

First Draft

T R I A L B R I E F

The Execution of the Plan
to Invade Czechoslovakia:

April 1938 to March 1939

Section III

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10 November 1945

Count One, Paragraph IV, (F), 3, (a) and (c).

Par. IV (F) 3: Aggressive Action against Austria and Czechoslovakia.

(a) The 1936-1938 phase of the plan: planning for the assault
on Austria and Czechoslovakia.

(c) The execution of the plan to invade Czechoslovakia;
April 1938 to March 1939.

LEGAL REFERENCES

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..."

"Leaders, organizers, instigators and accomplices participating in the formulation or execution of a common plan or conspiracy to commit any of the foregoing crimes are responsible for all acts performed by any persons in execution of such plan.

"Article 7. The official position of defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment.

"Article 8. The fact that the Defendant acted pursuant to order of his Government or of a superior shall not free him from responsibility, but may be considered in mitigation of punishment if the Tribunal determine that justice so requires."

TREATIES AND AGREEMENTS

Treaty of Versailles, Article 81. (No. TC-7).

Arbitration treaty between Germany and Czechoslovakia, signed at Locarno, 16 October 1925. (No. TC-14).

Agreement between Germany, the United Kingdom, France and Italy concluded at Munich, 29 September 1938. (No. TC-23).

Agreement of 15 March 1939, signed by Hitler, Hacha, von Ribbentrop and Chvalkovsky. (No. TC-49).

Treaty of Protection concluded between the German Reich and the State of Slovakia, 23 March 1939. (No. 1459-PS).

DECREE

Decree of the Fuehrer concerning the Protectorate of Bohemia and Moravia, 16 March 1939. (No. TC-51).

(Woolsey)

CZECHOSLOVAKIASTATEMENT OF EVIDENCE

I

THE DEVELOPMENT OF THE NAZI PROGRAM OF AGGRESSION:
HITLER AND DEFENDANT KEITEL MEET ON 21 APRIL 1938
TO DISCUSS PLANS FOR THE CONQUEST OF CZECHOSLOVAKIA.

With the annexation of Austria consummated on 13 March 1938, the Nazi conspirators turned their attention to Czechoslovakia as their next objective. The preceding autumn, at a conference in the Reichs Chancellory in Berlin on 5 November 1937, Hitler had set forth the program which Germany was to follow. The question for Germany, the Fuhrer had informed the commanders of the Army, Navy and Luftwaffe and the Reichsministers for Foreign Affairs and War, is where the greatest possible conquest could be made at the lowest cost. At the top of his agenda stood two countries: Austria and Czechoslovakia. On the assumption that a compulsory emigration of 2 million from Czechoslovakia and of 1 million from Austria could be carried out, the conquest of these two nations would mean the capture of food for from 5 to 6 million people. The annexation of these two States to Germany would mean shorter and better frontiers and the freeing of military personnel for other purposes. It would also offer the possibility, Hitler told his advisers, of drawing 12 new divisions from the conquered countries, representing one new division for each million of population.

(386-PS. Notes on a conference with Hitler, Berlin, 5 November 1937, signed Hossbach.)

Four months later, in March 1938, Austria was occupied by the German Army and annexed to the Reich. The time had come for a re-definition of German intentions toward Czechoslovakia. The following month, on 21 April, co-conspirators Hitler and Keitel met to discuss plans for the envelopment and conquest of the Czechoslovak state. They decided to launch a military attack only after a period of diplomatic squabbling which, growing more serious, would lead to the excuse for war. In the alternative, they planned to unleash a lightning attack as the result of an "incident" of their own creation. Considera-

(Woolsey)

tion was given to the assassination of the German Ambassador at Prague to create the requisite incident. The necessity of propaganda to guide the conduct of Germans in Czechoslovakia and to intimidate the Czechs was recognized. Problems of transport and tactics were discussed with a view to overcoming all Czechoslovak resistance within four days, thus presenting the world with a fait accompli and forestalling outside intervention.

(388-PS, Item 2. File of papers on Case Green kept by Schmundt, Hitler's Adjutant, April-October 1938).

II

AT THE TIME OF THIS CONSPIRACY FRIENDLY DIPLOMATIC RELATIONS EXISTED BETWEEN GERMANY AND CZECHOSLOVAKIA.

This conspiracy must be viewed against a background of amicable German-Czech diplomatic relations. Although they had in the fall of 1937 determined to destroy the Czechoslovak state, the leaders of the German government were bound by a treaty of arbitration and by assurances freely given to observe the sovereignty of Czechoslovakia. By a formal treaty signed at Locarno 16 October 1925, Germany and Czechoslovakia agreed with certain exceptions, to refer to an arbitral tribunal or to the Permanent Court of International Justice

"... all disputes of every kind between Germany and Czechoslovakia with regard to which the parties are in conflict as to their respective rights, and which it may not be possible to settle amicably by the normal methods of diplomacy . . ."

The preamble of this treaty stated:

"The President of the German Empire and the President of the Czechoslovak Republic; equally resolved to maintain peace between Germany and Czechoslovakia by assuring the peaceful settlement of differences which might arise between the two countries; declaring that respect for the rights established by treaty or resulting from the law of nations is obligatory for international tribunals; agreeing to recognise that the rights of a State cannot be modified save with its consent; and considering that sincere observance of the methods of peaceful settlement of international disputes permits of resolving, without recourse to force, questions which may become the cause of division between States; have decided to embody in a treaty their common intentions in this respect . . ."

(TC-14, Arbitration Treaty between Germany and Czechoslovakia, Locarno, 16 October 1925).

On 1 May 1936 Hitler, speaking in Berlin, said:

"The lie goes forth again that Germany tomorrow or the day after will fall upon Austria or Czechoslovakia. I ask myself always: Who can these elements be who will have no peace, who incite continually, who must so distrust, and want no understanding?"

(2367-PS. Quoted in National Socialism, p. 238, from The Times of London, 26 September 1939, p. 9. But cf. Voelkischer Beobachter, 2-3 May 1936, and Frankfurter Zeitung, 2 May 1936. In these newspapers the reference to Czechoslovakia is omitted).

On 11 and 12 March 1938, at the time of the annexation of Austria, Defendants Goering and von Neurath assured M. Mastny, the Czechoslovak Minister in Berlin, on behalf of the German Government that German-Czech relations were not adversely affected by the Anschluss and that Germany still considered herself bound by the Arbitration Convention of 1925. As a token of his sincerity defendant Goering prefaced his assurance with the statement: "Ich gebe Ihnen mein Ehrenwort" ("I give you my word of honor.")

(T.C.-27. British Foreign Office version of German assurances, as transmitted by M. Masaryk to Viscount Halifax on 13 March 1938).

III

BEHIND THE SCREEN OF THESE ASSURANCES THE NAZI CONSPIRATORS PROCEEDED WITH THEIR PLANS FOR AGGRESSION.

Behind the screen of these assurances the Nazi conspirators proceeded with their military and political plans for aggression. Since the preceding fall it had been established that the aim of German policy during 1938 was the elimination of Austria and Czechoslovakia. In both countries the Nazi conspirators planned to undermine the will to resist by propaganda and by fifth column activities, while the actual military preparations were being developed. The Austrian operation, which received priority for political and strategic reasons, was carried out in February and March 1938. Thenceforth Wehrmacht planning was devoted to Case Green (Fall Grun), the designation given to the operation against Czechoslovakia.

(1780-PS. Diary kept by General Jodl 4 January 1937 to 22 August 1939).

(Woolsey)

The military plans for Case Green had been drafted in outline form as early as June 1937. The OKW Top Secret "Directive for Unified Preparation for War," signed by von Blomberg on 24 June 1937 and promulgated to the Army, Navy and Luftwaffe for the year beginning 1 July 1937, included as a "probable warlike eventuality", for which a concentration plan was to be drafted, Case Green ("War on two fronts with the centre of gravity in the south east"). The original of this directive, which was later revised, opens with this supposition:

"The war in the east can begin with a surprise German operation against Czechoslovakia in order to parry the imminent attack of a superior enemy coalition. For such an action the political conditions in accordance with international law must be created beforehand."

This directive set forth as one of its guiding principles:

"The politically fluid world situation, which does not preclude surprising incidents, demands a continuous preparedness for war of the German Armed Forces . . . to enable the military exploitation of politically favorable opportunities should they occur."

It ordered further work on the plan for mobilization without public announcement "in order to put the Armed Forces in a position to begin a war suddenly and by surprise both as regards strength and time."

(C-175. OKW Directive for unified preparation for war 1937-1938, with covering letter from von Blomberg, 24 June 1937).

The basic assumption of this directive, i. e., preparation for aggression, is underlined by the memorandum on the Organization of the Armed Forces submitted by the OKH to the OKW on 7 March 1938. This memorandum, a brief in support of the importance of the Army, emphasizes:

"Only the Army can conquer another country. As there appears in the foreground the possibility of a war in the East, where it will be a question of conquering vast areas, while at the same time an impregnable wall would have to be erected in the West, the clearer it becomes that the success of the Army will be the decisive factor in victory or defeat. It must be added that none of our opponents in the East, neither Russia nor Poland, can be completely destroyed by sea or air, and that Czechoslovakia could perhaps be forced into the cession of certain territories by the destruction of her big towns and centres of industry, but not into the complete surrender of her sovereignty. To incorporate a country or to break its resistance completely, one will always have to conquer it in the end . . ."

(British DP/25, Memorandum OKH to OKW on "Organization of Armed Forces", 7 March 1938).

IV

AFTER THE 21 APRIL 1938 MEETING SPECIFIC
PLANS FOR THE ATTACK ON CZECHOSLOVAKIA
WERE EVOLVED DURING THE SPRING AND SUMMER.

At the 21 April meeting between Hitler and Keitel (see Point I supra) specific plans for the attack on Czechoslovakia were discussed for the first time. This meeting was followed in the late spring and summer by a series of memoranda and telegrams advancing Case Green. The Nazi conspirators displayed a lively interest in intelligence data concerning Czechoslovak armament and defense (388-PS, cited above, Items 4, 12 and 13). Orders were issued for the rushing of fortification measures in the West. (388-PS, cited above, Items 8 and 18). In May, June, July and August conferences between Hitler and his military and political advisers set X-day for no later than 1 October and resulted in the issuance of a series of constantly revised directives for the attack. The most important of these directives and conferences were:

- a. Draft of Case Green, revised as a result of the annexation of Austria, submitted to Hitler by defendant Keitel 20 May 1938.

(388-PS, cited above, Item 5).

- b. Conference 28 May 1938 between Hitler and the leading men of the Wehrmacht and Foreign Office, including Beck, von Brauchitsch, and defendants Raeder, Keitel, Goering, Ribbentrop, and von Neurath. On this occasion Hitler made the following statement:

"It is my unshakeable will that Czechoslovakia should be wiped off the map."

At the end of the conference he addressed himself to the Generals, saying:

"So, we will first tackle the situation in the East. Then I will give you three to four years time and then we will settle the situation in the West."

(Wiedemann interrogation).

The following winter Hitler named this as the day on which the conquest of the Sudetenland was launched. In a speech before the Reichstag on 30 January 1939 the Fuhrer said that he had

"resolved to solve once and for all, and this time radically, the Sudeten German question. On May 28 I ordered that preparations should be made for military action against this state by October 2 . . ."

(2360-PS. Speech by Hitler before Reichstag, 30 January 1939).

- c. Revised directive for Case Green ("Two-frontal war with the southeast as center of gravity"), dated Berlin, 30 May 1938. Signed by Hitler and forwarded by defendant Keitel to von Brauchitsch and defendants Raeder and Goering. This directive, which replaced Part 2, Section II of the "Directive for Unified Preparation for War" promulgated by von Blomberg on 24 June 1937 (C-175, cited above), was an expansion of the draft submitted by Keitel to Hitler on 20 May. It represented a further development of the ideas for political and military action discussed by Hitler and Keitel in the 21 April conference. In his covering memorandum Keitel noted that "its execution must be guaranteed by 1 October at the latest."

This order is the basic directive on which the Wehrmacht carried out its planning for Case Green.

"It is my unalterable decision," Hitler said, "to smash Czechoslovakia through military action in the near future. To await or bring about the politically and militarily most opportune moment is the job of the political leaders. Inevitable developments inside Czechoslovakia or other political events in Europe which might create a surprisingly favorable opportunity and one which may never return may prompt me to act sooner than expected. The proper choice and energetic exploitation of an opportune moment is the best guarantee for success. With this in mind preparations are to be embarked upon without delay."

The necessity of provocation is discussed. Most desirable is a lightning-swift attack

"as the result of an incident through which Germany has been unbearably provoked . . . But even a period of tension preceding a war must find its conclusion in an action on our part containing all the elements of surprise as regards time and extent . . ."

Propaganda warfare is to be launched which will intimidate Czechoslovakia and reduce its defensive potential; instructions must be issued to pro-German groups within Czechoslovakia.

Military preparations are to be directed to the goal of over-running Czech defenses within four days in order to discourage the intervention of outside powers. The bulk of the army is to be employed; the Luftwaffe is to be committed en masse. Mobile units of the army are to cross the border "at the same time as the Luftwaffe, before the enemy has become aware of our mobilization."

The strategy to be employed in the attack is set forth. A timetable is to be prepared for Hitler's approval.

(388-PS, cited above, Item 11; Jodl interrogation, 8 September, a. m.; 1780-PS, Jodl diary).

- d. Draft for New Directive Green, dated Berlin, 18 June 1938. This does not supersede the 30 May directive.

"My immediate objective is a solution of the Czech problem by my own free decision. This is in the foreground of my political intentions. I have decided to use any favorable political opportunity to reach this objective . . . However, I will only take action against Czechoslovakia if I am firmly convinced that France, and with it England, will not attack . . ."

General directions are given for the deployment of troops and for precautionary measures in view of the possibility that, during the execution of Green, France or England should declare war on Germany. This directive

"will be augmented by degrees as necessary for the various deployment operations, in the realm of Special Affairs, administrative Affairs, and matters of war economy. The necessary directives for the prosecution of the war will be issued by me from time to time."

Six pages of schedules follow this draft. These give a timetable of specific measures for the preparation of the Army, Navy and Luftwaffe for the contemplated action.

(388-PS, cited above, Items 14 and 15; Jodl interrogation, 8 September, a. m. pp. 10-11).

- e. X-Plan for mobilization without public announcement, which was adopted on 1 July 1938.

(2353-PS, History of the German War and Armament Economy by General George Thomas).

- f. Conference notes "Timing of the X-Order and the Question of Advance Measures," dated Berlin, 24 August 1938, and signed by Defendant Jodl. Submitted to Hitler on 30 August. The timing of X-day and the wisdom of advance measures prior to X-day are discussed, particularly in view of the type of incident to be contrived. Measures in advance of X-day appear inadvisable for the further reason that the Luftwaffe intends to surprise the enemy air forces in their peacetime airports. Apprehension is

expressed that the incident may appear to be manufactured and that "for technical reasons" the evening hours may be decided upon for the incident. The question has been raised by the Foreign Office "as to whether all Germans should be called back in time from prospective enemy territories." Sections of this document illustrate the extent of the deception to which the Nazi conspirators were prepared to use:

"Action GREEN will be initiated through an 'incident' in Czechoslovakia which will give Germany provocation for military action. The determination of the exact time for this incident is of the utmost importance. It must come at a time when weather conditions permit the employment of our superior air forces and in such a way that the authentic news reaches us on the afternoon of X minus 1.

"Thus it can be spontaneously answered with the issuance of the X order at 1400 on X minus 1. On X minus 2 the Wehrmacht commands will merely receive advance warning. If the Fuhrer intends to follow this plan of action, all further discussion is superfluous.

"For then no advance measures must be taken before X minus 1 which cannot be accounted for 'harmlessly,' as the incident will otherwise appear to have been manufactured. Absolutely essential advance measures must be ordered in good time and camouflaged with the help of the numerous maneuvers and exercises . . .

"In any case we will act on the principle that nothing must be done before the incident which might point to mobilization, and that the swiftest possible action must be taken after the incident.

"It is the purpose of these notes to emphasize how strongly the Wehrmacht is involved in the incident and how important it is that it be informed of the Fuhrer's intentions in good time -- insofar as G-2 will not be charged with the organization of the incident anyway."

(388-PS, cited above, Item 17; Jodl interrogation, 8 September, a. m., p. 12).

V

THE LUFTWAFFE PARTICIPATED IN
THE PLANNING FOR CASE GREEN
DURING THE SPRING AND SUMMER.

During the spring and summer the Luftwaffe was also engaged in planning in connection with the forthcoming Case Green and the further expansion of the Reich. A memorandum to the Chief of the Luftwaffe General Staff on 2 May 1938 discussed the organization and development of the Luftwaffe in the years 1938 to 1950. Section I of the study

(Woolsey)

assumes, without giving the date on which this will occur, that the Baltic States, Poland, Hungary and Czechoslovakia will become part of Germany. Preparations for attack are to be made "for several fronts and for several possible contingencies", and reference is made to concentration in the Bavaria-Austria sector "in the event of Case Green". The Luftwaffe Group Commands, the memorandum stated, must be indigenous so that

"they can push forward the preparations for war already in peacetime to such an extent that the highest degree of preparedness for action is achieved."

(L-43, Memorandum to Chief of Luftwaffe General Staff, signed by Kammhuber, Chief of the Organizational Staff, 2 May 1938).

The Luftwaffe was also preoccupied with the possibility that the trend of German policy might bring about war with Great Britain and France. A Luftwaffe staff memorandum of 22 April 1938 states that it is obvious "from the political situation that, in future wars, war against Britain cannot be avoided" and outlines the organization of German air forces in the event of conflict with Britain during the four year period ending 1 October 1942.

(C-106, Luftwaffe Staff Plan dated 22 April 1938, signed Moller).

On 2 June Air Group Command 3 issued instructions for deployment and combat in the event of Case Red (war in the west). This study anticipated that France would either start hostilities jointly with Czechoslovakia or would "interfere in the struggle between the Reich and Czechoslovakia in the course of Case Green." Whichever is the case "The German offensive formations will, in conjunction with the Army, first deliver the decisive blow against Czechoslovakia."

(R-150, Plan Study 1938, Instruction for Deployment and Combat: Case Red, 2 June 1938).

By midsummer direct planning by the Luftwaffe was underway. In early August, at the direction of the Luftwaffe general staff, the German air attache in Prague reconnoitered the Freudenthal area of Czechoslovakia for suitable landing grounds; reconnaissance of other areas of Czechoslovakia was directed, with a deadline of 10 September.

(1536-PS. Report from Luftwaffe General Staff, Intelligence Division, on reconnaissance for airfields in Czechoslovakia, with enclosure, 12 August 1938).

(Woolsey)

By 25 August the imminence of the attack on Czechoslovakia compelled the issuance of a detailed memorandum: "Case Green with Wider Implications." An intelligence study based on the assumption that Great Britain and France will declare war on Germany during Case Green, this contains an estimate of the strategy and air strength of the western powers as of 1 October 1938, the target date for Green.

(375-PS. Case Green with Wider Implications, Report of Luftwaffe General Staff, Intelligence Division, 25 August 1938).

VI

KNOWLEDGE OF PENDING ACTION AGAINST CZECHOSLOVAKIA WAS WIDELY HELD.

Knowledge of pending action against Czechoslovakia was not confined to a close circle of high officials at the Reich. A speech by Goering to the aircraft manufacturers of Germany on 8 July 1938 urged the acceleration of aircraft production and pointed out the need for preparations in the event of mobilization, i. e., the drawing up of lists of personnel to be deferred from military service and the establishment of facilities for women workers. In assessing Germany's position vis a vis the Western Powers, Goering made a casual reference to the day when "we have pocketed Czechoslovakia."

(R-140, speech by Goering to German aircraft manufacturers, 8 July 1938).

By 18 July the Italian Ambassador, Attolico, mentioned to von Weizsäcker that Germany had made it "unmistakably clear" to the Italians what their intentions were regarding Czechoslovakia. Attolico added that he knew of the appointed time and that he might take two months' holiday now, which he would not be able to do later on.

(2800-PS. German Foreign Office Memorandum, 18 July 1938).

VII

DISCUSSIONS ARE INITIATED WITH HUNGARY WITH REFERENCE TO JOINT PARTICIPATION IN CASE GREEN.

Hungary, which borders Czechoslovakia to the southeast, was from the first considered to be a possible participant in Case Green. From 21 to 26 July Admiral Horthy and some of his ministers visited Germany, and there was a discussion of the extent of Hungarian claims after Czechoslovakia had

(Woolsey)

been dismembered. (1789-PS, Jodl diary). Admiral Horthy has reported that on the occasion of the launching of a battle cruiser in mid-summer 1938 Hitler told him that he was going to attack Czechoslovakia and asked him to have Hungary attack Czechoslovakia simultaneously with the German aggression.

(Horthy interrogation, 16 October).

In conversations between Hitler, defendant Ribbentrop and von Weizsacker and a Hungarian delegation consisting of Imredi and Kanta on board the S. S. Patria, 23 to 25 August, additional pressure was placed on Hungary. Ribbentrop inquired about the Hungarian attitude in the event of a German attack on Czechoslovakia and suggested that such an attack would prove to be a good opportunity for Hungary. When the Hungarians proved reluctant to commit themselves, Hitler emphasized Ribbentrop's statement and suggested that in prior conversations Horthy had been more positive about participation.

(2796-PS. Conversations between Hitler, Ribbentrop and Imredi, 23 August 1938).

By the third day of the conference the Germans were able to note that in the event of a German-Czech conflict Hungary would be sufficiently armed for participation on 1 October (2797-PS. Conversation Ribbentrop-Kanta, 25 August 1939). These conferences were followed by a conference between General Halder, the Chief of the German General Staff, and General Fischer, the Chief of the Hungarian General Staff, on 6 September.

(1780-PS. Jodl diary).

VIII

IN SEPTEMBER PREPARATIONS FOR THE ATTACK ENTERED THEIR FINAL PHASE.

With a 1 October target date set for Case Green, there was a noticeable increase in September in the tempo of the military preparations which had been initiated by the discussions of the preceding months. Actual preparations for the attack on Czechoslovakia were well under way. The agenda of the Nazi conspirators were devoted to technical details: the timing of X-day, questions of mobilization, transport and supply.

(Woolsey)

On 3 September defendant Keitel and General von Brauchitsch met with Hitler at the Berghof. The Fuhrer discussed the Czech defenses which the five German armies would encounter. There was an exchange of opinion on the timing of troop movements into the deployment area, and von Brauchitsch noted that the troops to be moved in on 23 September would be ready for immediate action. Hitler stressed the necessity of camouflage exercises. It was noted that the OKH must know the exact time of X by 1200 noon, 27 September.

(388-PS, cited above, Item 18).

Five days later defendant Jodl conferred with air force Generals Jeschonnek and Kammhuber about the coordination of army and Luftwaffe operations at the start of the attack. On the same day General von Stulpnagel asked defendant Jodl for written assurance that the OKH will be informed five days in advance about the pending action. Jodl consented to this, with the caveat that the overall weather report could be made only two days in advance.

(1780-PS, Jodl diary, 8 September entry).

Late on the evening of 9 September Hitler met with General von Brauchitsch, General Halder and defendant Keitel at Nurnberg. General Halder reviewed the missions assigned to the five German armies being committed to the attack: the 2nd, 8th, 10th, 12th and 14th. Hitler delivered a soliloquy on strategic considerations which would be encountered as the attack developed. Von Brauchitsch noted that in the west vehicles will begin leaving on 20 September "if X-day remains as planned"; and that 235,000 RAD men were to be drafted. The meeting did not break up until 0330 in the morning.

(388-PS, cited above, Item 19).

From this date forward the Nazi conspirators were occupied with the intricate planning which is required before an attack. On 11 September defendant Jodl conferred with the Secretary of the Propaganda Ministry about methods of refuting German violations of international law and exploiting those of the Czechs.

(1780-PS. Jodl diary, 11 September entry).

(Woolsey)

This discussion developed into a study compiled by Section I of the OKW and distributed to the OKH, OKM, OKL and the Foreign Office. In this study anticipated violations of international law in the invasion of Czechoslovakia are listed and counter-propaganda suggested for the use of the propaganda minister.

(C-2, Examples of Violations of International Law and Proposed Counter Propaganda, 1 October 1938).

From Nurnberg Hitler ordered:

"The whole RAD organization comes under the command of the Wehrmacht effective 15 September. The Chief of OKW decides on . . . the respective assignments to the various Wehrmacht commands."

(388-PS, cited above, Item 20, dated 10 September 1938).

Defendant Keitel specified the employment of specific RAD units and Jodl selected units for military training.

(388-PS, cited above, Items 21 and 24, dated 14 and 16 September 1938).

Defendant Jodl again discussed detailed preparations with the OKH and the Luftwaffe. A change in railroad planning was noted and it was decided to continue the fortification work in the West as long as possible.

(1780-PS, Jodl diary, 15 September entry).

Keitel ordered the railroads to be ready by 28 September but to continue work on the western fortifications even after 20 September in the interest of camouflage.

(388-PS, cited above, Item 22, 16 September 1938).

The Breslau and Dresden radio stations were put at the disposal of the Propaganda Ministry for the purpose of jamming Czech propaganda transmissions.

(1780-PS, Jodl diary, 26 September entry).

The penultimate stage of the aggression began on 18 September. From that day until the 28th a series of orders were issued. The commitment schedule for the five participating armies was set forth. (Item 26). Hitler approved the secret mobilization of five divisions in the west to protect the German rear during Case Green (Item 31). Time of day for the attack was still under discussion between the army and the air forces.

(Woolsey)

The army favored dawn, with some limited operations to be carried out the previous night; the Luftwaffe preferred to delay the start until between 0800 and 1100 due to a prevalent low ceiling earlier in the morning.

(Item 54). Keitel sent a memorandum to Hess and to the Reichsführer SS, Himmler:

"As a result of the political situation the Führer and Chancellor has ordered mobilization measures for the Wehrmacht, which are to be acted on without issuance of the Mobilization X order or corresponding code words . . ."

It was requested that party headquarters be alerted so that the mobilization will not be hindered and that available military equipment would be turned over by the party to the army. (Item 32).

(388-PS, cited above, Items 26, 27, 28, 31, 32, 34, 36, 54).

At 1300 on 27 September Hitler ordered the movement of the assault units from their maneuver areas into the points of departure. The army was ordered to be ready to begin the action against Czechoslovakia on 30 September. The final decision would be made by 1200 noon the previous day.

(388-PS, cited above, Item 33).

IX

MILITARY PREPARATIONS AGAINST CZECHOSLOVAKIA HAD BEEN PRECEDED BY A SKILLFULLY CONCEIVED CAMPAIGN DESIGNED TO PROMOTE CIVIL DISOBEDIENCE TO THE CZECHOSLOVAK STATE.

The military preparations for action against Czechoslovakia were not carried out in vacuo. Using the techniques which they had already skillfully developed, the Nazi conspirators had over a period of years carried out a campaign of propaganda and internal penetration designed to promote unrest and civil disobedience to the Czechoslovak state. The attention of the Nazis was focussed on the persons of German descent living in the Sudetenland, a mountainous area bounding Bohemia and Moravia on the north, west and south.

This campaign dated from the earliest days of the NSDAP. In the years following the First World War a German National Socialist Workers Party (DNSAP), which maintained close contact with Hitler's NSDAP, was active in the Sudetenland. In 1932, ring-leaders of the Sudeten Volkspart, an

organization corresponding to the Nazi S. A., openly endorsed the 21 points of Hitler's program, the first of which demanded the union of all Germans in a Greater Germany. Soon thereafter they were charged with planning armed rebellion on behalf of a foreign power and were sentenced for conspiracy against the Czech Republic. Late in 1933 the National Socialist Party of Czechoslovakia forestalled its dissolution by voluntary liquidation and several of its chiefs escaped across the frontier. For a year thereafter Nazi activity in Czechoslovakia continued underground.

(PS-998. German Crimes Against Czechoslovakia: Czechoslovak Official Report for the Prosecution and Trial of the German Major War Criminals. London, September 1945. pp. 9-10)

On 1 October 1934, with the approval and at the urging of the Nazi conspirators, Konrad Henlein established the "German Home Front" (Deutsche Heimatfront), which the following spring became the Sudeten German Party (Sudeten-deutsche Partei -- SDP). Profiting from the experience of the Czech National Socialist Party, Henlein denied any connection with the German Nazis. He rejected pan-Germanism, and professed his respect for individual liberties and his loyalty to "honest democracy" and to the Czech state. His party, nonetheless, was built on the basis of the Nazi Fuhrerprinzip and he became its Fuhrer. By 1937, when the power of Hitler's Germany had become manifest, Henlein and his followers were striking a more aggressive note, demanding, without definition, "complete Sudeten autonomy." The SDP laid proposals before the Czech Parliament which would, in substance, have created a state within a state.

(PS-998, cited above, pp. 10-11).

After the annexation of Austria in March 1938 the Henleinists, who were now openly organized after the Nazi model, intensified their activity. Undisguised anti-Semitic propaganda started in the Henlein press; the campaign against "Bolshevism" was intensified; terrorism in the Henlein-dominated communities increased. A storm troop organization patterned and trained on the principles of the Nazi SS was established, known as the FS (Freiwilliger Selbstschutz, or Voluntary Vigilantes).

(2826-PS. "The SS on March 15, 1939" by K. H. Frank, Bohmen and Mahren, Prague, May 1941, p. 179).

(Woolsey)

On 24 April 1938, in a speech to the Party Congress in Karlovy Vary, Henlein came into the open with his "Karlsbad Program." In this speech, which echoed Hitler in tone and substance, Henlein asserted the right of the Sudeten Germans to profess "German political philosophy," which, it was clear, meant National Socialism.

(PS-998, cited above, pp 11-12).

In May, Henlein visited Hitler in Berlin and discussed their common program for aggravating the Sudeten situation. As the summer wore on, the Henleinists used every technique of the Nazi Fifth Column. These included:

- (a) Espionage. Military espionage was conducted by the SDP, the FS and by other members of the German minority on behalf of Germany. Czech defenses were mapped, and information on Czech troop movements was furnished to the German authorities.

(PS-998, cited above, pp. 12, 14).

- (b) Nazification of German Organizations in Czechoslovakia. The Henleinists systematically penetrated the whole life of the German population of Czechoslovakia. Associations and social and cultural centers gradually underwent "Gleichschaltung", i. e., "purification", by the SDP. Among the organizations conquered by the Henleinists were sport societies, rowing clubs, associations of ex-service men, choral societies, and associations for diet reform. The Henleinists were particularly interested in penetrating as many business institutions as possible and to bring over to their side the directors of banks, the owners or directors of factories, and the managers of commercial firms. In the case of Jewish ownership or direction they attempted to secure the cooperation of the clerical and technical staffs of the institution.

(PS-998, cited above, pp. 15-16).

- (c) German Direction and Leadership. The Henleinists maintained permanent contact with the Nazi officials designated to direct operations within Czechoslovakia. Meetings in Germany at which

(Woolsey)

Henleinists were exhorted and instructed in Fifth Column activity were camouflaged by being held in conjunction with saenger feste (choral festivals), gymnastic shows and assemblies, and commercial gatherings such as the Leipzig Fair. Whenever the Nazi conspirators needed incidents for their war of nerves, it was the duty of the Henleinists to supply them.

(PS-998, cited above, p. 16).

- (d) Propaganda. Disruptive and subversive propaganda was beamed at Czechoslovakia in German broadcasts and was echoed in the German press. Goebbels called Czechoslovakia a "nest of Bolshevism" and spread the false report of "Russian troops and airplanes" centered in Prague. Under direction from the Reich the Henleinists maintained whispering propaganda in the Sudetenland, which contributed to the mounting tension and to the creation of incidents. Illegal Nazi literature was smuggled from Germany and widely distributed in the border regions. The Henlein press more or less openly espoused Nazi ideology to the German population.

(PS-998, cited above, p. 15).

- (e) Murder and Terrorism. The Nazi conspirators provided the Henleinists, and particularly the FS, with money and arms with which to provoke incidents and to maintain a state of permanent unrest. Gendarmes, customs officers and other Czech officials were attacked. A boycott was established against Jewish lawyers, doctors and tradesmen. The Henleinists terrorized the non-Henlein population, and the Nazi Gestapo crossed into border districts to carry Czechoslovak citizens across the border to Germany. In several cases political foes of the Nazis were murdered on Czech soil. Nazi agents murdered Professor Theodor Lessing in 1933 and Ing. Formis in 1935. Both men were anti-Nazis who had escaped from Germany after Hitler came to power and had sought refuge in Czechoslovakia.

(PS-998, cited above, pp. 14-15).

(Woolsey)

Some time afterwards, when there was no longer need for pretense and deception, Konrad Henlein made a clear and frank statement of the mission assigned to him by the Nazi conspirators. In a lecture on the "fight for the liberation of the Sudetens" delivered in Vienna on 4 March 1941, Henlein said:

"National Socialism soon swept over us Sudeten Germans. Our struggle was of a different character from that in Germany. Although we had to behave differently in public, we were, of course, secretly in touch with the National Socialist revolution in Germany so that we might be a part of it. The struggle for Greater Germany was waged on Sudeten soil, too. This struggle could be waged only by those inspired by the spirit of National Socialism, persons who were true followers of our Fuehrer, whatever their outward appearance. Fate sought me out to be the leader of the national group in its final struggle. When . . . in autumn, 1933, the leaders of the NSLAP asked me to take over the political leadership of the Sudeten Germans, I had a difficult problem to solve. Should the National Socialist Party continue to be carried on illegally or should the movement, in the interest of the self-preservation of the Sudeten Germans and in order to prepare their return to the Reich, wage its struggle under camouflage and by methods which appeared quite legal to the outside world? For us Sudeten Germans only the second alternative seemed possible, for the preservation of our national group was at stake. It would certainly have been easier to exchange this hard and mentally exhausting struggle for the heroic gesture of confessing allegiance to National Socialism and entering a Czechoslovak prison. But it seemed more than doubtful whether by this means we could have fulfilled the political task of destroying Czechoslovakia as a bastion in the alliance against the German Reich."

(_____ PS. Lecture by Konrad Henlein, Vienna, 4 March 1941. Quoted in "Four Fighting Years", Czechoslovak Ministry of Foreign Affairs, 1943, p. 29).

X

THE NAZI CONSPIRATORS USED HENLEIN AND HIS FOLLOWERS TO PAVE THE WAY FOR THE PENDING ATTACK.

As the military preparations to attack Czechoslovakia moved forward in the late summer and early fall, the Nazi command made good use of Henlein and his followers. The leader of the Henlein Germans in Jihlava, deep in Czechoslovakia, received his first instructions to organize armed resistance in the winter of 1938 and received additional orders through the summer up until mid-September.

(851-PS. Telegram Hansmann to Hitler, 15 October 1938).

(Woolsey)

About the first of August the Air Attache at the German Legation in Prague visited the Sudeten German leader in Freudenthal, and with his assistance and in the company of the local leader of the F. S. (the Henlein equivalent of the SS) he reconnoitered the surrounding countryside to select possible airfield sites for German use. The F. S. leader, a Czech reservist then on leave, was in the uniform of the Czech army - a fact which, the attache noted, served as excellent camouflage. Reference is made in the Air Attache's report and in the accompanying memorandum to the presence of reliable agents and informers (V-Leute), drawn from the ranks of the Henlein Party, in this area. These agents apparently reported to the Abwehrstelle (Intelligence Office) in Breslau.

(1536-PS. Luftwaffe General Staff file on preparations to establish airfields in Czech territory, 4 and 12 August 1938).

In September, when the propaganda campaign was reaching its height, the Nazis were not satisfied with playing merely on the Sudeten demands for autonomy. On 19 September the Foreign Office in Berlin telegraphed the German Embassy in Prague to get in touch with Kundt, one of Henlein's deputies, and to tell him to have the Slovaks start their demands for autonomy the next day.

(British A/DP/34. Telegram German Foreign Office to Prague, 19 September 1938).

As the harassed Czech government sought to stem the disorder in the Sudetenland, the German government turned to threatening diplomatic tactics in a deliberate effort to increase the tension between the two countries. On 16 September the Foreign Office wired the German Embassy in Prague that 150 Czech subjects had been arrested that night as an "answer" to the arrest of Sudeten Germans in the period since Hitler's inflammatory speech at Nurnberg on 12 September.

(British A/DP/32. Telegram German Foreign Office to Prague, 16 September 1938).

On 17 September the Foreign Office wired that the Nazi conspirators had decided that as many Czech subjects, Czech-speaking Jews included, will be arrested in Germany as Sudeten Germans have been detained in Czechoslovakia since the beginning of the week. Furthermore, if the death sentence on

(Woolsey)

Sudeten Germans is carried out, an equal number of Czechs will be shot in Germany.

(British A/DP/31. Telegram German Foreign Office to Prague, 17 September 1938).

On 24 September Berlin telegraphed that the Czech staff in Marshegg had been arrested as reprisal for the Czech Sudeten arrests.

(British A/DP/29. Telegram German Foreign Office to Prague, 24 September 1938).

On the same day the Foreign Office notified the German Minister in Prague that the handing over of Czech hostages to prevent carrying out of the Sudeten sentences is out of the question.

(British A/DP/33. Telegram German Foreign Office to Prague, 24 September 1938).

In the latter half of September Henlein devoted himself and his followers wholeheartedly to preparation for the coming German attack. On 14 September, after Hitler's provocative Nurnberg speech in which he accused "this Benes" of "torturing" and planning the "extermination" of the Sudeten Germans, Henlein and Karl Hermann Frank, one of his principal deputies, fled to Germany to avoid arrest by the Czech government. In Germany Henlein broadcast over the powerful Reichsender his determination to lead the Sudeten Germans "home to the Reich" and denounced "the Hussite Bolshevik criminals of Prague." (998-PS, cited above, p. 12). From his headquarters at Bayreuth, he kept in close touch with the leading Nazi conspirators, including Hitler and Himmler. He directed activities along the border and began the organization of the Sudeten German Free Corps, an auxiliary military organization.

Henlein's activities were carried on with the advice and assistance of the Nazi leaders. Lt. Col. Koechling was assigned to Henlein in an advisory capacity to assist with the Sudeten German Free Corps. In a conference with Hitler on the night of 17 September Koechling received far-reaching military powers. At this conference the purpose of the Free Corps was frankly stated: the "maintenance of disorder and clashes" (388-PS, cited above, Item 25).

(Woolsey)

Supplied by the OKH and armed with Austrian rifles and grenades, the Free Corps was deployed at points along the Czech border. Gottlob Berger, an SS colonel who was stationed at Henlein's headquarters as liaison with Himmler, reports that about 18,000 rifles were issued to the Free Corps and that it had a paper strength of 40,000. (1780-PS, Jodl diary, 19 September; Berger interrogation, 31 October). Arms were smuggled to Henlein units in Czechoslovak territory. (K. H. Frank interrogation, 30 May.)

During the last two weeks of September the Free Corps engaged in active skirmishing along the Czech border, furnishing incidents and provocation in the desired manner. Jodl feared that the operations of the Free Corps might draw Czech units to the border and interfere with the German attack. (1780-PS, Jodl diary, 20 September). A report from Henlein's staff, which was filed in Hitler's headquarters, said:

"Since 19 September - in more than 300 missions - the Free Corps has executed its task with an amazing spirit of attack . . . The result of the first phase of its activities: more than 1500 prisoners, 25 MG's, and a large amount of other weapons and equipment, aside from serious losses in dead and wounded suffered by the enemy."

(388-PS, cited above, Item 30).

The SS and SD were also active along the Czech border. Berger was Himmler's liaison man with Henlein at Bayreuth and was charged, among other duties, with selecting suitable SS men from among the Sudeten Germans. Two battalions of the Totenkopf SS were stationed near Asch, one of the centers most plagued by "incidents", two others were stationed near Dresden, and a fifth and sixth near Brieg, in upper Silesia. There was an SD office at Hof, which forwarded to Berlin all intelligence received from the border districts and was in constant touch with RSHA headquarters. Many of the SS reports were directed to Amt III, of the RSHA, which was then headed by Jost.

(Berger interrogation, 31 October;
Naujocks interrogation, 1 November;
388-PS, cited above, Item 36).

As the time for X-day approached, the disposition of the Free Corps became a matter of dispute. On 26 September Himmler issued an order to the Chief of Staff of the Sudeten German Free Corps directing that the Free

(Woolsey)

Corps come under control of the Reichsfuhrer SS in the event of German invasion of Czechoslovakia. (383-PS, cited above, Item 37). On 28 September defendant Keitel directed that as soon as the Germany Army crosses the Czech border the Free Corps Henlein will take orders from OKH. Until that time they will continue to receive immediate directions from Hitler. Prior to the German attack units of the Free Corps operating in Czech territory

"will have to report to the local border patrol HQ leader shortly before crossing the border. Those units remaining forward of the border should - in their own interests - maintain close communication with the Grenzschutz (border patrol)."

(388-PS, cited above, Item 34).

On 30 September, when it became clear that the Munich settlement would result in a peaceful occupation of the Sudetenland, defendant Keitel ordered that the Free Corps Henlein in its present composition be placed under command of Reichsfuhrer-SS and Chief of German Police Himmler (388-PS, cited above, Item 38).

XI

THE SUDETENLAND IS CEDED TO GERMANY UNDER THE TERMS OF THE MUNICH AGREEMENT.

Under the threat of war by the Nazi conspirators and with war, in fact, about to be launched, the United Kingdom and France concluded a pact with Germany and Italy at Munich on 29 September 1938. This treaty provided for the cession of the Sudetenland by Czechoslovakia to Germany. Czechoslovakia was required to acquiesce.

(T.C. 23, Agreement between Germany, the United Kingdom, France and Italy, 29 September 1938).

On 1 October 1938 German troops began the occupation of the Sudetenland.

During the conclusion of the Munich pact the Wehrmacht had been fully deployed for the attack, awaiting only the word of Hitler to begin the assault. With the cession of the Sudetenland new orders were issued. On 30 September defendant Keitel promulgated Directive #1 on "Occupation of territory separated from Czechoslovakia." This directive contained a timetable for the occupation of sectors of former Czech territory between 1 and 10 October and said:

(Woolsey)

"the present degree of mobilized preparedness is to be maintained completely; also in the West. Order for the rescinding of measures taken is being reserved. The entry is to be planned in such a way that it can easily be converted into Case Green."

It contained the further provision that "all combat action on the part of the Free Corps must cease as of 1 October."

(388-PS, cited above, Item 39).

Additional directives specifying the occupational area of the army, the units under its command, arranging for communications facilities, exchange facilities, supply and propaganda, and giving instructions to the civil departments of the government were issued over Defendant Keitel's signature on 30 September (388-PS, cited above, Items 40, 41 and 42). By 10 October von Brauchitsch was able to report to Hitler that German troops had reached the demarcation line and that the order for the occupation of the Sudetenland had been fulfilled. The OKW requested Hitler's permission to rescind Case Green, to withdraw troops from the occupied area and to relieve the OKH of executive powers in the Sudeten German area as of 15 October.

(388-PS, cited above, Items 46, 47, 49).

On 18 October, in a formal letter to the Supreme Commander of the Army, Col. Gen. von Brauchitsch, Hitler announced that the civil authorities would take over responsibility for the Sudeten German territory on 21 October and that the OKH would be relieved of executive powers as of that date. (388-PS, cited above, Item 51). On the same date additional demobilization of the forces in the Sudetenland was ordered by Hitler and defendant Keitel (388-PS, cited above, Item 52), and three days later the OKW requested Hitler's consent to the reversion of the RAD from the control of the armed forces.

(388-PS, cited above, Item 53).

As the German forces entered the Sudetenland Henlein's Sudetendeutsche Partei was merged with the NSDAP of Hitler. The two men who had fled to Hitler's protection in mid-September, Henlein and Karl Hermann Frank, were appointed Gauleiter and Deputy Gauleiter, respectively, of the Sudetengau. In the parts of the Czechoslovak Republic that were still free the

(Woolsey)

Sudetendeutsche Partei constituted itself as the National-Sozialistische Deutsche Arbeiter-Partei in der Tschechoslovakei (NSDAP in Czechoslovakia) under the direction of Kuntz, another of Henlein's deputies. The stage was prepared for the next move of the Nazi conspirators.

(998-PS, cited above, p. 13; K. H. Frank interrogation, 30 May).

XII

ALMOST IMMEDIATELY THE NAZI CONSPIRATORS LAY PLANS FOR THE CONQUEST OF THE REMAINDER OF CZECHOSLOVAKIA.

With the occupation of the Sudetenland and the inclusion of the German-speaking Czechs within the Greater Reich it might have been expected that the Nazi conspirators would be satisfied. On 26 September, at the Sportpalast in Berlin, Hitler assured the world:

"It is the last territorial claim which I have to make in Europe . . . from the moment when Czechoslovakia solves its problems, that is to say, when the Czechs have come to an arrangement with their other minorities, peacefully, without oppression, I shall no longer be interested in the Czech State. And this I guarantee. We don't want any Czechs at all."

(TU-28 or 2358-PS, Speech by Hitler, 26 September 1938).

Yet within a month Hitler and defendant Keitel were preparing estimates of the military forces required to break Czechoslovak resistance in Bohemia and Moravia. Sometime in the first two weeks of October Hitler propounded to the OKW four questions:

"What reinforcements are necessary in the present situation to break any Czech resistance in Bohemia and Moravia?"

"How much time is required for the regrouping or moving up of additional forces?"

"How much time will be required for the same purpose if it is to be executed after the intended demobilization and return measures?"

"How much time would be required to achieve the state of readiness of October 1st?"

To those queries defendant Keitel brought back the considered answers of the OKH and the Luftwaffe.

(388-PS, cited above, Item 48).

On 21 October, the day on which the administration of the Sudetenland was handed over to the civilian authorities, a formal directive outlining the future tasks of the armed forces was signed by Hitler and initialled by

defendant Keitel. This directive stated unequivocally that the Wehrmacht must be prepared at all times for the defense of the frontiers, for "the liquidation of the remainder of Czechoslovakia," and for the occupation of the Memelland. On Czechoslovakia the directive read as follows:

"It must be possible to smash at any time the remainder of Czechoslovakia if her policy should become hostile towards Germany.

"The preparations to be made by the Armed Forces for this contingency will be considerably smaller in extent than those for 'Green'; they must, however, owing to the fact that planned mobilization must be given up, guarantee a continuous and considerably higher state of preparedness.

"The organization, order of battle and state of readiness of the units earmarked for that purpose are in peace-time to be so arranged for an assault that Czechoslovakia herself will be deprived of all possibility of organized resistance. The object is the swift occupation of Bohemia and Moravia, and the cutting off of Slovakia. The preparations should be such, that at the same time 'Grenzsicherung West' (codeword for measures of frontier defence in the West) can be carried out . . ."

(C-136. Order on Preparations for War, 21 October 1938, signed by Hitler and initialled by Keitel).

Two months later, on 17 December, defendant Keitel issued an appendix to the original directive stating that on the order of the Fuhrer preparations for the liquidation of Czechoslovakia are to continue. Proceeding on the assumption that no resistance worth mentioning is to be expected, this order emphasized that the attack is to be well camouflaged so that it will not appear to be a warlike action. It read as follows:

"To the outside world too it must appear obvious that it is merely an action of pacification and not a warlike undertaking. The action must therefore be carried out by the peace time Armed Forces only, without reinforcements from mobilisation. The necessary readiness for action, and especially security of the bringing up of the most necessary supplies, are to be attained by adjustment within the units.

"Similarly the units of the Army detailed for the march in will, as a general rule, leave their stations only during the night, before the crossing of the frontier, and will not previously concentrate on the frontier as the plan lays down. The transport necessary for previous organisations will be limited to the bare minimum and will be camouflaged as much as possible . . ."

(C-138, Supplement to 21 October Order, 17 December 1938, signed by Keitel).

(Woolsey)

As the Wehrmacht moved forward with plans for what it clearly considered would be an easy victory, the Foreign Office played its part. In a discussion of means of improving German-Czech relations with the Czechoslovak Foreign Minister, Chvalkovsky, in Berlin on 21 January 1939, Ribbentrop urged upon the Czech government a "quick reduction" in the size of the Czech army.

(2795-PS, Notes on Ribbentrop -
Chvalkovsky conversation,
21 January 1939, handwritten
postscript by Ribbentrop).

XIII

THE NAZI CONSPIRATORS SUPPORT A FIFTH
COLUMN TO ASSIST IN THE FINAL LIQUIDATION OF CZECHOSLOVAKIA.

As in the case of Austria and the Sudetenland, the Nazi conspirators did not intend to rely on the Wehrmacht alone to accomplish what they called the "liquidation" of Czechoslovakia. With the German minority separated from the Czechoslovakia, the cry could no longer be "home to the Reich." One sizeable minority, the Slovaks, remained within the Czechoslovak State. It was in Slovakia that the Nazi conspirators found fertile ground for their tactics.

Nazi propaganda and "research" groups had long been interested in maintaining close connections with the Slovak autonomist opposition. When Bela Tuka, who later became Prime Minister of "independent" Slovakia, was tried for espionage and treason in 1929, the evidence established that he had already established connections with the Nazi conspirators. Prior to 1938 Nazi aides were in close contact with Slovak traitors living in exile and were attempting to establish more profitable contacts in the semi-fascist Slovak Catholic Peoples Party of the late Monsignor Andrew Hlinka. (998-PS, cited above, 13-14). In February 1938 the leaders of the Henlein movement conferred with Father Hlinka himself and agreed to furnish one another with mutual assistance in pressing their respective claims to autonomy. In July 1938, at a meeting between Henlein leaders and Tise and Sider, two of Father Hlinka's deputies, further cooperation was agreed upon. (K. H. Frank interrogation, May 30). This understanding proved useful in the September agitation when, at the proper moment, the Foreign Office in Berlin wired Henlein leader Kundt in Prague to tell the Slovaks to start their demands for autonomy.

British A/DP/34. Telegram German
Foreign Office to Prague, 19 Sep-
tember 1938.

By this time the Nazis were in direct contact with figures in the Slovak autonomist movement and had paid agents among the higher staff of Father Hlinka's party. These agents undertook to render impossible any

understanding between the Slovak autonomists and the Slovak parties in the government at Prague. (928-PS, cited above, p. 14). Franz Karmasin, later to become Volksgruppenfuehrer, had been appointed Nazi leader in Slovakia and professed to be serving the cause of Slovak autonomy while on the Nazi pay roll. On 22 November the Nazis indiscreetly wired Karmasin to collect his money at the German Legation in person.

British A/DP/19. Telegram German Legation. Prague, to Bratislava, 22 November 1938).

Later in the winter, defendant Goering conferred with Durcansky and Mach, two leaders in the Hlinka Catholic People's Party, who were accompanied by Karmasin. The Slovaks told Goering of their desire for independence with strong political, economic and military ties to Germany. They promised that the Jewish problem would be solved as it had been in Germany; that the Communist Party would be prohibited. The notes of the meeting report that Goering considered that the Slovak efforts towards independence were to be supported in a suitable manner. The reasons for the decisions were two-fold: first, "Czechoslovakia without Slovakia is even more delivered up to us"; and second, air bases in Slovakia would be of great importance for the German Air Force in a war against the East.

2801-PS. Minutes of Conversation between Goering and Durcansky, undated.

In addition to the Slovaks, the Nazi conspirators made use of the few Germans still remaining within the mutilated Czech republic. Kundt, Henlein's deputy who had been appointed leader of this German minority, created as many artificial "focal points of German culture" as possible. Germans from the districts handed over to Germany were ordered from Berlin to continue their studies at the German University in Prague and to make it a center of aggressive Naziism. With the assistance of German civil servants, a deliberate campaign of Nazi infiltration into Czech public and private institutions was carried out, and the Henleinists gave full cooperation with Gestapo agents from the Reich who appeared on Czech soil. The Nazi "political activity" was designed to undermine and to weaken Czech resistance to the commands from Germany. In the face of continued threats and duress on both diplomatic and propaganda levels,

the Czech government was unable to take adequate measures against these trespasses on its sovereignty. (998-PS, cited above, p. 17).

In early March, when the date had been set for the march into Czechoslovakia, the fifth column activity moved into its final phase. In Bohemia and Moravia the FS, Henlein's equivalent of the SS, were in touch with the Nazi conspirators in the Reich and laid the groundwork for the attack of 14 and 15 March. The principle FS groups were formed from the German student organizations in Prague and Brno, with other units in the isolated German settlements which still remained in the Czechoslovak Republic. Once the aggression had begun, the FS attempted to seize control before the arrival of German troops, took steps to prevent the burning of archives and files by the Czech authorities, and performed various tasks essential to obtaining quick control of the political authority. On the arrival of the SS with the first columns of the German Army, the FS served as their auxiliaries and collaborators. The value of their work was attested by Hitler, who personally congratulated them at a review in the Burg yard at Prague on 16 March, and by Himmler and Heydrich, who admitted many of the FS into the SS on 15 March and on the following days with appropriate acknowledgment.

2826-PS. "The SS on March 15, 1939"
by K. H. Frank, cited above.

In Slovakia events came to a crisis on 10 March. On that day the Czechoslovak government dismissed those members of the Slovakian cabinet who refused to continue negotiations with Prague, among them Prime Minister Tiso and Durcansky. On the following day Monsignor Tiso addressed an appeal for help to the German government.

Dispatches by M. Coulondre, the
French Ambassador in Berlin, to
Minister for Foreign Affairs.
French Yellow Book Nos. 55, 57,
62, 65, 73, 77 and 79. No. 57,
13 March 1939.

The Nazi conspirators answered Monsignor Tiso's appeal. Durcansky escaped to Vienna, where the facilities of the Vienna broadcasting station were placed at his disposal. The German press and radio launched a violent campaign against the Czechoslovak government. (Coulondre, No. 65). The SS and SD, which had already developed contacts with the Hlinka

Guards, shipped additional explosives into Slovakia. One shipment of explosives was brought from Berlin to an outpost of the SD at a village across the Danube from Bratislava. At this SD office were gathered a number of Slovak autonomist leaders, including Durcansky, Mach, and Karmasin, in conference with local Nazi representatives. The explosives were distributed to Hlinka guard outposts in Slovakia, presumably for use in terroristic escapades and the creation of incidents. (Naujocks interrogation, 1 November).

XIV

UNDER THREAT OF MILITARY FORCE
CZECHOSLOVAKIA IS COMPELLED TO PERMIT
THE ENTRY OF GERMAN TROOPS.

With preparations on the military and propaganda levels well under way, only the formalities remained before Czechoslovakia would be "liquidated". It was determined that the attack should take place in mid-March.

As during Case Green of the preceding summer, the Nazi conspirators had invited Hungary to participate in the attack. Admiral Horthy, the Hungarian regent, was flattered by the invitation. On 13 March he wrote Hitler as follows:

"Your Excellency,

My sincere thanks.

I can hardly tell you how happy I am because this Spa-District - I dislike using big words - is of vital importance to the life of Hungary.

In spite of the fact that our recruits have only been serving for 5 weeks we are going into this affair with eager enthusiasm. The dispositions have already been made. On Thursday, the 16th of this month, a frontier incident will take place which will be followed by the big blow on Saturday.

I shall never forget this proof of friendship and your Excellency may rely on my unshakable gratitude at all times.

Your devoted friend.

(Signed) HORTHY

Budapest. 13.3.1939."

2816-PS. Letter, Horthy to
Hitler, 13 March 1939.

On the same day Ribbentrop sent a cautionary telegram to the German minister in Prague, outlining the course of conduct he should pursue during

the coming diplomatic pressure.

"In case you should get any written communications from President Hacha," he wrote, "please do not make any written or verbal comments or act in any way, but pass them on here by cipher telegram. Moreover, I must ask you and the other members of the Embassy to make a point of not being available if the Czech government want to get into touch with you in the next few days."

2815-PS. Telegram, Ribbentrop to
Prague, 13 March 1939.

On the afternoon of 13 March Monsignor Tiso, accompanied by Duroansky and Karmasin, the local Nazi leader, arrived in Berlin in response to a summons from Hitler. (Coulondre, No. 62). At a conference with the Fuehrer, Tiso was directed to declare an independent Slovak state which would enjoy German protection.

2802-PS. Notes on Conference,
Hitler-Tiso, 13 March 1939.

Later in the evening Tiso and Duroansky conferred with Ribbentrop and various high Nazi officials until well after midnight. On 14 September, pursuant to the wishes of the Nazi conspirators, the Diet of Bratislava proclaimed the independence of Slovakia. (Coulondre, No. 65).

On the evening of the 14th, at the suggestion of the German Legation in Prague, M. Hacha, the president of the Czechoslovak republic, and M. Chvalkovsky, his foreign minister, arrived in Berlin. The atmosphere in which they found themselves was hostile. Since the preceding weekend the Nazi press had accused the Czechs of using violence against the Slovaks and especially against members of the German minority and citizens of the Reich. Both press and radio proclaimed that the lives of Germans were in danger, that the situation was intolerable and that it was necessary to smother as quickly as possible the focus of trouble which Prague had become in the heart of Europe. (Coulondre, No. 66).

After midnight on the 15th, at 0115, Hacha and Chvalkovsky were ushered into the Reich Chancellery. They found there Hitler, defendants von Ribbentrop, Goering and Keitel, and von Weizsacker, Weissner, Dietrich and Fewel. Hacha was conciliatory. He thanked the Fuehrer for receiving him and said he knew that the fate of Czechoslovakia rested in the Fuehrer's hands.

Hitler began by saying that Hacha's journey could be of great use to the country, in spite of the great age of the President, because it was only a matter of hours before Germany attacked.

"The dice fell last Sunday, and now I have given the order to the German forces to march into Czechoslovakia and make it part of the German Reich. Germany's attitude towards Czechoslovakia will depend on the attitude adopted by the Czech military and civilian population towards the German troops. At 6 a.m. the German army will attack from all sides and the Luftwaffe will occupy Czech aerodromes. The Czech army will not exist in a few days time."

Hacha asked if the object of the occupation was to disarm the Czech army. If so, that might be arranged. Hitler replied that his decision was final.

"After a time," he said, "all bitterness will fade."

2798-PS German Foreign Office Minutes
of meeting Hitler-Hacha, 15 March 1939.

The Czech president and Foreign Minister were then confronted with a document for their signature. This document stated that

"the president of the Czechoslovak State...entrusts with entire confidence the destiny of the Czech people and the Czech country to the hands of the Fuehrer of the German Reich."

TC-49. Declaration of 15 March 1939,
signed Hitler, von Ribbentrop, Hacha,
Chvalkovsky.

Hacha and Chvalkovsky protested against such an indignity. They said they would be forever cursed by their people if they signed such a statement. The Nazi conspirators told them of the power of the Wehrmacht. The Nazis said that if they refused the Luftwaffe would bomb half Prague into ruins in two hours. After several hours of duress Hacha and Chvalkovsky signed this document which delivered Czechoslovakia into German hands. (Coulondre, Nos. 73, 77). Nazi officials who had been drinking wine in an anteroom during this hiatus then joined the Fuehrer and drank to his success (Goering and Keitel interrogations).

While the Nazi conspirators were intimidating the representatives of the Czech government, the Wehrmacht had already begun the march on Czechoslovakia. On the evening of the 14th, before Hacha and Chvalkovsky had been received by Hitler, German SS detachments occupied the Czech towns of Mahrtsch-Ostrau and Vitkovice.

British Blue Book Nos. 10 and 12;
Goering interrogation.

At dawn of the 15th German troops poured into Czechoslovakia from all sides. Hitler issued an Order of the Day to the Armed Forces and a

Proclamation to the German People, which stated succinctly, "Czechoslovakia has ceased to exist."

TC-50. Proclamation to the German People and Order to the Wehrmacht, 15 March 1939.

On the following day, in direct contravention of Article 81 of the Treaty of Versailles, Czechoslovakia was formally incorporated into the German Reich under the name of the "Protectorate of Bohemia and Moravia". The decree was signed in Prague by Hitler, Lammers, and defendants Frick and von Ribbentrop. Bohemia and Moravia were placed under a German Protector in a German Protectorate. The German government assumed charge of their foreign affairs, of their customs and their excise, and of their bank reserves. It confiscated without payment the equipment of their army. It was specified that German garrisons and military establishments might be maintained in the Protectorate.

TC-51. Decree Establishing the Protectorate of Bohemia and Moravia, 16 March 1939.

At the same time Slovakia, which at German urging had done so much to undermine the Czech State, found that its independence was in fact qualified. A Treaty of Protection between Slovakia and the Reich, under which Germany was given authority to construct military installations and to maintain garrisons in bread areas of the Slovak State was signed in Vienna on 18 March and by defendant Ribbentrop in Berlin on 23 March.

1439-PS. Treaty of Protection between the German Reich and the State of Slovakia, 23 March 1939.

The Nazi conspirators in their private conversations considered Slovakia a puppet State and felt themselves bound by the Treaty of Protection only as long as it should prove convenient.

R-100. Memorandum of Instructions given by Hitler to von Brauchitsch, 25 March 1939.

The German conquest of Czechoslovakia in direct contravention of the Munich agreement was the occasion for formal protests from the British and French governments.

TC-52 and TC-53, 17 March 1939.

On 17 March, Sumner Welles, the Acting Secretary of State, speaking for the United States of America, said:

"This Government...cannot refrain from making known this country's condemnation of the acts which have resulted in the temporary extinguishment of the liberties of a free and independent people."

Peace and War, No. 126.

XV

THE IMPORTANCE OF CZECHOSLOVAKIA
IN FUTURE AGGRESSIONS.

Defendant Goering was from the start aware of the economic and strategic advantages which would accrue from the possession of Czechoslovakia. In the fall of 1938, only two weeks after the march into the Sudetenland, he called for plans for an Oder-Danube Canal, for search for oil and ore in Slovakia and for thorough economic exploitation of Bohemia and Moravia.

1301-PS. Item 10, Minute of Conference with Goering on Acceleration of Armament, 14 October 1938.

After a conference with a pro-Nazi Slovak delegation in the winter of 1938-39 Goering noted that air bases in Slovakia would be of great importance for the German Air Force in a war against the East.

2801-PS. Minute of discussion Goering-Durcansky.

On 15 April 1939 Goering pointed out to Mussolini and Ciano that the acquisition of Czechoslovakia's production capacity had materially strengthened the position of the Axis.

1874-PS. Notes on a conference between Goering, Mussolini and Ciano, 15 April 1939.

At a conference with the Wehrmacht economic staff on 25 July 1939 Goering developed at length his view of the economic importance of Bohemia and Moravia. He stated that one of the reasons for the incorporation of the remainder of Czechoslovakia into the Reich was to increase the German war potential through exploitation of the industry therein located. He warned against measures that might reduce the type and extent of armament production in the Protectorate.

R-133. Note on a Conference on 25 July 1939 with Goering, signed Mueller.

With the conquest of Czechoslovakia successfully concluded, the Nazi conspirators had obtained resources and production facilities for their

war economy. They had also obtained bases for the next step in their program of expansion. Defendant Jodl has stated:

"The bloodless solution of the Czech conflict in the autumn of 1938 and spring of 1939 and the annexation of Slovakia rounded off the territory of Greater Germany in such a way that it now became possible to consider the Polish problem on the basis of more or less favorable strategic premises."

L-172. "The Strategic Position at the Beginning of the 5th Year of War," lecture by Jodl at Munich, 7 November 1943.

In the fall of 1939 Hitler described the process by which he had rebuilt the military power of the Reich:

"It was clear to me from the first moment," he said, "that I could not be satisfied with the Sudeten German territory. That was only a partial solution. The decision to march into Bohemia was made. Then followed the erection of the Protectorate and with that the basis for the action against Poland was laid..."

789-PS. Speech by Hitler to his Military Commanders, 23 November 1939.

ARGUMENT AND CONCLUSION

The foregoing evidence establishes that the defendants in the course of their conspiracy, and particularly through the actions of certain defendants and conspirators, committed the following illegal acts:

1. They interfered by direct and indirect means over a period of years in the internal affairs of the Czechoslovak state. By so doing they intended to promote civil disobedience to this state and to weaken resistance to the Nazi plan of aggression.

2. They conceived, prepared and mounted in the spring and summer of 1938 military operations designed to conquer Czechoslovakia. In this period they used propaganda, threats and direct action to undermine the authority of the Czechoslovak state and to create an artificial state of tension which might serve as "justification" for the contemplated attack. These acts were in violation of the Arbitration Treaty between Germany and Czechoslovakia signed at Locarno 16 October 1925 and of assurances freely given by defendants Goering and von Neurath on 11 and 12 March 1938. As a result of this duress the Sudetenland, under the terms of the Munich agreement, was ceded to the German Reich.

3. They conceived, prepared and mounted in the fall of 1938 and the winter of 1939 further military operations designed to conquer the remainder of Czechoslovakia. In this period they again used propaganda, threats and direct action to undermine the authority of the Czechoslovak state and to create an artificial tension which might serve as an excuse for aggression. On 15 March 1939, under threat of imminent and merciless attack by land and by air, the President of Czechoslovakia was forced to sign a document entrusting his country to the Nazi conspirators. On the following day Czechoslovakia was incorporated into the German Reich. These acts were in violation of the Treaty of Versailles, Article 61; of the Arbitration Treaty between Germany and Czechoslovakia concluded in 1925; and of the Munich Agreement. They were in further violation of assurances freely given by the Nazi conspirators in March and September 1938.

4. They did all the foregoing as a part of their purpose to procure material and human resources and to improve their military strategic position, in furtherance of their intention to wage aggressive wars in Europe.