

Jotting

Suggested by Beutefisch's testimony on Fuershengrubbe? etc.

The extent to which an individual defendant in this case may be charged with criminal responsibility for acts beyond his normal sphere in Farben but in which he is alleged to have participated in his capacity as a member of the Vorstand or one of the important committees of Farben, presents a difficult question. We must constantly keep in mind that Farben was a huge organization, spread over large geographical areas and with a veritable myriad of problems financial, technical and managerial to be discussed at the meetings called for discussion, report, approval and coordination of Farben policy. The pressure of time was (neces) probably present at most of the meetings and it is not unreasonable to assume that reports in many instances were limited only to the major policy aspects and many details, a complete knowledge of which would often be necessary to bring home to an individual the knowledge requisite to the criminal intent, were omitted. Under these circumstances the influence of knowledge, criminal intent and criminal participation in an unlawful act carried out by subordinates or carried out under the more direct supervision in the immediate sphere of responsibility of a Vorstand member or other executive of Farben, is not (necessary) necessarily to be found in Vorstand or other committee membership. Nor is the inference or guilty participation necessary to be drawn from the mere fact that a report was made or a certain matter was discussed. It must, in each instance in which it is sought to charge a defendant with criminal liability based ^{^solely^} upon his Vorstand or committee membership, clearly appear that sufficient facts were disclosed or discussed to reveal the criminality of the alleged act (of participat) so that the action in approving or authorizing the

action may be said to include the elements necessary to entail criminal responsibility. (On the other hand Farben was not...)