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[....]

THE PRESIDENT: You may call the next witness, Dr. Leverkuehn.

DR. LEVERKUEHN: The next witness is General Warlimont himself.

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WALTER WARLIMONT, a witness, took the stand and testified as follows:

THE PRESIDENT: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You will be seated,.

DIRECT EXAMINATION

BY DR. LEVERKUEHN:

Q. Please state your name, your surname and Christian name.

A. Walter Warlimont.

Q. When were you born?

A. On the 3rd of October, 1894.

Q. Where?

A. Osnabruck in northwest Germany.

Q. Where did your family originate?

A. My parents were both born in the German-Belgium frontier

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area, Eupen-Malmedy. My family, on my father's side, originated in the Belgium Ardennes Mountains, where large circles of his family still live today.

Q. Where did you attend school?

A. I attended school in Osnabruck, the Humanistic Gymnasium, but I left at my matriculation at the beginning of 1913.

Q. What profession did you take up thereafter?

A. Immediately after having finished school in February, 1913, I entered an artillery regiment in Strassburg in Alsace.

Q. At the outbreak of the war, 1914, were you already an officer?

A. Yes, after having attended the military school in Danzig for nine months, in July 1914, one month before the outbreak of the First World War I was promoted to officer.

Q. In what assignments did you participate in the First World War?

A. During the First World War I was a front line officer in the artillery.

Q. What was your rank at the conclusion of the First World War?

A. First Lieutenant.

Q. What did you do after the First World War?

A. A short while after the war I entered the Free Corps of General Merker which was stationed in central Germany, and participated particularly in the suppression of Communistic insurrections. When the 100,000 man army was formed, I was taken over into an artillery regiment with a rank of first lieutenant.

Q. How did that period of your service close, witness?

A. Two or three years after the First World War I remained in the artillery, and then I was commanded to a training course for Fuehrer-Gehilk in Military District Command 6 in Muenster.

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Q. Who was your teacher there?

A. The later Chief of General Staff, General Beck.

Q. Did you have personal or official relations with him prior to this period?

A. Yes, prior to that he had been my battalion commander in the artillery regiment of the 100,000 man army.

Q. After you had finished your training did you immediately return to the troops?

A. No, at the conclusion of this training period I was given a scholarship to go to England to study languages.

Q. Had you been abroad at an earlier time?

A. Yes, from my earliest youth onwards I went every year, sometimes to Belgium, and later on as a senior scholar, and after the war as a young officer, I made several trips to Switzerland and Italy.

Q. Did you return to the front after your stay in England?

A. No. In Fall 1926 I was commanded to the General Staff, or as it was called [sic] then, to the Fuhrerstaff. My first position was the one of a second adjutant to the Chief of the Truppenamt in the Reich War Ministry in Berlin.

Q. What were your tasks there?

A. In this position I only had to deal with the anteroom work in a similar way as my A. D. C. who just testified here.

Q. And thereafter what became of you?

A. I remained in that position for six months, and thereafter I was transferred to the Heereswaffenamt. There I had to concern myself with the military economic experiences of the First World War. German experiences as well as foreign experiences were my sphere of task there.

Q. How long did you remain in that position [sic]?

A. First of all I remained there for two years, from Spring, 1927, to Spring, 1929.

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Q. And then?

A. In Spring 1929, I was commanded to the Army of the United States for one year in order to study the economic mobilization of the array there.

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Q Was it customary that German officers were commanded to foreign armies?

A. After the First World War that had been the first case of this type. Another captain of my own age went with me who had also worked in the Reich Defense Ministry, and he was commanded to the Air Corps of the Army of the United States in order to study those matters which we had lost during the ten post war years.

Q Why do you think that you were chosen for this assignment?

A Minly [sic] I believe the selection of my person was connected with my official activity which I had carried out in the two previous years. I had concerned myself with the German military economy after the First World War, and therefore, I was one of the very few officers who was suitable for this reason to study economic mobilization in the United States. An additional factor might have been that my wife and her

mother were a branch of the Anheuser-Busch family in St. Louis, and she spent her school years during the First World War in the United States, and her brother lived there for twenty years.

Q Now, who assigned the mission to you to proceed to the Army of the United States?

A The mission originated with the then Reich Defense Minister Groener, because, as I learned at that time, he had personally concluded the agreements for this mission with the American War Ministry.

Q How were you received in the American Army?

A I was welcomed with great hospitality and all possibilities were opened to me to carry out my studies.

Q Were you able to show your recognition and appreciation?

A I tried to do that at the time after I had looked around somewhat in the United States. In Washington, before the officers of the War Department, I gave a number of lectures about the German military economic experiences of the First World War, and also about artillery matters.

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Q Was your assignment restricted to Washington?

A No, I spent approximately half of this one year, which was the period of my assignment in Washington. During the other six months, I visited the rest of the United States, and at the end for two months I was assigned to an artillery regiment in Texas.

Q Apart from the military economic purpose, did Groener explain any other purposes of this mission to you?

A Yes, Reich Defense Minister Groener received me in person briefly before my departure to the United States. On this occasion he told me, even more important than the study of economic mobilization was it for

me to obtain as many friendly contacts as possible with officers of the Army of the United States.

Q Were you in a position to keep up such contacts at a later time?

A I believe I can state that I succeeded in fulfilling this mission at the time and I cultivated these contacts later on. I tried to express my gratitude.

Q How could you manage to keep up contact with American officers later on in Germany?

A The consequence [sic] of this assignment was that I maintained contact principally with officers of the American Embassy in Berlin. Those gentlemen visited me even when I was outside Berlin with troops. They visited me mainly during large troop maneuvers. These contacts were also cultivated mainly during the time when I served in Berlin proper.

Q Contacts with whom?

A I believe that between 1933 and 1939 I knew all officers who worked in the American Embassy, but primarily I know very closely the military attache who served there from 1936 to 1939, this was the then Lieutenant Colonel Truman Smith.

Q About that portion of your testimony we are going to submit two affidavits which are Documents 57 and 87. They are affidavits of

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Truman Smith and of Heidel. Did you later on succeed in returning to the United States?

A No. It was my most urgent desire to be military attache in Washington myself, but this wish was never fulfilled.

Q What assignment did you have after you returned from your American command?

A For a few months I concerned myself with putting down my impressions and experiences in written reports. In fall, 1930, just six months after my return, I was transferred to East Prussia as Chief of a battery.

Q How long did you remain there?

A I remained there for two and a half years. thereafter, in April, 1933, I returned to the Reich Defense Ministry with the rank of a major, and once again I was assigned to the Heereswaffenamt, my former sphere of tasks.

Q To whom were you subordinate in the Heereswaffenamt?

A In this second sector of my activity I was subordinate to General Georg Thomas, the Chief of the Military Economic Staff. That was in 1932.

Q What was your duty from then on?

A From 1932 to 1934, I was in charge of a working camp in this staff which consisted of a captain and myself. It was then my duty to create the basis for a German military economic organization which had not so far existed. In addition to these tasks I acted as an instructor in the tactical sphere. I taught the officers of the Heereswaffenamt, and, as far as the military economic sphere was concerned, I lectured to the officers of the military academy and the Armed Forces academy.

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did bring me into a certain contact with the industry as such, inasmuch as industry, of course, immediately participated in the organization of military economic organization.

Q Did you attend conferences of the so-called Reich Defense Committee and can you tell us what kind of an organization this was?

A. I attended such conferences repeatedly between 1933 and 1936. The conferences took place at intervals of three months. This committee comprised the representatives of all those civilian ministries who

participated in the national defense.

Q I beg your pardon.

A In the conferences the representatives of these civilian ministries met with those officers of the Reich Defense Ministry who were responsible for the corresponding spheres of activity. All in all the number of participants in such conferences was about one hundred to one hundred and fifty, half civilians and half officers.

Q Did you attend on your own initiative, or did you accompany General Thomas, or did you deputize for him?

A In accordance with my rank and my position I could only attend these conferences as accompanying General Thomas.

Q Who directed the Reich Defense Committee?

A During the first years this committee was directed by the Chief of the General Staff who was at the time General Beck. Later on, the direction of this committee was turned over to the Chief of the Wehrmacht Amt, General von Reichenau and over General Keitel.

Q What was the line pursued by Beck in this Reich Defense Committee?

A The line and the task of this committee was to take the most urgent general measures in Germany which as completely disarmed, measures which were urgently necessary for the defense of the borders. Also outside the Wehrmacht. Those were measures which were taken in all countries in the world who were able to defend themselves, measures which were taken to a large extent after the 1st World War and which even



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today are the most natural duties of any national defense.

Q In the work of this committee did you ever hear anything said that Germany intended to wage an aggressive war?

A The conception of an aggressive was unfamiliar to me at the time. It was a word that was not used in the German language. At any rate in this committee not one simple word about war plans on Germany's own initiative were never mentioned. The large number of participants excluded this, even if such intentions had existed.

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Q How was the defense idea formulated which Beck gave the Defense Committee to work on?

A The most important task which always formed the larger part of the deliberations was the evacuation from the border areas of the inhabitants, above all of the able-bodied male population and valuable goods. Large parts of Germany, however, were also counted amongst border areas; for instance, the whole left bank of the Rhine in the West, the whole of the province of Silesia in the East, other plans even included the North Sea and Baltic Coast into this scheme and thus precluded that Germany would be completely cut off from its seaports. Eventually a third reflection was made. Zones were established for these purposes at the time and the third plan even included the omission of the Ruhr area and the Province of Saxony. In spite of all this, in this mutilated remainder of Germany a defense was still thought possible for the nucleus of the country.

Q In order to conclude the topic of your connection with this particular sphere of activity I want to anticipate for a moment a period of time in your later assignments and I want to ask you now whether later on when you were Chief of the Department of National Defense you were still connected with this particular sphere of activity?

A Yes, when in the late Fall of 1938 I was called back into the Reich War Ministry and became Chief of Department L, National Defense, I found in this department the so-called Secretariat for the Civilian Defense of the Reich. This Secretariat was formed by Group IV of the Division of National Defense. The tasks of this group, as its name already indicates, were to deal with the business affairs and to comprise the tasks of National Defense. The Secretariat had to concern itself mainly with the coordination of civilian and military measures.

Q As the Chief of this Secretariat did you in June 1939 attend a session of the National Defense Committee?

A Yes, that was the only session of the so-called Reich Defense

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Council in contrast to the Committee which up to that time I had got to know. To the best of my knowledge this was the only session which was held by this council. In contrast to the Committee the council comprised the Minister themselves; whereas, in the Committee their representatives were present. I participated in this session as Chief of the Secretariat who had to make the necessary preparations for the course of the conference, for the agenda of the conference, and for the later minutes of the conference.

Q Who was the Chairman of this Reich Defense Council?

A Goering.

Q How during this session were plans discussed which might serve as an aggression or or the preparation of an aggression?

A No, during this conference, too, which took place three months before the outbreak of the war not one word was said about imminent war. Instead, the fundamental tasks which were to be allotted to this Reich Defense Council were elaborated during this conference.

Q Can you remember certain items of the program which were discussed?

A I remember particularly well that the Military Chief of Railroad Transportation, who was even then Colonel or Brigadier-General Gehrko, reported on the state of affairs in the Reichbahn, the Reich Railways with a view to their possible military exploitation. During this report it was stated that the Reich Railways were not ready for war because during the past years they had been neglected in their material and financial aspects. Thereupon, it was declared in this session that as of 1940 a five-year program was to start which was to eliminate these damages to the Reich Railways and thus enable them to fulfill possible military tasks.

Q How long did that Reich Defense Council exist?

A Strangely enough this whole organization was dissolved approximately ten days before the beginning of the war.

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Q And what took the place of this organization?

A The so-called Ministerial Council for the Defense of the Reich, a creation of Goering's which was completely supported by the organization of the Party; whereas the Reich Defense Council had been an organization which had grown out of the State, in which the Ministries had been represented and which in its subdivisions was mainly supported by the Armed Forces. Now, this new organization had only a few selected Ministers as its members; the official business direction was no longer supported by the military districts of the Armed Forces but by the Party districts.

Q Did you have a position within this organization or did you have any liaison to this organization?

A No, none.

Q Now, I should like to return to the development of your military career. We had stopped, I believe, in 1936. At this time in 1936 you were where?

A I was still in the Reich Defense Ministry. In the meantime I had become Chief of the Military Economic Division under General Thomas and since summer 1935 I was a Lieutenant-Colonel [sic].

Q And that position concluded when you took what new assignment?

A That position concluded when in August 1936 I was sent to Spain to Franco as the representative of the Reich War Minister Fieldmarshal von Blomberg.

Q Were you sent to Spain as a member of the German Armed Forces?

A As a matter of form I was discharged from the Armed Forces for this very purpose.

Q What was the situation in Spain at the time?

A In the middle of July civil war had broken out in Spain.

Q Did you have any contact with Spain prior to that?

A I neither had any connection with Spain nor did I speak the Spanish language nor had I concerned myself in any way with what went on in Spain prior to going there.

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Q Then why do you think you were chosen for this particular assignment?

A Field Marshal von Blomberg when I met again here in the prison in 1945, three years ago, told me that he had primarily chosen me for this mission for personal reasons.

Q What description of the conditions and of your sphere of tasks was given to you by the Reich War Minister von Blomberg when you left?

A Von Blomberg told me at that time, in August 1936, that civil war in Spain was expanding more and more. Hitler was determined, together with Italy, to give General Franco further military support if necessary.

Q Up to that time what did the German support of Spain consist of?

A Up to that time only a group of transport planes, altogether approximately thirty, had been sent to Spain.

Q With members of the Armed Forces?

A These planes were manned by volunteers who as far as I know we [sic] were not all members of the Armed Forces but were partly members of the Lufthansa. For the protection of these transport planes, a fighter unit had been sent after which, as far as I know, consisted of 6 to 8 planes.

Q Did Blomberg tell you that Germany's support was to become much more extensive?

A No, on the contrary; he told me that the extent of the German support for Franco could only remain a small one, if only because of our armament position which at that time was only about to be developed.

Q And how did he think this support was to be carried?

A As a matter of principle support was only to be rendered by our making war material available if such was needed. We were to train Spanish soldiers in the use of this equipment, and as to our own personnel, we were only to give as much as was necessary for this purpose.

THE PRESIDENT: At this time we will take our recess until 1:30 o'clock.

(A recess was taken until 1330 hours.)

[....]

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Wehrmacht branches were standing around in the hall and Keitel rushed over to me and said everything is stopped again. The advance has been stopped. The war won't take place. Everything has already been ordered. You can see Brauchitsch and Raeder here. Write it all down on paper again. Here too it seemed oral orders which had come from the OKW had to be set down in writing. I did not find any opportunity to ask Keitel about the reasons. He was in too much of a hurry, so I asked Schmundt, Hitler's ADC, and he said to me that the British had intervened. The Guarantee Treaty with Poland has been ratified by the British Parliament and this has changed everything. In reply to my question whether this meant finally that Hitler's intentions against Poland were to be dropped, he just shrugged his shoulders and I know in addition on the next day that Field Marshal von Brauchitsch repeatedly said to Hitler you must now decide, Fuehrer whether you want to take military action against Poland or not, because as we are now standing on the German-Polish frontier we cannot remain for very long. This is a military impossibility. Therefore, we must either go forward or we must dissolve the troop concentrations again and this too seemed to me to show that Hitler still hadn't decided what he wanted to do and that Field Marshal von Brauchitsch didn't know either what Hitler's intention was.

However, I don't want to leave the point unmentioned that the regaining of Danzig and the German eastern territory was actually the highest national aim of all Germans at that time, but we soldiers on the other hand were convinced that Germany was strong enough to get rid of these unbearable consequences of the Versailles Treaty without a war. That was the opinion of my level of the officers corps.

DR. LEVERKUEHN: In this connection we would like to submit an affidavit from Field Marshal von Manstein about the conference of the 22d of August 1939. This is Document Warlimont 66 but I now would like to turn

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to Document Book 14 which is mainly concerned with Norway.

THE PRESIDENT: Dr. Leverkuehn when you say you are submitting that you mean you are going to submit it later. You are no [sic] offering it for identification now?

DR. LEVERKUEHN: No, your Honor, unfortunately the translations which we discussed yesterday are not yet finished and therefore I could only submit them in the German. I would rather submit the texts to the Tribunal in German and in English at the same time, but I would just like to mention the numbers which we are going to submit.

THE PRESIDENT: That is entirely proper, I just wanted to make sure that I wasn't overlooking documents or something.

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DR. LEVERKUEHN: No, your Honor, not at all.

Q (By Dr. Leverkuehn) The first document is Exhibit 1121, C-63, Document Book XIV, English Page 45, German, Page 102. Please would you comment on this document?

A This is an instruction from the Chief of the OKW, that is Keitel, and it bears his signature, and it is dated the 27th of January, 1940. The communication is directed to the Commands of the Army, Navy and Air Force. It states that the Fuehrer and Supreme Commander of the Armed Forces desires that work on the Study N, that is probably Norway, be continued in a special staff of the OKW.

Q Did you participate in the drawing up of this instruction?

A No, I did not. This instruction was worked out without my participation, and a definite sign of this is that on the letter heading at the top no expert group of the Division National Defense is noted. It only states there the Chief of the High Command of the Wehrmacht, the Chief of the OKW, and then a number and then the secret sign, and finally the letters "WFA", the Wehrmacht Fuehrungsamt, the Wehrmacht Operational Office, Department L, Department National Defense. If the instruction had even only been written in the National Defense Division then here the group of the division concerned would have been entered, but this is not the case. This is one of the cases in which Keitel or Jodl himself drew up such instructions, and they were written down by their own A.D.C. or another officer, and then the Division National Defense or the registry merely had to give it a reference number. This was necessary in order that the communication was properly registered and above all was properly registered as a top secret matter. But I would like to add that there were also communications which were so worked out without the participation of the Division,



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in which a working group of the Division National Defense was noted. This can be explained by the fact that the registry also had this information as well because they knew to which working group of the division such a communication belonged. Therefore, a complete letterhead is in no way a proof that this communication was dealt with within the staff of the division under my direction.

Q In this instruction, Exhibit 1121, a study is mentioned. Do you remember this study?

A No, I do not remember anything at all about this study, but this may have some connection with the fact that from the middle of December, 1939, until approximately the 10th of January, 1940, first of all because of an official trip to the West, I was absent, and then I went on Christmas leave, and subsequently I was sick. But after having seen this instruction here again in Nurnberg [sic], I made inquiries about this study, and I also saw a notice about it in Jodl's diary. The result of these inquiries was the following: After the oral report of the Commander of the Navy to Hitler about the question of the occupation of Norway on the 12th of December, 1939, Jodl gave the commissions that such a study should be set up. According to his war diary he gave this commission to Captain von Sternburg, the Air Force officer in the National Defense Division. He together with Corvette Captain Junge of the National Defense Division worked out this study within twenty-four hours, and already because of this very limited time, and because of the lack of any kind of data at all, this study, according to the information I find, only contained a lot of platitudes to the effect that if one took any action against Norway one would have to occupy the ports, and then there was a short comment about the strength which would be necessary for such

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an occupation.

Q What were the conditions on which this study was based, and what was the political situation on which it was based?

A The study was based on what the Commanding Chief of the Navy had told Hitler, and what Jodl, who was also again present on this occasion, had told Captain von Sternburg about it. This can only be an indication of the fact that the danger of an imminent landing by the Allies existed, and that this danger had to be eliminated by an occupation of our own beforehand.

Q What did you find out about plans regarding Norway?

A I can't tell you anything definite about this, but I think I can remember that when I returned in the middle of January I heard about it for the first time, the middle of January, 1940.

Q The indictment asserts that since September you had already spoken with Quisling and Hagelin about Norway, is that correct?

A I only know the name of Quisling as everybody in the world knows it. I never saw the man, and I never had any communication with him, either in writing or orally, and I was never in any immediate direct or indirect contact with him, and I don't know the name Hagelin at all.

Q The working staff is ordered in the instruction, did this working staff ever meet?

A Yes, this working staff met at the beginning of February, 1940, under the designation "Special Staff".

Q And who told it about its tasks?

A I can only say according to Jodl's war diary that Keitel told the three officers of this staff about their work.

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Q And what was the relation of this staff to the National Defense Division?

A As I said yesterday in another connection, I had to accommodate these three officers in rooms in my department, my division in the Reich Wehrministry.

Q Did they have any official contact with you?

A No. Out of pure interest I found out now their work was getting on, but I didn't have any right to give them orders, and I didn't have any kind of official contact with them at all.

Q And what happened to this stuff?

A The staff as such existed not quite three weeks because Hitler then decided that the preparations which had been made up to them as a form of study were to be transformed into serious preparations. The reason for this was, I think, the permanently, continuously increasing danger of an occupation by the Allies. As a result he delegated General von Falkenhorst and his corps headquarters to continue with the further preparations. The three officers of the so-called Special Staff, therefore, went over into the staff of General Falkenhorst.

Q Did you then take part in discussions and oral reports about the Norwegian plans?

A No, not in one single case.

Q With regard to this question too, I would like to mention Warliamont Exhibit No. 64. It is an affidavit of General von Engel. I would now like to turn to Document 1129, C-174, Document Book XIV, English Page 9, German, Page 168. This document is headed, "Directive for Operation Weseruebung". What does this Weseruebung mean?

A Weseruebung was the code name for the occupation of Norway, and at this time probably Denmark too.

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Q And what is this document about?

A This is the directive for the execution of the occupation of Norway, dated the 1st of March 1940, and it is signed by Hitler.

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Q. And to what extent was the National Defense Division involved in this?

A. The Division merely looked after the issuance of this directive in this instance too. There is no expert group of the Division entered.

Q. When did you hear about the possibility of the occupation of Denmark, and what did you discover about the reasons?

A. I can't remember exactly when I found out about it. It must have been probably in February, 1940. With regard to the reasons, at that time I only knew that the Air Force had asked for the occupation of Denmark.

Q. Now, I would like to turn to two exhibits which I would like to put to you together, 1126 and 1127. 1126 is Document D-629, in Document Book XIV, English page 73, German, page 146. Exhibit 1127 is Document NG-3817, also in Document Book XIV, English page 77, German page 150.

A. Both documents are communications from the OKH to the Foreign Office. The one is dated the 2nd of April, and the other one is dated the 20th of April, 1940. The communications contain the desires and the requests of the Wehrmacht which at the beginning of the occupation were to be represented by the members of the Foreign Office of Denmark and Copenhagen to the heads of the Government of Denmark and Norway. In the main they are concerned with inducing these governments to agree with the military occupation end in this way to avoid unnecessary loss of blood.

Q. What was the participation of the National Defense Division in the drawing up of these communications?

A. These communications, too, according to their contents, were drawn up completely without our participation. The contents concern considerations and suggestions for General von Falkenhorst and other organizations, which are known to me, made during the conference with Hitler under the orders which Hitler had made at that time. The Division then received the commission from Jodl to compile all this.

Q. Then what was your personal opinion of the situation with regard to Norway, and did you express anything about it officially in any way?

A. Yes. Only the idea cropped up that Norway should be occupied.

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I, just the same as other officers, could not exclude the idea that here a danger must be avoided which would mean death for the German military leadership, because the British Air Force in Norway meant a complete control of the German living space, and the Franco-British occupation of the Norwegian ports meant a cutting off of Germany from the sea and above all from Swedish ore [sic]. For me in my further judgments about it, the main thing was to recognize whether this danger of an occupation by the Allies actually existed. The execution of the German measures against Norway at that time were dealyed [sic] unexpectedly long because the whole of the Baltic Sea, in contract to normal times, was frozen over. With this, the final date for a possible occupation of Norway became ever nearer to the date on which Hitler wanted to attack in the west, and so I said to myself, "As soon as the German Wehrmacht takes action in the West, the British and the French, without doubt, will have no more forces available to attack on their part." The German attack would involve all the Franco-British forces in the west and bind them there.

In addition, I said to myself that the question or the pretext which the British and the French would use for the occupation of Norway, and which they thought they had found in the Russo-Finnish War, was no longer in existance [sic], because in the meantime peace had occurred. Based on these two considerations during the second part of March, 1940, I thought that the danger of an Allied occupation of Norway was no longer existant [sic], and in this judgment it also seemed to me that for Germany too it was no longer necessary or would even be damaging for this extension of the war to be carried out in a territory far distant, or even to take this into consideration and in this way to involve further parts of Europe in the war and all its consequences. As a result, in the second half of March I set down a written opinion of the situation with these comments and submitted it to Jodl. This judgment concluded with the suggestion that the occupation of Norway should not be carried out, and, of course, Denmark too.

It is significant, and at that time I found it a very bitter pill too, that I didn't even get an answer to it, and in this context must again

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use Jodl's declaration which was supposed to have been given here on the 26th of September. If, as in this statement, I really had met him every single day and really had been present at all Hitler's discussions, then this train of thought would never have arisen in my mind, because it was exactly that opposite of what was happening in the Reich Chancellery, but in addition I wouldn't have told Jodl about my ideas in writing, but I would have told him orally about them, and I wouldn't have tried to get any answer at all. In addition it is in complete contradiction to what Jodl wrote down in his diary, in the comment in which a large part is played by the statement that the Fuehrer is still looking for a reason for the occupation of Norway, and this was not my opinion.

Q. Was the National Defense Division concerned in the operational measures during the occupation of Norway?

A. No, just as little as it was in the Polish campaign. Neither at that time nor at any time later was I in Norway in contrast to all the other theaters of war.

Q. The intelligence about the intentions of the Allies, which were known to you at that time, could this intelligence be taken as a fact that they were seriously thinking of an occupation?

A. I think I have just said that until approximately the middle of March I was firmly convinced that this danger was imminent, and that Germany, with its own preparations as far as they were known to me, was completely within the scope of a justified defensive measure.

DR. LEVERKUEHN: Shall I turn to another point now, your Honor?

THE PRESIDENT: Our time has expired and we will be in recess fifteen minutes.

(A recess was taken.)

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THE MARSHAL: The Tribunal is again in session.

DR. LATERNSE: Your Honor, on behalf of the whole of the defense I would like to submit some facts to the Tribunal. It will be rather brief and will you be good enough to give me a hearing. On 8 June 1948 at Radio Munich a public discussion took place between a member of the Staff of Radio Munich and a member of the Prosecution team appearing before this Tribunal. It caused considerable public interest and comment. Defense counsel has asked Radio Munich for a copy of the text which they received yesterday. It showed that the following comments were made and I quote.

THE PRESIDENT: You may proceed.

DR. LATERNSE: "Speaker: (That is the speaker of Radio Munich said) The Prosecution has as far as I know closed its case. We are now in the defense. Can you tell us how the result of the evidence could be summarized. Can it be assumed that the counts of the indictment have been proved or how does the matter stand?" The answer was, among others, and I quote: "In Nurnberg since August 1945, that is to say I was here right at the beginning with Mr. Jackson. I cooperated directly or indirectly in almost all trials which were conducted in Nurnberg--".

THE PRESIDENT: Just a moment, Doctor Laternser. What is the purpose of this?

Dr. LATERNSE: Your Honor I would like to put an enquiry to the court as to whether the proceedings of the Prosecution in this case are fair. If it is fair then the defense would reserve the right, they would ask for the right, to act in the same manner, to make comments over the radio. However, we have scruples that if we did so, since this is a pending case, we would expose ourselves to the possibility of committing contempt upon the court. We cannot judge this and therefore we would like to put the question to the Tribunal.

MR RAPP: If the court pleases, maybe I can shorten this in two



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sentences. The person in question was myself. It has been customary occasionally to give our own opinions over the radio. That was at the very beginning over the radio and that is what the Americans are trying to do, to expose the Germans to make such statements of free speech at their own time. The defense counsel has done it repeatedly in their own case. They have been invited if they want to give their statements over the German radio, what they think about this case, without making any reference to the Tribunal or prejudicing the case as such. I don't think this has to go any further; it is just like writing an article. I don't think it belongs in this court room. If Dr. Laternser wants to answer me over the radio I'm sure Radio Munich would be glad to listen to him.

THE PRESIDENT: What is your question, whether you can make a radio speech?

DR. LATERNSEER: No, your Honor. I wanted to ask whether the conduct of the Prosecution was fair in this case because in replying I don't want to incur the commission of a contempt of court because we as German defense counsel do not know as well as you these regulations or as if we had been nurtured in American law and that is what I and my colleagues are asking for.

THE PRESIDENT: In other words, you want the privilege of making comments over the radio yourself? Is that what you are asking the Tribunal?

DR. LATERNSEER: In the first place I wanted to ask whether the conduct of the Prosecution was fair, that is, that in a pending trial they commented on the defendants.

THE PRESIDENT: I don't know what the rest of the Tribunal know about it. I don't know anything about what the Prosecution said and that has not been brought before us as to whether it is contempt of this court and I certainly don't know what the defense has it in mind to say and I have always found it difficult to know whether it was

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contempt of court after the thing was said. Personally, when I have been a Prosecutor and when I have been on the defense I have always found that on either side it took most of my time to attend to the case. But, if you want anything further on this I will discuss the matter as far as it has gone with the Tribunal and advise you whether there is anything further we care to say on it. At this time you may proceed with the case.

WALTER WARLIMONT-Resumed

DIRECT EXAMINATION (Continued)

BY DR. LEVERKUEHN

Q. In conclusion I would state regarding Norway that we have attempted to submit to the Tribunal the notes mentioned by the defendant in his testimony. However we were unable to find them among the documents from Washington. However, we shall submit an affidavit which will appear in a supplementary volume. We will submit testimony of his assistants. I will now turn to the next section, that is the first document of Book 13, Exhibit 1074, Document C-129, page 29 of the English and 84 of the German. Now, before making any comments on the document I would ask you, witness, to give me some information as to whether before the outbreak of war in September 1939 studies or plans for an attack in the West had been drafted in the National Defense of the OKW and whether that such plans existed.

A. No, neither studies [sic] nor plans of this type were in existence nor have they ever been referred to.

Q. Did you yourself ever make suggestions regarding the examination of this question?

A. I have given no suggestions as regards the attack in the West and a consideration of such an attack but in the Spring of 1939 when the first ideas and plans about a possible war with Poland became known to me I was under the apprehension that this might entail a war against the Western powers and because of this idea I suggested to Keitel that a war game be worked out in which such a position was the

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underlying idea. That is to say a compilation on Germany to defend herself against an attack of the Western powers. Keitel refused. Then by other means I tried to point out the danger which might result from such a development and in this connection I still recall the detail. I submitted the compilations to Keitel regarding the numbers and the caliber of the French heavy artillery and about the number and the thickness of the French tanks, I had chosen those two arms because in this field Germany was infinitely weaker than France and I could hope that a comparison of the figures, the French and the German figures, would not fail to have some effect on Hitler. Keitel returned these tabulations to me forthwith, stating Hitler did not wish to see such things, so I had to cease my endeavors.

[....]

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(The hearing reconvened at 1515 hours.)

THE MARSHAL: The Tribunal is again in session.

WALTER WARLIMONT - Resumed

DIRECT EXAMINATION (Continued)

BY DR. LEVERKUEN [sic]:

Q We had stopped, General, when we discussed Document 523-PS, on page 7 of the original. On that page there are a number of handwritten notations. Do you recognize the handwriting or the handwritings?

A It's all Jodl's handwriting.

Q Then follows yet another draft on page 9 of the original.

A Keitel's handwriting as well appears there.

Q Now let's turn to page 13 of the original. That is headed "Third Draft". Who wrote that notation "Third Draft"?

A That was written in Jodl's handwriting.

Q According to the document book there is a handwritten notation also on that page which states "on the 17th in the evening put into the final form by the Fuehrer personally".

A Yes.

Q Who wrote that?

A Jodl wrote it and he initialed it.

Q During this time, did Jodl give you any information about these various drafts and his oral reports to Hitler?

A No. I had no more information about these happenings.

Q Please turn to Document 498-PS, which is Exhibit 124.

A Now, this is the order in the final version as Hitler himself dictated it and signed it.

Q On the lefthand [sic] corner on the top of the first page there is a reference. Does that conclude any participation of your department in this version of the order?

A No. The heading now reads "Fuehrer". Underneath, "OKW/WFST, Wehrmacht Operational Staff)". This is written in abbreviated letters.

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The number of the order was probably taken from the registry office which was located in my staff.

Q In this connection I shall also put to you Document Exhibit 1270--correction 1269. I shall leave the sequence which I have set myself for a moment and turn to this document which is Document NOKW-2906, contained in Document Book 3 Supplement, page 15 of the English and 48 of the German.

A This is a memorandum for an oral report of Department Q. The memorandum is signed by me, and it is addressed to Jodl. It is dated the 26th of November 1942, that is, more than a month after Hitler's order had been issued. In this report memorandum it is stated that the General Staff of the German Army deems it necessary to withdraw those copies of the Commando Order which have been distributed lower than the headquarters of Armies. The General Staff of the German Army moved that this be done in accordance with his authority in the Eastern Theater. I take up this suggestion in the report memorandum and I ask Jodl to bring about a decision to the effect that this order be destroyed generally, not only in the east at echelons lower than Army level. The purpose here again was to contribute to the fact that this order be forgotten and disregarded.

Q Will you please glance at the last sentence in this report memorandum?

A In the last sentence I point out to Jodl that the Commando Order of Hitler is dated the 18th of October in accordance with Jodl's report before Hitler was provided with a special distribution list and a special notation to the distribution list. I stress this fact particularly because according to this I was not in a position to make any different decision nor was Jodl, since even the distribution list for the Commando Order, as is revealed by this sentence was ordered by Hitler himself.

Q That would refer to the distribution list which can be found in Document 498-PS at the end of the document on page 4?

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A Yes, that is correct. That is the distribution list to which this sentence refers.

Q As a rule, who gave instructions as to how orders were to be distributed to the subordinate troop units?

A That was an office matter of a technical nature which the office chief himself would regulate.

Q Then this was an exception?

A Yes, this was a very special exception.

Q Now, is this Hitler order of the 18th of October 1942 in accordance with your suggestions?

A No. Nothing was left either in substance or in wording of my suggestions, which I included in my order draft of the 15th of October on instructions from Jodl. My suggestion was never brought to Hitler's attention because in the most decisive aspects Jodl had changed it before it was even shown to Hitler.

Q And one of the essential points was the turning over of the decision to the troops?

A Yes. According to my opinion and to my wishes, that was the most decisive factor and, as can be seen from the photostatic copy, Jodl crossed it out in the first draft in his own handwriting.

Q Do you know that his testimony before the International Military Tribunal Jodl made a statement to the effect that for all practical purposes he had no connection with the Commando Order?

A Yes, I know that, and I not only know that but I also know that he said at the time that his staff, that is, myself, drew up a draft on our own initiative. Here again I am afraid his memory failed him. It is evident that this drawing up of a draft was not done on my own initiative from one of the documents which was discussed just now, which starts with the words, "According to the orders the following is submitted."

Q Now, as to Document 523, Exhibit 123, you have no doubt in

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identifying Jodl's handwriting in several places in the photostat?

A I don't have the slightest doubt that it is Jodl's handwriting.

Q I shall now put to you Exhibit 125, Document 503-PS in Document Book 4 of the prosecution on page 39 of the English text and page 50 of the German text.

A Immediately following Hitler's Commando Order he issued a further explanatory order. This again was drafted by Hitler himself exclusively, as I learned immediately at the time. In this order he states reasons for issuing the order. He compares, among other things, the activity of the Commandos with the partisan warfare in the east. In this connection I should like to state that in doing so he made exactly the same statement, as is contained in the British regulation, because therein it says that the members of Commando units are to fight in the same manner as partisans. Furthermore, the especial significance of Hitler's additional order is to be seen in the fact that in the last paragraphs which are on page 7 of the original he threatens heavy punishment for all those who disobey his order. I should like to read the sentence, "Officers or non-commissioned officers who for some weakness fail are to be reported without any consideration or under circumstances when there is danger in delay to be called to strict account at once."



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Q. Following this page, by which I mean the last page of this document 503-PS, is a communication by the OKW. It is signed "Jodl". Is that part of [sic] the previous document?

A. Yes, that is a cover letter, the letter of transmission. It has the date of the following day, the 19th Of October.

Q. Did you have any part in the origin of [sic] this communication?

A. No, neither I nor my department had the slightest part in it.

Q. Will you please glance at the past page at the distribution list in the last but one paragraph which says, "21st copy: Armed Forces Operational Staff Q" and immediately after it abbreviated "Draft". Now, what do these words mean?

A. Subsequently Jodl sent his staff that is, the Armed Forces Operational Staff and within this staff, Division Q, the draft of this order to file.

MR. RAPP: May I inquire. I didn't quite get the translation of this. Would the interpreter be so kind as to repeat this? Can you hear me?

INTERPRETER: I want the witness to repeat it. I can't remember it all.

MR. RAPP: Would that be all right, Your Honor?

THE PRESIDENT: Yes, I think I know what he said. That last on this distribution list, where it refers to OKW/West, High Command of the Armed Forces, Armed Forces Operational Staff II, 12. That that was sent to that department later for filing purposes, if I have it right.

MR RAPP: Yes, I understand that, too, your Honor. The only thing I was interested in is how the German word "Entwurf" was translated. That is the only thing I am interested in.

INTERPRETER: "Draft".

MR. RAPP: That is something I would like to contest. It is not draft but "original" in this particular case. The literal translation of course is "draft" but what is meant here is of course one

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"original". I just wanted to get that in the record and if we have any difficulties on it we can get an opinion from the Translating Division.

DR. LEVERKUEHN: I cannot quite share Mr. Rapp's opinion here. The translation of one word "Entwurf" is only "draft".

MR. RAPP: Well, if Your Honor please, I already suggested that we submit it to the Translating Division. Our position is that in military terminology the word "Entwurf" means "original," while in the usage amongst civilians the word means "draft", but amongst themilitary [sic], it means "original". That is our contention.

THE PRESIDENT: That will be noted on the document.

DR. LEVERKUEHN: In the event that this question might arise later on and might prove of any importance, I should like to reserve the right to give the reasons for my opinion. At the moment, I don't think that is necessary. I now put to you Exhibit 126, NOKW-1757, on page 44 of Document Book 4 in the English text and on page 55 of Document Book 4 in the German text.

THE WITNESS: This document again contains a copy of Hitler's order of the 18th of October which is the so-called Commando Order, and prevised to it is a communication from the OKH, the General Staff of the German Army Operations Section. This cover letter distributes the order to the Army Groups in the east. In addition, the order is distributed to a large number of other agencies which were subordinate to the OKH.

BY DR. LEVERKUEHN:

Q. I will now put to you the three subsequent documents in a body, Exhibits 135, 137, and 138. Exhibit 135 is Document 508-PS contained in Document Book 4 on page 74 of the English text and 86 of the German text; 137 is 527-PS contained in Document 4 on page 78 of the English document book and page 91 of the German document book; Exhibit 138 is on page 80 of English Document Book 4, 512-PS, and page 93 of the German Document Book 4.

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A. The first document 508-PS contains a note from a Operational Section Air Force of the Wehrmacht Operational Staff. This is dated the 21st of November 1942. According to this a British sabotage unit landed in Norway and by virtue of the Commando order its members were executed. The note is signed by a member of the staff.

Q. Would you please look at the distribution list?

A. The note was sent primarily to General Jodl. In brackets it states "Previously transmitted by telephone", which shows the procedure which was used in all these cases, namely, that the information couldn't be sent quickly enough to Compound 1. I am listed as the second agency on this distribution list which received a copy and then follow other sections within the staff.

Q. Exhibit 137 on page 78 of the English document Book?

A. I should like to remain with Exhibit 135 for another moment and point out page 2 of the original. On this page is a supplementary letter of the Department Foreign Countries Counter Intelligency addressed to the Armed Forces Operational Staff. Attached to this letter are two teletypes which deal with the same Norwegian matter and are addressed to Department Foreign Countries Counter Intelligence. These show that the Armed Forces Commander in Norway issued an order in connection with this incident. According to this order the Commando Order was not to be carried out for the time being but interrogations were to be held first. The Department Foreign Countries Counter Intelligence inquiries on instigation of the Armed Forces Commander Norway of the Armed Forces Operational Staff whether that was in accordance with the opinion held in the Armed Forces Operational Staff. Now, I would like to turn to Exhibit 137.

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THE PRESIDENT: I would like to ask a question. Were these commandos shot by members of the OKW?

THE WITNESS: No, Your Honor.

THE PRESIDENT: By whom?

THE WITNESS: In the first note only the following information is given. Air Fleet V, which is the Supreme Command of the Air Force in Norway, reports that the Fuehrer Order was carried out. Now who carried out the Fuehrer Order is not evident from the note.

THE PRESIDENT: The Air Fleet V was a part of the Wehrmacht, wasn't it?

THE WITNESS: Yes, Your Honor.

THE PRESIDENT: Then, if it was carried out by the SD, then the Wehrmacht is reporting it?

THE WITNESS: Perhaps I might just glance through the subsequent pages of the document to see whether any further indication is given as to who carried out the executions.

DR. LEVERKUEHN: Perhaps you would glance at Document 508-PS, page 3 of the original.

THE WITNESS: Yes, on page 3 of the original of Document 508-PS it is stated, that the 280th Division, a Division of the German Army decreed carrying out of the action in accordance with Fuehrer Order. The action was carried out on the evening of the 20th of November. This I believe shows almost with certainty that soldiers of the 280th Division, a division of the German Army, carried out the executions.

THE PRESIDENT: That was a military action, or a military reprisal?

THE WITNESS: In this case, it was an execution of the order, Your Honor as the order was interpreted by the Division.

THE PRESIDENT: That is all.

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A (Continued) I should like to deal with Exhibit 137, which is an inquiry from a member of Department Q of the Armed Forces Operational Staff addressed to the Armed Forces Commander in Norway. The inquiry deals with the request of the Armed Forces Commander Norway that he should be permitted to hold interrogations in the future before applying the Commando Order. This member of the staff, (a Referent) apparently, had some doubts as to whether or not such interrogations were admissible in accordance with Hitler's order and he asked in this teletype for further clarification.

Now let us turn to the third document, which is Exhibit 138, Document 512-PS, Document Book IV, page 80 of the English, and 93 of the German a communication dated the 14th of December, 1942, and we find the answer of the Armed Forces Commander Norway. This teletype was primarily addressed to the Department Foreign Countries Counter Intelligence in Berlin through which office the inquiry of the Armed Forces Commander Norway to the Armed Forces Operational Staff had been channeled for information. This communication is addressed to Norway directly. In this reply, the Armed Forces Commander Norway is told that he is correct in his assumption that interrogations are to be held before application of the order. I myself initialed [sic] this teletype.

Q Why did you deem it so important to have interrogations held before the application of the order?

A It had been my idea from the very start, an idea which I expressed in one first draft of the order which was dated the 14th or 15th of October. By such interrogations, it was to be determined first of all whether a violation of the rules of war could be established and secondly by this method, the prisoners were to be taken from the competency of the SD. As a consequence I used this opportunity to discuss

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this whole incident in great detail with Admiral Canaris. We then reached the conclusion that Canaris' Counter-Intelligence Offices which were attached to the echelons as low as the divisions, were to be called in to conduct interrogations of all captured commando units as a matter of principle. Canaris took upon himself the responsibility for instructing his counter-intelligence officers to the effect that soldiers if they could not be convicted of having committed any serious offenses were not to be turned over to the SD but sent to prisoner of war camps. That, of course, is not stated in this communication, but this is what took place at the time between Canaris and myself.

#### EXAMINATION

BY JUDGE HARDING:

Q I would like to ask a question. After this interrogation, no matter whether these men were charged as I understand it, with the violation of the International Law or not, according to the order they had to be shot anyhow, as I understand this. Am I correct in that?

A Yes, Your Honor, that was the moaning and the wording of Hitler's order.

Q Then how are they protected by interrogation?

A Through interpolating the counter-intelligence agencies in these interrogations, we kept the SD away. Counter-Intelligence officers, that is, officers who were soldiers themselves were now carrying out the interrogations. Thus it could be established sometimes that the interrogations were not members of the commando unit but, for instance, were soldiers who were dispersed, who were carrying out reconnaissance tasks above the coast or were otherwise participating in a regular military operation. In such cases they were protected against being treated in accordance with the commando order; but even

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if it was proved that they were members of a commando unit but had not committed any punishable serious offenses, they would not be treated in this manner and in spite of everything, they would be turned over to the prisoner of war camps, and that was the purpose of the agreement.

Q Why did you want these men not turned over to the SD?

A Because we wanted soldiers in prisoner of war camps under our own supervision, if they had behaved like soldiers, since after all we didn't know what the SD would do with them.

JUDGE HARDING: Thank you.

THE PRESIDENT:

Q The SD was a civilian or a military organization?

A It was not a military organization. It was a police organization.

Q Well, if it wasn't military, then it had to be a civilian organization, no matter what it was, wouldn't it?

A Yes.

Q And you say you didn't know what would happen if they were turned over to the SD? I thought I noticed in one of these communications that the SD was objecting--it is found here in Exhibit 138, - "the Chief of the Security Police protested after the immediate carrying out of the Fuehrer Order and intend for their part to bring up the whole question as a matter of principle." Now they were objecting to any suspense, were they not?

A Yes, here, apparently the Commander of the Security Police in Norway himself objected against this first commando whom I mentioned earlier, being shot by the troops. That was not in accordance with Hitler's Commando Order, anyway.

Q In other words, they were to be turned over to the

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civilian police by the military for shooting. That's what he objected to not being done, wasn't it?

A Yes, Your Honor. Above all he wanted those people for interrogation, perhaps in order to discover the possibilities of a sabotage organization. I believe that was the real reason.

BY JUDGE HARDING:

Q Well, what good did it do these men in this case if they were interrogated first, they were all shot anyhow?

A No, Your Honor, Admiral Canaris saw to it that most of them, were not shot. They were brought into prisoner of war camps instead.

THE PRESIDENT: You may proceed.



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Q. (By Leverhuehn) Will you please once again turn to Exhibit 135. That is Document 508-PS, on page 3 of the original, which is page 5 in the document book. There it is stated, "Under their khaki uniform, without insignia on their sleeves, some of the prisoners wore blue ski suits." What is the significance of this sentence?

A. The members of this commando unit, in accordance with its description, were apparently not recognizable as soldiers. In addition they wore under their khaki uniforms, top clothing blue ski wuites [sic]. This could only have meant that after having carried out their assignment, they would discard their khaki uniforms and then appear in blue ski suits and disperse and never be seen again.

Q. I should like to refer you once more to the notation at the end of the document, Exhibit 138, 512-PS, which was just now referred to by Judge Harding. There it is stated that the Commander of the SD objects. What is the meaning of this protest, according to your opinion, mainly taking into consideration the Norwegian conditions?

A. It is evident from this protest that the events were carefully observed by the Commander of the Security Police and also by the Reich Commissar who is mentioned in the same connection. The Armed Forces Commander Norway, in all these measures, was also subject to control on the part of the Party.

Q. Was there any contact between you and the Armed Forces Commander Norway with respect to commandos?

A. No, the Armed Forces Commander, Norway, addressed himself to Department Foreign Countries Counter-Intelligence in this instance also.

Q. Do you [happen] to remember whether he had any immediate contact with Keitel and whether he addressed himself to Keitel directly in this matter?

A. I know that only from interrogations which were held here in Nuremberg in Fall, 1945.

Q. You had no possibility then of influencing the Armed Forces Commander Norway?

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A. No, I hadn't.

Q. I shall now put to you two further exhibits, Exhibit 139 and 140, which belong together. They are NOKW-002 contained in Document Book IV, on page 82 of the English text, and Page 96 of the German text, and Exhibit 140-1616, on page 84 of Document Book IV in the English text and on page 100 in the German text.

A. Both documents refer to an incident which happened in Bordeaux in December 1942. At that time an English sabotage unit had succeeded in penetrating into the port of Bordeaux. Four ships were seriously damaged. The port of Bordeaux was very important at that particular time since the so-called blockade breakers who commuted between East Asia and Germany were trying to enter this port.

The Document NOKW-002 consists of actually of three teletypes. The first of these is addressed to the Chief of the Armed Forces Operational Staff Jodl. It was sent to him directly without my seeing it previously. Jodl's General Staff Officer then noted in the heading of this teletype, "known" and with this word on it it was sent back to a major who was a member of the staff. This shows that in this instance also the incident was already known through some other channels which I am not in a position to uncover. The report which was submitted here arrived therefore, as a secondary report, that is too late. I did not initial this report, not even when it was sent back.

The second teletype, which is included in this document, is completely illegible, I cannot comment on it. The third teletype is addressed to the Operational Division of the Armed Forces Operational Staff. It emanated from the Commander in Chief, West. Therein no statements are contained about the treatment of prisoners which might have arisen on the occasion of this incident. This last mentioned teletype passed through my hands. Jodl himself, however, took over dealing with this information. According to the address on the left-hand side of the teletype, he informed Hitler of its contents because it says here, "Fuehrer is informed", and then at the end of the teletype he added a number of handwritten notations as to

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how the matter was to be dealt with further. These notations mainly refer to the fact that Franco-Spanish border near Bordeaux was [sic] to be protected against its crossing by commando members.

The next document to be discussed is Exhibit 140, NOKW-1616. This is a report of the German Army. It has the typewritten signature of Field Marshal von Rundstedt. Therein the events in Bordeaux are related. This refers to Paragraph 1, Arabic 1. It is not evident in any way that this report was also sent to the OKW.

Q. Now, I want to put to you Exhibit 142, which is Document 526-PS, on page 87 of the English text of Document Book IV. This is a note made by Department Q-III. It deals with a sabotage operation in Norway, and it was compiled on the 10th of May, 1943. This note is not signed. I did not initial it. Therefore, I have to assume that it was not brought to my attention at the time.

Q. Then follows Exhibit 143, which is Document 518-PS, on page 88 of the English text in Document Book IV, and page 110 of the German text.

A. This likewise is a note drawn up by the Quartiermeister Division of the Armed Forces Operational Staff. Therein it is mentioned that the British Government has asked for clarification concerning the treatment of British sabotage troops. According to the photostat I was not informed of this communication at the time. On the other hand, a handwritten note made by a member of the staff who dealt with the communication reads, and I quote: "The original of this note, initialed by the Chief of the Armed Forces Operational Staff, I delivered personally to Ambassador Ritter today." Ambassador Ritter was the liaison official of the Foreign Office.

Q. Do you remember having had any part in this affair?

A. No.

Q. The next document is Exhibit 144, Document 516-PS, on page 89 of the English text, and 112 of the German text, in Document Book IV.

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A. This again is a note drawn up by the Quartiermeister Division dated the same day, 10 May 1943. This note was apparently intended for me. I initialed it on the top-right-hand corner. The expert dealing with the communications reports to me that Jodl had the Commando Order submitted to him by the expert who sends me the communication.

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In paragraph 2 the addition remark to the Armed Forces report of the 7th of October is repeated. In paragraph 3 the incidents are enumerated which had immediately preceded the Hitler order of the 18th of October 1942. I assume that Jodl had these incidents related to him in order to be able to draw up the note for the Foreign Office which was just discussed. Here again he dealt directly with one of my staff members. The staff member in this case fulfilled his duty in subsequently informing me of his work.

Q Now, I shall put to you the two next documents, Exhibit 145 and Exhibit 146, together. Exhibit 145 is Document 514PS contained in Document Book IV on page 91 of the English and 114 of the German text. Exhibit 146 is Document 549PS contained in Document Book IV on page 92 of the English and 116 of the German text.

A These documents also refer to the inquiry from the British Government. The first of these is a teletype from the Armed Forces Operational Staff Q addressed to the Armed Forces Commander Norway. In this teletype a number of questions are put which are necessary for the compilation of the reply note for the protective power of the British Government. Here again any initial or sign on my part is missing. Apparently this matter was directly dealt with between Jodl and a member of Department Q. The second document, Exhibit 146, contains on page 5 of the original at the end of the document a communication addressed to the Foreign Office dated 11th May 1943 which is initialed by the man in charge of Q Department. This communication contains an enumeration of all those notes which have been made available to the Foreign Office in order to compile the reply note to the protective power of the British Government. In paragraph 2 a picture is mentioned which I discussed earlier, a picture of the British agent with a gangster pistol. The other parts of the document deal with the same question. Amongst them, the answer from Norway to the questions previously mentioned is referred to. My initial only appears once in all these various communications. On the 15th of May I was

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subsequently informed what answers had arrived from Norway. No new facts are contained in these replies compared with those which had been known earlier.

Q The second document...I beg you pardon. We'll have to deal with that now. That is Exhibit 147, Document 517 PS contained in Document Book IV on page 95 of the English and 122 of the German text.

A This again is a note of the Quartermaster Division which summarizes again the events related just now. According to this, Ambassador Ritter of the Foreign Office had drawn up a draft for the answer to the British Government and this draft was sent for informational purposes to the OKW before dispatch. This draft of the Foreign Office mainly adhered to the note which Jodl had already sent to the Foreign Office on the 10th of May. This note went through my hands and was passed on to Keitel since Jodl had gone on sick leave in the meantime. Keitel gave his consent to this draft of the Foreign Office. This is evident from the note at the end which was added by the staff member who worked on the draft.

Q I will now put to you Exhibit 148 which is Document 519PS on page 104 of the English text [sic] and page 10 in Document IV B of the German version.

A This is again a file note of the Quartermaster Division. It is dated the 24th of May. In this file note it is merely stated that the Foreign Minister had orally reported to Hitler the contents of the note to the British Government or to the British Government's protective power, and that Hitler had consented to the contents of the note.

Q I shall now put to you Exhibit 149, NOKW 004 contained in Document Book IV on page 97 of the English text and page 1 of Document Book IV B in the German version.

A This document consists of two parts. The second part, on page 2 of the original, is the earlier incident which I would like to discuss first. The date is the 18th of May 1943. This is a communication from the Chief of the Prisoner of War Affairs, addressed to the Armed Forces Opera-

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tional Staff, Division Q. Therein it is inquired whether, if members of enemy commando units are killed in action they are to be reported in the customary manner to the enemy state. After some long consideration this communication was answered by the Armed Forces Operational Staff on 25th May, page 1 of the document. It bears my signature, by order. In this reply I state that reports to the enemy state in such instances should be avoided. The reason which is not contained in the communication was the following: I knew and I had initiated it myself, together with Canaris, that the troops were to make false reports in this respect. I did not know the report channels of the Prisoner of War Division, and I had to fear that through these reports a new channel would be opened for Hitler and other agencies to control and check these incidents and events. This had to be avoided at all costs. For this reason it is expressed in this reply that according to the opinion of the Armed Forces Operational Staff reports of the death of commando units are not to be made. I added, however, since I was not in a position to make any decisions in the sphere, that it was to be left to the Chief of the Prisoner of War Affairs to obtain a decision from the chief of the OKW.

Q I should now like to discuss with you Exhibit 150, Document NOKW-188, contained on page 99 of the English Document Book IV and contained in German Document Book IV-B.

A This is an inquiry of the Armed Forces Commander in Norway, dated the 23rd May 1943; addressed to the OKW, Armed Forces Operational Staff. Herein a number of individual questions are asked which in the opinion of the Armed Forces Commander Norway result from the Commando Order. These questions were summarized in the draft of an order which he himself drew up. It is attached here for approval. What happened to this draft order is not evident in the document, nor, do I have any recollection of it. In the photostatic copy there are a number of deletions and a number of amendments which apparently originated from Keitel.

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Jodl was not present at the time.

Q I will now put to you Exhibit 151, which is Document 505-PS, on page 106 of the English Document Book IV, and page 11 of German Document Book IV-B.

THE PRESIDENT: I think we will not have time to cover that, so the Tribunal will be in recess until 9:30 tomorrow morning.

(Adjournment to 0930 hours, 25 June 1948.)



[....]

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THE MARSHAL: The Tribunal is again in session.

BY MR. RAPP:

Q Witness, Keitel had no command authority over the OKW, OKL OR OKM, that's right, isn't it?

A On his own authority, no. Only if Hitler is some individual cases vested such authority in him.

Q The same held true for Jodl as well as you?

A Yes, of course.

Q And the only man who actually had this authority could exercise it as such was Hitler?

A Yes, with the exception which I have already mentioned. In the most important cases, Hitler himself signed his instructions, and, in other cases, had others issue them. Then it can happen that other names except Hitler's name appear on such instructions.

Q Is it correct to state that Keitel exercised command authority over his own staff, that is, the OKW?

A Yes.

Q And you in turn were authorized to give orders to your staff within the Department L? That is correct too, is it not?

A Yes, that was subject only to one restriction. I did not have an authority to mete out disciplinary punishment to those officers of the Air Force who were members of my department. Goering had removed this authority from my hands.

Q Did you ever have it or did you never get it?

A As department chief, I actually had this authority. That is one of the basic rights of a department chief. How-

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However, an occurrence in Spring 1939 caused Goering to issue an order which stated that the officers of the Air Force in the OKW were not subject in a disciplinary respect to their superiors from other branches of the Armed Forces, and Keitel accepted this order.

Q Now, witness, if the OKW issued or distributed orders of some importance, be they operational or of another nature, to military agencies outside of the OKW, they were not always signed by Hitler, were they?

A No, not at all.

Q Who besides Keitel was authorized to sign such orders in the name of Hitler within WFST?

A There was no regulation which established that. It would depend in each case on the importance of the order or instruction. In your documents you will find documents which were signed "by order" by a Captain or a Major of the Armed Forces Operational Staff. A frequent method was that such a decree would be preceded by this "The Fuehrer has order". Then the document was possibly signed by Keitel or Jodl without the letters showing "by order". I have to correct my statement. It was only Keitel who could do that, not Jodl.

Q Now, witness, could either Jodl or you sign such an order "by order"?

A Yes. With the words "by order" we could sign it.

Q When an order which affected outside agencies of the OKW bore Keitel's signature then it was understood, was it not, that Keitel, in signing such an order, had acted as Hitler's agent? That is to say, as his attorney in fact, and the same would apply to Jodl, isn't that right?

A Yes.

Q Now, was there anybody in the WFST besides you or

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Jodl who could sign an order of major importance "Im Auftrag" that is, "by order"?

A With the exception of a few specific cases which were based on definite conditions such as the physical separation between Jodl and the staff, I also could not sign orders of major importance. However, less important matters, also cover letters to important communications, were also signed by members of the staff subordinate to me, and I might remind you of the cover letter to the decree about jurisdiction which is at issue here. This cover letter was signed Lieutenant Colonel von Teppelskirch.

Q Now, for instance, witness, your aide de camp your Ordonnanzoffizier, who appeared here as a witness, he wouldn't for instance, have been authorized to sign an order of major importance "by order", would he?

A No, he had no definite sphere of work, either.

Q Now, since Keitel and Jodl and you were signing as attorneys in fact or agents it did some time time [sic] happen, did it not, that you affixed your name to orders of whose contents you did not personally approve?

A Yes, that ahppened [sic].

Q Now, it is true, witness, is it not, that if the OKS, OKM or OKL or a commander in the field would have received an order from the OKW signed by you "by order", they would not have questioned [sic] the validity of such an order, would they?

A I cannot remember any case of that type. The reason, however, for that might well be that I was reserved in putting my signature on documents.

Q Now, the carrying out of such an order, witness, was not in any way delayed or actually did not take place because Jodl or Keitel or you signed such an order "by order", was it?

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A No, that would not depend on the manner or the name on the signature. It depended solely on the contents of the communication.

Q So, witness, the presence or absence of the words "Im Auftrag" "by order" added nothing to the force of your signature, did it?

A I don't understand what you mean.

Q Well now, if you signed an order "Im Auftrag" the person that would carry out such an order would not carry it out just because you added these words, did they?

A That was the decisive factor. If I had not added the words "by order" a storm of indignation would have resulted questioning the right and authority of mine to sign orders on my own initiative. Those words "by order" were the most decisive words.

Q If I followed your theory you expounded on direct examination correctly you maintained that the presence of these two letters "IA" "Im Auftrag", above your signature released you of all liability for the contents of the orders which you signed or the results which followed from its issuance, isn't that correct?

A In the military official sense that's entirely correct.

Q So, in your opinion, witness, no matter whether you signed "by order" or not "by order" you were not responsible in either case?

A No, that is not what I said. An order without the preceding addition "by order" could only be issued by me to my own staff, my own department. Let me give you an example. I could issue such an order as to how work was to be distributed, what night service was to be arranged, how incoming teletypes were to be treated, etc., and I was fully responsible for such instructions in the official

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military sense of the word. Now, as to contents of orders which I signed "by order" I was not responsible for those in the military official sense of the word, but perhaps I might approach the subject from another respect.

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If the recipient of an order which I signed "by order" did not agree to this order, did not approve of it, he would not address himself to me but he would address himself [sic] to the men in charge of the agency, either Jodl or Keitel because the recipient would know that on my own authority could not issue any orders.

Q Now neither could Keitel nor could Jodl, as far as outside agencies of the OKW were concerned. Isn't that right?

A Yes, that is correct, but these two officers were very much closer to Hitler than I was and knew his intentions and that was known throughout the whole of the armed forces. Therefore, recipients of orders would know that these were the persons to turn to if they wanted to know more details or if they wanted to make representations. That is the explanation.

Q Do the burden of your testimony is now that though the carrying out of an order by the triips, if it were signed by Keitel or Jodl, either by order or not by order, would have been carried out, but only your orders would have been carried out it they have the letter [sic] IA in front.

A I am afraid I still didn't make it clear enough. Perhaps I might once again show you the two examples. Orders which Hitler signed himself can be disregarded for the moment. NExt to those there was the formulation which showed at the heading OKW or Chief of the OKW. That heading referred to Keitel. If, in orders headed by this line, the first sentence read, "The Fuehrer has ordered," then Keitel would sign such an order without the letters IA, i.e. by orders, because he was the man who represented the OKW. That is the only case when an order of Hitler may be signed by one of his subordinates without the additional letters IA, by order.

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The second case: If such orders of the same type with the heading OKW and the introductory sentence, "The Fuehrer has ordered" not signed by Keitel himself, Jodl could sign them, "by order", which means by order of the Chief of the OKW, Keitel. In less importance instances I could do the same.

Q Thus the burden of your testimony indicates that "by order" you could set your name to any order to outside agencies with complete impunity, that is to say, no matter how criminal the order was you were perfectly at liberty to sign and distribute it because you felt that you were immune from criminal responsibility. Isn't that the burden of your testimony?

A You are now bringing an aspect into this issue which at the time was completely outside considerations on my part. Therefore, I can't answer that question.

Q I am talking about, witness, the burden of your testimony here in this court, you have laid very great stress on the point that these orders were signed by order, Warlimont. Isn't that right?

A I have quite generally stated that this authority existed and that now and again I made use of this authority. I further said that a responsibility in the military official sense of the word was not connected with my person in such instances. Any recipient of any order know that.

Q This being your theory, I would like to ask you whether or not actually only Hitler was the only man in the OKW who under your concept of military administration could be held liable, criminally liable, because he held command authority?

A Yes, only Hitler had command authority.

Q But I presume that he could not be held liable either witness, because he was the head of State and as such immune?

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A That is an idea which never occurred to me. In the military sense of course he was responsible for the orders which he issued.

Q Witness, I'd like to discuss with you for a few minutes the operation Weseruebung, the attack on Norway. Isn't it true, witness, that sometime in January 1940 a special staff was set up under Admiral Kranke which was to prepare the preliminary plan?

A The order concerning this was issued on the 27th of January. The three officers of the staff were initiated in their missions by Keitel on the 5th of February 1940. Therefore, all this took place around the end of the January and the beginning of February.

Q It is true, is it not, that one of your subalterns, Oberst Tippelskirch, was delegated to do duty within that staff of Admiral Kranke?

A No, you are mistaken there. Tippelskirch was a Major at that time. He came from a field unit. He had been Ia of a division. He was transferred into this staff. Before that date I didn't even know him personally, even less was he a member of Department L. It was only later in the fall of 1940 that he was transferred into Department L, National Defense.

Q Now, witness, is it correct that for reasons of security this was the first operation up to then which was prepared entirely within the OKW and practically without the knowledge of OKH?

A No, it wasn't quite like this. Hitler ordered that the preparations for this operation were to be essentially made in the OKW. For this purpose he appointed the special staff which was later on directed by Admiral Kranke and which was accommodated [sic] in the offices of the armed forces operational



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staff, but these three officers and there weren't any more, could not, on their own prepare an operation. They could not tell the German Army, "We shall need six or eight divisions soon in the future, but we are not going to tell you for what purpose." Of course these officers had to cooperate with the high commands of the armed forces and that is what they did. The development, the elaboration of the actual plan, however, the coordination of the three branches of the armed forces for this operation, that was the task of this special staff.

Q Now, in the event this special staff under Kranke needed certain basic information, let us say, maps, would they consult with you to try to get these maps for them?

A Particularly in this question of the maps a rather strange incident occurred, the German armed forces didn't possess any maps of Norway. The Department L, National Defense, did not have any maps either. Kranke committed an incautious action and sent a few officers to Berlin to buy maps of Norway in book shops. Now this became known to enemy intelligence service. In this connection, therefore, he could not find any help and assistance from me. On the other hand I had received the instructions to make clerks, designers, stationery, etc. available to him, everything that belonged to the activity of a staff. I was also instructed to accomodate [sic] him near the offices of my own department. This happened.

Q Did you ever discuss with Kranke the progress he was making?

A This is a question which I have put to myself during the long weeks of this trial. I cannot recall, however, to have discussed this matter with Kranke and even less with the Colonel of the air force who was a member of this staff. But,

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I believe that occasionally I asked Colonel Tippelskirch about the progress of the work. The whole matter only lasted two and a half weeks.

Q Now, after Kranke General Falkenhorst stepped into the pictures. Now, if General Falkenhorst needed for his operation certain guns, troops, or special equipment, did he look to you to try to find out whom he was to approach and how he could obtain that material or did he never at all discuss such matters with you?

A General von Falkenhorst never discussed these questions with me officially. Every morning he had a lengthy discussion with Keitel. He himself had in earlier years been long enough in the Reich Defense Ministry to know the authorities he had to approach for such support. His Chief of Staff who was the then Colonel Buschenhagen repeatedly came to see me and now and again asked me for support. I cannot recall the details.

Q Now this whole preparation and planning was shrouded in such complete secrecy. That is correct, is it not?

A That was the very reason why Hitler had created this particular organization for the planning of the campaign. In actual fact no more secrecy was achieved than was observed in the case of all other campaigns. Falkenhorst had to turn to the OKH in order to straighten out any number of details which would not be possible to straighten out without the help of the OKH. In the same way Kranke had to deal with the Navy and the air force officer whose name I cannot remember, with the high command of the air force. It is possible of course that the circle of those who participated in the elaborating of these plans was somewhat smaller than in the case of other campaigns.

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Q Now the attack on Norway was launched on 10 April 1940, just when did you get information that this attack was to come off?

A You mean when was I informed of the date or when I was informed of the plans that an occupation of Norway was being considered, namely in order to anticipate an occupation of Norway on the part of any other nation.

Q I mean the third alternative, witness. I mean when were you officially informed that Germany is set to attack Norway, that it was the Fuehrer's, what you may call, irrevocable intention to attack Norway.

A I presume that I was informed of this in conjunction with the creation of this special staff at the end of January 1940. I am not at all sure, however, whether at that time the intention had been irrevocably determined or whether preparations were merely made in order to be prepared for such an operation under all circumstances. That I can no longer tell you.

Q Now, witness, do you recall whether it was ever contemplated to organize the ground personnel outside of a certain protective zone in Slovakia according to military principles but have it camouflaged [sic] as a civilian enterprise. Do you recall such an incident?

A We discussed the document here in this court and therefore I know you are referring to. From the time when it happened, I do not remember it.

Q I'll show you the document. It is NOKW 2571, Exhibit 1085, Book 13, page 137. Now witness what was the purpose of that you said.

A I could only hazard a guess if I had to give you an answer today. At any rate a camouflage [sic] was intended for military purposes, that is clearly evident from Section 2.

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However, I do not know the details.

Q If I suggest to you that it had some connection with Case White, would that be rather far fetched?

A That's possible, but it is likewise possible that such an arrangement would have also made without the contingencies of Case White. Slovakia, as far as I could judge, after the separation from the Czech part of the country was very strongly dependent on Germany.

Q Now, witness, in connection with Case White we have heard a considerable amount of testimony regarding Document L-79. Now, I am not going over all this with you again but you did make one statement during direct examination which I would like you please to clear up for me. Now first of all you said--

A Could you hand me the document, please.

Q Yes, sure. That is Exhibit 1083 your Honor, L-79, Book 13, page 125 in the English and 218 in the German. You stated that Hitler may have suggested to Schmudt that your name be left off the list of guests to be called because he didn't know you and you didn't belong there.

A Yes.

Q Now, did you never have met the Fuehrer prior to that conference?

A Yes, I had, and I stated that here that for the first time I met Hitler in 1936 during a conference about Spain and once afterwards in December 1938 on the occasion of a trip which Hitler made at that time accompanied by approximately 50 officers into the Sudetenland. If I made the statement that he didn't know me, what i meant was that he had no conception of me. I knew him but he didn't know me. I have an indication to prove that also.

Q Would you like to say something else?

A When Keitel, during the trip in December 1938 introduced

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me to Hitler as the new chief of Department L, National Defense, Hitler looked at me without saying anything or rather he looked through me so that I had to have the impression that he had completely forgotten that two years prior to this meeting I had already attended a conference under his direction.

Q Now you further stated during your direct testimony that the rank you held at that time was not adequate or sufficient enough to warrant a participation at that conference.

A Yes, I said that because I had to look for reasons and I am still looking for reasons to explain the fact that I was not present during this conference.

Q Now, may I point out to you, witness, if you look at that document, there were four officers present at that meeting who held actually a lower rank than you did at that time and I may also suggest to you, witness, that actually for their presence I can see no excuse, as compared to yours. For instance, Engel was the Liaison officer from the Army to the OKW.

A No.

Q yes, the commander in chief of the German Army and his chief of staff were present. I feel that made Engel's participation if it was based on rank only somewhat superfluous. Don't you think so?

A The four officers who are listed here and who are of a lower rank than I held at the time were Hitler's four adjutants and of course he called them in for the conference. That only confirms what I said earlier. He at that time directed through his adjutants. They were the people who had to know everything in order to be able to pass on his instructions and directives. At least I assume that that was the reason for their participation. In addition Engel

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was the adjutant of the German Army and not as you stated just now liaison officer to the OKW.

Q Just one more question, you say Hitler's four adjutants. Adjutants for what?

A For all military questions which might have been discussed in Hitler's entourage.

Q To the individual branches of the German armed forces?

A Yes.

Q But you also say that the commanders in chief and their chiefs of staff were present?

A Yes.

Q So why did the adjutants have to be around?

A That might have been consistent with Hitler's methods or it might have been on the wish of the adjutants themselves. I can't tell you. I didn't exert any influence on their being present.

Q Witness, will you tell the court again, please, at what time you officially heard that the Fuehrer intended to annex Danzig and the Memelland as a preliminary for Case White?