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TRIAL BRIEF - ALFRED JODL

10 November 1945



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A. SECTION OF INDICTMENT

"The defendant JODL between 1932 and 1945 was: Lt. Colonel, Army Operations Department of the Wehrmacht, Colonel, Chief of OKW Operations Department, Major-General and Chief of Staff OKW and Colonel-General. The defendant JODL used the foregoing positions, his personal influence, and his close connection with the Fuhrer in such a manner that: he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment; and he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment and the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property.

B. LEGAL REFERENCES

Charter, Article 6.

Hague Regulations, 1907, Articles 4 - 7, 43, 46 - 56.

Prisoners of War Convention (Geneva 1929), Articles 2, 3, 4, 6.



C. STATEMENT OF EVIDENCE

## I. POSITIONS HELD BY JOEL

Lieutenant-Colonel, 1932

Army Operations Department of the Wehrmacht,  
1932

Colonel, 1935

Chief of Section of National Defense in the  
Wehrmacht (Landesverteidigung)

Jodl Interrogation.  
27 August 1945, pp. 1 - 2.

Chief of OKW Operations Department

Generalmajor, 1939

Chief of Staff OKW (Chef des Wehrmachts-  
fuehrungstabes in Oberkommando der  
Wehrmacht), 1939

Jodl Interrogation.  
30 August 1945, p. 2

General der Artillerie, 1940

Colonel-General, 1944

## II. DUTIES OF JODL'S POSITIONS

In 1937 Jodl was Chief of the National Defense section of the Wehrmacht (Landesverteidigung).

Jodl Interrogation, 27 August 1945, pp. 1 - 2.

This office had an operations section; a section on organization which worked with the Reich Labor Office, the SR, the SS, and other agencies; and an Office of Reichsverteidigungsausschuss (Defense), which prepared mobilization booklets in cooperation with all civilian ministries.

Jodl Interrogation, 8 September 1945, p. 11.

Jodl has stated that his main occupation in 1937 was to prepare Wehrmacht maneuvers.

Jodl Interrogation, 27 August 1945, p. 4.

In 1939, at the outbreak of war, Jodl became Chef des Wehrmachtsführungstabes in Oberkommando der Wehrmacht, or Chief of Staff OKW.

Jodl Interrogation, 30 August 1945, p. 2.

The Chief of the WFSt, ~~according to a paper prepared by the British Foreign Office,~~ was directly subordinate to the Chief of OKW and ~~was always~~ the latter's direct representative. Jodl had under him a planning group and an intelligence group, with staff officers from all three services.

Jodl Interrogation, 17 August 1945, p. 8.

He drafted many directives for Hitler to sign, for the preparation of military operations and plans of deployment, and for the possible initiation and commencement of military measures relating to matters of organization, operations, or "war-economics". While in a theater of operations, Jodl would report twice daily to Hitler about operations, and then prepare the Fuehrer directives. There was often direct contact between Hitler and Jodl, though Keitel was kept informed of what passed between them.

Keitel Statement, 15 September 1945.

Until the winter of 1941-1942 Jodl, as Chief of WFSt, was concerned with strategic problems, and he gave instructions in such matters to the staffs of the three services. When Hitler took over the direction of the campaign against the USSR with the OKH, Jodl's WFSt had to assume responsibility for planning tactical situations on other fronts, but Jodl still

felt that he was responsible for the distribution of forces in all theaters.

Jodl Interrogation, 17 August p. 9.

The outlines of planning would be done by Jodl's staff, and the details worked out by the three services.

Jodl Interrogation, 17 August p. 11.

The chief significance of Jodl's military position was that he had very close relations with Hitler and Keitel on questions of planning and operations, and that in such matters he stood next to Keitel himself.

### III. COUNT ONE

The charges against Jodl under this count are that

"he promoted the accession to power of the Nazi conspirators and the consolidation of their control over Germany set forth in Count One of the Indictment; he promoted the preparations for war set forth in Count One of the Indictment; he participated in the military planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment."

The particular allegations of Count One which relate to Jodl are the following:

III  
IV (A); (B); (D)3; (E); (F); (G); (H).

Jodl's loyalty to the Nazi party and its principles is evident in a speech he delivered on 7 November 1943. He spoke of the National Socialist Movement and its struggle for internal power as the preparation for liberation from the Treaty of Versailles.

L-172 - Microfilm copy of speech delivered by Jodl 7 November 1943 on the strategic position at the beginning of the fifth year of war.

He also stated in a speech on the occasion of the attempted assassination of Hitler, that his aims had been in general agreement with the aims of the party.

1808-PS - Transcript of speech by Jodl to WFSt on 24 July 1944.

The part which Jodl played in planning for war is described in the briefs on preparation for Wars of Aggression and Wars in Violation of Treaties, and

in the brief on the General Staff and German High Command. The following documents, cited only as samples, indicate that he had an important and active part in preparing for war.

1780-PS - Photostat of Jodl's handwritten diary from 4 January 1937 to 22 August 1939, containing an account of German assistance to Spain, the taking of Austria and Czechoslovakia, and the start of the war against Poland.

1811-PS - Copy of Diary in Jodl's handwriting from 13 October 1939 to 30 January 1940.

1809-PS - Jodl's diary from February to May 1940, covering plans for the invasion of Norway, Denmark, Holland, Belgium, and France.

G-120 - Copies of directives from Hitler and Keitel, April - June 1939, preparing for the invasion of Poland.

G-72 - Set of orders from 7 November 1939 to 9 May 1940, some signed by Jodl and some by Keitel, fixing and postponing the date for the invasion of Holland.

#### IV. COUNT TWO

The charges against Jodl under this Count are that

"he participated in the military planning and preparation of the Nazi conspirators for Wars of Aggression and Wars in Violation of International Treaties, Agreements and Assurances set forth in Counts One and Two of the Indictment."

All the allegations of Count Two apply to Jodl.

The case against Jodl under Count Two is contained in the briefs on preparation of Wars of Aggression and Wars in Violation of Treaties, and in the brief on the General Staff and German High Command. The evidence will be the same as that under Count One, and will include the following documents already cited.

1780-PS - supra

1809-PS - supra

G-72 - supra

1811-PS - supra

G-120 - supra

V. COUNT THREE

The charges against Jodl under this Count are that

"he authorized, directed and participated in the War Crimes set forth in Count Three of the Indictment \* \* \* , including a wide variety of crimes against persons and property."

The particular allegations of Count Three which relate to Jodl are the following:

VIII (A); (B); (C); (D); (E); (G); (H); (J).

IX

(1) Murder and Ill Treatment of Civilian Populations of or in Occupied Territories and on the High Seas - Indictment VIII (A).

The brief on this subject contains a full account of the crimes of this type which will be proved. Only those documents will be cited here that directly connect Jodl with such acts.

Jodl ordered the forcible evacuation of all persons in a northern district of Norway, and the burning of all their dwellings. This was to be done so that the people could not help the Russians.

754-PS - Copy of teletype order signed by Jodl 28 October 1944 for evacuation of Norwegians and burning of houses.

Shortly thereafter an evacuation took place in Finnmark County in northern Norway, in the course of which 30,000 houses were damaged.

1800-PS - Preliminary Report on Germany's crimes against Norway prepared by the Royal Norwegian Government.

Jodl was aware that in 1942 there were continual arrests in Belgrade, and that from fifteen to thirty followers of Mihailovic were shot every day.

1383-PS - Excerpt from transcription of stenographic report on discussion of current military situation 12 December 1942; Jodl mentions deportation of French workers, and shootings in Belgrade.

Jodl initialled an order signed for Hitler by Keitel, which provided that enemy civilians guilty of offenses against German troops should be killed without a military trial, and that punishment could be waived in the case of German soldiers who committed offenses against enemy civilians.

886-PS - Original and copy of Fuehrer decree 13 May 1941 on courts martial and treatment of enemy civilians. Original signed by Keitel for Hitler, and initialed by Jodl.

The defendant Rosenberg was appointed by Hitler on 30 April 1941 "Deputy for a centralized treatment of problems concerning the Eastern Territories." The highest Reich authorities were to cooperate fully, and Keitel was asked to designate a representative of OKW with Rosenberg. Jodl was appointed as Keitel's representative with Warlimont as his deputy, and Keitel wrote to Rosenberg on 25 April 1941 to say that Jodl and Warlimont would be the OKW representatives.

865-PS - Copies of correspondence April 1941 between Lammers, Keitel, and Rosenberg concerning Rosenberg's appointment as "Deputy for centralized treatment of problems concerning the Eastern Territories."

Responsibility for crimes committed under Rosenberg's authority should thus attach to Keitel and Jodl as well. Such crimes are set out in the briefs on this section of the indictment.

(2) Deportation for Slave Labour and for other Purposes of the Civilian Populations of and in Occupied Territories - Indictment VIII (B).

Jodl knew of the deportation of workers, for he once told Hitler that the military commander of France had reported that over 220,000 workers had been deported into the Reich in the past six months.

1382-PS. supra

See also the statistics on alien workers in the Reich which appear in Jodl's speech of 7 November 1943.

L-172. supra

Besides, Jodl's connection with the Rosenberg administration of eastern territories makes him responsible for crimes under this heading.

865-PS. supra

(3) Murder and Ill Treatment of Prisoners of War, and of other Members of the Armed Forces of the Countries with whom Germany was at War and of persons on the High Seas - Indictment VIII (C).

The brief in this subject treats the following points.

a. Hitler's commando order of 18 October 1942. This was the famous order for the killing at sight of commandos and sabotage troops; they were to be exterminated and not taken prisoner.

498-PS - Copy of Fuehrer order for killing of commandos, 18 October 1942.

On the day after the order was issued Jodl signed a letter containing supplementary instructions concerning it, and emphasizing that the order was for commanding officers only and should not fall into enemy hands.

503-PS - Mimeographed copy of letter signed by Jodl, 19 October 1942, with instructions concerning 498-PS.

OKW files show instances in which the order was carried out.

508-PS - Copies of OKW correspondence, November 1942, about shooting of British glider troops in Norway.

512-PS - Teletype 13 December 1942 from Army Commander in Norway concerning interrogation of saboteurs before shooting, and memorandum in reply, 14 December 1942, from OKW.

526-PS - WFSt memorandum of 10 May 1943 concerning shooting of Norwegian saboteurs.

In reply to an inquiry from the Supreme Command West about the application of the order after the invasion of Normandy, OKW/WFSt stated, in a teletype signed by Warlimont, that it should be fully enforced.

531-PS - OKW memorandum 23 June 1944 containing text of teletype inquiry from Supreme Command West concerning treatment of paratroops.

530-PS - Telegram 26 June 1944 from WFSt to military commands explaining application of 498-PS.

b. Lynching of Allied Airmen. Allied fliers who were forced down in German territory were sometimes killed by the civilian population. This was condoned by the German government, and the question was whether official sanction should be given to lynching in cases where the fliers had been guilty of "acts of terror." There was considerable discussion in May and June 1944 about defining "acts of terror", and it does not appear that an order was ever issued. Jodl took part in these discussions; he tried to obtain a decision from Goering on the definition of "acts of terror", and it appears that he and Keitel were in favor of the order.

R-118 B - Order by Jodl for consultation with Himmler, Goering, and Ribbentrop on action and propaganda regarding enemy airmen.

R-118 L - Memorandum showing that Jodl had failed to obtain confirmation from Goering of instructions to carry out the proposed order

(4) Wanton Destruction of Cities, Towns and Villages and Devastation not Justified by Military Necessity - Indictment VIII (G).

Jodl's order to burn Norwegian dwellings, cited before under Count Three, may also be regarded as an offense under this section of the Indictment.

754-PS, supra

(5) Germanization of Occupied Territories - Indictment VIII (J).

A memorandum by General Friderici reports a conversation in the Office of the Reich Protector of Bohemia and Moravia in which K. H. Frank announced Hitler's approval of a plan to assimilate Czech nationality into Germany by absorbing the better half of the population into Reich territory (through increased labor draft and dispersal) and expelling the other half. This document was initialed by Jodl.

862-PS - Memorandum signed by General Friderici 15 October 1940 of conference on Germanization of Czechoslovakia.

Jodl's connection with the Rosenberg administration of eastern territories makes him liable for the crimes under this section committed by that administration.

865-PS - SUPRA



**VI. COUNT FOUR**

The charges against Jodi under this Count are that

"he authorized, directed and participated in \* \* \* the Crimes against Humanity set forth in Count Four of the Indictment, including a wide variety of crimes against persons and property."

All the allegations of Count Four apply to Jodi.

The prima facie case against Jodi under this Count rests on the evidence shown against him under Count Three, and reference is here made to the briefs and documents cited before in this brief under Count Three.

D. ARGUMENT AND CONCLUSION

Jodl's place in the German Army was an important and responsible one. He worked closely with both Hitler and Keitel on matters of planning and operations, and he prepared orders for Hitler's approval. He was thus in a position not only to know all aspects of German military policy, but to take part in forming it himself, and the documentary evidence shows that he had a direct role in the preparations for war. He thus furthered the aims of the conspiracy charged in Count One, and is guilty, with the other defendants, of causing the wars alleged in Counts One and Two.

With regard to Counts Three and Four, Jodl must have had knowledge, by virtue of his position, of policy concerning the treatment by the Wehrmacht of prisoners of war and civilians in occupied territories. He signed and initialed orders for the commission of War Crimes and Crimes against Humanity, and he was the OKW representative with Rosenberg, under whose authority many such crimes were committed in the East. He is thus guilty of the charges alleged under Counts Three and Four.