

pening right now, in this country.

**Horton:** Certainly the United States, in 1946-49, in the Nuremberg trials, articulated very firm and harsh rules; and during the International Criminal Tribunals for Yugoslavia and Rwanda, the United States repeated the Nuremberg rules—that was only a few years ago, in fact. Now under President George W. Bush, all of that seems completely forgotten, and the rule seems to be: Scapegoat a few enlisted men, but no senior official or senior officer will be held to account for anything. It's the total abnegation of the Nuremberg rule.

**EIR:** Just to emphasize what you just said: You're saying, that if those standards, that were used by American prosecutors at Nuremberg, were applied today, then Rumsfeld and so forth, would have to be held accountable for what has happened on the front lines.

**Horton:** We should start by noting that the crimes for which Keitel was convicted dwarf anything that has ever been alleged against U.S. forces in Iraq, Afghanistan, and Guantánamo. What Keitel did had strong implications of genocide and involved the death of millions, and of thousands of uniformed soldiers. By comparison the abuses and war crimes in the current war seem minor. But who can take solace in the fact that these abuses are less than the darkest chapter in the history of mankind? We have 50 deaths in detention and a good dozen or so raise serious questions of torture. That's grave enough.

Applying the Nuremberg rule, let's ask some questions: Were there policy memoranda created that opened the doors for abuse, that advocated or blessed unlawful conduct?

*Absolutely. No question about it.*

Did the abuse occur?

*Absolutely. No question about it.*

Was it widespread and systematic?

We have internal Department of the Army investigations that can be cited for that proposition. The number of "rotten apples" went from six to a dozen, to sixty, to several hundred, and the number is always climbing. Moreover, the nature of the abusive acts is so similar that the criterion of "systematic" has been met! And we have a number of other reports that they've been sitting on, nervously, not releasing.

Those facts, alone, would be enough, to establish a *prima facie* case under the Nuremberg standards. But the facts are not yet fully developed; much is unknown. The United States has prosecuted some offenders, which counts as intention to enforce and uphold the law. Keitel never did this. And of course, we would have to hear a defense from the accused. Unlike Secretary Rumsfeld, I believe in a presumption of innocence.

Let's keep in mind that in that Jan. 25, 2002 memo, Judge Gonzales seems to be driven by one particular fear: prosecution of members of the Administration for War Crimes. Based on what has happened, it certainly seems his concern is well founded.

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Helmuth James von Moltke

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## Resistance Against Hitler's War Crimes

by Gabriele Liebig

*This is an abridged and translated version of "Resistance to Hitler's War," published in the German weekly Neue Solidarität on July 21, 2004.*

The systematic disregard for international law reflected in the treatment meted out to Iraqi and Afghani prisoners of war by American personnel, both civil and military, has been compared with Hitler's 1941 "Commissar Order" and "Barbarossa Edict" [see interview with Scott Horton, above]. But just as American military and retired military figures, as well as State Department officials, opposed the abuses and war crimes from the outset of the Iraq War, and are becoming increasingly outspoken today, so during World War II, Helmuth James, Count von Moltke, a key figure in the German resistance, did everything in his power, from his post in the Wehrmacht High Command (OKW), to prevent war crimes. Von Moltke also led the Kreisauer Circle in the resistance to Hitler.

### Twofold Resistance

When Hitler seized power, Helmuth James von Moltke (1907-45) was completing his legal apprenticeship, after studies in international law with Alfred von Verdross (1890-1980) and Hans Kelsen (1881-1973).

From the outset, von Moltke had rejected National Socialism. This meant that any hope of a career as a judge was out of the question. He therefore became a lawyer, while discussing with his circle of friends an opposition movement. When World War II broke out with the German onslaught on Poland in 1939, von Moltke was found unsuited to combat duty, but assigned to office work in the High Command's Foreign Department, which reported to the counter-intelligence division led by Adm. Wilhelm Canaris.

Shortly after the war began, the international law section of the Foreign Department was enlarged to become an International Law Group, to which von Moltke again belonged. The group's leader, Major W. Tafel, was a hard-core opponent to the Nazis, close to the Resistance, and a relative of Dietrich Bonhoeffer brothers, leader of the Confessing Church who died for the important role he played in the Resistance to Hitler.

In joining the Foreign Department, von Moltke's idea was



*Helmuth James von Moltke was condemned to death in a Nazi court, for planning to establish a just state, after the defeat of the National Socialists, "where everyone may advance and develop to the fullest."*



*Freya Moltke, von Moltke's wife, lived with their children far from Berlin. His almost daily letters to her are the main source of information about his role as a dissident within the Foreign Department.*

to head off breaches of international law. The Department was not empowered to issue directives, but only advisory opinions. As time went on, these opinions were no longer sought, and the only option was to attempt to rein in such breaches wherever possible, and to keep war crimes down to a "small scale." After Poland was divided, von Moltke had hoped that the Western offensive, postponed by Hitler several times, might yet be averted through a compact with England mediated by the Vatican. But in 1940, the Wehrmacht, trampling upon neutral Holland and Belgium, swept through to France in a campaign that ended in victory in less than six weeks. As Hitler's star rose to its zenith, out of von Moltke's Foreign Department was to come a new group known as the Kreisauer Circle, which included men such as Peter, Count Yorck von Wartenburg.

Von Moltke was well aware that this would be a World War, and that England would enlist the help of the United States against a fascist Europe. On May 26, 1940, he wrote to his wife: "Should Europe fall, willy-nilly, into our hands, the war will become a struggle between the Western Hemisphere and our continent, and it may drag on for 100 years. As Germans, we shall find ourselves unable to travel anywhere without either being straightaway taken prisoner, or else barred entry."

On June 17, 1940, von Moltke wrote to Yorck von Wartenburg: "It has come to the point that we shall have to face the eventuality that Evil may triumph; although we had been prepared to take upon ourselves all the suffering and misery, as we now seem to go plunging towards a far worse slough of seeming happiness, well-being, and prosperity, it is more critical than ever to be clear about the foundations for a private school of thought, in respect of statecraft." In that same letter, von Moltke speaks of his own concept of what a "just state" would be, where "every man may advance

and develop to the fullest."<sup>1</sup>

These were the themes raised among the friends who met at Kreisau, von Moltke's estate, for the three conferences held there in 1942 and 1943, and at countless luncheon and evening discussions. That is why von Moltke was to be condemned to death by the Nazi state's notorious People's Court. Here we shall deal only with the "official" aspects of von Moltke's work in the Resistance, that is, his struggle for international law and humanity. The main source is his letters to his wife Freya, written almost daily between 1939 and 1945, as she ran their estate at Kreisau and raised their children far from Berlin.<sup>2</sup>

### **The International Law Department**

In the early weeks of the war, in 1939, von Moltke believed that it might yet be possible to influence the way the war was being conducted, by issuing international legal opinions and intervening very swiftly. On Nov. 18, 1939, he wrote to Freya: "Of course, I'm clinging to the lever's short arm, on its stump actually, and if ever I want to activate the lever, that is, move its long arm, I've got to make the most awkward efforts, but without the long arm ever noticing." Von Moltke took the matter seriously, and went so far as to oppose a certain war measure 25 to 1—von Moltke stood against 25 officers who thought otherwise. On another occasion, he risked losing his position because of his dissident stand.

Although early in the war the issue had been maritime and economic warfare, it quickly became that of war crimes perpetrated by the Germans in Poland. Von Moltke's superior, Major Tafel, noted in his diary on Feb. 8, 1940, that von Moltke had penned a report concerning the murder of 600

1. Ger von Roon (ed.), Helmuth James Graf von Moltke, *Völkerrecht im Dienste der Menschen, Dokumente* (Siedler/Goldmann, 1986).

2. Helmut J. von Moltke, *Briefe an Freya 1939-45*, Beate Ruhm von Oppen (ed.) (Munich: dtv, 1995).



*Peter Count Yorck von Wartenburg was one of Moltke's grouping in the Foreign Department known as the Kreisauer Circle. Moltke wrote to him in June 1940 about the critical need to be "clear about the foundations for a private school of thought, in respect of statecraft."*

Poles by SS commandos. "Graves for 50 persons, knocked on the back of the head—coup de grâce in the grave, one after the other." Von Moltke demanded severe punishment for the SS and wrote, "There are limits—even to following orders."<sup>3</sup> In such cases, it was the Wehrmacht command that was to decide whether someone would be court-martialled, but that changed with the Russian campaign and the "Barbarossa-Edict"<sup>4</sup> (Operation Barbarossa was the codename for the German invasion of Russia).

Contempt for international war-crimes law was being shown elsewhere than on the Eastern front. In occupied Holland, Commander Christiansen attended a dinner party to which von Moltke also came, and spoke of his first weeks in Holland in 1940, and the first parleys with Gen. Henri Winkelmann, High Commander of the Dutch Armed Forces. Von Moltke quotes Christiansen's words in a letter to Freya dated June 5, 1943. Winkelmann had said to Christiansen: "I assume, General, that you remain within the bounds of international law and the Hague Convention"—and do you know what I [Christiansen] replied: 'General, what did you learn of international law in school? I for one, learned nothing. International law is something that exists only in the newspapers.' And this was said amidst gales of laughter from the assembled company."

One wonders how history will report such episodes from the years 2003-2004.

## War on the Eastern Front

On June 22, 1941, "Operation Barbarossa" began the onslaught on the U.S.S.R. Von Moltke states frankly that he had been "quite wrongly briefed" on the Russian situation. On July 17, 1941, he wrote to Freya: "The adventure is utterly

3. Roon, *op. cit.*, p. 232.

4. Steve Douglas, "Abu Ghraib und Hitlers Kommissarbefehl," *Neue Solidarität*, No. 24-25, 2004.

unpredictable, and I greatly lament having ever, in my heart of hearts, approved of it. Misled by prejudice, I had thought that Russia would collapse like a pack of cards, and that we might establish an order there that would not threaten us. But there's no sign of that: Far behind our own Front, the struggle goes on, carried out not only by Russian soldiers but by peasants and workers; it is exactly like China. We have begun something dreadful, the victims will be many, and good men will fall."

On Sept. 28, 1941, he wrote: "The days fly apace. They fly as I see how we decay, and every day that ends without a check on this wretchedness and killing, is as a year. Every day 6,000 Germans, and 15,000 Russians die, or are wounded. Every hour 250 Germans, and 625 Russians, every minute four Germans and ten Russians."

From Hitler's standpoint, the war against the U.S.S.R. was no "regular" war, but rather a war of worlds, against the "Jewish Bolsheviks," where international law had no weight. It was not easy for von Moltke's circle to rise against that, because the Soviet leadership had repudiated all the treaties signed under the Czars. The U.S.S.R. had even repudiated the 1910 Hague Convention on the laws and customs of war on land. The only treaties recognized by the Soviets were the Red Cross Treaty and part of the Geneva Prisoners of War Convention of 1929. In the interest of Germany's prisoners of war, cooler heads in the Wehrmacht Department for Prisoners of War pressed the German government to come to this agreement with the U.S.S.R.: We treat your soldiers in accordance with the Hague Convention, provided you do so towards our own soldiers.

These Wehrmacht officers turned to the Foreign Department, where von Moltke's colleague Schmitz informed them that many German orders contradicted the aforesaid proposal, and should be altered, in Germany's own interest. It so happens that there existed a notorious order known as the *Kommissarbefehl*, to shoot on sight all so-called Political Commissars or political leaders. There was also the so-called "Barbarossa Edict," a secret order from Field Marshal Keitel (1882-1946), dated May 13, 1941 and titled, "Regulating the Conduct of Troops in District Barbarossa and Dealing with Opposition." That order amounted to *carte blanche* to mow down civilians without fear of court martial.<sup>5</sup>

In July, the Soviet government, through Sweden, declared that it would be prepared to apply the Hague 1910 Convention to German prisoners, provided Germany reciprocated. Von Moltke's Department strongly recommended that Germany respond positively, but the Wehrmacht High Command dismissed the proposal.

Upon which, the International Law Group turned to the Abwehr (military intelligence). On Sept. 15, 1941, von Moltke drafted a document signed by Adm. Canaris, intended for Field Marshal Keitel, where von Moltke explained that

5. *Ibid.*

under international law, “the imprisonment of a soldier in time of war is defined neither as revenge, nor as punishment, but as a security measure, its sole purpose being to prevent the prisoner from continuing the struggle.” The orders concerning how Soviet prisoners should be handled, were, to the contrary, based upon the view that the mere fact of serving one’s country in time of war, was a crime. Were that view to prevail, “the measures will lead beyond doubt to arbitrary mistreatment and to killing, without regard to the fact that arbitrary acts are expressly forbidden.”

In particular, the document attacks the fact that security police and Sicherheitsdienst (SD, “Security Service”) men were allowed to “weed out civilians and politically undesirable prisoners of war.” As a result, “the opportunity to protest the poor treatment of Wehrmacht personnel taken prisoner by the Soviets would be lost.” Field Marshal Keitel waved those arguments aside, to scribble in the margin: “Such thoughts reflect a soldier’s notion of a war of chivalry. Here, our concern is to annihilate a world outlook. That is why I have put up with such measures, and will cover for them.” Those notes from Keitel were to resurface later, at the post-war Nuremberg Trials.<sup>6</sup>

On Oct. 21, 1941, von Moltke wrote to Freya: “New and horrific orders are being given, and no one seems to blink an eyelid. Who shall bear the guilt? In Serbia, in a single area, two villages were burnt to ashes, while 1,700 of the menfolk and 240 of their womenfolk were executed. This, in ‘punishment’ for an attack on three German soldiers. In Greece, 220 men in a single village were all shot. . . . In France, the shooting goes on as I write. I imagine that over a thousand human beings are killed thus every day. . . . And this is but child’s play, compared to the events in Poland and Russia. How do I come to know of these things, and sit here in my heated flat, write at a table, and drink tea? In so doing, may I too not bear some share of the guilt? What shall I say if ever I be asked, what did you do while that went on?”

This was when the Jews were first deported from Berlin. On Nov. 13, 1941, von Moltke wrote to Freya about the previous two days’ events: “Russian prisoners, evacuated Jews, Russian prisoners, evacuated Jews, evacuated Jews, Russian prisoners, hostages are shot, the ‘tried and true’ measures prevailing in the occupied zones now creep in upon the Reich itself, and yet more evacuated Jews, Russian prisoners, a mental health asylum for SS commandos who collapsed during the execution of women and children.” Von Moltke learned of the asylum from a nurse, whom he had met in a streetcar.

The following day, von Moltke was able to report, for a change, one success: “In this business with the prisoners, my main antagonist, Gen. Reinecke, has finally been compelled to propose that the Red Cross assist German prisoners of war, which means that we shall be compelled to allow the Red Cross in as well, and thereby change our methods.”

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6. Roon, *op. cit.*, p. 258; von Moltke, footnote p. 40.

But there was to be no change in method. In August 1942, the International Law Group protested against Russian prisoners being tattooed on the buttocks. The Law Group’s document, drafted in telegraphic style, reads in part: “1. The identification-mark order is a breach of public international law, as the dignity and bodily integrity of prisoners of the Reich must be respected. 2. Enemy propaganda attacks D [Germany] for the use of medieval methods. . . .” Five further grounds are given. The order was immediately, although temporarily, withdrawn.<sup>7</sup>

Hitler’s regime always claimed that the Red Army had a “no prisoners” policy insofar as German prisoners of war were concerned. Based on that allegation, letters from Russian prisoners to their families in Germany were impounded, and the Gestapo set on the trail of anyone who did receive such letters, pursuant to an Order from the Führer, dated November 1942. Several hundred letters and postcards had, however, been forwarded by the Red Cross to the Foreign Department, to be sent on to the addressees. Department members would take some of those letters, and toss them into Berlin mailboxes, to ensure that they would reach home.

### **The Fate of the Jews**

Three months after the war on the Eastern Front began, the International Law Group learned that Jews were being executed in Russia. An officer named Panning reported that he had found illegal dum-dum bullets on the Russian side. In order to prove “scientifically” that this was a breach of international law, he had carried out a “large-scale test, using said ammunition to execute Jews.”

That was von Moltke’s report on Sept. 12, 1941, and he added: “The bestiality, the utter squalor of it—and there’s no way to prevent it! One can only hope that the day will come when Herr Panning will stand before a court.”

On Oct. 21, 1941, von Moltke referred to deportations from Berlin: “Since Sunday evening the Jews in Berlin have been rounded up; they were collected at about a quarter past nine in the evening, and locked into the Synagogue overnight. Then, carrying only hand-luggage, they are to be taken off to Litzmannstadt, Lodz, and Smolensk. They don’t want us to see that the Jews are to be knocked off from hunger and cold, and therefore it’s all to be allowed to happen at Litzmannstadt and Smolensk.”

On Nov. 7, 1941, a discussion took place in the Foreign Department about the forthcoming issuance of an edict, under which the Jews would lose both their German citizenship and their property. Von Moltke went to the meeting in a colleague’s stead, his the sole voice raised in protest. In an attempt to thwart the edict, he insisted that a decision be taken in each individual case, rather than a “general provision,” that would, from the Abwehr’s standpoint, bring severe consequences in its wake.

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7. Roon, *op. cit.*, p. 264.



*Jewish children in a concentration camp. Moltke travelled to Copenhagen in November 1943 to warn the Danes of the imminent roundup and deportation of the Danish Jews. Earlier, when Berlin Jews were being deported, he wrote to his wife, "They don't want us to see that the Jews are to be knocked off from hunger and cold. . . ."*

On Nov. 8, 1941, von Moltke wrote to Freya: "Yesterday, attended a Foreign Department conference on persecuting the Jews. It was the first time that I've had anything to do with the issue in an official capacity. With iron will, alone against 24 colleagues, I attacked, and, for the moment, hindered, an edict that had been approved by the entire Cabinet and by the OKW [Wehrmacht High Command]. Then I went back to my office, only to have the OKW's consultant ask me: 'Why ever did you do that? You won't change a thing, although those measures will naturally lead to a catastrophe.' "

Von Moltke entertained contempt for such men, including some members of his own family, at whom he took aim in the same letter: "I feel so very bitter, not to say more, at this fellow, because no one causes me more problems than people who are so at ease with themselves. These are the lot who give us the reputation, everywhere, of being a people incapable of ruling ourselves, let alone others. These men's views are of the narrowest, nor do they grasp that no single act in this universe goes unseen, that everything is tied to everything else, and that a murder at Warsaw will echo round the world—at Calcutta, at Sydney, on the North Pole, and in Kurdistan, no political echo perhaps, but surely a moral one. . . . They are like chameleons: In a healthy society, such men appear healthy, in a sick society like this one, they appear sick. The truth is, though, that they are neither the one, nor the other. They are fluff."

The International Law Group was able to head off a proposal by the SS "that for every German prisoner who could be shown to have been put to death at Russian hands, 500 German Jews would be transported to the East." This was a flimsy cover-up for the deportation orders.

In November 1943, von Moltke travelled to Copenhagen at the precise moment that the Jews there were to be rounded up and deported. He had given his Danish contact Kim Bonnesen forewarning, and the latter passed the word around. But a German diplomat posted to Copenhagen, the marine expert Georg Ferdinand Duckwitz (1904-1973), had already leaked news of the impending round-up; in the dead of night, the Danes transported Danish Jews over the sound to neutral Sweden and to safety.

### **The Shooting of Hostages**

In the occupied areas both East and West, the Nazis reacted to attacks by the partisans (today, such partisans would be called "terrorists") by rounding up, and often shooting, bystanders. Even among the SS, some had difficulty in seeing what the point of such measures might be, as they served only to set entire peoples against Germany, and to swell the ranks of the partisans.

On Sept. 16, 1941, von Moltke wrote: "The dismal situation throughout the occupied zones has led to waves of measures designed to inspire terror, and thereby keep the populations to heel. Finally, it has been acknowledged that the death penalty is no longer dissuasive, but rather than draw the obvious conclusion that one has got to rule *with* men, rather than against them, the search is on to find something more fearsome than death itself. And so our Führer has busied himself with thinking up novelties in this respect." It was decided to start shooting hostages, a policy that von Moltke and his group had consistently opposed.

Increasingly, hostages were now being rounded up and shot in France as well. Von Moltke suggested that the Wehrmacht High Command resign in protest at these crimes by the SS and SD. On Feb. 15, 1942, Gen. Otto von Stülpnagel (1878-1948) did so.

In June 1943, von Moltke travelled to Holland, Belgium, and Paris, where, through discussion with some of the more insightful individuals, he managed to prevent further hostage-taking, and even to have some hostages freed. SD General Harster at The Hague was unexpectedly cooperative. "I can hardly expect the population to remain still, and refrain from backing the bandits (the partisans), if I once begin to lay hands on the innocent," he said, and he promised to free the hostages, little by little, and in utmost secrecy.<sup>8</sup>

Von Moltke achieved similar results at Brussels, and wrote to Freya at Kreisau on June 7, 1943: "These days will mean, and provided that all fulfill their promises, that I have succeeded in gaining the freedom of something like 1,000 men."

Von Moltke returned to Berlin and, on June 17, 1943,

8. Von Moltke, June 5, 1943 letter.

reported on an official meeting: “I was in the murderers’ lair of Wehrmacht High Command Generals and General Staff officers obedient to Hitler, and I scattered them all with a wild onslaught. They contended that what I demanded would mean contradicting an order from the Führer, to which I replied: ‘Gentlemen, do not try to creep away behind an order from the Führer. It would be doing a gross disservice to the Führer were we, from behind our quiet desks, to be so cowardly as to avoid telling the Führer that he was ill-advised in issuing that Order. Imagine, that on account of our cowardice, our own people should be killed!’ That was the tone I had to adopt with these nauseating slimeballs, and although one or two went red as a beet-root, they all ended by scampering away from the issue.”

The Kreisauer Circle happened to be discussing, at that very moment, what was to be done after the war with those who had committed crimes so unprecedented that the law books had no name for them. A draft dated June 14, 1943, moots the establishment of a court, made up of judges from every nation embroiled in the war, including Germany: “There shall be prosecuted as lawbreakers, all those who violate the fundamental principles of divine or natural law, of international law or of the corresponding positive law of the community of nations, in such wise that it be plain that they have blithely disregarded the binding nature of those terms of law.”<sup>9</sup>

But von Moltke, like the other members of the Kreisauer Circle, was opposed to retroactive provisions: The Nazis themselves had shown utter contempt for the fundamental rule *nulla poene sine lege* (no punishment, without a law forbidding the crime). The Kreisauer Circle later agreed that the fact of breach of the law should be simply demonstrated in court, but the sentence should be based upon the sum of all sanctions for breach of existing law.

In August 1943, Berlin came under heavy Allied air-raids. Panic erupted in the government, and on Aug. 2, von Moltke wrote to his wife: “I’ve come back to a madhouse. . . . Everything is dissolving into naught. . . . Early yesterday, Dr. Goebbels gratified his subjects with a leaflet that reeks of nothing but shrill panic. . . . But that leaflet itself is as nothing, compared to conditions in the Ministries. Work has ground to a halt. People do nothing but pack things away in boxes. . . .”

On Aug. 3, von Moltke noted, regarding the International Law Group of the Wehrmacht High Command Foreign Department, “Of a sudden, we’ve become the focus of all attention, as the issue is to save the files, which will become the only thing left in the form of self-justification. It’s scream-



*A German motorcycle soldier is captured by the Russians. Hitler’s regime was so determined to prove the lie that Russians killed their prisoners, that they destroyed the letters sent by the German prisoners to their families in Germany.*

ingly funny, actually. Everyone’s hammering away at me, to pull my files together and evacuate.”

### A Task Accomplished

Von Moltke travelled to Turkey twice in 1943, in July and again in December, to talk with the American who had earlier been his interlocutor, Alexander Kirk, formerly the U.S. chargé d’affaires at Berlin. It was in vain. On his second trip, it proved impossible even to speak with the Ambassador, instead of which, the U.S. military attaché tried to sound out von Moltke strictly to gain secret intelligence. Like the British, the Americans were thoroughly indifferent to the German Resistance—Adam von Trott zu Solz too had been given the brush-off. Neither Trott nor von Moltke knew that Office of Strategic Services (OSS) agent Allen Dulles had, since January 1943, been engaged in talks with the SS leadership as to how the post-war period would be organized, and how to deal with SS funds and property.<sup>10</sup>

Through the Kreisauer Circle, von Moltke had aspired to a finer, a more just, Germany, while attempting to head off crime in the dreadful present. He had quite consciously put his life on the line. In 1941, it might still have sounded slightly facetious when he wrote: “Should I be hanged, I shall not be the first von Moltke to hang, and, I hope, not the last.”<sup>11</sup>

On June 27, 1943, he wrote to Freya: “Again, the feeling has come to me that time is running out, and that I shall have to leave such an endless amount of things undone.”

On Jan. 19, 1944, on the slightest of pretexts, von Moltke was arrested; he had attempted, although in vain, to tip off his friend Otto Carl Kiep (1886-1944) that he was to be arrested. Von Moltke had had nothing to do with preparations

10. Michael Liebig, “Schacht, Skorzeny, & Allen Dulles,” *Neue Solidarität*, No. 14, 2004.

11. To F. Christiansen-Weniger, in Roon, *op. cit.*, p. 301.

9. *Ibid.*, p. 46.

for the attempted assassination on Hitler, which was carried out on July 20, 1944, by Claus Schenk, Count von Stauffenberg (1907-1944), although he certainly did know most of the plotters personally. Von Moltke had always been against any such attempt, fearing that Germany's defeat would forever be blamed on the Resistance, for having "stabbed the nation to the heart." Von Moltke was tried by Roland Freisler in the People's Court Jan. 9-11, 1945, along with other resisters, and condemned to death. The sentence Freisler handed down was founded on von Moltke's plans to establish a new order in Germany, to rest on Christian natural law, after the nation's defeat and the overthrow of the National Socialist state. On Jan. 23, 1945, von Moltke was executed. Ten days later, the odious Freisler died in an Allied bombing raid.

In one of his last letters to Freya, dated Jan. 11, 1945, von Moltke wrote: "The task for which God had made me is now done. Should he have a fresh task for me, it will be known. Therefore, should I live beyond this day, do not leave off your striving to save my life. Another task may lie ahead."

### **A Just World Order**

The generation born after the war, to which this writer belongs, was born to the better half of the 20th Century. After the war, it was not our homes and our economy alone that were to be rebuilt. When the lawbreakers were punished—and despite the fact that the Nuremberg Tribunal did not, in many respects, live up to the intentions of the Kreisauer Circle—the international legal order was nevertheless put back on its feet. Wars of aggression and crimes against humanity, were henceforth the subject of an explicit prohibition under international law, an aspect further developed under the 1949 Geneva Convention.

A half-century later, it is precisely those issues in international law that have again been called into question and, in fact, are now held in a contempt unknown since the days of von Moltke. The crisis sweeping the world in our day is the result of decades of a decline that Lyndon LaRouche's political movement has vehemently opposed, but has, so far, been unable to arrest. Speculation has so disrupted the financial system that the crisis has come to resemble, on a far vaster, and far worse scale, that of the 1930s. Thus the post-war world economic order has come down to as much of a shambles, as international law. In Hitler's day, mass murder and genocide were "justified" by his War of Ideology; today, gruesome murder is "justified" by War on Terror. In Hitler's day, it was called War of Aggression; today, it masquerades under the euphemism of "Preventive War."

The ball is now in our camp, in the camp of the post-war generation and those who are now in their 20s and 30s, who must take the future in their own hands. We must find in ourselves the high-mindedness to oppose this outrage, these monstrous errors, and ring in a new world order, one that Helmuth von Moltke himself would have found "just."

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## **From the Congress**

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### **Dems to Ashcroft: Probe Ohio Vote Suppression**

*The House Judiciary Committee, of which John Conyers, Jr. (D-Mich.) is the ranking member, sent this letter on Jan. 14 to Attorney General John Ashcroft. It requests the naming of a special counsel to investigate the numerous documented cases of misconduct as the election was carried out in Ohio. Ohio Secretary of State J. Kenneth Blackwell was responsible for administering the election, and was at the same time the co-chair of the Bush-Cheney Campaign in Ohio. Footnotes have been omitted. The full letter and appendices are available on the website of the House of Representatives Government Reform Committee, Minority Office, at [www.house.gov/judiciarydemocrats](http://www.house.gov/judiciarydemocrats).*

Dear Mr. Attorney General:

Over the last several months, we have conducted an extensive investigation concerning irregularities in the Ohio presidential election, including holding forums in Washington, D.C. and Columbus, Ohio. The results of this investigation are summarized in the attached Status Report. In the course of that investigation, we have come across a number of instances of misconduct which we would ask that you investigate for possible federal legal violations.

In brief, we learned of numerous instances of voter intimidation and misinformation, improper purging, caging of minority voters, misuse of Help America Vote Act (HAVA) funds, voting machine tampering, perjury, and most recently, potential misuse of the federal seal in a campaign solicitation by Ohio Secretary of State Blackwell. Since this and other apparent violations by the Secretary of State presents such an obvious conflict for your office, we would ask that you appoint a special counsel to investigate this matter.

While the Report contains numerous possible violations of state, federal and constitutional requirements that warrant your attention, we would like to draw your attention in particular to several specific apparent violations of federal law:

#### **Voter Intimidation and Misinformation**

Numerous instances of intimidation and misinformation occurred across the state of Ohio that would appear to violate the Voting Rights Act:

- The NAACP testified that it received over 200 calls regarding incidents of suspected voter intimidation or unusual election related activities, particularly actions taken by challengers who intimidated poll workers and voters. Other spe-