

TRIAL BRIEF

1933-1936 PREPARATION FOR AGGRESSION

INDEX

I. TOPICAL INDEX	Page
A. Section of Indictment . . . . .	1
B. Legal References . . . . .	2
C. Statement of Evidence . . . . .	5
D. Argument and Conclusion . . . . .	27
II. DOCUMENTS	
A. Numerical List	
<u>C-Documents:</u>	
<u>C-17.</u> History of the German Navy 1919-1939. . .	14
<u>C-23.</u> Unsigned documents found in official Navy files containing notes year by year from 1927 to 1940 on the recon- struction of the German Navy, and dated respectively, 18 February 1938, 8 March 1938, and September 1938 . . .	17
<u>C-29.</u> Directive of 31 January 1933 by Raeder for German Navy to support the armament industry . . . . .	15
<u>C-139.</u> Directive for operation "Schulung" signed by Blomberg and dated 2 May 1935. . . . .	24
<u>C-140.</u> Directive for preparations in the event of sanctions, dated 25 October 1933, and signed by Blomberg. . . . .	19
<u>C-141.</u> Order for concealed armament of E-Boats dated 10 February 1932 and signed by Raeder . . . . .	16
<u>C-153.</u> Naval Armament Plan 1934 to 1936, signed by Raeder, 12 May 1934. . . . .	15,19

	Page
<u>C-156.</u> "Fight of the Navy Against Versailles 1919-1935." Book published by High Command of the Navy in 1937 . . . . .	13
<u>C-159.</u> Order for Rhineland occupation signed by Blomberg and dated 2 March 1936 . . . . .	25
<u>C-166.</u> Order from Command Office of the Navy, dated 12 March 1934, and signed in draft by Groos, re preparation of auxilliary cruisers . . . . .	16
<u>C-189.</u> Raeder's memorandum of conversation with Hitler in June 1934 . . . . .	15
<u>C-190.</u> Raeder's memorandum of conversation with Hitler on 2 November 1934 . . . . .	15
<u>C-194.</u> Orders by Keitel and Commander-in-Chief of the Navy, 6 March 1936, for Navy cooperation in Rhineland occupation . . . . .	25

L-Documents:

<u>L-79.</u> Minutes of conference, 23 May 1939, "Indoctrination on the political situation and future aims" . . . . .	9
<u>L-172.</u> Jodl speech, 1 November 1943, pages 6 and 7. (The Strategic Position at the Beginning of the 5th Year of War) . . . . .	8

PS-Documents:

<u>789-PS.</u> Hitler's speech to military commanders, 23 November 1939, page 2. . . . .	8
<u>1143-PS.</u> Letter of Schickedanz, dated 20 October 1932, addressed to Rosenberg for personal transmission to Hess . . . . .	12
<u>1168-PS.</u> Unsigned Schacht memorandum dated 3 May 1935, re: The financing of the armament program . . . . .	11
<u>1654-PS.</u> Proclamation and text of conscription law, 1935, RGB, Part I, page 369 . . . . .	21
<u>2194-PS.</u> Reich Defense Law of 4 September 1938 . . . . .	10

<u>2261-PS.</u> Directive dated 24 June 1935, from Blomberg to Supreme Commanders of Army, Navy, and Air Forces; accompanied by copy of Reich Defense Law of 21 May 1935, and copy of Decision of the Reich Cabinet of 12 May 1935, on the Council for the defense of the Reich . . . . .	10
<u>2288-PS.</u> Hitler's speech, 21 May 1935 . . . . .	11,22
<u>2289-PS.</u> Hitler speech, 7 March 1936, and memorandum by German Government respecting the Franco-Soviet Treaty, the Treaty of Locarno, and the demilitarized zone in the Rhineland, 7 March 1936 . . . . .	25,26
<u>2292-PS.</u> Interview of Goering by representative of the London Daily Mail; translated from German report in Archiv, March 1935, page 182 . . . . .	20
<u>2322-PS.</u> Hitler's speech, 1 September 1939 . . . . .	12
<u>2353-PS.</u> General Thomas, History of German War and Armament Economy 1923-1944, page 35 . . . . .	10

T.C. Documents:

<u>TC-44.</u> Official report of British Attache to British Ambassador in Berlin . . . . .	20
<u>TC-45.</u> Promulgation by the German government to the German people and law on the introduction of conscription, 16 March 1935. Official translation by British Foreign Office . . . . .	21
<u>TC-46.</u> German memorandum to the signatories of the Locarno Pacts reasserting full German sovereignty over Rhineland, 7 March 1936; official translation by the British Foreign Office . . . . .	25

B. Types

1. Correspondence

<u>1143-PS</u> . . . . .	12
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2. Laws, Decrees and Enactments

<u>1654-PS</u> . . . . .	21
<u>2194-PS</u> . . . . .	10
<u>2261-PS</u> . . . . .	10

## 3. Interrogations of Defendants

Keitel, 31 August 1945 . . . . .	21
Raeder, 8 November 1945. . . . .	13,14,15
Raeder, 9 November 1945. . . . .	16,17,18

## 4. Military Orders

C-29 . . . . .	15
C-139 . . . . .	24
C-140 . . . . .	19
C-141 . . . . .	16
C-153 . . . . .	15,19
C-159 . . . . .	25
C-166 . . . . .	16
C-194 . . . . .	25

## 5. Publications

C-17. . . . .	14
C-156 . . . . .	13
2353-PS . . . . .	10

## 6. Other Evidence

C-23 . . . . .	17
C-32 . . . . .	18
C-190 . . . . .	15
L-79 . . . . .	9
L-172 . . . . .	8
789-PS . . . . .	8
1168-PS . . . . .	11
2238-PS . . . . .	11,12
2289-PS . . . . .	25,26
2292-PS . . . . .	20
2322-PS . . . . .	12
T.C.44 . . . . .	20
T.C.46 . . . . .	25

C. List of Individual Defendants Involved. . . . . 29

D. List of Organizations Involved . . . . . 29

## SECTION OF INDICEMENT

### IV. Particulars of the nature and development of the common plan or conspiracy.

#### (F) UTILIZATION OF NAZI CONTROL FOR FOREIGN AGGRESSION

#### Status of the conspiracy by the middle of 1933 and projected plans.

2. The Nazi conspirators decided that for their purpose the Treaty of Versailles must definitely be abrogated and specific plans were made by them and put into operation by 7th March, 1936, all of which opened the way for the major aggressive steps to follow, as hereinafter set forth. In the execution of this phase of the conspiracy the Nazi conspirators did the following acts:

- (a) They led Germany to enter upon a course of secret re-armament from 1933 to March 1935, including the training of military personnel and the production of munitions of war, and the building of an air force.
- (b) On 14th October 1933, they led Germany to leave the International Disarmament Conference and the League of Nations.
- (c) On 10th March 1935, the defendant GORING announced that Germany was building a military air force.
- (d) On 16th March 1935, the Nazi conspirators promulgated a law for universal military service, in which they stated the peace-time strength of the German Army would be fixed at 500,000 men.
- (e) On 21st May 1935, they falsely announced to the world, with intent to deceive and allay fears of aggressive intentions, that they would respect the territorial limitations of the Versailles Treaty and comply with the Locarno Pacts.
- (f) On 7th March 1936, they reoccupied and fortified the Rhineland, in violation of the Treaty of Versailles and the Rhine Pact of Locarno of 16th October 1925, and falsely announced to the world that "We have no territorial demands to make in Europe."



## LEGAL REFERENCES

### 1. CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL:

#### Article 6.

The Tribunal established by the Agreement referred to in Article 1 hereof for the trial and punishment of the major war criminals of the European Axis countries shall have the power to try and punish persons who, acting in the interests of the European Axis countries, whether as individuals or as members of organizations, committed any of the following crimes.

The following acts, or any of them, are crimes coming within the jurisdiction of the Tribunal for which there shall be individual responsibility:

- (a) CRIMES AGAINST PEACE: Namely, planning, preparation, initiation or waging of a war of aggression, or a war in violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing:

### 2. TREATY OF VERSAILLES, 28 June 1919:

#### Article 42

Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the East of the Rhine.

#### Article 43

In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military maneuvers of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden.

#### Article 44

In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world.

Also certain articles of Part V, as set out under United States-Germany Treaty, infra.

3. TREATY BETWEEN UNITED STATES AND GERMANY RESTORING FRIENDLY  
RELATIONS, 25 August 1921:

Part V. Military, Naval and Air Clauses

In order to render possible the initiation of a general limitation of the armaments of all nations, Germany undertakes strictly to observe the military, naval and air clauses which follow.

Article 160

(1) By a date which must not be later than March 31, 1920, the German Army must not comprise more than seven divisions of infantry and three divisions of cavalry.

After that date the total number of effectives in the Army of the States constituting Germany must not exceed one hundred thousand men, including officers and establishments of depots. The Army shall be devoted exclusively to the maintenance of order within the territory and to the control of the frontiers.

The total effective strength of officers, including the personnel of staffs, whatever their composition, must not exceed four thousand.

Article 173

Universal compulsory military service shall be abolished in Germany. The German Army may only be constituted and recruited by means of voluntary enlistment.

Article 181

After the expiration of a period of two months from the coming into force of the present Treaty the German naval forces in commission must not exceed:

6 battleships of the Deutschland or Lothringen type,

6 light cruisers

12 destroyers

12 torpedo boats

or an equal number of ships constructed to replace them as provided in Article 190.

No submarines are to be included.

All other warships, except where there is provision to the contrary in the present Treaty, must be placed in reserve or devoted to commercial purposes.

Article 191

The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Germany.

Article 198

The armed forces of Germany must not include any military or naval air forces.

Germany may, during a period not extending beyond October 1, 1919, maintain a maximum number of one hundred seaplanes or flying boats, which shall be exclusively employed in searching for submarine mines, shall be furnished with the necessary equipment for this purpose, and shall in no case carry arms, munitions or bombs of any nature whatever.

In addition to the engines installed in the seaplanes or flying boats above mentioned, one spare engine may be provided for each engine of each of these craft.

No dirigible shall be kept.

4. RHINE TREATY OF LOCARNO, 16 October 1925:

Article 1

The High Contracting Parties collectively and severally guarantee, in the manner provided in the following Articles, the maintenance of the territorial status quo resulting from the frontiers between Germany and Belgium and between Germany and France, and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on June 28, 1919, and also the observance of the stipulations of Articles 42 and 43 of the said Treaty concerning the demilitarised zone.

Article 4

(1) If one of the High Contracting Parties alleges that a violation of Article 2 of the present Treaty or a breach of Articles 42 or 43 of the Treaty of Versailles has been or is being committed, it shall bring the question at once before the Council of the League of Nations.

(2) As soon as the Council of the League of Nations is satisfied that such violation or breach has been committed, it will notify its finding without delay to the Powers signatory of the present Treaty, who severally agree that in such case they will each of them come immediately to the assistance of the Power against whom the act complained of is directed.

(3) In case of a flagrant violation of Article 2 of the present Treaty or of a flagrant breach of Articles 42 or 43 of the Treaty of Versailles by one of the High Contracting Parties, each of the other Contracting Parties hereby undertakes immediately to come to the help of the Party against whom such a violation or breach has been directed as soon as the said Power has been able to satisfy itself that this violation constitutes an unprovoked act of aggression and that by reason either of the crossing of the frontier or of the outbreak of hostilities or of the assembly of armed forces in the demilitarised zone immediate action is necessary. Nevertheless, the Council of the League of Nations, which will be seized of the question in accordance with the first paragraph of this Article, will issue its findings, and the High Contracting Parties undertake to act in accordance with the recommendations of the Council, provided that they are concurred in by all the Members other than the representatives of the Parties which have engaged in hostilities.



## STATEMENT OF EVIDENCE

### SUMMARY STATEMENT OF MATTERS INVOLVED

The Nazi plans for aggressive war started very soon after World War I. Their modest origin and fantastic nature, and the fact that they could have been interrupted at numerous points, do not detract from the continuity of the planning. The focus of this Indictment on the period from 1933 to 1945, does not disassociate these events from what occurred in the entire preceding period. Thus, the ascendancy of Hitler and the Nazis to political power in 1933 was already a well-advanced milestone on their road of progress.

By 1933, the Nazi party (NSDAP) had reached very substantial proportions. At that point their plans called for the acquisition of political control of Germany; this was indispensable for the consolidation within the country of all the internal resources and potentialities.

As soon as there was sufficient indication of successful progress along this line of internal consolidation, the next necessary step was to squeeze out of some of the external disadvantages of existing international limitations and obligations.

The limitations and restrictions of the Versailles Treaty were a bar to the development of the strength in all fields necessary for war. Although there had been an increasing amount of circumvention and violation from the very time that Versailles came into effect, such operations under disguise and subterfuge could not attain proportions adequate for their objectives. To get Versailles out of the way was indispensable to the development of the size of military power which they had to have for their purposes.

Similarly, as part of the same plan and for the same reasons, Germany withdrew from the Disarmament Conference and the League of Nations. It was impossible to carry out their plans on the basis of existing international obligations or the orthodox kind of future commitments.

The points mentioned in this paragraph IV (F) 2 of the Indictment are now historical facts, of which the court is requested to take judicial notice. Much has already been written on these subjects; for convenience of reference, mention may be made of "Europe on the Eve: The Crises of Diplomacy 1933-1939" by Frederick L. Schuman, published in 1942 by Alfred A. Knopf, New York and London.

It goes without saying that every operation was preceded by a plan of action and a careful coordination of all participating forces. At the same time, each point is part of a long-prepared plan of aggression; each represents a necessary step in the direction of the specific aggressions which were subsequently committed. To develop an extensive argument, would be the unnecessary laboring of the obvious. What follows is merely the bringing to light of information disclosed in illustrative documents which were hitherto unavailable.

The three things of immediate international significance referred to in this paragraph IV (F) 2 are: (1) the withdrawal from the Disarmament Conference and League of Nations, (2) the institution of compulsory military service, and (3) the reoccupation of the demilitarized zone of the Rhineland. Each of these steps was progressively more serious in the matter of international relations. In each case, Germany anticipated the possibility of sanctions being applied by

other countries, and in particular a strong military action from France with the probable assistance of England. However, the conspirators were determined that nothing less than preventive war would stop them, and they also estimated correctly that no one, or combination, of the big powers would undertake the responsibility of such a war.

The withdrawal from the Disarmament Conference and the League of Nations were actions that did not violate any international obligations; the League Covenant provided the procedure for withdrawal. However, in this case and as part of a bigger plan, the significance of these actions cannot be disassociated from the general conspiracy and the plans for aggression.

The universal military service was a more daring action, with a more overt significance. It was a violation of Versailles, but they got away with it.

Then came the outright military defiance--The Rhineland occupation.

INDICTMENT PARAGRAPH IV (F) 2

The Nazi conspirators decided that for their purpose the Treaty of Versailles must definitely be abrogated and specific plans were made by them and put into operation by 7th March, 1936, all of which opened the way for the major aggressive steps to follow.

The fact that Nazi plans started very early is not only confirmed by their own statements, they boasted about their long planning and careful execution. Hitler's early plans for extensive aggression are manifest in the following statements:

"The building up of our armed forces was only possible in connection with the ideological (weltanschaulich) education of the German people by the party...When I came to power in 1933, a period of the most difficult struggle lay behind me. Everything existing before that had collapsed. I had to reorganize everything beginning with the mass of the people and extending it to the armed forces. First reorganization of the interior, abolishment of appearances of decay and defeatist ideas, education to heroism. While reorganizing the interior, I undertook the second task: To release Germany from its international ties. Two particular characteristics are to be pointed out: Secession from the League of Nations and denunciation of the Disarmament Conference...After that the order for rearmament...In 1935 the introduction of compulsory armed service. After that militarization of the Rhineland."

789-PS. Hitler's speech to military commanders, 23 November 1939, page 2.

The seizure of power meant the restoration of fighting sovereignty including conscription, occupation of Rhineland, and rearmament with special emphasis on modern armored and air forces.

"The National Socialist movement and its struggle for internal power were the preparatory stage of the outer liberation from the bonds of the dictate of Versailles."

L-172. Jodl speech, 1 November 1943, pages 6 and 7. (The Strategic Position at the Beginning of the 5th Year of War)

In one of Hitler's reviews of the 6-year period between his ascendancy to power and the outbreak of hostilities, he not only admitted but boasted about their orderly and coordinated long-range planning.

"In the period 1933-1939, progress was made in all fields. Our military situation improved enormously."  
(Page 1)

"The period which lies behind us has indeed been put to good use. All measures have been taken in the correct sequence and in harmony with our aims." (Page 2)

L-79. Minutes of Conference, 23 May 1939,  
"Indoctrination on the Political Situation  
and future aims."

One of the most significant direct preparations for aggressive war is found in the secret Reich Defense Law of 21 May 1935, and the decision of the Reich Cabinet of 21 May 1935, concerning the Council for The Defense of the Reich. The promulgation of this law was suspended but its provisions were put into effect immediately. There was established and put into operation a complete basis for war preparation, including a Plenipotentiary for War Economy (Dr. Schacht), with four subordinate ministries (Article 6).

"The new law for the defense of the Reich should create a clear legal basis for the transfer of the whole machinery of State from a state of peace to one of war. In this connection it was to be noted that a state of war can begin unexpectedly or from a state of foreign political tension. Since the time of such tension must be utilized as far as foreign political relations will bear it, in order to create a readiness for war in time, the law for the defense of the Reich provides two steps for the transfer from state of peace to state of war:  
1. The state of defense; 2. The mobilization.

"In numerous laws special provisions for war are contained. It is therefore necessary, to establish the beginning of a state of war, in respect to times in order to create clear conditions for the administration of justice etc. Since, however, in a future war official declarations of war are not to be expected, as a result of which Article 42 Section 2 of the Reichsconstitution also is obsolete, the beginning of a state of war is to be considered as being at the same time as the beginning of the mobilization."



2261-PS. Top secret letter dated 24 June 1935, from Blomberg to Supreme Commanders of Army, Navy and Air Forces; accompanied by copy of Reich Defense Law of 21 May 1935, and copy of Decision of the Reich Cabinet of 21 May 1935, on the Council for the Defense of the Reich.

General Thomas, who was in charge of the war and armament economy, and for some time a high-ranking member of the German higher councils, refers to this law as the cornerstone of war preparations. He points out that although the law was not to be made public until the outbreak of war, it was put into immediate execution as a program of preparation.

2353-PS. General Thomas, History of German War and Armament Economy 1923-1944, page 35.

This secret law remained in effect until 4 September 38, at which time it was replaced by another secret defense law revising the system of "defense" organizations and directing more detailed preparations for the approaching status of "mobilization" (war). These laws are discussed more extensively in other briefs submitted by prosecution.

2194-PS. Reich Defense Law of 4 Sep 38, inclosed in a letter of 4 Sep 39, from Saxony Ministry for Economy and Labor to Reich Protector in Bohemia and Moravia.

INDICTMENT PARAGRAPH IV (F) 2 (a)

This paragraph refers to four points as follows:

1. Secret rearmament from 1933 to March 1935.
2. The training of military personnel.
3. Productions of munitions of war.
4. The building of an air force.

All four of these points are covered in the general plans for the breach of Versailles and ensuing aggressions. The production of munitions of war is specifically covered in the Indictment, paragraphs IV (E) 3 and 4, relating to the economic case. The building of an air force is individually covered in paragraph IV (F) 2 (c), infra.

The facts of rearmament and its secrecy are self-evident from the events which followed. The significant phase of this activity, insofar as this part of the Indictment is concerned, lies in the fact that all this was necessary in order to break the barriers of the Versailles and Locarno Treaties and for the aggressive wars to follow later. The extent and nature of these activities could only have been for aggressive purposes, and the highest importance which the government attached to the secrecy of the program is emphasized by the disguised financing both before and after the announcement of conscription and the rebuilding of the army, 16 March 35.

1168-PS. Unsigned Schacht memorandum dated 3 May 1935, re: The financing of the armament program.

21 May 1935, was a very important date in the Nazi calendar. As indicated above, it was on that date that they passed the secret Reich Defense Law (2261-PS). The secrecy of their armament operations had already reached a point beyond which they could no longer maintain adequate camouflage, and since their program called for still further expansion they made a unilateral renunciation of the armament provisions of the Versailles Treaty.

2288-PS. Hitler's speech, 21 May 1935.

In conjunction with other phases of planning and preparation for aggressive war there were various programs for direct and indirect training of a military nature. This included not only the training of military personnel but also the establishment and training of para-military organizations such as the police force, which could be and was absorbed by the army. The extent of this program for military training is indicated as shown in other briefs submitted by the prosecution, by the expenditure of 90 billion Reichmarks during the period of 1933 to 1939, in the building up of the armed forces.

"For more than six years now I have been engaged in building up the German armed forces. During this period more than 90 billion Reichsmarks have been expended in creating our armed forces. Today they are the best equipped in the world and far superior to those of 1914. My confidence in them can never be shaken."

2322-PS. Hitler's speech, 1 Sep 1939.

The secret nature of this training program and the fact of its early development is illustrated by a reference to the secret training of flying personnel back in 1932. A report was made to Hess, in the form of a letter from Schickedanz to Rosenberg for delivery to Hess. This document also points out that the flying material of the complete civil aviation is to be so prepared that a transfer into the military air force organization becomes possible.

1143-PS. Letter of Schickedanz, dated 20 October 1932, addressed to Rosenberg for personal transmission to Hess.

The program of rearmament and the objectives of circumventing and breaching the Versailles Treaty are forcefully shown in the participation and cooperation of the Navy. When they deemed it safe to say so, they openly acknowledged that it had always been their objective to break Versailles. In 1937, the Navy High Command published a book entitled "The Fight of the Navy against Versailles, 1919 to 1935". The preface refers to "The fight of the Navy against the unbearable regulations of the peace treaty of Versailles". The table of contents includes a variety of Navy activities, such as saving of coastal guns from destruction, independent armament measures behind the back of the government, and of the legislative body, resurrection of the U-Boat arm, economic rearmament, and camouflaged rearmament from 1933 to the freedom from restrictions in 1935.

This document points out the significant effect of the seizure of power in 1933 on the size and shape of the rearmament program. It also refers to the far-reaching independence in the building and development of the Navy which was only hampered insofar as concealment of rearmament had to be continued in consideration of the Versailles Treaty. With the restoration of the military sovereignty of the Reich (in 1935), the external camouflage of rearmament was eliminated.

C-156. "The Fight of the Navy Against Versailles 1919-1935". Book compiled by Capt Schussler and published by High Command of the Navy in 1937.

Raeder identified this book (C-156) and explained that the Navy tried to fulfil the letter of Versailles and at the same time make progress in Naval development. Thus prospective flyers got a year's training before entering the Navy. Similarly, while no submarines were being developed in Germany there were activities in Holland, Spain and Finland, not only in developing plans and models but also in actual construction.

Raeder Interrogation, by Monigan, 8 Nov 45, page\_\_.

Likewise the same kind of planning and purposes are reflected in the table of contents of a History of the German Navy, 1919 to 1939, found in captured official files of the German Navy. Although a copy of the book has not been found, the project was to have been written by Oberst Scherff, Hitler's special military historian, and in fact was completed because the table of contents refers to the page numbers of the the text. The titles in this table of contents clearly establish the Navy planning and preparation to break Versailles and to rebuild the strength necessary for aggressive war. The table of contents includes such general headings as: "First efforts to circumvent the Versailles Treaty and to limit its effects" (Part A, Chapter VIII); "The Navy: Fulfillment and avoidance of the Versailles Treaty" (Part B, Chapter V); "The Navy, the Versailles Treaty, Foreign Countries" (Part C, Chapter IV); "German Navy during the military freedom period 1933-1939" (Part D, Chapter I). By order of Hitler, Scherff had access to and could obtain all the material he wanted from Navy files (Raeder Interrogation, 8 Nov 45).

#### C-17. History of the German Navy 1919-1939.

The planned organization of the Navy budget for armament measures was based on a coordination of military developments and political objectives. Military political development was speeded up after withdrawal from the League of Nations. This document speaks of war tasks, war and operational plans, armaments target, etc.

"This organization of financial measures over a number of years according to the military viewpoint is found in the Armament Programme and provides a) for the military leaders a sound basis for their operational considerations, and b) for the political leaders a clear picture of what may be achieved with the military means available at a given time."

The primary objective was readiness for a war without any alert period.

This document is identified and discussed in Raeder Interrogation, 9 November 1945.



C-153. Naval Armament Plan for the third armament Phase 1934-1936, dated 12 May 1934, signed by Raeder.

Hitler instructed Raeder to keep secret the U-Boat construction program, also the actual displacement and speed of certain ships. Work on U-Boats had been going on in Holland and Spain. Secrecy was important because of the pending Naval negotiations with England.

C-189. Raeder's conversation with Hitler in June 1934; not signed but in Raeder's handwriting and identified by Raeder in Int 8 Nov 45.

Hitler proposed to put funds of the Labor Front at the disposal of the Navy, in order to continue the vital increase of the Navy as planned. Raeder explains that the Navy did not get this money from Ley, but it was provided by Minister of Finance, on Hitler's orders, so that the Navy program was carried out.

C-190. Raeder's memorandum of conversation with Hitler on 2 November 1934; not signed but contained in Raeder's personal file and identified by Raeder in Int 8 Nov 45.

The development of the armament industry by the use of foreign markets was encouraged by the Navy so that this industry would be able to supply the requirements of the Navy in case of need. This directive to the important OKM departments was for purpose of reducing secrecy so as to make improvements available to the industry for competition in foreign markets, since other countries were making progress also (Raeder Interrogation by Monigan, 8 Nov 45).

C-29. Directive of 31 Jan 1933, by Raeder for German Navy to support the armament industry.

The Navy program of surreptitious rearmament in violation of treaty obligations, even before the Nazis came into power, is illustrated by an order of the Chief of the Naval Command (Raeder) regarding the construction of concealed torpedo tubes in E-Boats. He ordered that torpedo tubes be removed and stored in the Naval arsenal, but to be kept ready for immediate fitting. By using only the permitted number at any given time and storing them after satisfactory testing, the fighting strength of the E-Boats was constantly increased. This order concludes with the statement that the "fitting of the torpedo tubes upon all E-Boats is intended as soon as the situation of the political control allows it".

C-141. Order for concealed armament of E-Boats, dated 10 February 1932, and signed by Raeder. Identified and discussed by Raeder in Interrogation, 9 November 1945.

Along similar lines, the Navy was also carrying on the concealed preparation of auxilliary cruisers under the disguised designation of "transport ships O". The preparations under this order were to be completed by 1 April 1935. Raeder identified this document as having been prepared under his direction; and he takes the responsibility. At the time of construction of these ships as commercial ships, plans were made for their conversion (Raeder Interrogation, 9 November 1945).

C-166. Order from Command Office of the Navy, dated 12 March 1934, and signed in draft by Groos.

Among official Navy (OKM) files containing notes year by year from 1927 to 1940 on the reconstruction of the German Navy, are numerous examples of the Navy's activities and policies, of which the following are illustrations:

a. The displacement of the battleships Scharnhorst-Gneisenau and F/G<sup>was actually greater</sup> than the tonnages which had been notified to the British.

	Length	Beam	Displacement by Type		Draught	
			actual	notified	actual	notified
Scharnhorst	226.0	30.0	-31.300 ts	26.000 ts	8.55	7.50
"F"	241.0	36.0	-41.700 ts	35.000 ts	8.69	7.90
"HI"	254.0	41.0	-56.200 ts	46.850 ts	9.60	8.40
or "H II"	254.0	41.0	-56.200 ts	45.000 ts	9.60	8.15
or "H III"	254.0	41.0	-56.200 ts	43.000 ts	9.60	7.85

Raeder identified this document and admitted the reported discrepancies. He identified "F/G" as the Bismarck and Tirpitz battleships; and he stated that H I, H II, H III, were not constructed.

b. It was the Navy's task to provide the means of power to carry out foreign policy.

c. Draft study of Naval warfare against England which appeared inevitable for the furtherance of German plans.

C-23. Unsigned documents found in official Navy files containing notes year by year from 1927 to 1940 on the reconstruction of the German Navy, and dated respectively, 18 Feb 1938, 8 March 1938, and September 1938. Identified and discussed by Raeder in Int 9 Nov 45.

The Navy constantly planned and committed violations of armament limitations, and had prepared some sort of superficial explanation in the event of discovery. Following a conference with the Chief of "A" Section, a survey list was compiled giving a careful inventory of the quantity and types of German Naval armament and ammunition on hand, under manufacture or construction, and in many instances proposed, together with statements of justification or defense in those instances where the Versailles Treaty allotment is exceeded; it contains thirty items under "Material Measures" and fourteen items under "Measures of Organization". The "A" Section was the military department of the Navy (Blomberg Interrogation 12 Oct; Raeder Int 9 Nov 45).

This document was identified and authenticated by Raeder. He explained that it was prepared by an official of the Navy for the information and use of the German representative at the League of Nations. The purpose was to give this representative reports on strength and equipment, which did not comply with Versailles requirements, and also to give him some help if other countries had found out about some of these things (Raeder Int, 9 Nov 45).

C-32. Survey report of German Naval Armament after conference with Chief of "A" Section, dated 9 Sep 1933; not signed but part of an official Navy file.

INDICTMENT PARAGRAPH IV (F) 2 (b)

On 14th October 1933, they led Germany to leave the International Disarmament Conference and the League of Nations.

History records that on 13 October 1933, Germany withdrew from the International Disarmament Conference and from the League of Nations. They took this action when it became evident that the Disarmament Conference would not lead to the results they desired. They took this opportunity to break away from the international negotiations and to take an aggressive position on an issue which would not be serious enough to provoke reprisals from other countries. At the same time, Germany attached so much importance to this action that they seriously considered the possibility of the application of sanctions by other countries. Anticipating the probable nature of such sanctions, and the countries which might apply them, plans were made for military preparations of armed resistance on land, at sea and in the air, in a directive from the Reich Minister for Defense (Blomberg) to Head of Army High Command (Fritsch), Head of Navy High Command (Raeder) and Reich Minister of Air (Goering).

C-140. Directive for the Armed Forces in case of sanctions, dated 25 Oct 1933, and signed by Blomberg.

Following the withdrawal from the League of Nations, Germany's armament program was still further increased.

C-153. Naval Armament Plan 1934 to 1936, signed by Raeder, 12 May 1934, paragraph 5.



INDICTMENT PARAGRAPH IV (F) 2 (c)

On 10th March, 1935, the defendant GÖRING announced that Germany was building a military air force.

It is likewise a matter of historical record that on 10 March 1935, Goering as Air Minister and C in C of Air Forces announced that Germany was building a military air force.

Although it was tacitly known that Germany was working on an air force, this was not the subject of any open discussion. However, on 9 or 10 March 1935, the Nazis felt that the time had come when they could brazenly flaunt the restriction of the Versailles Treaty. In direct violation of Article 198 of this Treaty, Goering announced the building of a military air force. The German Government gave notice to the other governments of the existence of a German Air Force.

T.C. 44. Official report of British Attache to British Ambassador in Berlin.

2292-PS. Interview of Goering by representative of the London Daily Mail; translated from German report in Archiv, March 1935, page 182.

INDICTMENT PARAGRAPH IV (F) 2 (d)

On 16th March, 1935, the Nazi conspirators promulgated a law for universal military service, in which they stated the peacetime strength of the German Army would be fixed at 500,000 men.

Having gone as far as they could on rearmament and the secret training of personnel, the next step necessary to the program for preparation of aggressive war was a large-scale increase in military strength, which would have to be known to the world. Accordingly, on 16 March 1935, there was promulgated a law for universal military service.

1654-PS. Proclamation and text of law, 1935, RGB, Part I, page 369.

T.C. 45. Promulgation by the German government to the German people and law on the introduction of conscription, 16 March 1935. Official translation by British Foreign Office.

Introduction of universal military service marked the transition to the large-scale rearmament program.

Interrogation of Keitel, by Dodd, 31 August 1945, pages 24 to 27.

INDICTMENT PARAGRAPH IV (F) 2 (e)

On 21st May 1935, they falsely announced to the world, with intent to deceive and allay fears of aggressive intentions, that they would respect the territorial limitations of the Versailles Treaty and comply with the Locarno Pacts.

As part of their program to weaken resistance in possible enemy States, the Nazis followed a policy of making false assurances of a forceful nature, thereby tending to create confusion and a false sense of security. Thus, on the same date that Germany renounced the armament provisions of the Versailles Treaty, Hitler announced the intent of the German Government to respect the territorial limitations of Versailles and Locarno.

"The German Government will therefore unconditionally respect the articles concerning the mutual relations of the nations in other respects, including the territorial provisions, and those revisions."

"In particular, they (German government) will uphold and fulfil all obligations arising out of the Locarno Treaty, so long as the other parties are on their side ready to stand by that pact."

2288-PS. Hitler speech, 21 May 1935.

The Locarno and Versailles Treaties contain the following provisions:

RHINE PACT OF LOCARNO, 16 Oct 1925:

Article 1. The High Contracting Parties collectively and severally guarantee, in the manner provided in the following Articles, the maintenance of the territorial status quo resulting from the frontiers between Germany and Belgium and between Germany and France, and the inviolability of the said frontiers as fixed by or in pursuance of the Treaty of Peace signed at Versailles on June 28, 1919, and also the observance of the stipulations of Articles 42 and 43 of the said Treaty concerning the demilitarised zone.

VERSAILLES TREATY, 28 June 1919:

Article 42. "Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the East of the Rhine."

Article 43. "In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military maneuvers of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden."

INDICTMENT PARAGRAPH IV (F) 2 (f)

On 7th March, 1936, they reoccupied and fortified the Rhineland, in violation of the Treaty of Versailles and the Rhine Pact of Locarno of 16th October 1925, and falsely announced to the world that "we have no territorial demands to make in Europe."

The demilitarized zone of the Rhineland was a sore wound with the Nazis ever since its establishment after World War I. Not only was this a blow to their increasing pride, but it was a bar to any effective strong position which Germany might want to take on any vital issue. In the event of any sanctions against Germany in the form of military action, the French and other enemy powers would get well into Germany east of the Rhine before any German resistance could even be put up. Therefore any German plans to threaten or breach international obligations, or for any kind of aggression, required the reoccupation and refortification of this open Rhineland territory.

Plans and preparations for the reoccupation of the Rhineland started very early. Operation "Schulung" is dated 2 May 1935, and even refers to prior staff discussions on the subject. This plan is identified by Blomberg as a military operation to reoccupy the Rhineland (Interrogation Blomberg, 10 Oct, page 1). Such a plan was directly in violation of Versailles and Locarno, but it was a necessary step for any subsequent aggression.

Blomberg claims that this particular plan was not the directive on the basis of which the actual reoccupation took place on 7 March 1936, and that it was merely a plan to prepare resistance against French and other enemy sanctions which the Germans considered possible in the wake of their reinstitution of compulsory military service on 16 March 1935, (Interrogation Blomberg, 10 October, page 3).

There are certain points in operation "Schulung" which are inconsistent with Blomberg's purely defensive explanation. The operation was to be carried out as a "surprise blow at lightning speed" (Schlagartig als Ueberfall-par I. 1); the Air Forces were to provide "support for the attack" (par II.3.a); there was to be "reinforcement...by the East Prussian Divisions" (par. II. 1). Furthermore, this document is dated 2 May 1935, which is about six weeks after the promulgation of the conscription law on 16 March 1935.

The actual reoccupation did not take place until 7 March 36, so that this early plan would necessarily have been totally revised to suit the existing conditions and specific objectives. Although the plan does not mention Rhineland, it has all the indications of a Rhineland operation and it is identified by Blomberg as a Rhineland plan. That the details of this plan were not the ones actually carried out, does not detract from the vital fact that as early as 2 May 1935, the Germans had already planned that operation, not merely as a staff plan but as a definite operation. This top secret order from the Reich Minister of Defense was written in longhand and signed by Blomberg; it was addressed to the Chief of the Army High Command (Fritsch), Chief of the Navy High Command (Raeder), and the Reich Minister for Air (Goering), and there were probably only these 3 copies made of the document. It was evidently not on their time-table to carry out the operation so soon--if it could be avoided; but they were prepared to do so if necessary to resist French sanctions against their conscription law.

C-139. Directive signed by Blomberg and dated 2 May 1935, and discussed in Blomberg Interrogations 10 Oct and 12 Oct.



The actual orders on the basis of which the Rhineland reoccupation was carried into execution on 7 March 1936, were issued on 2 March 1936, by the War Minister and Commander-in-Chief of the Armed Forces (Blomberg) and addressed to the Commander-in-Chief of the Army (Fritsch), Commander-in-Chief Navy (Raeder), and Air Minister and C-in-C of Air Force (Goering).

C-159. Order signed by Blomberg and dated 2 March 1936, identified by Blomberg in Interrogation, 12 October.

The orders for naval cooperation in the overall execution of the Rhineland operation were issued on 6 March 1936, in form of an order on behalf of Reich Minister for War (Blomberg) signed by Heitel and addressed to C-in-C Navy, and an order by C-in-C Navy, setting out detailed instructions for Flotilla leader and the admirals commanding in Baltic and North Sea.

C-194. Orders by Heitel and Raeder, 6 March 1936; identified by Raeder in Interrogation 8 Nov 45.

For the historical emphasis of the occasion, Hitler made a momentous speech in which he said:

"In accordance with the fundamental rights of the nation to secure its frontier and insure its possibilities of defense, the German government have today restored the full and unrestricted sovereignty of Germany in the demilitarised zone of the Rhineland."

2289-PS. Hitler speech, 7 March 1936, and memorandum by German government respecting the Franco-Soviet Treaty, the Treaty of Locarno, and the demilitarized zone in the Rhineland, 7 March 1936.

See also T.C. 46. German memorandum to the signatories of the Locarno Pacts reasserting full German sovereignty over Rhineland, 7 March 1936; official translation by the British Foreign Office.

As a result of the protests lodged with the League of Nations, the Council of the League made an investigation and announced the following finding:

"That the German government has committed a breach of Article 43 of the Treaty of Versailles by causing on March 7, 1936, military forces to enter and establish themselves in the demilitarised zone referred to in Article 42 and the following Articles of that Treaty, and in the Treaty of Locarno."

League of Nations monthly summary, March, 1936, Volume 16, page 78; quoted by Quincy Wright, in American Journal of International Law, page 487. Also in Schuman, Europe on the Eve, p. 218.

At the same time on 7 March 1936, as the Germans reoccupied the Rhineland in flagrant violation of Versailles and Locarno they tried to allay the fears of other European powers and lead them into a false sense of security by announcing to the world that "we have no territorial demands to make in Europe." ("Wir haben in Europa keine territorialen forderungen zu stellen").

2289-PS. Hitler speech, 7 March 1936.  
See also Voelkisher Beobachter, Berlin edition, 8 March 1936, page 6, top of column 1.

## ARGUMENT AND CONCLUSION

Most of the acts set forth in this paragraph of the Indictment do not need judicial proof because they are historical facts. Likewise, the existence of prior plans and preparations is indisputable from the very nature of things. The method and sequence of these plans and their accomplishment are clearly indicative of the increasing and progressively aggressive character of the Nazi objectives, international obligations and considerations of humanity notwithstanding. The detailed presentation of the violations of Treaties and international law is contained in other briefs submitted by the prosecution for Count Two of the Indictment.

In clear relief there is the determination to use whatever means were necessary to abrogate and overthrow the Treaty of Versailles and its restrictions upon the military armament and activity of Germany.

In this process, they engaged in secret rearmament and training, the production of munitions of war, and they built up an air force.

They withdrew from the International Disarmament Conference and League of Nations on 14 October 1933.

They instituted universal military service on 16 March 35.

On 21 May 35, they falsely announced that they would respect the territorial limitations of Versailles and Locarno.

On 7 March 36, they reoccupied and fortified the Rhineland, and at the same time falsely announced that they had no territorial demands in Europe.

The objectives of the conspirators were vast and mighty, requiring long and extensive preparation. The process involved the evasion, circumvention and violation of international obligations and treaties. They stopped at nothing; the conspiracy had to be carried forward.

The accomplishment of all these things, together with getting Versailles out of the way, constituted an opening of the gates towards the specific aggressions which followed.

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