmaid, is Kyle MacDonnell. She demonstrates how New York looked at Times Square when it was farmland, by milking a cow in the "hub of the world." The photo was taken in front of a New York theatre during the opening of a movie built around San Antonio, Texas. Miss MacDonnell admits that she would rather use a milking machine, but decided to humor natives of New York City and demonstrate the old hand method.

HERE COMES THE BRIDE . . . Hushed whispers, accompanied by varied expressions, came from on-lookers when they glimpsed the bride, Mollie Wyndham-Quinn and her groom, Hon. Robert Cecil, after ceremony at Westminster abbey.



COAST GUARD'S BEST . . . Selected as one of U. S. coast guard's best photographs of 1945 is this one of two G.I.s returning from foreign soil.



MISSOURI SNOW SHOVELERS

WASHINGTON. — The problem of snow removal from the sidewalks around the "Summer White House" created something of a problem just before President Truman paid his Christmas visit to Independence, Mo.

At first nothing was done about the snow around the Truman mansion. Secret service agents guarding the house said it was their job to guard, not to shovel. Finally James T. Hopkins, aged 59, got out his horse Dick, aged five, and with a home-made snow plow cleared the snow from the North Delaware street side of the Truman home. But he didn't have time to clear the West Van Horn road side because he had to clear the walks used by children.

One day before Mrs. Truman arrived, however, George Dodsworth, president of the Independence chamber of commerce, called out the chamber's six new directors. He told them that the snow around the "Summer White House" would have to be cleared and their initiation into the chamber would be to do the job.

They did a good job. The walks around the Truman home were thoroughly shoveled.

They did not, however, tackle the drive in the rear of the house. So next morning, two employees from the highway department arrived to clear the driveway. They had shoveled for about 20 minutes when the first lady appeared on the back porch.

"You are shoveling gravel on the grass," admonished Mrs. Truman, always a meticulous housekeeper.

There were some explanations that they had been sent by the highway department to clear the snow.

"I don't care who sent you," replied Mrs. Truman. "I want you to quit."

Which is exactly what they did.

Mrs. Truman left instructions with a secret service agent not to let anyone scoop snow from the drive. And no one has.

THE OTHER LaFOLLETTE.

When the name LaFollette is mentioned in Washington, most people think of the senator from Wisconsin, who succeeded his crusading bull-moose father. But another LaFollette, from Indiana, not Wisconsin, who sits in the house of representatives, not the senate, is also attracting more and more attention.

Empty chairs fill up quickly when Rep. Charles LaFollette takes the floor for a speech. Colleagues may sometimes disagree with the twofisted Indiana Republican, but they agree that what he says usually is interesting and never fails to pack a wallop.

In fact, one of his recent speeches packed such a wallop that conservative colleagues on the Republican side almost swooned. For LaFollette attacked that super-sacred cow, states' rights, and before he was through had virtually de-horned the animal.

"There are no such things as states' rights," declared the red-headed Hoosier. "There are rights of citizens who live within a state. The man who speaks of state sovereignty speaks the language of totalitarianism. There is only individual sovereignty."

Colleagues on both sides of the aisle listened in amazed silence. Only congressmen to answer were two Republicans: Jensen of Iowa and Bates of Massachusetts. Significantly, no whippers came from southern Democrats.

"Did not the sovereignty of the states exist long before the federal government was established?" asked Bates.

"Yes, but man existed long before the state of Massachusetts," shot back LaFollette. "The state of Massachusetts did not create its citizens and does not own them. The citizens own the state. In the continental congress and the convention which created the constitution . . . the issue was not states' rights."

"The issue was, 'Shall the people determine that they can be better served by a (federal) government with power over the state.' That is the constitutional answer, and it is the only answer that parallels with any idea of the innate dignity and honor of mankind. From that premise I do not yield, nor shall I ever yield, God giving me the strength to retain my intellectual, moral and spiritual integrity."

CAPITAL CHAFF.

Since publication of General Marshall's letter to Governor Dewey telling how we were cracking Japanese and German codes, every major government has been changing its codes almost daily. In addition, the best cryptographers in the world are now hard at work in every capital trying to figure out new unbreakable codes. All suspect we have broken their codes too. . . . The row between Mayor Maestri of New Orleans and Jimmy Comiskey was patched up at a secret caucus.

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When Your Back Hurts

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BARBS . . . by Baukhage

In some parts of Germany, France and Italy it is still believed that if you bury a drop of your blood under a rose tree, you will always have rosy cheeks. Blushes don't count.

Headline in a Washington newspaper: "Unemployment Prospects Brighter." That hardly seems an occasion for cheer.