

if there were no other, it seems impossible for defendant to divorce himself from "Aryanization" in Czechoslovakia.

The vast amount of evidence adduced as to these two counts, six and seven, in the Tribunal's opinion amply sustains the convictions thereunder. No errors of sufficient materiality or consequence appear, certainly none that would reasonably require from the Tribunal a change in the result reached in the judgment, or in the sentence imposed. This, of course, is not to be construed as a suggestion to the reviewing authority that it should not exercise clemency in this case, if it is deemed proper.

A reexamination of the evidence and the conclusions which we drew therefrom in view of the defendant's motion to set aside his conviction under count eight discloses no error. Defendant's motion to set aside his conviction under this count should be, and hereby is, denied.

E. Separate Memorandum Opinion of Judge Powers Concerning Various Motions, 24 December 1949

MEMORANDUM OF JUDGE POWERS

As a member of the Tribunal which tried Case 11, I have considered the various motions which have been filed since the entry of the judgment in the case and have examined the orders disposing of said motion and the memoranda attached to said orders, all of which were prepared by other members of the Tribunal.

I have signed the orders relating to the motions of Steengracht von Moyland, Woermann, and Von Weizsaecker which reduces the sentences of those defendants. I concur in the orders sustaining a part of the motion to which the order is directed in each case. This, however, does not mean that I concur in the part of the order which denies further relief, and it does not mean that I concur in the memoranda opinions which accompany the orders.

As to the other orders, I have withheld my signature because I am of the opinion that some portions of the motions to which these orders are directed should be sustained, and I do not approve of many of the statements in the memoranda opinions which accompany the orders.

There is no desire on my part to extend unnecessarily an already long record, but it does seem to me that my position should be made clear, especially since I have heretofore dissented from parts of the original judgment. The opinions I then expressed I still hold, and I have no purpose or intention of joining in or approving any decisions which are inconsistent with them. It seemed to me that the absence of my signature on some of these

orders needed an explanation. To supply it is the purpose of this memorandum.

Dated this 24 December 1949.

[Signed] L. W. POWERS

XIX. REVISION OF SENTENCES BY THE UNITED STATES HIGH COMMISSIONER FOR GERMANY

A. Introduction

Under Articles XV and XVII of Ordinance No. 7, the sentences imposed by the Tribunal were subject to review by the Military Governor of the United States Zone of Occupation (see Vol. XV, this series, sec. XXV). Except for the sentences in the Ministries case, the sentences in all the cases tried before Tribunals established pursuant to Ordinance No. 7 were initially reviewed by General Lucius D. Clay, the Military Governor. However, on 6 June 1949, the position of the United States High Commissioner for Germany was established, and the Military Government of the United States Zone of Germany was terminated. This occurred before the Tribunal in the Ministries case had passed upon the defense motions alleging errors of fact and law in the judgment (see sec. XVIII, above). After 6 June 1949, the responsibility for the execution of sentences and the disposition (including pardon, clemency, parole, or release) of war criminals convicted at Nuernberg under Control Council Law No. 10 was in the hands of the High Commissioner, the Honorable John J. McCloy. On 31 January 1951, the High Commissioner made his final decisions on clemency with respect to all the sentences outstanding. That part of the High Commissioner's decisions which concern the sentences in the Ministries case are reproduced in section B. The full text of the decisions on the outstanding sentences in all cases, and other related materials are reproduced in Volume XV, this series, section XXV.

B. Final Decision of the United States High Commissioner Concerning the Sentences in the Ministries Case

"I am announcing herewith my decisions on the review which I have undertaken of the sentences rendered by the Military Tribunals established under U.S. Military Government Ordinance No. 7 for the trial of war criminals.