

PART A

OCC
Brief Section 3

(Major Jacy W. Hinely)

TRIAL BRIEF

AGGRESSION AGAINST NORWAY AND DENMARK

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C. List of Individual Defendants Involved:

Doenitz: C-5, C-115, C-122, and C-151.
Goering: C-63, C-174, and 1546-PS.
Jodl: C-63, C-64, C-119, C-174, 1546-PS,
and 1809-PS.
Keitel: C-63, C-64, C-119, C-174, 1546-PS,
and 1809-PS.
Raeder: C-5, C-63, C-64, C-65, C-115, C-122,
C-151, C-174, L-323, 007-PS,
1546-PS, and 1809-PS.
Ribbentrop: C-174, L-323, 007-PS, and 1809-PS.
Rosenberg: C-64, C-65, C-174, L-323, 007-PS,
and 1809-PS.

D. List of Criminal Organizations Involved:

General Staff and High Command:

C-5, C-63, C-64, C-65, C-115, C-119, C-122,
C-151, C-174;
L-323; and
007-PS, 1546-PS, and 1809-PS.

Reich Cabinet:

C-63, C-64, C-65, C-115, C-122, C-174;
L-323; and
007-PS, 1546-PS, and 1809-PS.

Leadership Corps:

C-63, C-64, C-65, C-115, C-119, C-174;
L-323; and
007-PS, 1546-PS, and 1809-PS

B R I E F

A. SECTION OF INDICTMENT

Count One - The Common Plan or Conspiracy

Section IV (F) 5: Expansion of the war into a general war of aggression: planning and execution of attacks on Norway and Denmark: 1939 to April 1941.

B. LEGAL REFERENCES

1. Agreement of London dated 8 August 1945 between the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics; and Article 6 (a), Crimes Against Peace, Charter of the International Military Tribunal.
2. (a) Convention for the Pacific Settlement of International Disputes, signed at the Hague, 18 October 1907. (TC-2) (Appendix C II)
- (b) Hague Convention III Relative to the Opening of Hostilities, signed 18 October 1907. (TC-3) (Appendix C III)
- (c) Hague Convention V Respecting the Rights and Duties of Neutral Powers and Persons in case of War on Land, signed 18 October 1907. (TC-4) (Appendix C IV)
- (d) Convention of Arbitration and Conciliation entered into between Germany and Denmark on 2 June 1926. (TC-17) (Appendix C XII)
- (e) Treaty between Germany and other Powers providing for Renunciation of War as an Instrument of National Policy, signed at Paris, 27 August 1928, known as the Kellogg-Briand Pact. (TC 19) (Appendix C XIII)
- (f) Treaty of Non-Aggression between Germany and Denmark signed at Berlin, 31 May 1939. (TC-24) (Appendix C XXIV)

Assurances

Norway:

Solemn Assurances of Germany given on 28 April 1939 (TC-30), 2/3 September 1939 (TC-31), and 6 October 1939 (TC-32), that it would not violate the Independence or Sovereignty of the Kingdom of Norway. (Appendix C XXII)

C. STATEMENT OF EVIDENCESection ISummary Statement of Matters Involved

The origin, development, and execution of the Nazi plans for a war of aggression against the Kingdom of Norway and the Kingdom of Denmark are indicated in the documents commented on and cited below.

In executing a part of the master plan for aggression, particularly that part involving war in the west against Belgium, Holland, Luxembourg, France, and England, the Nazis considered it highly desirable from the standpoint of war economy to insure the flow of raw materials and supplies to the Reich to enable continuance of the war. From a military standpoint, the planned aggression in the west required a secure flank on the north, and naval and air bases in Norway and Denmark for use in protecting the industrial area of the Ruhr and launching sea and air attacks against England.

In aggressively fulfilling these desires, the Nazis did not permit considerations of right, wrong, treaties, assurances, or the sovereign rights of Norway and Denmark, to deflect them from their objectives. Fifth-column activities, threats of force, and actual force were all employed in execution of the aggressive plan, which culminated in the surprise attack on, and invasion of, Norway and Denmark in the early morning of 9 April 1940.

Section II

Planning, Preparation, and Execution of the Aggression

Plans for German domination of Scandinavian countries, particularly the ports in Norway and Denmark were formulated by defendant ROSENBERG, Chief of the Foreign Affairs Bureau (Aussenpolitisches Amt or APA) of the NSDAP prior to 1939. His liaison for such fifth-column activities was established in the following manner: The APA (formed in 1933) took the Nordic Society (Nordische Gesellschaft) in Luebeck under its protection. Close relationships were established with the "Nasjonal Samling", a political group in Norway sympathetic to the Greater-Germany movement. This organization was headed by Vidkun Quisling, a Norwegian officer and former Minister of War, who had close contacts with military and civil-government personnel. During the winter of 1938-1939, the APA contacted Quisling. Subsequently, Quisling visited Germany and contacted APA, and in December 1939 again visited Germany and conferred with defendants ROSENBERG and RAEDER. On 16 and 18 December, he conferred with Hitler who promised him financial support in Norway. The German special military staff exploited the military situation by transmitting special missions to Quisling. Defendant ROSENBERG exploited the political situation. The German Foreign Office, headed by defendant RIBBENTROP, was kept advised by APA and was to defray expenses from Foreign-Office (Auswartiges Amt) funds. Scheidt of APA was placed in Oslo to maintain liaison with Quisling. Quisling reported through his representative for Germany (Hagelin) to APA, which reported through defendant ROSENBERG to Hitler. Thus, a strictly secret working arrangement was established for facilitating

execution of the aggressive plans of the Nazis against Norway and Denmark.

007-PS. Brief Report on Activities of the Foreign Affairs Bureau of the Nazi Party from 1933 to 1943 (including Annex I, The Political Preparation of the Military Occupation of Norway during the War Years 1939/1940). Signed by Rosenberg.

On or about 12 September 1939, Hitler ordered OKW to start preparations for the occupation of Norwegian bases early in 1940. In October, 1939, defendant RAEDER discussed with the Naval Commander of the Group East the possibility of German occupation of Norwegian bases.

1546-PS. Memorandum of Raeder on the occupation of Norway on 9 April 1940, dated _____.

Defendant RAEDER, on 3 October 1939, was planning on securing bases in Norway, and in Denmark (particularly Skagen), and was posing questions as to occupying them by force, defending them, and improving them for use as naval supply points and as temporary-call ports for German submarines. Defendant DOENITZ (Flag Officer, Submarines) already considered such bases extremely desirable as equipment and supply bases for the Atlantic submarine fleet. Defendant RAEDER determined to take the matter up with Hitler at the first opportunity.

"The Chief of the Naval War Staff [defendant RAEDER] considers it necessary that the Fuhrer be informed as soon as possible of the opinions of the Naval War Staff on the possibilities of extending the operational base to the North. It must be ascertained whether it is possible to gain bases in Norway...with the aim of improving our strategic and operational position."

C-122. Excerpt from War Diary of OKM, 3 October 1939.

On 9 October 1939 the Flag Officer Submarines (Operations Division) (defendant DOENITZ), after considering in detail the advantages and disadvantages of Trondheim and Narvik as bases for

German operations in continuance of the aggressive wars, recommended to defendant RAEDER that a base be established at Trondheim and that Narvik be considered as an alternate base for fuel supply.

His recommendation was:

"1) Establishment of a base in Trondheim, including:

- a) Possibility of supplying fuel, compressed air, oxygen, provisions.
- b) Repair opportunities for overhaul work after an encounter.
- c) Good opportunities for accommodating U/boat crews.
- d) Flak protection, L.A. armament, patrol and M/S units.

"2) Establishment of the possibility of supplying fuel in Narvik as an alternative."

C-5. Doenitz letter to Supreme Commander of the Navy - Naval War Staff/1st Division, Subject: Base in Norway, dated 9 October 1939.

On 10 October 1939, RAEDER discussed with Hitler "the meaning of Norway for naval and air warfare".

L-323. Excerpt from the War Diary of OKM concerning plans for the invasion of Norway.

Reports to defendant ROSENBERG and to defendant RAEDER indicated that the internal situation in Norway on and after 11 January 1940 would present an opportunity for Quisling to take over the Norwegian government by a coup d'etat and call upon Germany for help. The plans for this called for training of a select number of Norwegians in Germany, for immediate return to Norway to assist in the coup which was to include the taking over of important centers in Oslo.

"A Plan has been put forward which deals with the possibility of a coup, and which provides for a number of selected Norwegians to be trained in Germany with all possible speed for such a purpose...provided with experienced and die-hard National Socialists, who are practiced in such operationsSome important centers in Oslo would have to be taken over immediately, and at the same time the German fleet together with suitable contingents of the German Army would go into

operation when summoned especially by the new Norwegian Government....As far as the King is concerned, he [Quisling] believes that he [the King] would respect it [the coup d'etat] as an accomplished fact."

C-65. Appendix to Notes sent by Reichsleiter Rosenberg to the Commander-in-Chief of the Navy. Signed by Rosenberg. (Undated)

"From 11.1.40 the Storting and therefore the Norwegian Government would be unconstitutional, as the Storting had, contrary to the constitution, decided to prolong its term of office by a year. This would give an opportunity for a political reshuffle. Q. had good connections with officers in the Norwegian Army and had adherents in important places and important positions (e.g. railways). In such an event, Q. was prepared to take over the Government and to call upon Germany for help. Q. was also ready to promise preparation of a military nature in conjunction with the German Armed Forces."

C-64. Report of Naval Staff meeting with the Fuehrer on 12 December 1939. Signed by Raeder.

These matters were discussed with Hitler on 12 December 1939, in a conference at which defendants RAEDER, KEITEL, and JODL were present. Defendant RAEDER recommended that if Hitler were favorably impressed by Quisling, the OKW should be authorized to prepare for the occupation with Quisling's assistance or entirely by force if necessary. Hitler agreed to this.

"C. in C. Navy suggested: Should the Fuehrer have a favourable impression of Q., the Supreme Command of the Armed Forces should be authorized to make plans for the preparation and execution of the occupation.

"(a) By peaceful means---i.e., German forces summoned by Norway---or

"(b) to arrange measures by force "

C-64. Supra.

As previously indicated (OKW PS. supra) Hitler conferred with Quisling on 16 and 18 December and promised him financial support.

Entries in the OKM War Diary for 12 December 1939, show that defendant RAEDER was having a study made which would be ready in January 1940, in connection with the planned invasion.

"...Ob.d.M. is having a study made, which will be ready in January. In connection with this study, Capt (zur See) Krancke is working up in KOW the Operation Weserubung.

"Subsequently H. Hagelin maintained contact with Chief of Staff Ob.d.M. His goal was development of party Q. Quisling group, so that it would become capable of action, as well as instruction of OKM on political development in Norway and military questions....The military advice of H. was referred to OKW."

L-323, Supra.

Having laid the groundwork for fifth-column activities and definitely explored the economic, political, and military situation, the Nazis were ready to commence execution of their plan to continue the aggressive war, and, specifically to attack Norway and Denmark in order to secure naval and air bases to facilitate such continuance. In January, 1940, the Navy was ordered to concentrate barges for the planned invasion. A proposed operation in the west was used to camouflage this movement. Work was continued on "Study 'N'", with all commanders contributing officers to work in a special staff on this matter. "The entire further preparation" was to be conducted under the code word "Weserubung".

1546-PS, Supra.

C-63. OKW order dated 27 January 1940.
Signed by Keitel.

On 1 March 1940, the general directive for the invasion of Norway and Denmark was issued entitled "Directive for 'Fall Weserubung'". A purported object of the invasion was to "prevent British encroachment on Scandinavia and the Baltic". This was clearly an excuse intended for use in an announcement to the world. The specific planning and preparation over a long period of time for the acquisition by force of sea and air bases in the North is clearly indicated by the statements made and documents

cited herein above. The real object was, as shown in the directive, to "guarantee our ore base in Sweden and give our Navy and Air Force a wider start line against Britain" for continuance of the aggressive war. Units were assigned specific tasks as to the occupation of both Norway and Denmark. Excerpts from the directive follow:

- "1) ...This operation should...guarantee our ore base in Sweden and give our Navy and Air Forces a wider start line against Britain...

"On principle we will do our utmost to make the operation appear as a peaceful occupation the object of which is the military protection of the neutrality of the Scandanavian states. Corresponding demands will be submitted to the governments at the beginning of the occupation. If necessary, demonstrations by the Navy and Air Forces will provide the necessary emphasis. If in spite of this, resistance should be met with, all military means will be used to crush it.

- "2) I put in charge...the Commanding General of the XXI Army Corps, General...v. Falkenhorst...

- "3) The crossing of the Danish border and the landings in Norway must take place simultaneously...

"It is most important that the Scandanavian states as well as the western opponents should be taken by surprise by our measures...

"In case the preparations for embarkation can no longer be kept secret, the leader and the troops will be deceived with fictitious objectives.

[Some Specific Tasks]

- "4) [In Denmark] Occupation by surprise of Jutland and of Fuenen immediately after occupation of Seeland... break through as quickly as possible from Fuenen to Skagen and to the east coast...The Navy will provide forces...the Air Forces will provide squadrons...

- "5) [In Norway] Capture by surprise of the most important places on the coast by sea and airborne operations.

"The Navy will take...the landing troops as well as... forces...to Oslo...

"The Air Forces after the occupation has been completed will insure air defense and will make use of Norwegian bases for air war against Britain."

C-174. Fuehrer order, Directive for "Fall Weserubung", 1 March 1940. Signed by Hitler.

In conformity with orders theretofore issued and in connection with the impending invasion, further orders were issued in March by the Army dealing with general and special measures for the occupation; and by the Navy dealing with Operation Order "Hartmut" having as its objective the rapid surprise landing of troops in Norway, and the occupation of Denmark from the Baltic and from the land side. Provision was also made by the Navy for penetration of the Oslo fiord and Bergen harbor by using false answers to challenges, and by disguising ships in the advance elements as merchant ships.

C-119. Special Instructions on the attitude to be adopted in the occupation of Denmark and Norway, dated 13 March 1940. Signed by von Falkenhorst.

C-151. Operation Order "Hartmut", dated 30 March 1940. Issued by Doenitz (certified by Godt).

C-115. Extracts from Naval Operations Orders for operation "Weserubung" dated 24 March and 4 April 1940 (pp. 6, 84, and 106).

The invasion of Norway and Denmark was not for the purpose of preventing occupation of bases there by England as is shown by entries in defendant JODL's diary between 6 February and 9 April 1940. On 6 February, and often thereafter, the general war of aggression and the plan to attack Norway and Denmark was considered by members of the higher staffs. There was doubt as to whether to attack the Scandinavian or the Low Countries first. On 21 February, von Falkenhorst was placed in charge of the Norway-Denmark operation. Current activities of fifth-columnists were discussed. There was discussion as to how to justify "Weserubung". A "pretext" was being sought. On 26 March 1940, it was decided that "Weserubung" would be executed between the 8th and 10th of April. (The Norway-Denmark invasion took place 9 April 1940.)

1809-PS. Jodl's Diary from February 1st to May 26th, 1940 (pp. 5, 12, 13, 15, 16, 17, 19, 21, 25-30).

The foregoing general plan of aggression was practically confirmed by General von Falkenhorst (the officer charged with part of the planning and with the execution of Weserübung) in response, under oath, to questions put to him in an interrogation at Nurnberg on 24 October 1945. From his appointment in February, to the invasion date, and thereafter until the victims were overcome, he worked on the planning and execution. He denied knowledge of early fifth-column activities and searches for a pretext; but admitted that certain diplomatic maneuvers in Oslo and Copenhagen were a part of the plan, and that they were successful only in part.

Interrogation of General von Falkenhorst,
Nurnberg, 24 October 1945, pp. _____.

D. ARGUMENT AND CONCLUSION

It is submitted that the foregoing documents show that the Nazis individually and through their organizations over a long period of time, and in conformity with their master plans for aggression, planned and executed an aggressive attack on Norway and Denmark through the use of whatever means that seemed, at the time, necessary or desirable to fulfill their aims. Included in these means were fifth-column activities, diplomatic maneuvers, and over and beyond all--military force. All of this was done without regard to treaties, assurances, international law, or sovereign rights of neutral States.