**OPENING STATEMENT**

**in the Doctors Trial by Brig. General Telford Taylor**

The defendants in this case are charged with murders, tortures, and other atrocities committed in the name of medical science. The victims of these crimes are numbered in the hundreds of thousands. A handful only are still alive; a few of the survivors will appear in this courtroom. But most of these miserable victims were slaughtered outright or died in the course of the tortures to which they were subjected.

For the most part they are nameless dead. To their murderers, these wretched people were not individuals at all. They came in wholesale lots and were treated worse than animals. They were 200 Jews in good physical condition, 50 gypsies, 500 tubercular Poles, or 1,000 Russians. The victims of these crimes are numbered among the anonymous millions who met death at the hands of the Nazis and whose fate is a hideous blot on the page of modern history.

The charges against these defendants are brought in the name of the United States of America. They are being tried by a court of American judges. The responsibilities thus imposed upon the representatives of the United States, prosecutors and judges alike, are grave and unusual. It is owed, not only to the victims and to the parents and children of the victims, that just punishment be imposed on the guilty, but also to the defendants that they be accorded a fair hearing and decision. Such responsibilities are the ordinary burden of any tribunal. Far wider are the duties which we must fulfill here.

These larger obligations run to the peoples and races on whom the scourge of these crimes was laid. The mere punishment of the defendants, or even of thousands of others equally guilty, can never redress the terrible injuries which the Nazis visited on these unfortunate peoples. For them it is far more important that these incredible events be established by clear and public proof, so that no one can ever doubt that they were fact and not fable; and that this Court, as the agent of the United States and as the voice of humanity, stamp these acts, and the ideas which engendered them, as barbarous and criminal.

We have still other responsibilities here. The defendants in the dock are charged with murder, but this is no mere murder trial. We cannot rest content when we have shown that crimes were committed and that certain persons committed them. To kill, to maim, and to torture is criminal under all modern systems of law. These defendants did not kill in hot blood, nor for personal enrichment. Some of them may be sadists who killed and tortured for sport, but they are not all perverts. They are not ignorant men. Most of them are trained physicians and some of them are distinguished scientists. Yet these defendants, all of whom were fully able to comprehend the nature of their acts, and most of whom were exceptionally qualified to form a moral and professional judgment in this respect, are responsible for wholesale murder and unspeakably cruel tortures.

It is our deep obligation to all peoples of the world to show why and how these things happened. It is incumbent upon us to set forth with conspicuous clarity the ideas and motives which moved these defendants to treat their fellow men as less than beasts. The perverse thoughts and distorted concepts which brought about these savageries are not dead. They cannot be killed by force of arms. They must not become a spreading cancer in the breast of humanity. They must be cut out and exposed for the reason so well stated by Mr. Justice Jackson in this courtroom a year ago--

"The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating, that civilization cannot tolerate their being ignored because it cannot survive their being repeated."

To the German people we owe a special responsibility in these proceedings. Under the leadership of the Nazis and their war lords, the German nation spread death and devastation throughout Europe. This the Germans now know. So, too, do they know the consequences to Germany: defeat, ruin, prostration, and utter demoralization. Most German children will never, as long as they live, see an undamaged German city.

To what cause will these children ascribe the defeat of the German nation and the devastation that surrounds them? Will they attribute it to the overwhelming weight of numbers and resources that was eventually leagued against them? Will they point to the ingenuity of enemy scientists? Will they perhaps blame their plight on strategic and military blunders by their generals?

If the Germans embrace those reasons as the true cause of their disaster, it will be a sad and fatal thing for Germany and for the world. Men who have never seen a German city intact will be callous about flattening English or American or Russian cities. They may not even realize that they are destroying anything worthwhile, for lack of a normal sense of values. To reestablish the greatness of Germany they are likely to pin their faith on improved military techniques. Such views will lead the Germans straight into the arms of the Prussian militarists to whom defeat is only a glorious opportunity to start a new war game. "Next time it will be different." We know all too well what that will mean.

This case, and others which will be tried in this building, offer a signal opportunity to lay before the German people the true cause of their present misery. The walls and towers and churches of Nurnberg were, indeed, reduced to rubble by Allied bombs, but in a deeper sense Nurnberg had been destroyed a decade earlier, when it became the seat of the annual Nazi Party rallies, a focal point for the moral disintegration in Germany, and the private domain of Julius Streicher. The insane and malignant doctrines that Nurnberg spewed forth account alike for the crimes of these defendants and for the terrible fate of Germany under the Third Reich.

A nation which deliberately infects itself with poison will inevitably sicken and die. These defendants and others turned Germany into an infernal combination of a lunatic asylum and a charnel house. Neither science, nor industry, nor the arts could flourish in such a foul medium. The country could not live at peace and was fatally handicapped for war. I do not think the German people have as yet any conception of how deeply the criminal folly that was Nazism bit into every phase of German life, or of how utterly ravaging the consequences were. It will be our task to make these things clear.

These are the high purposes which justify the establishment of extraordinary courts to hear and determine this case and others of comparable importance. That murder should be punished goes without the saying, but the full performance of our task requires more than the just sentencing of these defendants. Their crimes were the inevitable result of the sinister doctrines which they espoused, and these same doctrines sealed the fate of Germany, shattered Europe, and left the world in ferment. Wherever those doctrines may emerge and prevail, the same terrible consequences will follow. That is why a bold and lucid consummation of these proceedings is of vital importance to all nations. That is why the United States has constituted this Tribunal.

I pass now to the facts of the case in hand. There are 23 defendants in the box. All but three of them--Rudolf Brandt, Sievers, and Breck--are doctors. Of the 20 doctors, all but one--Pokorny--held positions in the medical services of the Third Reich. To understand this case, it is necessary to understand the general structure of these state medical services, and how these services fitted into the over-all organization of the Nazi State.

To assist the Court in this regard the prosecution has prepared a short expository brief which is already in the hands of the Court and which has been made available to defense counsel in German and English. The brief includes a glossary of the more frequent German words or expressions which will occur in this trial--most of them from the vocabulary of military, medical, or governmental affairs. It also includes a table of equivalent ranks between the American Army and the German Army and the SS, and of the medical ranks used in the German Armed Forces and the SS. Finally, it includes a chart showing the subordination of the several German medical services within the general framework of the German State. This chart has been enlarged and is displayed at the front of the courtroom.

Following this opening statement Mr. McLaney, in opening the presentation of evidence on behalf of the prosecution, will offer in evidence a series of detailed charts of the various German medical services, which have been certified as accurate by the defendants Handloser, Schroeder, Karl Brandt, Mrugowsky, and Brack. The chart to which I am now directing the attention of the Tribunal is a composite chart based upon those which Mr. McHaney will offer in evidence. The chart in the front of the courtroom to which I now refer will not be offered in evidence; it is intended merely as a convenient guide to the Court and to defense counsel to enable them to follow the opening statement and to comprehend the over-all structure of the German medical services.

All power in the Third Reich derived from Adolf Hitler, who was at one and the same time the head of the government, the leader of the Nazi Party, and the commander in chief of the armed forces. His title as head of the government was Reich Chancellor. He was the "Fuehrer" of the Nazi Party, and the "Supreme Commander" of the Wehrmacht. Immediately subordinate to Hitler were the chiefs of the armed forces, the principal cabinet ministers in the government, and the leading officials of the Nazi Party. The only defendant in the dock who was directly responsible to Hitler himself is the defendant Karl Brandt.

The Court will observe that the defendants fall into three main groups. Eight of them were members of the medical service of the German Air Force. Seven of them were members of the medical service of the SS. The remaining eight include the defendants Karl Brandt and Handloser, who occupied top positions in the medical hierarchy; it included the three defendants who are not doctors; the defendant Rostock, who was an immediate subordinate of Karl Brandt; the defendant Blome, a medical official of the Nazi Party; and the defendant Pokorny, whom we have grouped under the SS for reasons which will appear later.

I will deal first with the military side of the case. Hitler, as Supreme Commander of the German Armed Forces, exercised his authority through a staff called the Supreme Command of the Armed Forces, better known by its German initials, OKW (Oberkommando der Wehrmacht). The chief of this staff, throughout the period with which this case will concern itself, was Field Marshal Wilhelm Keitel.

Under the OKW came the High Commands of the three branches of the Wehrmacht: the Navy (OKM), the Army (OKH) and the Air Force (OKL). Grand Admiral Erich Raeder was the Commander in Chief of the German Navy until 1943, when he was succeeded by Grand Admiral Karl Doenitz. Prior to the outbreak of the war, the Commander in Chief of the German Army was Field Marshal von Brauchitsch. In December 1941 Brauchitsch was relieved and Hitler himself took this position. Hermann Goering was the Commander in Chief of the German Air Force with the rank Reich Marshal, until the very last month of the war.

Each of the three branches of the Wehrmacht had its own medical service. For purposes of this case, the medical service of the Navy is not of much importance. During most of the war the defendant Handloser was the Chief of the Medical Service of the German Army; in 1944 he was succeeded in this capacity by Dr. Walter. The Chief of the Medical Service of the German Air Force until 1943 was Erich Hippke; from January 1944 until the end of the war, it was the defendant Schroeder. Subordinate to the defendant Schroeder are seven other defendants from the Air Force Medical Service, whose functions I will briefly describe later on.

I turn now to the second principal group of defendants--those affiliated with the SS. The SS was nominally a part of the Nazi Party, and came under Hitler in his capacity as Fuehrer of the NSDAP. In fact, during the years of the Nazi regime, the SS expanded into a vast complex of military, police, and intelligence organizations. The head of this extraordinary combine was Heinrich Himmler, with the title of Reich Leader SS. The SS had its medical service, headed by Grawitz, who bore the title Reich Physician SS.

The SS in turn was divided into many departments, of which one of the most important was the Armed or Waffen SS. The members of the Waffen SS were trained and equipped as regular troops, were formed into regular military formations, and fought at the front side by side with the troops of the Wehrmacht. By the end of the war there were some 80 SS divisions in the line. The head of the Medical Service of the Waffen SS was the defendant Genzken.

Six other defendants were members of the SS Medical Service and therefore subordinated to Grawitz. The German civilian medical services derived their authority both from the German Government and from the Party. The medical chief on the civilian side was Dr. Leonardo Conti, who committed suicide in October 1945. Dr. Conti occupied the position of State Secretary for Health in the Reich Ministry of the Interior. In this capacity Conti was a subordinate of the Minister of the Interior, Dr. Wilhelm Frick, until 1943, and thereafter to Heinrich Himmler who assumed the additional duties of Minister of the Interior in that year.

Conti also held the title in the Nazi Party of Reich Health Leader. His deputy in this capacity was the defendant Blome. As Reich Health Leader, Conti was subordinate to the Nazi Party Chancellery, the chief of which was Martin Bormann.

As the Court will see from the chart [This chart is contained in Section VI, Organization of the German Medical Service, NO-645, Pros. Ex. 3, p. 91], the three principal people in the hierarchy of German state health and medicine are the defendants Karl Brandt and Handloser, and the deceased Dr. Conti. In July 1942, Hitler issued a decree, a copy of which will later be read before the Court, which established the defendant Handloser as Chief of the Medical Services of the Wehrmacht. Shown on the chart here Handloser's name appears in this capacity. Handloser was given authority over the medical services of all three branches of the Wehrmacht. Inasmuch as the Waffen SS came to constitute an important part of the armed forces, Handloser's supervisory authority also extended to the defendant Genzken, Chief of the Medical Service of the Waffen SS. In this position Handloser was charged with the coordination of all common tasks of the Medical Services of the Wehrmacht and the Waffen SS. He thus became the principal figure in German military medicine, just as Dr. Conti was the central figure in the field of civilian medicine.

Handloser and Conti, as will be seen from the chart, were not directly responsible to Hitler himself. Handloser's responsibility ran to Hitler through the OKW, and Conti's through the Ministry of the Interior and the chief of the Nazi Party Chancellery.

In 1942 Hitler for the first time established a medical and health official under his direct control. This official was the defendant Karl Brandt. A Hitler decree of July 1942 (NO-080) gave Brandt the title Plenipotentiary for Health and Medical Services, and empowered him to carry out special tasks and negotiations with reference to the requirements for doctors, hospitals, medical supplies, etc., between the military and civilian sectors of the health and sanitation systems. Brandt's role, therefore, was to coordinate the requirements of the military and civilian agencies in the field of medicine and public health.

Dr. Karl Brandt had been the personal physician to Hitler since 1934. He was only 38 years old at the time he assumed the important duties conferred by the 1942 decree. His rise continued.

In September 1943 Hitler issued another decree which gave Brandt the title of General Commissioner for Sanitation and Health and empowered him to coordinate and direct the problems and activities of the entire administration for sanitation and health. (N0-081.) This authority was explicitly extended to the field of medical science and research.

Finally, in August 1944, Hitler appointed Dr. Brandt Reich Commissioner for Sanitation and Health, and stated that in this capacity Brandt's office ranked as the "highest Reich authority." (NO-082.) Brandt was authorized to issue instructions to the medical offices and organizations of the government, to the party, and the armed forces, in the field of sanitation and health.

Karl Brandt, as the supreme medical authority in the Reich, appointed the defendant Paul Rostock as his immediate subordinate to head the Office for Scientific and Medical Research. Rostock's position reached into the activities of the medical societies, the medical colleges, and the Reich Research Council. Brandt also appointed Admiral Fikentscher, who had theretofore been the chief medical officer of the German Navy, as his subordinate to head the Office for Planning and Production. In this field, Fikentscher dealt with the principal labor authorities, the Ministry of Economics, and the Ministry for Armament and War Production.

As chief of the Medical Service of the German Air Force, the defendant Schroeder also held one of the most important positions in the German medical hierarchy. He and the defendant Handloser both held the rank of Generaloberstabsarzt, the highest rank in the German medical service and the equivalent of lieutenant general in the American Army. I do not propose to go into detail concerning the positions held by the seven defendants who were under Schroeder, inasmuch as Mr. McHaney will introduce charts which show in great detail the structure of the German Air Force Medical Service, and which have been authenticated by the defendant Schroeder himself. The defendant Rose held a high rank in the Air Force Medical Service equivalent to that of a brigadier general in the American Army and was appointed special adviser to Schroeder on matters pertaining to tropical medicine, held a chair at one of the most important German medical institutes, and is one of the most distinguished scientists in the dock. The defendant Becker-Freyseng headed Schroeder's department for aviation medicine. The defendant Weltz was chief of the Institute for Aviation Medicine at Munich. The particular functions of the defendants Ruff, Romberg, Schaefer, and Beiglboeck will appear as we proceed with the presentation of the evidence.

I will likewise pass over very briefly the detailed functions of the six SS physicians who were shown on the chart as the subordinates of Grawitz. Detailed charts of the SS Medical Service, authenticated by the defendant Mrugowsky, will shortly be introduced in evidence. The defendant Gebhardt was Himmler's personal physician and he held a rank in the SS equivalent to that of a major general in the American Army. He became the president of the German Red Cross. He was the chief surgeon on Grawitz's staff, and also headed the hospital at Hohenlychen, in which capacity the defendants Oberheuser and Fischer were his assistants. The defendant Poppendick was the chief of Grawitz's personal staff. The defendant Mrugowsky was Grawitz's chief hygienist and also headed the Hygienic Institute of the Waffen SS. The defendant Hoven was the chief doctor of the Buchenwald concentration camp.

The defendant Pokorny is a private physician who had no official connection with the governmental medical service. We have shown him on the chart underneath the group of SS physicians for reasons which will appear in the course of presenting the evidence concerning sterilization experiments (par.6 (I) of the indictment).

The three defendants who are not doctors are shown in the top right-hand corner of the chart. Two of them--Rudolf Brandt and Brack--are administrative officers. Rudolf Brandt had the rank of colonel in the SS, was sort of personal adjutant, and held an administrative office both in the SS and the Ministry of the Interior. Viktor Brack was the chief administrative officer in Hitler's personal chancellery, the head of which was Philipp Bouhler.

The defendant Sievers, who held the rank of colonel in the SS, is a special case. He was a direct subordinate of Heinrich Himmler in the latter's capacity as president of the so-called Ahnenerbe Society. The name of this society literally means "ancestral heritage", and it was originally devoted to scientific and psuedo-scientific researches concerning the anthropological and cultural history of the German race. Later on an Institute for Military Scientific Research was set up within the Ahnenerbe Society. Sievers was the manager of the society and the director of the Institute for Military Scientific Research.

This concludes the general description of the German state medical services under the Nazi regime, and of the positions which the defendants occupied in the scheme of things. It is convenient at this point to refer to count four of the indictment, which charges that 10 of the defendants were members of an organization declared to be criminal by the International Military Tribunal, and that such membership is in violation of paragraph 1 (d) of Article II of Control Council Law No. 10. The organization in question is the SS.

This count concerns the defendant Karl Brandt, six of the defendants who were affiliated with the Medical Service of the SS, and three defendants who are not doctors. It does not concern any of the nine defendants on the military side, nor the defendants Rostock, Blome, Oberheuser, or Pokorny.

The International Military Tribunal's declaration of criminality applies to all persons who had been officially accepted as members of any branch of the SS, and who remained members after 1 September 1939. The prosecution will show that all 10 defendants charged in count four were officially accepted as members of the SS and remained so after that date. The defendants Karl Brandt, Genzken, and Gebhardt held ranks in both the General or Allgemeine SS and the Waffen SS equivalent to that of a major general in the American Army. The defendants Mrugowsky, Hoven, Poppendick, and Fischer all held officer rank in the SS or Waffen SS, and all four of them, together with the defendants Genzken and Gebhardt, held positions in the SS Medical Service. The defendant Rudolf Brandt held the rank of colonel in the General (Allgemeine) SS, and was a personal assistant to Himmler in Himmler's capacity as Reich Leader SS. The defendant Brack held officer rank in both the SS and the Waffen SS. The defendant Sievers held the rank of colonel in the SS, and was manager of the Ahnenerbe Society, which was attached to the SS Main Office.

The declaration of criminality by the International Military Tribunal does not apply when it appears that a member of the SS was drafted into membership in such a way as to give him no choice in the matter. Nor does it apply if it appears that the member had no knowledge that the organization was being used for the commission of criminal acts. For purposes of this case, these questions, the prosecution believes, will be academic. All of the defendants charged in count four held officer rank in the SS, and most of them held senior rank. They were moving spirits and personal participants in murder and torture on a large scale, and in a variety of other crimes. In this connection we respectfully invite the Tribunal's attention to two statements by the International Military Tribunal which, under Article X of Ordinance No. 7, constitute proof in the absence of substantial new evidence to the contrary. In setting forth the criminal acts committed by the SS, the International Military Tribunal stated:

"Also attached to the SS main offices was a research foundation known as the Experiments Ahnenerbe. The scientists attached to this organization are stated to have been mainly honorary members of the SS. During the war an institute for military scientific research became attached to the Ahnenerbe which conducted extensive experiments involving the use of living human beings."

And again it was stated:

"In connection with the administration of the concentration camps, the SS embarked on a series of experiments on human beings which were performed on prisoners of war or concentration camp inmates, These experiments included freezing to death and killing by poison bullets. The SS was able to obtain an allocation of Government funds for this kind of research on the grounds that they had access to human material not available to other agencies."

I turn now to the main part of the indictment and will outline at this point the prosecution's case relating to those crimes alleged to have been committed in the name of medical or scientific research. The charges with respect to "euthanasia" and the slaughter of tubercular Poles obviously have no relation to research or experimentation and will be dealt with later. What I will cover now comprehends all the experiments charged as war crimes in paragraph 6 and as crimes against humanity in paragraph 11 of the indictment, and the murders committed for so-called anthropological purposes which are charged as war crimes in paragraph 7 and as crimes against humanity in paragraph 12 of the indictment.

Before taking up these experiments one by one, let us look at them as a whole. Are they a heterogeneous list of horrors, or is there a common denominator for the whole group?

A sort of rough pattern is apparent on the face of the indictment. Experiments concerning high altitude, the effect of cold, and the potability of processed sea water have an obvious relation to aeronautical and naval combat and rescue problems. The mustard gas and phosphorous burn experiments, as well as those relating to the healing value of sulfanilamide for wounds, can be related to air-raid and battlefield medical problems. It is well known that malaria, epidemic jaundice, and typhus were among the principal diseases which had to be combated by the German Armed Forces and by German authorities in occupied territories.

To some degree, the therapeutic pattern outlined above is undoubtedly a valid one, and explains why the Wehrmacht, and especially the German Air Force, participated in these experiments. Fanatically bent upon conquest, utterly ruthless as to the means or instruments to be used in achieving victory,and callous to the sufferings of people whom they regarded as inferior, the German militarists were willing to gather whatever scientific fruit these experiments might yield.

But our proof will show that a quite different and even more sinister objective runs like a red thread through these hideous researches. We will show that in some instances the true object of these experiments was not how to rescue or to cure, but how to destroy and kill. The sterilization experiments were, it is clear, purely destructive in purpose. The prisoners at Buchenwald who were shot with poisoned bullets were not guinea pigs to test an antidote for the poison; their murderers really wanted to know how quickly the poison would kill. This destructive objective is not superficially as apparent in the other experiments, but we will show that it was often there.

Mankind has not heretofore felt the need of a word to denominate the science of how to kill prisoners most rapidly and subjugated people in large numbers. This case and these defendants have created this gruesome question for the lexicographer. For the moment we will christen this macabre science "thanatology," the science of producing death. The thanatological knowledge, derived in part from these experiments, supplied the techniques for genocide, a policy of the Third Reich, exemplified in the "euthanasia" program and in the widespread slaughter of Jews, gypsies, Poles, and Russians. This policy of mass extermination could not have been so effectively carried out without the active participation of German medical scientists.

I have outlined the particular charges against the defendants under count two, three, and four of the indictment; and I have sketched the general nature of the evidence which we will present. But we must not overlook that the medical experiments were not an assortment of unrelated crimes. On the contrary, they constituted a well-integrated criminal program in which the defendants planned and collaborated among themselves and with others.

We have here, in other words, a conspiracy and a common design, as is charged in count one of the indictment, to commit the criminal experiments set forth in paragraphs 6 and 11 thereof. There was a common design to discover, or improve, various medical techniques. There was a common design to utilize for this purpose the unusual resources which the defendants had at their disposal, consisting of numberless unfortunate victims of Nazi conquest and Nazi ideology. The defendants conspired and agreed together to utilize these human resources for nefarious and murderous purposes and proceeded to put their criminal design into execution. Numbered among the countless victims of the conspiracy and the crimes are Germans, and nationals of countries overrun by Germany, and gypsies, and prisoners of war, and Jews of many nationalities. All the elements of a conspiracy to commit the crimes charged in paragraphs 6 and 11 are present and all will be clearly established by the proof.

There were many co-conspirators who are not in the dock. Among the planners and leaders of this plot were Conti and Grawitz, and Hippke whose whereabouts is unknown. Among the actual executioners, Dr. Ding is dead and Rascher is thought to be dead. There were many others.

Final judgment as to the relative degrees of guilt among those in the dock must await the presentation of the proof in detail. Nevertheless, before the introduction of evidence, it will be helpful to look again at the defendants and their part in the conspiracy. What manner of men are they, and what was their major role?

The 20 physicians in the dock range from leaders of German scientific medicine, with excellent international reputations, down to the dregs of the German medical profession. All of them have in common a callous lack of consideration and human regard for, and an unprincipled willingness to abuse their power over the poor, unfortunate, defenseless creatures who had been deprived of their rights by a ruthless and criminal government. All of them violated the Hippocratic commandments which they had solemnly sworn to uphold and abide by, including the fundamental principles never to do harm - "primum non nocere."

Outstanding men of science, distinguished for their scientific ability in Germany and abroad, are the defendants Rostock and Rose. Both exemplify, in their training and practice alike, the highest traditions of German medicine. Rostock headed the Department of Surgery at the University of Berlin and served as Dean of its medical school. Rose studied under the famous surgeon, Enderlen, at Heidelberg and then became a distinguished specialist in the fields of public health and tropical diseases. Handloser and Schroeder are outstanding medical administrators. Both of them made their careers in military medicine and reached the peak of their profession. Five more defendants are much younger men who are nevertheless already known as the possessors of considerable scientific ability, or capacity in medical administration. These include the defendants Karl Brandt, Ruff, Beiglboeck, Schaefer, and Becker-Freyseng.

A number of the others such as Romberg and Fischer are well trained, and several of them attained high professional position. But among the remainder few were known as outstanding scientific men. Among them at the foot of the list is Blome who has published his autobiography entitled "Embattled Doctor" in which he sets forth that he eventually decided to become a doctor because a medical career would enable him to become "master over life and death."

The part that each of them 20 physicians and their 3 lay accomplices played in the conspiracy and its execution corresponds closely to his professional interests and his place in the hierarchy of the Third Reich as shown in the chart. The motivating force for this conspiracy came from two principal sources. Himmler, as head of the SS, a most terrible machine of oppression with vast resources, could provide numberless victims for the experiments. By doing so, he enhanced the prestige of his organization and was able to give free rein to the Nazi racial theories of which he was a leading protagonist and to develop new techniques for the mass exterminations which were dear to his heart. The German military leaders, as the other main driving force, caught up the opportunity which Himmler presented them with and ruthlessly capitalized on Himmler's hideous overtures in an endeavor to strengthen their military machine.

And so the infernal drama was played just as it had been conceived in the minds of the authors. Special problems which confronted the German military or civilian authorities were, on the orders of the medical leaders submitted for solution in the concentration camps. Thus we find Karl Brandt stimulating the epidemic jaundice experiments, Schroeder demanding "40 healthy experimental subjects" for the sea-water experiments, Handloser providing the impetus for Ding's fearful typhus researches, and Milch and Hippke at the root of the freezing experiments. Under Himmler's authority, the medical leaders of the SS--Grawitz, Genzken, Gebhardt, and others--set the wheels in motion. They arranged for the procurement of victims through other branches of the SS, and gave directions to their underlings in the SS medical service such as Hoven and Fischer. Himmler's administrative assistants, Sievers and Rudolf Brandt, passed on the Himmler orders, gave a push here and a shove there, and kept the machinery oiled. Blome and Brack assisted from the side of the civilian and party authorities.

The Wehrmacht provided supervision and technical assistance for those experiments in which it was most interested. A low-pressure chamber was furnished for the high-altitude tests, the services of Weltz, Ruff, Romberg, and Rascher for the high-altitude and freezing experiments and those of Becker-Freyseng, Schaefer, and Beiglboeck for sea water. In the important but sinister typhus researches, the eminent Dr. Rose appeared for the Luftwaffe to give expert guidance to Ding.

The proper steps were taken to insure that the results were made available to those who needed to know. Annual meetings of the consulting physicians of the Wehrmacht held under Handloser's direction were favored with lectures on some of the experiments. The report on the high-altitude experiment was sent to Field Marshal Milch, and a moving picture about them was shown at the Air Ministry in Berlin. Weltz spoke on the effects of freezing at a medical conference in Nuernberg, the same symposium at which Rascher and others passed on their devilish knowledge.

There could, we submit, be no clearer proof of conspiracy. This was the medical service of the Third Reich at work. Among the defendants in the box sit the surviving leaders of that service. We will ask the Tribunal to determine that neither scientific eminence nor superficial respectability shall shield them against the fearful consequences of the orders they gave.

I intend to pass very briefly over matters of medical ethics, such as the conditions under which a physician may lawfully perform a medical experiment upon a person who has voluntarily subjected himself to it, or whether experiments may lawfully be performed upon criminals who have been condemned to death. This case does not present such problems. No refined questions confront us here.

None of the victims of the atrocities perpetrated by these defendants were volunteers, and this is true regardless of what these unfortunate people may have said or signed before their tortures began. Most of the victims had not been condemned to death, and those who had been were not criminals, unless it be a crime to be a Jew, or a Pole, or a gypsy, or a Russian prisoner of war.

Whatever book or treatise on medical ethics we may examine, and whatever expert on forensic medicine we may question, will say that it is a fundamental and inescapable obligation of every physician under any known system of law not to perform a dangerous experiment without the subject's consent. In the tyranny that was Nazi Germany, no one could give such a consent to the medical agents of the State; everyone lived in fear and acted under duress. I fervently hope that none of us here in the courtroom will have to suffer in silence while it is said on the part of these defendants that the wretched and helpless people whom they froze and drowned and burned and poisoned were volunteers. If such a shameless lie is spoken here, we need only remember the four girls who were taken from the Ravensbrueck concentration camp and made to lie naked with the frozen and all but dead Jews who survived Dr. Rascher's tank of ice water. One of these women, whose hair and eyes and figure were pleasing to Dr. Rascher, when asked by him why she had volunteered for such a task replied, "rather half a year in a brothel than half a year in a concentration camp."

Were it necessary, one could make a long list of the respects in which the experiments which these defendants performed departed from every known standard of medical ethics. But the gulf between these atrocities and serious research in the healing art is so patent that such a tabulation would be cynical.

We need look no further than the law which the Nazis themselves passed on the 24th of November 1933 for the protection of animals. This law states explicitly that it is designed to prevent cruelty and indifference of man towards animals and to awaken and develop sympathy and understanding for animals as one of the highest moral values of a people. The soul of the German people should abhor the principle of mere utility without consideration of the moral aspects. The law states further that all operations or treatments which are associated with pain or injury, especially experiments involving the use of cold, heat, or infection, are prohibited, and can be permitted only under special exceptional circumstances. Special written authorization by the head of the department is necessary in every case, and experimenters are prohibited from performing experiments according to their own free judgment. Experiments for the purpose of teaching must be reduced to a minimum. Medico-legal tests, vaccinations, withdrawal of blood for diagnostic purposes, and trial of vaccines prepared according to well-established scientific principles are permitted, but the animals have to be killed immediately and painlessly after such experiments. Individual physicians are not permitted to use dogs to increase their surgical skill by such practices. National Socialism regards it as a sacred duty of German science to keep down the number of painful animal experiments to a minimum.

If the principles announced in this law had been followed for human beings as well, this indictment would never have been filed. It is perhaps the deepest shame of the defendants that it probably never even occurred to them that human beings should be treated with at least equal humanity.

This case is one of the simplest and clearest of those that will be tried in this building. It is also one of the most important. It is true that the defendants in the box were not among the highest leaders of the Third Reich. They are not the war lords who assembled and drove the German military machine, nor the industrial barons who made the parts, nor the Nazi politicians who debased and brutalized the minds of the German people. But this case, perhaps more than any other we will try, epitomizes Nazi thought and the Nazi way of life, because these defendants pursue the savage promises of Nazi thought so far. The things that these defendants did, like so many other things that happened under the Third Reich, were the result of the noxious merger of German militarism and Nazi racial objectives. We will see the results of this merger in many other fields of German life; we see it here in the field of medicine.

Germany surrendered herself to this foul conjunction of evil forces. The nation fell victim to the Nazi scourge because its leaders lacked the wisdom to forsee the consequences and the courage to stand firm in the face of threats. Their failure was the inevitable outcome of that sinister undercurrent of German philosophy which preaches the supreme importance of the state and the complete subordination of the individual. A nation in which the individual means nothing will find few leaders courageous and able enough to serve its best interests.

Individual Germans did indeed give warning of what was in store, and German doctors and scientists were numbered among the courageous few. At a meeting of Bavarian psychiatrists held in Munich in 1931, when the poisonous doctrines of the Nazis were already sweeping Germany, there was a discussion of mercy killings and sterilization, and the Nazi views on these matters, with which we are now familiar, were advanced. A German professor named Oswald Bumke rose and made a reply more eloquent and prophetic than anyone could have possibly realized at the time. He said:

"I should like to make two additional remarks. One of them is, please for God's sake leave our present financial needs out of all these considerations. This is a problem which concerns the entire future of our people, indeed, one may say without being overemotional about it, the entire future of humanity. One should approach this problem neither from the point of view of our present scientific opinion nor from the point of view of the still more ephemeral economic crises. If by sterilization we can prevent the occurrence of mental disease then we should certainly do it, not in order to save money for the government but because every case of mental disease means infinite suffering to the patient and to his relatives. But to introduce economic points of view is not only inappropriate but outright dangerous because the logical consequence of the thought that for financial reasons all these human beings, who could be dispensed with for the moment, should be exterminated, is a quite monstrous logical conclusion; we would then have to put to death not only the mentally sick and the psychopathic personalities but all the crippled including the disabled veterans, all old maids who do not work, all widows whose children have completed their education, and all those who live on their income or draw pensions. That would certainly save a lot of money income or but the probability is that we will not do it.

"The second point of advice is to use utmost restraint, at least until the political atmosphere here in this country shall have improved, and scientific theories concerning heredity and race can no longer be abused for political purposes. Because, if the discussion about sterilization today is carried into the arena of political contest, then pretty soon we will no longer hear about the mentally sick but, instead, about Aryans and non-Aryans, about the blonde Germanic race and about inferior people with round skulls. That anything useful could come from that is certainly improbable; but science in general and genealogy and eugenics in particular would suffer an injury which could not easily be repaired again."

I said at the outset of this statement that the Third Reich died of its own poison. This case is a striking demonstration not only of the tremendous degradation of German medical ethics which Nazi doctrine brought about, but of the undermining of the medical art and thwarting of the techniques which the defendants sought to employ. The Nazis have, to a certain extent, succeeded in convincing the peoples of the world that the Nazi system, although ruthless, was absolutely efficient; that although savage, it was completely scientific; that although entirely devoid of humanity, it was highly systematic--that "it got things done." The evidence which this Tribunal will hear will explode this myth. The Nazi methods of investigation were inefficient and unscientific, and their techniques of research were unsystematic.

These experiments revealed nothing which civilized medicine can use. It was, indeed, ascertained that phenol or gasoline injected intravenously will kill a man inexpensively and within 60 seconds. This and a few other "advances" are all in the field of thanatology. There is no doubt that a number of these new methods may be useful to criminals everywhere and there is no doubt that they may be useful to a criminal state. Certain advance in destructive methodology we cannot deny, and indeed from Himmler's standpoint this may well have been the principal objective.

Apart from these deadly fruits, the experiments were not only criminal but a scientific failure. It is indeed as if a just deity had shrouded the solutions which they attempted to reach with murderous means. The moral shortcomings of the defendants and the precipitous ease with which they decided to commit murder in quest of "scientific results", dulled also that scientific hesitancy, that thorough thinking-through, that responsible weighing of every single step which alone can insure scientifically valid results. Even if they had merely been forced to pay as little as two dollars for human experimental subjects, such as American investigators may have to pay for a cat, they might have thought twice before wasting unnecessary numbers, and thought of simpler and better ways to solve their problems. The fact that these investigators had free and unrestricted access to human beings to be experimented upon misled them to the dangerous and fallacious conclusion that the results would thus be better and more quickly obtainable than if they had gone through the labor of preparation, thinking, and meticulous preinvestigation.

A particularly striking example is the sea-water experiment. I believe that three of the accused--Schaefer, Becker-Freyseng, and Beiglboeck--will today admit that this problem could have been solved simply and definitively within the space of one afternoon. On 20 May 1944 when these accused convened to discuss the problem, a thinking chemist could have solved it right in the presence of the assembly within the space of a few hours by the use of nothing more gruesome than a piece of jelly, a semi-permeable membrane and a salt solution, and the German Armed Forces would have had the answer on 21 May 1944. But what happened instead? The vast armies of the disenfranchised slaves were at the beck and call of this sinister assembly; and instead of thinking, they simply relied on their power over human beings rendered rightless by a criminal state and government. What time, effort, and staff did it take to get that machinery in motion! Letters had to be written, physicians, of whom dire shortage existed in the German Armed Forces whose soldiers went poorly attended, had to be taken out of hospital positions and dispatched hundreds of miles away to obtain the answer which should have been known in a few hours, but which thus did not become available to the German Armed Forces until after the completion of the gruesome show, and until 42 people had been subjected to the tortures of the damned, the very tortures which Greek mythology had reserved for Tantalus.

In short, this conspiracy was a ghastly failure as well as a hideous crime. The creeping paralysis of Nazi superstition spread through the German medical profession and, just as it destroyed character and morals, it dulled the mind.

Guilt for the oppressions and crimes of the Third Reich is widespread, but it is the guilt of the leaders that is deepest and most culpable. Who could German medicine look to keep the profession true to its traditions and protect it from the ravaging inroads of Nazi pseudo-science? This was the supreme responsibility of the leaders of German medicine--men like Rostock and Rose and Schroeder and Handloser. That is why their guilt is greater than that of any of the other defendants in the dock. They are the men who utterly failed their country and their profession, who showed neither courage nor wisdom nor the vestiges of moral character. It is their failure, together with the failure of the leaders of Germany in other walks of life, that debauched Germany and led to her defeat. It is because of them and others like them that we all live in a stricken world.