

Quintess *Detta bl. blandt en kontordames papirer efter hendes død. Hvem som har diktert notatet er ukjent. Alt som nevnes*
Avskrift. deltes av kjente dokumenter. 1/12.00. B.Ø.

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Avskrift.

The Jurists.

No profession gave a more energetic support to the Quisling-government and the system of Nasjonal Samling than the juridical.

The judges, apart from those of the Supreme Court who resigned just before Christmas 1940, remained during the occupation in their office and the attorneys proceeded at the N-S-courts, without inquiring whether the NS-laws, according to their own judgement, were unconstitutional or not.

This lent a fully legal character to the judicial system and laity could not know or believe that it should afterwards be proclaimed to be illegal to act as the judges and the advocates of law did.

The jurists acted probably correct, but it is sad for us and a shame for themselves that these men now are the scrupulous prosecutors and the bullying judges at the treason courts. Psychologically this can be understood: They are in the glasshouse themselves and lay under a necessity of showing a specially good national conduct.

One may ask: Did they put up their attitude during the occupation in order to keep their positions and earn money? And is the same motive leading these gentlemen today?

For all of them know that their old teacher professor Skeie and foreign experts of International Law had doomed them and their behaviour. It requires a great portion boldness of these men to look an accused NS-man straight in the eyes.

NS-sheriffs and NS-police officers are sentenced because they obeyed order and law and tried to uphold orderliness in the country. But the judges ~~are~~ are not accused or punished for the same actions, i. e. if they are not members of NS. If they are, it is considered especially aggravating that they did not know better as jurists. But, if no members of NS, they today sentence their fellow-policemen.

Managers of employment-offices are sentenced because they enlisted people to labour-service, but the same judges who at that time punished the disobliging are today sentencing the functionaries of the employment offices to many years compulsory labour, if the functionaries are enlisted NS-members and the judges not.

To keep himself in the picture the President of the Federation of Judges suggested that the judges in a joint sitting should declare themselves agreeably to the Prosecutor General's view of the "treason settlement" i. e. the judges should a priori consent to the prosecutors damnation of N.S.-folks.

The President of the Federation of Attorneys, Attorney General Mr. Henning Bedtke, also have to take a very decisive part of the guilt for the effectuation of the illegal persecution. His prominent position should have dictated him to sift on beforehand the legality of a matter of such crucial importance as the planned treason settlement to the bottom, before letting the members of the Federation take part in the effectuation of the same as prosecutors and even as defenders.

His influence would have forced the whole settlement into a more legal and moderate form. The President, However, remained silent and even endorsed the illegality. And why? Well, the good Attorney General was himself in the highest degree-according to the present terminology-guilty of "economical high treason."

During the years 1940-1942 he held the office of chairman of the Board of Directors in one of the greatest building-contractors in Oslo. He moreover acted as well-paid juridical adviser for the same firm. He presided at the board-meetings and signed the protocol recording the closing of million-contracts with the "Enemy" and expressing the hope of obtaining further contracts!

The manager of this firm has been sentenced to one year imprisonment and have been fined some million kroner. The Chairman of the Board and juridical adviser contended before the interrogator that he had not understood anything at all, resp. that he had misunderstood everything,-- and he was believed. Accordingly he now has to play the very "good Norwegian" in order to whitewash himself, -- he so to say has to wash his hands in the blood of the scape-goat, the "economical traitor".

When the Exile-government returned to Norway, bringing with it the "provisional decrees", the means for sentencing many ten-thousands of fellow-citizens with their hundred-thousands of relatives, the jurists: the judiciary committee of the Storting, the Supreme Court and all the other co-operators should-as a matter of course- have investigated very carefully:

By what right are the London-men now acting as judges?

Were the men themselves the cause of the occupation-miseries?

Were they belligerent in the exile and by what right?

Or were they just instrumental in recruiting Norwegian volunteers and ships for the benefit of the Allied?

Did they according to the Hague-Convention have the right to decide on Norwegians in occupied Norway?

How did the Treaty of Capitulation read?

Did these documents pledge the Exile-government not to carry on and fictive or real war de facto and/ or de jure against Germany from London?

And so on.

It is evident that said questions should have been analysed and agreed upon before deciding whether or not there were reasons for judging and executing transgressors. The jurists, however, accepted without investigation what the London-men presented of wishes and demands, they propelled the "treason-settlement" through 2-3 years before even the most indispensable documents for judging the situation were brought into daylight.

A heavy blame lies on the jurists who, intoxicated by the "victory" neglected the first principle of righteousness.

The Prime Minister Nygaardsvold and his Minister of Defence Ljungberg contended in November 1947 as witnesses before the Court of Appeal in the case against the Minister of Church and Education in the Quisling-government, professor R. Schancke) who was sentenced to death a year and a half earlier) that none of them had seen nor asked for the treaty of Norway's capitulation of June 10th 1940. That document, undoubtedly one of the most important in the history of Norway, was published for the first and only time in November 1947 in a province-paper by Mr. Lorentz Vogt, former Director of the Federation of Industrials.

The mentioned warrant to Generalissimo Ruge has not been published at all up to this day. According to the Swedish "White Book I" Mr. Ruge cabled to the Norwegian Legation in Stockholm that the King and the Government had left the country and that he had been ordered to cease hostilities and to go into connection with the German Supreme Command in order to negotiate.

The following Treaty of Capitulation provides, as mentioned before, that the total Norwegian military forces lay down the weapons and pledge not to carry arms any more against the German Reich and its allies as long as the pending war lasts.

This document, which of course was binding for the Norwegian State has been fully ignored by the Committee of Investigation. The treaty was, of course, binding for the Exile-government too. It was said that the original five copies had disappeared.

In the before mentioned case General Roscher-Nielsen who signed the

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treaty on behalf of the Generalissimo and the Government testified that he was unable to remember the content of the same. He had just anonymously, got a copy. He supposed that he ~~that time~~ had sent all five originals to Mr. Ruge.

In his turn Mr. Ruge witnessed that he meant to have forwarded the lot "illegally" to the Exile-government in London. Mr. Nygaarsvold, the Prime-Minister, witnessed that he had never got them, nor had he asked for them. The Foreign Minister, Mr. Koht, and the Minister of Defence Mr. Ljungberg, witnessed that neither they had seen the documents, nor had they asked for them. At least they did remember nothing. Thus the Exile-government declares that ~~xxxxxxxxxxxx~~ this important and for them binding document was of no interest to them. They did not care whether or not their continued dispositions were in conformity with their warrant to Mr. Ruge, his obligations according to the Treaty and their own obligations in accordance with the Hague-Convention.

Later on I have been notified of a letter of February 1948 from the Ministry of Foreign Affairs in Oslo to dr. jur. Øvergaard, saying that the Treaty of Capitulation was forwarded by Generalissimo Ruge on June 12th 1940 by courier to the Norwegian Legation in Stockholm, who presently sent the same by courier to the Exile-government in London, where the receipt has been journalized in August 1940 and Signed As Perused by the previous mentioned gentlemen Johan Nygaarsvold(J. N.) Ljungberg (Lj.) and Halidan Koht(H.K.)

After the return of the Exile-government the documents are kept in the archives of the Ministry of Foreign Affairs in Oslo.

Confronting this statement with the evidence, given under the responsibility of oath in the Schanke-case, you learn that our honourable authorities and persecutors not even recede from perjury.

The Exile-government claims to have been an ally of the Western Powers and of the Soviet-Union, but a treaty of alliance has never been signed. Mr. Koht stated, on the contrary, that no treaty has been signed while he was minister, the Minister of Defence stated that no treaty has been signed up to his resignation in 1942. Mr. Bevin declared at Paris Febr. 1946 that Norway had not been an ally and Mr. Molotov expressed himself similarly later on.

No doubt, these gentlemen know the fact.

The Exile-government made in May 1941 a "Military arrangement" with the British Government concerning training of Norwegian soldiers for the defence of Britain or the re-capture of Norway, -under British command. It consequently had reference to mercenaries. The text of the arrangement has never been published, even not for the members of the Storting.

It is a horroe (horrific?) thought that such cardinal-questions have not been tested before the "treason-settlement"-activities commenced, and that the layman now, three years later, learns that the men who originate the "settlement" have not at all sifted the very basis for accusation against the NS-folks.

It is appalling that the law-makers, the Storting, the Supreme Court and the other judicial authorities have not insisted on a balance-sheet from the Exile-government before they started their law-making and their judicial functions.

It is explicable ~~for~~ considering five years of occupation that the mass of the people fell before that "false wand", which the returned Government with the skill of a great magician knew how to brandish. For the jurists it is no excuse whatever: From them the layman expects more. He demands that they make provisions for a just basis to act from.

The basis is wanting. As the secret documents gradually come into daylight even the layman understands this deplorable fact.

As to the Frontal-fighters: Seen apart from the fact that according to the Hague-Convention the Exile-government had no rights whatever to command Norwegians in occupied Norway, it had no treaty of alliance with the Sovjet-Union and thus was no ally of Russia.

It had and has accordingly no more right to adjudge and punish Frontal-fighters who fought on the Eastern front, than it had and has to adjudge Norwegians of the French Foreign-legion or in British service.

Meanwhile, the very weak basis in which the prosecution of all other NS-folks was built, and according to which ten-thousands have been adjudged has also given way.

This is my accusation against the jurists, the law-makers and all the rest of the implied.