

SECTION THREE

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T R I A L B R I E F

THE NAZI CONSPIRATORS' WAR OF
AGGRESSION AGAINST THE U.S.S.R.

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SECTION OF THE INDICTMENT TO BE PROVED
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6. (page 9) The German invasion on June 22nd, 1941,
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On June 22nd, 1941, The Nazi conspirators deceitfully de-
nounced the non-aggression Pact between Germany and the U.S.S.R.
without any declaration of war, invaded the Soviet territory
thereby beginning a war of aggression against the U.S.S.R.

REPORT OF THE JOINT LEGAL AND REFERENCE COMMITTEE

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CHARTER OF THE INTERNATIONAL MILITARY TRIBUNAL

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II. JURISDICTION AND GENERAL PRINCIPLES

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;

* * * * *

S T A T E M E N T
O F
E V I D E N C E

POINT I

ON 23 AUGUST 1939 THE NAZI CONSPIRATORS IN FURTHERANCE OF THE GENERAL CONSPIRACY CAUSED GERMANY TO ENTER INTO A TREATY OF NON-AGGRESSION WITH THE U.S.S.R. IN ORDER THEREBY TO AVOID A TWO-FRONT WAR IN THE COURSE OF THE AGGRESSIONS WHICH THEY INTENDED TO COMMIT IN THE COMING MONTHS.

1. This treaty provided, inter alia, the following:
 - a. "The two contracting parties undertake to refrain from any act of violence, any aggressive action, or any attack against one another, whether individually or jointly with other powers." (Article 1)
 - b. "Should disputes or conflicts arise between the contracting parties regarding questions of any kind whatsoever, the two partners would clear away these disputes or conflicts solely by friendly exchanges of views or if necessary by arbitration commission." (Article 5)
T.C. 25, German-Soviet Non-aggression Treaty of 23 August 1939.
2. The Treaty was signed for the German Government by the defendant Ribbentrop, and for the U.S.S.R. by the Soviet Foreign Minister Molotov as plenipotentiary of his Government.
3. The defendant Ribbentrop himself, in the course of a discussion with the Japanese Ambassador Oshima at Fuschl on 23 February 1941, explained that the pact with the U.S.S.R. had been concluded in order to avoid a two-front war and that this was also in the interests of Japan which was interested in an early German victory.

1834 PS, Original Minutes on Discussion, RIBBENTROP-OSHIMA, Foreign Office archives, p. 65218.

POINT II

EVEN WHILE THE CAMPAIGN IN THE WEST WAS STILL IN PROGRESS THE NAZI CONSPIRATORS BEGAN TO THINK SPECIFICALLY AND CONCRETELY ABOUT BREACHING THE 1939 TREATY AND LAUNCHING A WAR OF AGGRESSION AGAINST THE U.S.S.R.

1. In reviewing the history of the previous years in a speech at Munich in 1943, the Chief of Staff of the High Command, the defendant Jodl, stated;

"Parallel with all these developments realization was steadily growing of the danger drawing constantly nearer from the Bolshevik East - that danger which has been only too little perceived in Germany and latterly, for diplomatic reasons, had deliverately to be ignored. However, the FUEHRER himself has always kept this danger steadily in view and even as far back as during the Western Campaign had informed me of his fundamental decision to take steps against this danger the moment our military position made it at all possible."

L 172, "The Strategic Position at the Beginning of the 5th Year of War", p.15, a lecture delivered by JODL on 7 November 1943, at Munich to Reich and Gauleiters.

POINT III

WITH THE SIGNING OF THE FRANCO - GERMAN ARMISTICE AT COMPIEGNE ON 22 JUNE 1940, THE CAMPAIGN IN THE WEST, WITH THE EXCEPTION OF THE WAR AGAINST ENGLAND, WAS ENDED AND THE NAZI CONSPIRATORS SOON BEGAN SERIOUS CONSIDERATION OF THE POSSIBILITY OF ATTACKING THE U.S.S.R. DURING THE AUTUMN OF 1940. THE DATE OF THE ATTACK WAS POSTPONED, HOWEVER, BECAUSE OF THE PURELY MILITARY DIFFICULTIES PRESENTED BY THE DEPLOYMENT OF TROOPS FROM THE WEST TO THE EAST.

1. Defendant Jodl states that in the latter part of July or early August of 1940, Hitler entrusted him with the task of studying the possibilities of

beginning an attack against the U.S.S.R. yet that fall. Jodl at that time told Hitler that, in his opinion, such a starting date was out of the question for purely military reasons. However Warlimont (Deputy Chief of the Operations Staff of the High Command of the Armed Forces) was asked to study the problem and on the basis of his study Jodl made a verbal report to the Fuehrer to the effect that such a campaign would be impossible during the autumn, because of the problem of transporting the troops from the western to the Eastern front. This report convinced the Fuehrer that the initial date for the attack would have to be postponed. (Transcript of Interrogation of Alfred JODL, 30 August 1945 (1415-1650), pp. 10-14.

2. Further indication of activity during the early Fall of 1940, in preparation for an attack on the U.S.S.R. is seen in an OKW directive signed by the defendant JODL and issued to the German Intelligence Service in the East on 6 September 1940. In this directive it is pointed out that the occupation forces in the East are to be increased in the following weeks, but that this regrouping should not be permitted to create the impression in the U.S.S.R. that Germany is preparing an Eastern offensive. Therefore the German Intelligence Service should, for the benefit of the Soviet Intelligence Service, see to it that the total strength of German troops in the East is camouflaged by reports of frequent changes of units in the area, explained by the shifting of training camps, etc. Also the impression should be created that the bulk of the troops are in

the South with only a small number in the North.
1229 PS, Copy of OKW Directive to the German intelligence service in the East, 6 September 1940, signed by JODL.

POINT IV

MILITARY FACTORS HAVING FORCED A POSTPONEMENT OF THE DATE FOR THE INITIATION OF THE WAR, HIGH LEVEL PRELIMINARY PLANNING PROCEEDED APACE DURING THE FALL OF 1940 ON THIS NEW BASIS. ON 18 DECEMBER 1940 AS A RESULT OF SUCH PLANNING THERE WAS ISSUED, IN THE FORM OF A FUEHRER ORDER, THE BASIC STRATEGICAL DIRECTIVE, ACTION "BARBAROSSA", ANNOUNCING THE DECISION TO ATTACK THE U.S.S.R. AND CALLING UPON THE VARIOUS SERVICES TO MAKE DETAILED PREPARATIONS ACCORDINGLY.

1. Although military difficulties had forced a postponement of the date of the beginning of the action against the U.S.S.R., high level preliminary planning for such an attack continued throughout the Fall of 1940. Transcript of Interrogation of Alfred JODL, 10 September 1945 (PM), pp.1-6.
2. On 12 November 1940, Hitler issued a Top Secret directive concerning the preparatory measures of Supreme Headquarters for the prosecution of the war in the near future. In this directive he sets forth the lines to be followed and has the following to say about the U.S.S.R.:

"5) Russia

Political discussions have been initiated with the aim of clarifying Russia's attitude for the time being. Irrespective of the results of these discussions, all preparations for the East which have already been verbally ordered will be continued."

Instructions on this will follow as soon as the general outline of the army's operational plans has been submitted to, and approved by, me."

444 PS, Original Directive No. 18, Fuehrer's Headquarters, 12 November 1940, signed by Hitler and initialed by JODL. Quotation from p.3 of English translation. (Underscoring supplied)

3. On 5 December 1940, the Chief of the German General Staff delivered a lecture at the Fuehrer's Hqs. on the planned operation in the East. 1799 PS copy of a memorandum covering lecture of Chief of German General Staff on planned operation in the East.
4. By the middle of December 1940 the outline of operational plans referred to in Directive No. 18 (see IV, 2, supra) had been submitted to Hitler and on the 18th of that month he signed the basic strategical directive to the High Commands of the Army, Navy, and Air Forces for action "Barbarossa". This order began with the statement that:

"The German Armed Forces have to be ready to defeat Soviet Russia in a swift campaign even before the end of the war against Great Britain. (Action Barbarossa)". (original p.1) (Underscoring supplied)

The directive further stated that:

"Preparations requiring a longer period are to begin so far as it has not yet been done - from now on and are to be completed not later than 15th May 1941." (original p.2) (Underscoring supplied)

It then continued by outlining the broad strategy on which the intended invasion was to proceed and the part that the various services (Army, Navy, and Air Forces) were to play therein. It called for oral reports to Hitler by the Commanders in Chief with regard to their intentions based on this instruction and the progress of preparations planned by all parts of the Armed Forces was to be reported to him through the High Command of the Armed Forces.

446 PS, Original Top Secret Fuehrer Order No. 21,

re: the Invasion of Russia (case "Barbarossa"), dated 18 December 1940, signed by Hitler and initialed by JODL, WARLIMONT, and KEITEL (Chief of the High Command of the Armed Forces, OKW).

POINT V

UPON RECEIPT OF THE DIRECTIVE OF 18 DECEMBER THE VARIOUS SERVICES IMMEDIATELY BEGAN THE DETAILED PLANNING NECESSARY TO IMPLEMENT THE GENERAL SCHEME OF AGGRESSION THEREIN SET FORTH.

1. According to the Naval Staff Diary, the OKM (High Command of the Navy) lost little time in beginning its preparations.
 - a. In January, in compliance with Hitler's order to report progress to him through the High Command of the Armed Forces, the Chief of Naval Operations (Ia) reviewed the objectives and tasks of the Navy in operation Barbarossa, such objectives to be communicated to the Armed Forces High Command. C 35 (3), Entry in original of Naval War Diary, January 1941, pp. 401-404.
 - b. During the month of February 1941, at least six entries appeared in the Diary dated from the 6th to the 25th dealing with many widely varied matters arising in the course of the Navy's preparations. Typical of such entries was one defining the operational responsibility in the Navy's area in the coming operation as lying with Army Group North. Another pointed out the fact that during the Operation it was intended to leave 31 divisions in France. Still another emphasized the point that the chief principle of deception in concealing preparations from the enemy was to

camouflage them as preparations for the Invasion of England. C/33 Entries in original of Naval War Diary, for 2 Feb 1941, pp. 82/3; for 8 Feb 41, p.97, for 15 Feb 41, p.199; for 18 Feb 41, pp.231/2; for 19 Feb 41, p.245; for 25 Feb 41, pp.340/1.

2. On 3 February 1941, Hitler held a conference on the planned invasion at which were present, among others, Keitel, Warlimont, Jodl, and Schmundt (Hitler's adjutant). From this conference it is evident that others in addition to OKW had also been busy. The plan of operations thus far developed was in general approved by Hitler and he requested an operational map and maps of deployment sectors as soon as possible. It was further pointed out at this conference that discussions with neighboring states were to be carried out only after camouflage no longer became possible. The deployment for Barbarossa was to be camouflaged as deception for Seelowe (invasion of England) and for secondary measure Marita (invasion of Balkans). 872 PS, Copy of Memorandum of Discussion of case "Barbarossa" and "Sonnenblume" (African operation) between the Fuehrer and the OKW, classified Top Secret.
3. By 1 March 1941 plans were sufficiently developed for the OKW to have printed a map providing for the division of Russian Territory - which the OKW apparently planned to be occupied - into 9 separate territories. The particular copy of the map offered here was found in the Rosenberg files in a red folder marked with a blue pencil. This copy also contains a distribution list in Rosenberg's handwriting, interesting because

of the ministries, governmental agencies and persons it lists and thus involves. Such list includes:

OKW: Keitel, Jodl, Warlimont, Munch, Wudell, Canaris

Ministry for the Four-year Plan: Koerner

Ministry of Exterior: Grosskopf

OKH: Brauchitsch and Deputy

OKM: Raeder and Deputy

Propaganda Ministry: Goebbels, Gutterer

Reich Ministry for Economics: Funk

Police: Himmler and three others.

1642 PS, Copy of Secret Map of OKW printed under date of 1 March 1941, found in ROSENBERG Files and containing a distribution list in ROSENBERG's handwriting.

4. As the plans became more detailed, involved and complete, more and more agencies of the Government outside the Armed Forces had to be brought into the picture, let in on the secret, and assigned their respective parts.
 - a. Early in March of 1941, the Chief of the OKW wrote to Reich Minister Todt (Reich Minister of Armaments and Munitions) giving him detailed instructions concerning the camouflaging of the coming invasion and outlining methods for deceiving the enemy.

874 PS, Copy of Letter of KEITEL to Reich Minister TODT, 9 March 1941, initialed by KEITEL, JODL, and WARLIMONT.
 - b. On 13 March 1941, Keitel issued an operational supplement to Fuehrer Order #21, in the form of Directives for Special Areas. This order defined the area of operations and executive power therein. It states that the Russian territory to be occupied will be divided into individual states with governments of their own, according to special orders as

soon as military operations are concluded, but that in the area of operations created by the advance of the Army the Supreme Commander of the Army has the right to exercise the executive power except with regard to the functions delegated to the Reichsfuehrer SS. The Fuehrer, according to the order, has entrusted the Reichsfuehrer SS with special tasks for the preparation of the political administration, "such duties resulting from the battle between two antagonistic political systems, which will have to be fought to a finish". For those tasks he would act independently of the OKH. The order continues, outlining the political administration to take over after the area of operations has been limited in the rear. It also discusses the relationship to exist between the political administrators and the Army Commanding officers in such areas. The directive also contains the information that economic administration will be taken over by the Chief of the "Wi Ru Amt" (Office for economy and armaments) under the Reichsmarshal (Goering), and discusses other operational matters. The final part of the order deals with arrangements with foreign governments, particularly Rumania, Slovakia, Hungary, and Finland and states:

"9) The necessary arrangements with these countries shall be made by the OKW, together with the Foreign Office, and according to the wishes of the respective high commands."

447 PS, Original Top Secret Operational Order (Directives for special areas) to Order #21 (case Barbarossa), 13 March 41, signed by KEITEL. (p.3 of English translation)

5. By 1 May 1941, the plans had developed to such a stage that the actual date of D-Day, 7 weeks in advance, could be set.

a. In a discussion at the Chief L IV/qu. (Chief, Landesverteidigung, Interservice collaboration) about the invasion of the U.S.S.R, it was announced that D-Day for the invasion had been decided by the Fuehrer as 22 June 1941. It was estimated that although there would probably be heavy frontier battles which might last approximately four weeks, after that no serious opposition was expected.

873 PS, Original of a File Memorandum of a Discussion at the Chief L IV/qu, about the invasion of Russia, classified Top Secret.

b. The original intention of the Nazi Conspirators, as hinted in the original Fuehrer Order #21 of 18 December 1940 (Point IV, 4 supra), had been to launch the attack in May but the necessity for intervening in the Balkans required a postponement of a few weeks. C-170, footnote to entry 142 dated c. 3 April 1941. C-170 is an original file on Russo-German relations found in OKM files and apparently written by or for Naval War Staff, covers the entire period from 25 August 1934 to 22 June 1941. (See Brief on aggression against Yugoslavia and Greece)

6. By the first of June, 3 weeks before D-Day, preparations were practically complete. It was possible for the High Command then to issue, with the approval of Hitler, an elaborate timetable showing in great detail the disposition and missions of the Army, Navy, and Air Force. This timetable gives, among other

details, the distribution of the forces for Barbarossa on Invasion Day. It also sets 0530 hours as the H-hour for the start of the invasion by the Army and the crossing of the frontier by the Air Force. C-39, Copy of timetable for Barbarossa, approved by HITLER and signed by KEITEL.

7. On 9 June 1941, the order of the Fuehrer went out for final reports on Barbarossa to be made in Berlin on 14 June 1941 (8 days before Invasion Day) by the Commanders of Army Groups and Armies and Naval and Air Commanders of equal rank. The order sets up a day-long timetable for the making of such reports and lists those who are to report, indicating thereby, incidentally, a considerable number of the members of the High Command and General Staff Group as of that date. C-78, Copy of an order calling a conference for Plan Barbarossa on 14 June 1941, dated 9 June 1941 and signed by SCHMUNDT.

POINT VI

SIMULTANEOUS WITH THIS ELABORATE MILITARY PLANNING SPECIFIC AND DETAILED PLANNING WAS ALSO BEING DONE FOR THE PRODUCTION OF THE ARMAMENTS AND SUPPLIES NECESSARY TO CARRY OUT SUCH AN INVASION AND FOR THE ECONOMIC EXPLOITATION OF THOSE PARTS OF THE U.S.S.R. IT WAS EXPECTED WOULD BE CONQUERED IN THE COURSE OF THE CAMPAIGN.

1. Planning for the production of armament and supplies.
 - a. General Thomas, who during this period was Chief of the Wi Rü Amt (Office for economy and armaments) of the OKW, outlines the development of this planning in the draft of a "History of the German War and Armament Economy" which he prepared during the summer of 1944.

- (1) According to Thomas, the first hint that his office had of the intention to attack the U.S.S.R. came as a result of scheduling production and deliveries to comply with the Russo-German Trade Agreement of 19 August 1939. The Soviets had been very faithful in maintaining their part of this agreement and therefore for a period much stress was laid by the Germans on keeping up their side of the bargain. On 14 August 1940, however, the Chief of the Wi Rü Amt was informed by Goering that Hitler desired punctual delivery to be made to the U.S.S.R. only until the Spring of 1941. After that Germany would no longer be interested in a complete fulfilment of the Soviet wishes. This hint, Thomas relates, resulted in an emphasis in his office on the study of the Soviet War Economic situation.

2353 PS, Original draft of work by General Thomas entitled "Fundamentals for a History of the German War and Armament Economy", p.315.

- (2) In early December 1940 Thomas was informed by Goering about the planned operation. Ibid p.365.
- (3) In early December 1940 such problems were presented by the conflicts in priorities for armaments and supplies that Keitel appealed to Hitler for a clarification of the priority program. This appeal resulted in the issuance of a directive dated 3 December 1940, which outlined the position and importance of the planned attack on the U.S.S.R. in the overall armaments and supply scheme. In effect it might be said that this constituted the go-ahead signal for

the Wi Ru Amt and from now on until the invasion it was merely a question of the detailed meshing of the armaments and supply program with the demands of the fighting services. Ibid p.324.

2. Preparations to exploit economically, for the benefit of the German economy and war machine, the Soviet territories to be overrun by the aggressors.

a. Although the overall economic programs both from the standpoint of armaments production and planning for economic exploitation were under Goering as Head of the Four Year Plan, the actual supervision of the jobs, at least in connection with the campaign against the U.S.S.R., fell to Thomas as Chief of the Wi Ru Amt.

(1) In November of 1940 (as mentioned in VI, 1,a (2), supra) Thomas, as Chief of Wi Ru Amt, State Secretaries Koerner, Neumann, Backe, and General Hannekan, were informed by Goering of the planned Eastern Operation. They were set certain tasks the results of which were eventually compiled into a large volume entitled: "War Economy of Soviet Russia".

2353 PS, Thomas, Op cit. VI, 1,a(1), p.368.

(2) In January 1941 a work staff U.S.S.R. was established. Ibid p.368.

(3) By 1 March 1941 plans had sufficiently crystallized to permit General Thomas to request from his aids (including Major General Schubert) a draft for an organization for exploitation which would be under Goering and the Four Year Plan; which would include everything which concerns war economy except food; and

which would be completely independent from either military or civil administration. The operations of such an organization were to be in two phases, one the following of the advance of the front lines preventing destruction of supplies and evacuating important material; and, two, the administering of industrial areas and the exploiting of economic entities. 1317 PS, Original of Top Secret notes taken by "Hamann" of a Discussion of the "economic exploitation of Russia, presided over by General Thomas.

- (4) The authority and mission of this organization which Thomas was organizing was clearly recognized by Weitel in his operational order of 13 March 1941, where it is stated:

"4) The Fuehrer has entrusted the uniform direction of the administration of economy in the area of operations and in the territories of political administration to the Reich Marshal who has delegated the Chief of the Wi RU Amt with the execution of the task. Special orders on that will come from the OKW/Wi RU Amt."

447 PS, op. cit. V, 4b, supra.

- (5) The organizational work called for by General Thomas at the above mentioned meeting on 1 March 1941, proceeded apace and by 29 April 1941, the detailed Wehrmacht Plan for the Economic exploitation of Soviet Areas was prepared. The code name by which this operation was known was the "Oldenburg" Plan.

- (a) On 29 April 41 conferences of various Wehrmacht Sections were held to work out the organization and development of the economic sectors as part of this plan to be carried out concurrently with the invasion. (see below).

(b) Hitler had ordered a unified concentration of all economic proceedings and had deputized Goering with the overall supervision, Goering in turn, had delegated this job to an economic executive staff under the Chief Wi RU Amt. Under Goering and this economic staff the highest central office in the area of operations was to be the economic staff for the exploitation of Soviet territory under General-leutnant Schubert. The plan then proceeds to outline the organization to operate under Schubert and the method and system of exploitation to be followed in the operation. In the described organizational setup not only the war economy is taken care of, but the whole economy of the country to be occupied is included within the scope of the foreseen economic operations. 1157 PS, Original detailed Top Secret Plan for the Economic Exploitation of Soviet Areas (Oldenburg Plan).

POINT VII

CONCURRENT WITH THEIR MILITARY AND ECONOMIC PLANNING AND PREPARATION FOR THE INVASION OF THE U.S.S.R. THE NAZI CONSPIRATORS ALSO ENGAGED IN DETAILED AND ELABORATE PLANNING AND PREPARATION FOR THE OCCUPATION AND POLITICAL ADMINISTRATION OF THE TERRITORIES TO BE CONQUERED IN THE COURSE OF THE AGGRESSION.

1. At a comparatively early stage in the planning for the aggression against the U.S.S.R., defendant Alfred Rosenberg began consideration of the problems of the administration of the Soviet Territories to be occupied in the course of the invasion.

(a) As has been pointed out above (V,3) a copy of an

OKW Map, dated 1 March 1941 providing for the division of Soviet Territory into 9 separate territories, was found in defendant Rosenberg's "Russia File" marked with a blue pencil, possibly to indicate his idea of the extent of administration he intended to exercise. This map carried a distribution list, in Rosenberg's own handwriting, listing a large number of ministries, governmental agencies, and persons. 1642 PS, op.cit. V, 3.

- (b) As early as 2 April 1941, Rosenberg, or a member of his staff, prepared a memorandum entitled "Memorial No. 1 regarding U.S.S.R.". This memorandum speculates on the possibility of a disagreement with the U.S.S.R. which would result in a quick occupation of an important part of that country and an early military collapse of the enemy. The memorandum then poses the question of whether the occupation is:

"To be determined by purely military and/or economic needs, or is the laying of political foundations for a future organization of the area also a factor in determining how far the occupation shall be extended? If so, it is a matter of urgency to fix the political goal which is to be attained, for it will, without doubt, also have an affect on military operations." (p.1 of English translation)

The memorandum goes on to suggest that that goal may well be the political overthrow of the Eastern Empire since that Empire will have been weakened by the attack. It should always be kept in mind, however, that everything must be subordinate to the job of insuring the steady flow of supplies essential for the continuance of the war from the area to be occupied to Greater Germany. Upon the basis of these premises the memorandum analyzes the problem, both generally, as well as from the

standpoint of each of the various territories it is anticipated will be occupied. It concludes that in order to attain the goals set, it will be necessary to establish a central agency for the government of such occupied areas. 1017 PS, Duplicate of unsigned Memorandum entitled "Memorial No. 1 regarding U.S.S.R.", dated 2 April 1941, found in the defendant ROSENBERG's "Russia File".

2. Rosenberg's arguments did not fall on deaf ears for by a Fuehrer Order dated 20 April 1941, he was appointed "Deputy for a centralized treatment of problems concerning the Eastern Territories", and was authorized to establish an office for this purpose. 865 PS, Order appointing the defendant ROSENBERG, Deputy for a centralized treatment of problems concerning the Eastern Territories. A copy of this order, the original of which was signed by HITLER and LAMMERS, was contained in a Top Secret correspondence file containing correspondence between LAMMERS, defendant KEITEL, and defendant ROSENBERG. This correspondence related to the 20 April 1941 Order and the copy cited here is the one which was attached to this correspondence file.

(a) On the day following the issuance of the above-mentioned order, Lammers wrote to the defendant Rosenberg telling him further concerning his appointment. Lammers said that Rosenberg was to prepare all necessary measures as rapidly as possible; that he should receive full cooperation from the highest Reich authorities; that in order to keep the measures secret only the Commissioner for the Four Year Plan, the Minister for Economy and Keitel were to be informed; and that Keitel

had been requested to appoint a representative of OKW to work with Rosenberg. 865 PS, Original letter, LAMMERS to ROSENBERG, dated 21 April 41, signed by LAMMERS and initialed by KEITEL, JODL, and WARLIMONT, found in correspondence file mentioned in VII, 2 a, supra.

- (b) In compliance with Lammers above-mentioned request, defendant Keitel wrote to Lammers and Rosenberg on 25 April 1941, stating that he had appointed Jodl as his representative to work with Rosenberg and Warlimont as Jodl's deputy. 865 PS, Copy of letter KEITEL to LAMMERS, dated 25 April 1941, initialed by KEITEL and WARLIMONT, and copy of letter KEITEL to ROSENBERG, dated 25 April 1941, initialed by KEITEL. Both copies found in file mentioned in VII, 2, a, supra.

3. Defendant Rosenberg, immediately upon receipt of the above-mentioned order, began building an organization, conferring with the various ministries, issuing his instructions, and generally making the detailed plans and preparations necessary to carry out the mission assigned to him in the coming aggression. Typical evidence of this activity is found in:

- (a) A memorandum containing general instructions for all Reich commissars in the occupied Eastern Territories, which is dated 8 May 1941. 1030 PS, a copy of an eleven-page unsigned memorandum, dated 8 May 1941, found in the defendant ROSENBERG's "Russia File".
- (b) Also dated 8 May 1941, is a document giving instructions for a Reich Commissar in the Baltic States. 1029 PS, unsigned paper entitled "Instructions for a Reich Commissar in the Baltic Countries and White Russia (Ostland)", dated 8 May 1941, found

in the defendant ROSENBERG's "Russia File".

(c) On 28 June 1941, less than a week after the invasion, defendant Rosenberg reviewed with satisfaction the work he had accomplished between the time of his appointment on 20 April 1941 and the date of the invasion. This report outlined in great detail the extent of Rosenberg's preparation for the work of administering the Eastern Territories to be occupied in the course of the aggression. This report illustrates not only the extent of the preparations by the Nazi Conspirators for this phase of the aggression, but also the number of these Conspirators personally involved. Among the individuals and organizations who Rosenberg reports as having consulted and worked with him in the course of these preparations are: individual defendants Keitel, Jodl, Raeder, Funk, Frick, and Fritzsche; organizations, OKW, OKH, OKM, SA, SS, Reichswirtschaftsministerium, Foreign Office and Propaganda Ministry. 1039 PS, Copy of report concerning the preparatory work regarding problems in the Eastern Territories, dated 28 June 1941, found in defendant ROSENBERG's "Russia File".

POINT VIII

ON 22 JUNE 1941, THE NAZI CONSPIRATORS, IN CONFORMITY WITH THE CAREFUL PLANNING AND PREPARATION OUTLINED ABOVE AND IN VIOLATION OF THEIR TREATY OBLIGATIONS, WITHOUT A DECLARATION OF WAR CAUSED THE GERMAN ARMIES TO INVADE THE TERRITORIES OF THE U.S.S.R. AND THUS INITIATED A WAR OF AGGRESSION AND A WAR IN VIOLATION OF AN INTERNATIONAL TREATY.

1. On 22 June 1941 both Hitler and the defendant Ribbentrop

made a statement announcing that the German armies were marching against the U.S.S.R.

(a) Ribbentrop's statement said in part:

"I have this morning received the Ambassador of the Soviet Union and informed him that, in view of the threatening of the German frontiers by the armies of the U.S.S.R., Germany has taken military measures of defense." T.C. _____ (to be supplied by British), statement of defendant RIBBENTROP on 28 June 1941.

(b) Hitler's proclamation closed with the following words:

"I have therefore today decided to give the fate of the German people and the Reich and of Europe again into the hands of our soldiers." T.C. _____ (to be supplied by British), proclamation of HITLER on 22 June 1941.

POINT IX

THE MOTIVE WHICH LEAD THE NAZI CONSPIRATORS TO PLAN, PREPARE, INITIATE AND WAGE A WAR OF AGGRESSION AGAINST THE U.S.S.R.

1. Throughout the entire period from August 1939 to the German invasion in 1941, the U.S.S.R. was faithful to its agreements with Germany and displayed no aggressive intentions toward the territories of the German Reich.

(a) General Thomas, e.g. points out in the draft of his work on the German war and armament economy (Point VI, supra) that insofar as the German-Russia trade agreement of 19 August 1939 (one of the series of agreements made about the time of the Treaty of 23 August 1939) was concerned, the Soviets carried out their deliveries thereunder right up to the very end and, in fact, in the last days brought hard rubber in express trains from the far east (p. 315). On the German side, however, according to the General (pp. 404-405), things were somewhat different. The negotiations

were continued until June of 1941 and German industry was instructed, upon request of the Foreign Office, to accept all U.S.S.R. orders even if punctual delivery was impossible. Since deliveries of major importance were to be made in May 1941 to the German Navy, German industry was advised to let the U.S.S.R. control commission accept all deliveries in due course. Then, however, the material should be so routed that it would not cross the border before the beginning of the German attack. 2353 PS, op cit., VI, i, d (1).

- (1) A file on Russo-German relations found in the files of the Naval High Command covering the entire period from the treaty to the attack shows that on the basis of information received and collected by the Naval War Staff, the U.S.S.R. was entirely faithful to her treaty obligations to Germany until the end; was not (even as late as June of 1941) making any military preparations for an offensive against Germany; and that, in fact, the German Ambassador in Moscow was reporting, as late as 7 June 1941 that:

"All observations show that Stalin and Molotov, who are alone responsible for Russian foreign policy, are doing everything to avoid a conflict with Germany".

C-170, Original file on Russo-German relations found in OKM files and apparently written by or for Naval War Staff. Covers entire period from 25 August 1939 to 22 June 1941. This particular entry is No. 169 in the file.

- (b) Undoubtedly more than one motive entered into the decision of the Nazi Conspirators to launch their aggression against the U.S.S.R. All, however, appear to blend into one grand motif of Nazi policy.

(1) The pattern into which the varied reasons impelling the decision to attack fall is the traditional Nazi ambition for expansion to the East at the expense of the U.S.S.R. This "azi version of the ancient historical imperative "Drang Nach Osten" had been a cardinal principle of the party almost since its birth and rested on the twin bases of political strategy and economic aggrandizement. Politically such action meant elimination of any powerful force to the East which might constitute a threat to German ambitions and economically it offered vast expanses of Lebensraum as well as untold treasures of oil and wheat. Undoubtedly the demands of the German War economy for food and raw material served to revive the attractiveness of the economic side of this theory and the difficulties Germany was experiencing in defeating England reaffirmed for the Nazi Conspirators the temporarily forgotten Nazi political imperative of eliminating, as a political factor, their one formidable opponent on the continent.

(a) as early as 1923 Hitler outlined this theory in some detail in Mein Kampf, where he stated:

"There are two reasons which induce me to subject the relations of Germany to Russia to a special examination:

(1) In this case we are concerned with perhaps the most decisive matter of German foreign affairs as a whole; and

(2) This question is also the touchstone of the political capacity of the young National Socialist movement to think clearly and to act correctly." (p.933)

* * * * *

"With this, we National Socialists consciously draw a line through the foreign-policy trend of our pre-war period. We take up at the halting place of six hundred years ago. We terminate the endless German drive to the south and west of Europe, and direct our gaze towards the lanes in the east. We finally terminate the colonial and trade policy of the

pre-War period, and proceed to the territorial policy of the future.

But if we talk about new soil and territory in Europe today, we can think primarily only of Russia and its vassal border states." (pp.950-51) Adolf Hitler, MEIN KAMFF, Reynal and Hitchcock, New York, 1940

- (b) The entire tenor and purpose of the organization set up by the defendant Rosenberg as Central Authority for the "treatment of the Problems of the Occupied Eastern Territories reflects clearly these dual purposes of the political destruction of the U.S.S.R. and the acquisition of Lebensraum and sources of good and raw material. See Point VII, supra.
- (c) The defendant Rosenberg himself outlined this policy and identified these motives in a speech which he delivered before the people most intimately concerned with the Eastern Problem two days before the invasion. 1058 PS, Copy of speech by the defendant ROSENBERG (found in his "Russia File") on 20 June 1941 before the people most intimately concerned with the Eastern Problem.
- (d) The absolute necessity for the German war machine to have new sources for food and raw materials is reiterated again and again as the raison d'etre for the attack. In a memorandum covering a discussion of the State Secretaries on Barbarossa, which took place on 2 May 1941, the following appears:
 - "1) The war can only be continued if all armed forces are fed out of Russia in the third year of the war.
 - "2) There is no doubt that as a result many millions of people will be starved to death if we take out of the country the things necessary for us." 2718 P, Original memorandum from File Reichskriegsministerium Oldenburg Material, subject:

"about the result of today's discussion with the State Secretaries about Barbarossa", dated 2 May 1941.

On 20 June of 1941 General Thomas wrote a memorandum in which he stated that Keitel had confirmed to him the new (sic) conception of Hitler's regarding the German economic policy concerning raw materials. This was to the effect that production of synthetic materials, especially fuel, absorbed gigantic manpower which could not be spared. Therefore Germany would have to get raw materials and the only way to get them would be to conquer the territories which contained them. This will take less manpower than will the production of synthetics. 1456 PS, Original memorandum signed by General Thomas, dated 20 June 1941 and found in the files of the Wi Rü Amt. See also VI, 2, supra outlining the planning for the economic exploitation of the U.S.S.R. - the very making of such plans reiterates this point.

- (c) Similarly Hitler arrived at the conclusion during 1940 that the fundamental truth of his old idea of the necessity for eliminating his formidable political opponent to the East before Germany could really be dominant was being underscored in the difficulties being presented in defeating England. Therefore he came to the conclusion that before he could overcome England he must first eliminate the U.S.S.R.:

"the last continental enemy must be overcome before England is finally dealt with" Hitler to Raeder, 27 December 1940, C-170, op cit. IX, 1, a (2).

ARGUMENT AND CONCLUSION

IT IS SUBMITTED THAT THE FOREGOING STATEMENT OF EVIDENCE ESTABLISHES

THE FOLLOWING FACTS:

1. That the attack on the U.S.S.R. launched by the Nazi Conspirators on 22 June 1941 was a war of aggression and a war in violation of international treaties.
2. That such war of aggression was launched by the Nazi Conspirators as a step in their common plan or conspiracy to acquire territories claimed by them to be required by the "racial Germans" as "Lebensraum".
3. That, in addition to the guilt of all the named individual defendants and defendant organizations in the commission of this crime by virtue of their participation in this common plan or conspiracy, the following named individual defendants and defendant organizations specifically participated in the planning, preparation, initiation, or waging of the war of aggression against the U.S.S.R.

(a) Individual Defendants -

- (1) Hermann Wilhelm GOERING
- (2) Joachim von RIBBENTROP
- (3) Wilhelm KEITEL
- (4) Alfred ROSENBERG
- (5) Wilhelm FRICK
- (6) Walter FUNK
- (7) Erich RAEDER
- (8) Alfred JODL
- (9) Hans FRITZSCHE

(b) Defendant Organizations.

- (1) Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (commonly known as the "SS")
- (2) Die Sturmabteilungen der N.S.D.A.P. (commonly known as the "SA")
- (3) The General Staff and High Command of the German Armed Forces.

A. NUMERICAL LIST OF

DOCUMENTS

- C-23 Entries in original of Naval War Diary, for 2 Feb 41, pp. 82/3; for 8 8 Feb 41, p. 97; for 15 Feb 41, p. 199; for 18 Feb 41, p. 199; for 18 Feb 41, pp.231/3; for 19 Feb 41, p. 245; for 23 Feb 41, pp.340/1.
- C-35 (3) Entry in original of Naval War Diary, January 1941, pp. 401-404
- C-39 Copy of timetable for Barbarossa, approved by HITLER and signed by KEITEL.
- C-78 Copy of an order calling a conference for plan Barbarossa on 14 June 1941, dated 9 June 1941, and signed by SCHMUNDT.
- C-170 Is an original file on Russo-German relations found in OKM files and written by or for Naval War Staff. Governs the entire period from 25 August 1939 to 22 June 41.
- L-172 "The Strategic Position at the beginning of the 5th Year of War", p. 15, a lecture delivered by JODL on 7 November 1943, at Munich to Reich and Gauleiters.
- 444-PS Original Directive No. 18, Fuehrer's Headquarters, 12 November 1940, signed by HITLER and initialed by JODL.
- 446-PS Original Top Secret Fuehrer Order No. 21, re: the Invasion of Russia (case Barbarossa), dated 18 December 1940, signed by HITLER and initialed by JODL, WARLIMONT and KEITEL (Chief of the High Command of the Armed Forces OKW).
- 447-PS Original Top Secret Operational Order (Directives for special areas) to Order #21 (case Barbarossa), 13 March 1941, signed by KEITEL.
- 865-PS (a) Order appointing the defendant ROSENBERG, Deputy for a centralized treatment of problems concerning the Eastern Territories.
(b) Original letter, LAMMERS to ROSENBERG, dated 21 April 1941, signed by LAMMERS and initialed by KEITEL, JODL, and WARLIMONT.
(c) Copy of letter KEITEL to LAMMERS, DATED 25 April 41, initialed by KEITEL and WARLIMONT, and copy of letter KEITEL to ROSENBERG, dated 25 April 1941, initialed by KEITEL.
- 872-PS Copy of Memorandum of Discussion of case "Barbarossa" and "Sonnenblume" (African operation) between the Fuehrer and the OKW, classified Top Secret.
- 875-PS Original of a File Memorandum of a Discussion at the Chief L IV/Qu, about the invasion of Russia, classified Top Secret.
- 874-PS Copy of Letter of Keitel to Reich Minister "ODT", 9 March 1941, initialed by KEITEL, JODL, AND WARLIMONT.
- 1017-PS Duplicate of unsigned Memorandum entitled "Memorial No. 1 regarding U.S.S.R., dated 2 April 1941, found in the defendant ROSENBERG'S "Russia File".
- 1029-PS Unsigned paper entitled "Instructions for a Reich Commissar in the Baltic States, dated 8 May 1941, found in defendant ROSENBERG'S "Russia File".
- 1030-PS A copy of an eleven page unsigned memorandum, dated 8 May 1941, found in the defendant ROSENBERG'S "Russia File".
- 1039-PS Copy of Report concerning the preparatory work regarding problems in the Eastern Territories, dated 28 June 1941, found in defendant ROSENBERG'S "Russia File".

1058-PS Copy of a speech by the defendant ROSENBERG (found in his "Russia File") on 20 June 1941, before the people most intimately concerned with the Eastern Problem.

1157-PS Original detailed Top Secret Plan for the Economic Exploitation of the Soviet Areas (Oldenburg Plan)

1229-PS Copy of OKW Directive to the German Intelligence Service in the East, 6 September 1940, signed by JODL.

1317-PS Original of Top Secret notes taken by "Hamann" of a Discussion of the Economic Exploitation of Russia, presided over by General THOMAS.

1456-PS Original memorandum signed by General THOMAS, dated 20 June 1941, and found in the files of the Wi RG Amt.

1642-PS Copy of Secret Map of OKW printed under date of 1 March 1941, found in ROSENBERG Files and containing a distribution list in ROSENBERG'S handwriting.

1799-PS Copy of a memorandum covering lecture of Chief of German General Staff on planned operation in East.

1834-PS Original Minutes on Discussion, RIBBENTROP-OSHIMA, Foreign Office archives, p. 65218.

2353-PS Original draft of work by General THOMAS entitled "Fundamentals for a History of the German War and Armament Economy".

2718-PS Original memorandum from File Reichskriegsministerium Oldenburg Material, subject: "About the result of today's discussion with State Secretaries about Barbarossa", dated 2 May 1941.

T.C.____ (to be supplied by Britain) Statement by defendant RIBBENTROP on 22 June 1941.

T.C.____ (to be supplied by British) Proclamation of HITLER on 22 June 1941.

T.C. 25 German-Soviet non-aggression Treaty of 23 August 1939. —

Transcript of Interrogation of ALFRED JODL, 10 Sept 1945 (PM) pp. 1-6

Transcript of Interrogation of ALFRED JODL, 30 Aug 45 (1415-1650) pp. 10-14.

Mein Kampf, ADOLF HITLER, Raynal and Hitchcock, New York, 1940

B. LIST OF DOCUMENTS BY TYPES

1. Correspondence.

- 874 PS Copy of Letter of KEITEL to Reich Minister TODT, 9 March 1941, initialed by KEITEL, JODL, and WARLIMONT.
- 865 PS (a) Order appointing the defendant ROSENBERG, deputy for a centralized treatment of problems concerning the Eastern Territories.
(b) Original Letter, LAMMERS to ROSENBERG, dated 21 April 41, signed by LAMMERS and initialed by KEITEL, JODL, and WARLIMONT.
(c) Copy of letter KEITEL to LAMMERS, dated 25 April, initialed by KEITEL and WARLIMONT, and copy of letter KEITEL to ROSENBERG, dated 25 April 41, initialed by KEITEL.

2. Laws, Decrees and Enactments.

T.C. 25 German-Soviet non-aggression Treaty of 23 Aug 39. —

3. Interrogations of Defendants.

Transcript of Interrogation of ALFRED JODL, 30 August 1945 (1415-1650) pp.10-14.

Transcript of Interrogation of ALFRED JODL, 10 Sept 1945 (PM) pp.1-6

4. Military Orders.

- C-39 Copy of timetable for Barbarossa, approved by HITLER and signed by KEITEL.
- C-78 Copy of an order calling a conference for Plan Barbarossa on 14 June 1941, dated 9 June 1941 and signed by SCHMUNDT.
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- 447 PS Original Top Secret Operational Order (Directives for special areas) to Order #21 (case Barbarossa), 15 March 1941, signed by KEITEL.
- 1229 PS Copy of OKW Directive to the German Intelligence Service in the East, 6 September 1940, signed by JODL.

5. Publications.

Mein Kampf, ADOLF HITLER, Reynal and Hitchcock, New York, 1940

6. Other Evidence.

L 172 "The Strategic Position at the Beginning of the 5th Year of War", p.15, a lecture delivered by JODL on 7 November 1943, at Munich to Reich and Gauleiters.

C-33 Entries in original of Naval War Diary, for 2 Feb 41, pp.82/3; for 8 Feb 41, p.97; for 15 Feb 41, p.199; for 18 Feb 41, pp.231/2; for 19 Feb 41, p.245; for 25 Feb 41, pp.340/1.

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C-170 Is an original file on Russo-German relations found in OKM files and written by or for Naval War Staff. Covers the entire period from 25 Aug 39 to 22 June 41.

872 PS Copy of Memorandum of Discussion of case "Barbarossa" and "Sonnenblume" (African operation) between the Fuehrer and the OKW, classified Top Secret.

873 PS Original of a File Memorandum of a Discussion at the Chief L IV/qu, about the invasion of Russia, classified Top Secret.

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- 2718 PS Original memorandum from File Reichskriegsministerium Oldenburg Material, subject: "About the result of todays discussion with the State Secretaries about Barbarossa", dated 2 May 1941.
- T.C. — (to be supplied by British) Proclamation of HITLER on 22 June 1941.
- T.C. — (to be supplied by British) Statement by defendant RIBBENTROP on 22 June 1941.

C. LIST OF INDIVIDUAL DEFENDANTS INVOLVED

1. Hermann Wilhelm GOERING
C-39 447 PS 1157 PS 1317 PS 2353 PS
2. Joachim von RIBBENTROP
447 PS 1039 PS 1834 PS TC 25
3. Wilhelm KEITEL
C-39 C-78 446 PS 447 PS 865 PS 872 PS 874 PS
1039 PS 1642 PS 2353 PS
4. Alfred ROSENBERG
865 PS 1017 PS 1029 PS 1030 PS 1039 PS 1642 PS
5. Wilhelm FRICK
1039 PS
6. Walter FUNK
1039 PS 1642 PS
7. Erich RAEDER
C-33 C-35 C-78 1039 PS 1642 PS
8. Alfred JODL
C-39 C-78 L-172 444 PS 446 PS 865 PS 872 PS
874 PS 1039 PS 1642 PS Transcripts of Interrogations
of Alfred JODL
9. Hans FRITZSCHE
1039 PS

D. LIST OF ORGANIZATIONS INVOLVED

1. Die Schutzstaffeln der Nationalsozialistischen Deutschen Arbeiterpartei (Commonly known as the "SS")
447 PS 1039 PS 1642 PS

2. Die Sturmabteilungen der N.S.D.A.P. (commonly known as the "SA")

1039 PS

3. The General Staff and High Command of the German Armed Forces

C-78 873 PS 1642 PS 2353 PS

During
Operation of Prison.
Kurtel told Thomas on
2 Aug 1940 - that
it planned for every
Contingency at 41

During apud with
Thomas on 26 Feb. 41 that
certain unity not supposed
must occupy Baker or Butler
(see his own quote of "Prison"
fact).

also require for
resumes of Smith's Russian.

You recognized the necessary consequence
would be "discovery" but the Russian
was constant - "unremitting" even if I the

Your aim to secure
by frequent all
London which were
deemed of special
economic importance
to Germany -