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5068 FIFTH LEADING EDITORIAL IN MANCHESTER GUARDIAN TODAY

DISCUSSES LEGAL AND MORAL ISSUES INVOLVED IN GERMAN WAR TRIALS

AND ASSERTS THAT BURDENSOME WEIGHT IF ISSUES OFFERS SOME EX-
CUSE TO BRITAIN AND AMERICA FOR THEIR LACK OF ENTHUSIASM IN

ADVANCING TOWARDS TRIALS PERIOD IT STATES COLON QUOTE ON THE

ONE HAND THERE IS A DEEP AND WEIDESPREAD FEELING THAT THE GREAT

AND INHUMAN CRIMES OF THE NAZIS SHOULD BE PROPERLY PUNISHED

SEMICOLON ON THE OTHER COMMA WE HAVE TO SATISFY OURSELVES AND

POSTERITY THAT THESE CRIMES ARE PUNISHED UNDER LAW UNQUOTE PERIOD

GUARDIAN DECLARES THAT MAIN DIFFICULTY IS TO DISCOVER THE LAW

COMMA AND THAT WHILE WE HAVE CERTAIN RULES OF WAR DRAWN UP

IN THE HAGUE AND GENEVA CONVENTIONS WHICH COVER SUCH CRIMES

AS OFFENCES AGAINST PRISONERS AND CIVILIANS AND WANTON

DESTRUCTION OF CITIES COMMA EVEN HERE CERTAIN HARD PROBLEMS MUST

BE FACED DASH AS RESPONSIBILITY FOR SUCH CRIMES MUST BE DISTRI-

BUTED BETWEEN LEADERS WHO GAVE ORDERS AND SUBORDINATES WHO ACTUALI

PERPETRATED CRIMES PERIOD EDITORIAL ADDS COLON QUOTE UNDER THE

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CONSTITUTION OF THE INTERNATIONAL MILITARY TRIBUNAL ACTING UNDER ORDERS MAY BE TREATED AS A MITIGATING CIRCUMSTANCE PERIOD BUT AS AT PRESENT IT SEEMS THAT WHILE THE MAJOR CRIMINALS WILL BE TRIED BY THIS TRIBUNAL THE MINOR CRIMINALS WILL BE HANDED OVER TO THE COURTS OF THE NATION ON WHOSE SOIL THE CRIMES WERE COMMITTED IT WILL NOT BE EASY TO MAINTAIN CONSISTENCY OF TREATMENT UNQUOTE PARAGRAPH EDITORIAL CONTINUES COLON QUOTE ONE MORAL ISSUE AFFECTING THE TRIAL OF GERMANS FOR BREAKING THE RECOGNIZED LAWS OF WARFARE HAS BEEN RAISED IN THIS COUNTRY PERIOD THE USE OF THE ATOMIC BOMB HAS MADE SOME FEEL SENSITIVE ABOUT THE VALUE INCORPORATED IN THE CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL WHICH DELCARES ONE OF THE CRIMES TO BE SUBQUOTE WANTON DESTRUCTION OF CITIES COMMA TOWNS OR VILLAGES END SUBQUOTE PERIOD THERE IS AGAIN A REFERENCE AMONG THE SUBQUOTE CRIMES AGAINST HUMANITY END SUBQUOTE COMMA TO SUBQUOTE DEPORTATION AND OTHER INHUMANE ACTS COMMITTED AGAINST ANY CIVILIAN POPULATION END SUBQUOTE PERIOD THE PRESIDENT ENFORCED MOVEMENT OF PEOPLES IN EASTERN EUROPE DOES NOT PROVIDE AN IDEAL BACKGROUND FOR TRIALS BASED ON SUCH CHARGES PERIOD IT IS NOT THAT IT WOULD BE UNJUST TO PUNISH GERMANS FOUND RESPONSIBLE FOR UPROOTING PEACEFUL CITIZENS FROM THEIR HOMES COMMA A CRIME WHICH IT WOULD BE ALMOST CRIMINAL TO OVERLOOK PERIOD BUT MORAL FERVOR IS BOUND TO LOSE A LITTLE OF ITS FORCE WHEN ON

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THE SIDE FROM WHICH THE JUDGES SPRING SO MUCH INHUMANITY IS SEEN TO FLOURISH PERIOD BUT WE PASS INTO AN AREA ALTOGETHER MORE CONTROVERSIAL WHEN WE LEAVE THE LIST OF CRIMES AGAINST HUMANITY AND THE RULES OF WAR FOR THOSE COMMITTED AGAINST PEACE COLON NAMELY COMMA PLANNING COMMA PREPARATION COMMA INITIATION OR WAGING OF A WAR OF AGGRESSION OR A WAR IN VIOLATION OF INTERNATIONAL TREATIES COMMA AGREEMENTS OR ASSURANCES PERIOD THESE ARE INTERNATIONAL CRIMES AS OPPOSED TO WAR CRIMES AND THERE IS VIRTUALLY NO SECTION OF SO CALLED INTERNATIONAL CRIME THAT HAS EVER BEEN BROUGHT INSIDE AN INTERNATIONAL CONVENTION PERIOD HENCE THE ALLIES HAVE BEEN DRIVEN TO ESTABLISH A LAW AFTER THE CRIMINAL ACTS HAVE BEEN COMMITTED AND TO APPLY IT RETROSPECTIVELY PERIOD IT HAS BEEN MADE CLEAR THAT THE BRIANDKELLOGG PACT FOR THE RENUNCIATION OF WAR AS AN INSTRUMENT OF POLICY COMMA SIGNED IN 1938 AT PARIS COMMA WILL BE THE MAIN BASIS OF CHARGES UNDER THIS HEAD UNQUOTE PARAGRAPH STATING THAT AT TIME OF ITS SIGNING COMMA BRIANDKELLOGG PACT WAS REGARDED AS BEING MORE IN REALM OF PIOUS ASPIRATION THAN IN THAT OF INTERNATIONAL LAW COMMA EDITORIAL SAYS THAT QUOTE NOW IT IS BEING ELEVATED INTO A BINDING STATUTE UNQUOTE PERIOD IT POINTS OUT THAT RUSSIA WHO IS JOINTLY RESPONSIBLE FOR THE INTERNATIONAL TRIBUNAL WAS EXPELLED FROM LEAGUE OF NATIONS IN 1939 LARGELY ON GROUNDS THAT BY ATTACKING FINLAND SHE HAD FAILED TO OBSERVE KELLOGG PACT COMMA AND SAYS THAT THIS FACT IS ALMOST

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SURE TO BE RAISED BY GERMAN DEFENSE COUNCIL PERIOD IT CONTINUES
COLON QUOTE BECAUSE INTERNATIONAL LAW IS SO UNDEVELOPED AT THIS
MOMENT THE TRIALS THEMSELVES ARE BOUND TO HAVE MANY UNSATISFACTORY
FEATURES PERIOD SETTING ALL QUESTIONS OF LAW ASIDE COMMA ONE IS
BOUND TO CONFESS THAT ANY PENALTY IMPOSED BY THE TRIBUNAL ON
INDIVIDUALS WILL SEEM RIDICULOUSLY INADEQUATE BESIDE THE VAST-
NESS OF THE WARS EVIL PERIOD MANY IN GERMANY HAVE ALREADY SUFFERED
FAR MORE THAN ANY OF THESE LEADERS CAN BE MADE TO SUFFER NOW PERIOD
THERE IS FOR THESE LEADERS AN INEVITABLE AND UTTER DISPROPORTION
BETWEEN THEIR CRIME AND THEIR PUNISHMENT PERIOD IN SPITE OF ALL
THE DIFFICULTIES OUR TASK COMMA TO WHATEVER EXTENT THESE TRIALS
WILL BE PURSUED COMMA IS CLEAR ENOUGH PERIOD WE MUST GUARD AGAINST
GIVING ANY IMPRESSION THAT THEY ARE POLITICAL TRIALS PERIOD THE
WAY THEY ARE CARRIED OUT AND THE SENTENCES THEMSELVES MUST
APPEAR JUST NOT ONLY TO THE GERMAN PEOPLE PARENTHESIS FOR IF
JUSTICE IS NOT APPARENT ALL THEIR REFORMING EFFECTS WILL BE LOST
END PARENTHESIS BUT TO HISTORIANS WRITING IN ANY COUNTRY A HUNDRED
YEARS FROM NOW UNQUOTE

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