

9. DARRÉ—ORDER AND MEMORANDUM OF THE TRIBUNAL

ORDER

On 6 May 1949 defendant Richard Walter Darré, through his counsel Dr. Hans Merkel, filed a motion for amendment of the judgment in this case, on the ground of alleged errors therein, the defendant Darré having been convicted therein under counts five, six, and eight of the indictment. On 25 April 1949 said defendant's counsel also joined in a motion for plenary session of the Tribunal's, "in order to examine the judgment passed on 14 April 1949." On 16 June 1949 the prosecution filed answering briefs to said motion of 6 May 1949, and on 21 June 1949 defendant Darré's counsel filed a reply brief.

The Tribunal having considered the motion of defendant, the answer thereto of the prosecution, and the defendant's reply to said answer, and being fully advised in the premises,

IT IS ORDERED that defendant's motion of 6 May 1949 be, and the same is, hereby in all respects denied.

Memorandum hereto attached is made a part hereof.

Dated 12 December 1949.

[Signed] WILLIAM C. CHRISTIANSON
WILLIAM C. CHRISTIANSON
Presiding Judge

[Signed] ROBERT F. MAGUIRE
ROBERT F. MAGUIRE

Judge

MEMORANDUM

With respect to count five, we have reviewed the motions and reread the testimony. The participation of Darré in the resettlement program is perfectly clear, and no legal or moral justification is suggested. The defendant contends that Exhibit 1315 [NG-1645], Book 72B, was rejected by the Tribunal, but was considered by it in its opinion as one of the bases of guilt. The contemporaneous record made by the Tribunal indicates that when first offered it was not received, but later was accepted. We do not have present access to the Secretary General's Official Record regarding this exhibit, but if we were to assume that through error it was referred to in the opinion, it can be wholly omitted without in anywise changing the findings of fact and conclusions which the Tribunal drew as to Darré's guilt. His motion respecting count five should be, and is, hereby denied.

With respect to count six of the indictment, and under which defendant was found guilty of spoliation of the agricultural resources of Poland, etc., it is to be observed that defendant's contention is largely that he lacked authority or competency to do the things with which he was charged, and that some of the charges made do not cover the period during which he in fact was Minister of Agriculture. These are substantially repetitions of the defense made during the trial, and arguments thereafter. They are in effect no more than a reargument of what was once before argued, and presented before the Tribunal, which arguments and defense were considered by the Tribunal in the rendering of its finding of guilt against defendant Darré under count six.

As has been heretofore and elsewhere indicated by the Tribunal, it takes no cognizance of the request for plenary session, but it has herein considered the arguments therein advanced to challenge the findings of the Tribunal.

10. DIETRICH—ORDER AND MEMORANDUM OF THE TRIBUNAL

ORDER

On 5 May 1949 a motion was filed in behalf of defendant Dietrich praying that the Tribunal's judgment of 14 April 1949 be amended to revoke its findings of guilt against said defendant on counts five and eight of the indictment and that the defendant be released from custody. On 19 June 1949 the prosecution filed an answering brief to said motion and on 30 June 1949 the defendant filed a rejoinder to the prosecution's answering brief.

It also appears that on 25 April 1949 the defendant joined in a petition for plenary session of the Tribunal for the purpose of "examining the judgment passed on 14 April 1949 by the Military Tribunal IV." The Tribunal having considered said motion and answering brief of the prosecution and the defendant's rejoinder to said answering brief and being fully advised,

IT IS ORDERED that Dietrich's motion as to counts five and eight be, and the same is, hereby in all respects denied.

Memorandum hereto attached is made a part of this order.

Dated 12 December 1949.

[Signed] WILLIAM C. CHRISTIANSON
WILLIAM C. CHRISTIANSON
Presiding Judge

[Signed] ROBERT F. MAGUIRE
ROBERT F. MAGUIRE

Judge