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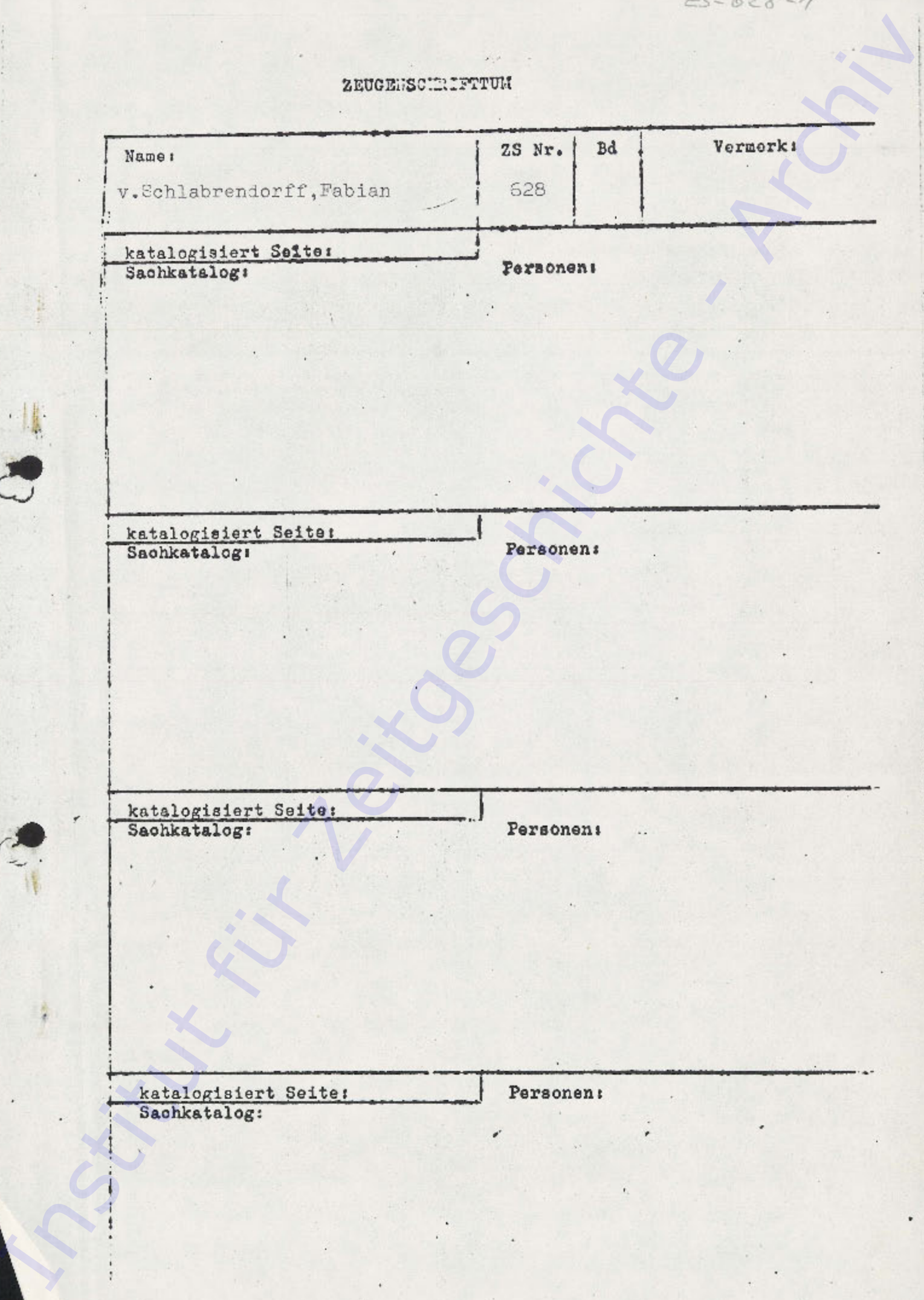
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75-628-2

VON SCHLABRENDORFF  
RECHTSANWALT UND NOTAR

Zugelassen beim Oberlandesgericht  
Frankfurt am Main

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An das  
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M ü n c h e n 22

Reitmorstrasse 29

Institut für Zeitgeschichte
Eingeg. am: 27. Sep. 1955
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Institut f. Zeitgeschichte München ARCHIV
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Sehr verehrter Herr Krausnick,

hiermit bestätige ich Ihnen den Empfang Ihrer freundlichen Schreiben vom 4. Juli und 6. September 1955.

Es fällt mir schwer, Ihre Fragen zu beantworten, da ich mich bisher vergeblich um meines Erachtens noch unbedingt erforderliche Unterlagen bemüht habe. Diese Unterlagen befinden sich in England. Da Sie aber schreiben, dass die von Ihnen in Angriff genommene Publikation unmittelbar vor dem Abschluss steht, möchte ich Ihnen heute wenigstens eine vorläufige Auskunft geben, bei der ich mich ausschliesslich auf mein Gedächtnis stützen muss, und bei der ich hinzufügen darf, dass die Ereignisse sich im Jahre 1938 abgespielt haben, so dass es durchaus möglich sein kann, dass mir ein Erinnerungsfehler unterläuft.

Ewald von Kleist-Schmenzin war Gutsbesitzer in Hinterpommern. Er war ein leidenschaftlicher Politiker. Seine Persönlichkeit und seine persönliche Haltung wird am besten durch den Hinweis charakterisiert, dass er der Vorsitzende des Hauptvereins der Konservativen war. Von ihm stammt die vor 1933 herausgegebene Schrift "Der Nationalsozialismus - eine Gefahr". Ewald von Kleist-Schmenzin wurde nach dem 20. Juli 1944 inhaftiert, durch den Volksgerichtshof zum Tode verurteilt und im Frühjahr 1945 in Berlin-Plötzensee hingerichtet. Ohne Zweifel zählte Kleist-Schmenzin zu den hervorragendsten Kämpfern der deutschen Widerstandsbewegung. Er zeichnete sich aber sehr stark dadurch aus, dass er eigenartige Gedanken vertrat und diese wiederholt durchsetzte. Aus diesem Grunde ist es nicht unrichtig, wenn sein in München lebender Sohn Ewald-Heinrich von Kleist meint, dass dessen Reise nach London im Grunde sein eigener Gedanke gewesen sei. Soviel ich weiss, hat Ewald von Kleist dem Admiral Canaris diese Reise vorgeschlagen. Admiral Canaris sah darin einen glücklichen Gedanken und verhalf diesem Gedanken auch zur Ausführung. Wen Admiral Canaris sonst noch verständigt hat, weiss ich nicht.

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Meines Wissens war der damalige Oberst Oster an der Angelegenheit unbeteiligt. Die technischen Einzelheiten erledigte ein später ums Leben gekommene Oberstleutnant v.d. Osten. Der Gedanke der Reise war folgender:

*Wegener  
Oster mit  
Wilmanns  
Oster  
Helmuth  
Gustav Kleist*

Kleist sollte mit führenden englischen Politikern sprechen und sie veranlassen, vor aller Welt darauf aufmerksam zu machen, dass ein Angriff Deutschlands auf Polen ein Angreifen Englands nach sich ziehen werde. Kleist hat mir selbst von seiner Reise erzählt. Er hat in erster Linie mit drei Persönlichkeiten gesprochen:

- a) Lord Lloyd,
- b) Lord Vansittard,
- c) Winston Churchill.

Über das Ergebnis seiner Reise berichtete Kleist an Canaris. In diesem Bericht unterschied Kleist zwischen der damals in England führenden Richtung unter Chamberlain, der eine Politik der Nachgiebigkeit vertrat, und Churchill, der als Oppositioneller einer Politik der Stärke das Wort gab. Nach der Rückkehr Kleists nach Deutschland schrieb Churchill einen Brief an Kleist. In diesem Brief bemerkte Churchill, er sei zwar zur Zeit in der Opposition, er habe aber keine Zweifel, dass England für den Fall eines Angriffs Deutschlands auf Polen dem Kriege beitreten werde. Dieser Brief wurde mir in der englischen Botschaft in Berlin übergeben. Ich habe ihn dann an Kleist ausgehändigt. Dieser hat ihn geöffnet und ihn mir zu lesen gegeben. Später brachte Kleist den Brief Canaris, der ihn bei Hitler zum Vortrag verwendete, um Hitler auf diese Weise zu veranlassen, vom Kriege Abstand zu nehmen. Wie Ihnen bekannt, misslang dieses Vorhaben. Viele Jahre später wurde das Original des Briefes von der Gestapo in Schmenzin gefunden. Mit aus diesem Grunde wurde Kleist zum Tode verurteilt.

Über die Reise von Kleist nach England war meines Erachtens nur ein Mitglied der damaligen englischen Botschaft in Berlin im Bilde: Sir George Ogilvie Forbes.

Ob Generaloberst Beck von der Reise unterrichtet gewesen ist, weiss ich nicht. Kleist selber war über seine Beziehungen zur Generalität auch mir gegenüber ungewöhnlich verschwiegen. Wer also auf deutscher Seite ausser Admiral Canaris von der Angelegenheit gewusst hat, weiss ich nicht.

Professor Wegener in Münster ist mir nur dem Namen nach bekannt. Ich weiss aber, dass Kleist-Schmenzin mit ihm in freundschaftlichen Beziehungen stand. Meines Erachtens war Wegener früher Professor an der Universität in Breslau.

Erlauben Sie, dass ich mich ohne nähere Quellen auf diese rein aus dem Gedächtnis geschöpften Bemerkungen beschränke.

Mit den besten Empfehlungen verbleibe ich

Ihr sehr ergebener

*W. Jellinek*

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Institut für Zeitgeschichte ARCHIV	
Akt. 4665/71	Best. ZS 628
Rep. /	Kat.

Attached are notes of the interrogation of Schlabrendorff and Gezevius at Wiesbaden, July 7, 1945.

In reading these notes confusion may result from the following causes.

The earlier part of the interrogation was not reported and the latter sometimes suffers from the absence of earlier reporting.

Both Schlabrendorff and Gezevius frequently discussed a matter in German and it was then translated and summarized by Gaevernitz, and it is difficult to tell to which of the Germans the conversation should be attributed.

The interpreters and witnesses frequently used the third person instead of the first person and it was not always possible to make clear just who was intended.

Elsie L. Douglas

These prisoners of war ~~should~~ should be shown, ~~arranging~~ they were wearing civilian clothes or uniform. That was the sense of it. He recommends that policy be followed according to which Hitler and his associates are regarded as conspirators against the world. Such a procedure would be based on the ideas contained in many International documents, adding to it the clause of punishment.

Treaties make it illegal and he would make it criminal.

Interrogation of Schlabrendorff and Hans Berndt Gesevius  
(Gero Gaevernitz, interpreter) at Weisbaden, Saturday,  
July 7, 1945.

Present:

- Justice Jackson
- Gen. Donovan
- Col. Amen
- Maj. Monaghan
- Mr. Dulles

SCHLABRENDORFF: (Re Hitler order.) Saw the original with the Middle Army group on the eastern front. Cannot remember whether actual signature of Hitler affixed to it because he cannot remember whether it was a typed document or teletyped.

RHJ: Did you see it move between officials?

SOE: It came to the Army Group Mitte and was opened by Col. Von Kleist. Von Kleist showed the order to Schlabrendorff, who had a talk as to this order with Field Marshal Busch.

RHJ: What was the substance of that talk?

SOE: The same order. He discussed it with Busch, told him the order was against International Law.

GESEVIUS: He had been there for legal questions earlier but they sent a General to handle legal questions. Busch admitted the nature of the order being against International Law.

RHJ: What explanation did he make of it, if any?

SOE: Because it was an order, he is not absolutely certain but he believed it was at the end of 1943.

RHJ: What was said about the order at the time it was received at the headquarters where you first saw it?

SOE: Only a few officers were informed in regard to this order. The order contained a clause saying that it should only be passed verbally and the order itself, the paper that had been handed to the Army group, should be immediately destroyed.

AMEN: Did they hear anything about it being suspended for a certain time?

SOE: No.

RHJ: What was the order as nearly as you can recall?

SOE: That all British and American paratroopers should not be made prisoners of war but should be shot, disregarding whether they were wearing civilian clothes or uniform. That was the sense of it. He recommends that policy be followed according to which Hitler and his associates are regarded as conspirators against the world. Such a procedure would be based on the ideas contained in many International documents, adding to it the clause of punishment.

RHJ: Treaties make it illegal and he would make it criminal.

RHJ: How did the German people feel about the proposition that his first step was to betray the German people and seize the German state?

SCH: Think it will be very well received.

GES: I believe all Germans will be very disappointed if you take only those crimes which were after the war. The right problem is the crime to make a war beginning in the years 1933 to 1938. They were the most important years. In these years the basis has been laid for all crimes that were perpetrated. Would have been Commissar for Purification if plot of July 20, 1944 on Hitler had succeeded. Friends since 1939 have tried to find the legal basis on which Nazi crimes could be punished. On one side they wanted to be very severe. On the other side they do not want to follow Nazi methods. They wanted to apply law. The longer the war lasted, the more difficult the problem became because the crimes they had committed increased to such tremendous proportions that the time might have lasted indefinitely. Therefore, they had to compromise on one side being just and on the other side having it over rather quickly. They had planned to do it by court martial. They did not want to follow the Gestapo method by simply condemning people and shooting them, but they wanted the possibility of these people putting up a defense. Therefore, they used procedure which they thought was delicate but the only possible one. In the first meeting of this new government in Germany, they proposed that a certain circle or class of people should be declared guilty as a whole.

RHJ: By "new government" he refers to his group if they succeeded in disposing of Hitler?

GES: All this is supposition.

RHJ: After disposing of Hitler.

GES: This group was to include the group that was to be declared guilty and included all cabinet members and secretaries of state, all provisional governors and the protectors - people in Bohemia, all high S.S. officials, all Field Marshals and all Army group commanders. If the joint guilt of these people had been established by the law of this new government it would be added that everybody who was being prosecuted has the privilege to prove his innocence. They were all indicted unless they could prove their innocence.

GES: Instead of presumption of innocence there was the presumption of guilt. To be done by political act. Declare all these people prima facie guilty.

GAEVRNITZ: Had not really worked that out. Did not know whether military court or people's court. At least, a special court. The reason for this procedure was that they more or less expected every one of these high officials to say he only followed orders. As they knew the inside story or developments they felt that practically every general, for instance, would say he only followed orders or that he had carried out orders.

...should be punished by death. ...

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Keitel and Halder, they felt the generals would say they had been under the impression Hitler had only been bluffing and no war would actually break out and the same would happen that happened in the Munich crisis, when Hitler marched into Prague, and there would be no war. (and)

Hitler called all the Army leaders together three days prior to the outbreak of the war at Berchtesgaden and told them he was giving his word of honor that again he was only going to pull a bluff and that he had certain definite information that the British and French would not declare war. At the same time, the atmosphere was upset and disturbed.

RHJ: How does he know Hitler called them all together?

GES: He was a close associate of Admiral Canavis, who was head of the German Military Intelligence Service called the Abwehr, who for some had been in rather close touch with Brauchitsch because he, together with some of his friends, tried to have them use their influence to stop the war so he was very well acquainted with this whole picture. Admiral Canavis was present at this meeting and had a protocol of Hitler's speech. He secretly took down a stenographic report and that document he showed to Cesevius and it was in the hands of Gen. Oster, who kept it until about July 20, 1944. He was arrested and later killed. He thinks it may be still in existence. Does not know. Would like to look for it. Since 1938, Goevernitz and his collaborators had secretly taken out of the Abwehr documents referring to war and hid them. After the war all documents were in the blitzkrieg, all documents referring to the assassination of the Jews or the preparation of the attack of Norway, or the type of order we discussed at the beginning of the discussion. The copies were collected and hid away. First they were in the safe of Admiral Canavis and then in the safe of Gen. Oster, and then taken out into the Lueneburger Heide where there was an Army training field with bunkers where they hid them.

AMEN: What is his recollection of how long the notes were. The Canavis notes which he saw.

GAEV: Twenty pages - typewritten.

AMEN: Does he remember anything specific about it? The titles?

GES: I could recompose them if had a little time.

RHJ: How did you expect to get widespread support for your new government if Hitler was disposed of when so many people were in concentration camps, so many exterminated and so many were for him? How did your government get support or was there more support for it than we know about?

GES: The problem was more difficult in the earlier parts, that is, up to about 1942 as it became after 1942 and will try and explain it and answer your questions up to 1942. Up to 1942 they would have to use military dictatorship because Hitler's prestige was still too great. Goerdder felt that free speeches over the radio would be sufficient to get them sufficient popular support. They felt until 1942 the U.S. would revolt and try to recoup power and, therefore, it would be necessary to establish military dictatorship by the Army. Goerdder was put to death by torture. He was to be the chancellor or the head of the government - not the head of the state but head of the government, had it succeeded and from the left parties to the right parties

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they all had agreed on him. Beck, the head of the state, and Goerdner, the head of the cabinet, were being considered. Beck was the only general who resigned in 1938 because he refused to follow Hitler's policy leading toward the war and, therefore, he felt that abroad as well as in Germany, he would command. Beck, when he resigned, was chief of the General Staff. Beck's position is important because in 1938 already he said to his fellow officers that Hitler's policy was aiming at the war, preparing the war, and as a decent officer one could not follow and support this policy.

GEN. D.: Is there anything that Beck has written?

GES: Beck has written a large number of memoranda which Gesevius passed on to Brauchitsch and Halder imploring them not to follow Hitler's lead in preparing for the war.

GEN. D.: Did you keep copies of these memoranda?

GES: The copies are all more or less at the same place except that it is possible that Beck on his own has hidden some somewhere, but he thinks (Gesevius) if he cannot find the documents they can probably find witnesses.

GEN. D.: Who would they be?

GES: The son of Goerdner. There is a lady in Berlin who played an important part - Struenk, the wife of a man who was in his inner circle, and the wife more or less kept all the documents.

GEN. D.: What was Struenk's position?

GES: He was in the insurance business but they took him into this military secret service organization. Struenk was killed but we have no definite word that his wife has been killed. Her name is Elizabeth Streunk. The chauffeur, rather than the widow of Col. Schrabner, might know what happened.

GEN. D.: Do we know his name?

GES: No. If we could find these papers we would find everything.

GEN. D.: If we get Elizabeth Streunk then we will find the chauffeur Bas Canavis any relatives left?

GES: Canavis wrote a diary besides keeping these documents. Up to 1942 the diary was in his safe and after that the situation became so dangerous that the Gestapo might come every day they took away from him his diary notes (his friends) and hid them with the other documents. I read these diary notes up to the middle of 1943. He wrote down all his talks with Hitler and Keitel and while he was ordinarily extremely cautious, in these diary notes he wrote down everything.

GEN. D.: Can you think of any way of getting these notes?

GES: There were two copies, one set of copies they destroyed in 1943 when the first investigation of the S.S. against this section of the German Army started, and the other copy is with the papers that Oster had and were taken to the hide-out. Not sure. They selected a man to hold these papers who was not informed as to their contents whom they considered trustworthy as a person but who was not a political figure in this game and was not known to the Gestapo. This man was Schrabner, but in spite of their being careful, Schrabner was caught and committed suicide in 1944 after the attempt. He had these documents and then committed suicide.

They considered it very decent of him to commit suicide as they would have tortured him and involved others. I have a tremendous personal interest that these documents be found because they contain many personal references and would collaborate in any search and if means were put at my disposal I would go out and try to find them. For instance, Oster might be a clue. They were very cautious and he was probably not informed but she might give some indication. It is not altogether improbable that Oster knows something because Oster, in the last six months prior to his arrest, had to leave Berlin and live in the country. The Gestapo kicked him out of Berlin and it may be that he told his wife certain things. The city address is 5 Veyrsche Strasse. In order to not use too much time I will sit down afterwards and dictate all these documents and recommend that I can go to Berlin and will there make a special search and go from address to address to see whom I can find. Osto was the superior of Schraber and handed the papers to Schraber. Osto was in the same organization as Canavis as deputy chief and did more collecting than Canavis. Oster was head of this whole inside group of plotters.

RMJ: After the plot failed, did you still have a large circle that stood by and that you think would still be ready to help in such an enterprise as we are engaged in?

GES: Of this innermost circle the only survivors he knows of are the two here - Schlabrendorff and himself.

Has news today of Carl Ludwig, Zu Guttenberg of Neustadt an der Saale, indicating that he is alive but not positive, and believe if we go on a search it is possible others might be discovered. The son of Goerdder, Uldisch, is around. Do you want to have the names of the people who tried to overthrow Hitler, which is a very large circle, or the circle of people who collected these documents.

RMJ: Perhaps you could write it out. There ought to be those in the actual plot, those who were not in the plot but sympathetic with it, and those who had to do with the documents. Really three groups.

GES: Of course, there were several plots, but the vital one was in 1943. I was in it from the beginning from 1933. That is the critical time. The two important parts were 1933-1938 and then from Munich from 1939, because by that time all the generals had been warned and knew what they were getting into.

GEN. D.: Let us get an indication of how we could establish that the generals of the Verbaende (?) and the Nazi Party agreed to get to work together. How can we establish that? Because we want to reach the General Staff.

GES: If one does not just want to make a general statement, one has to be somewhat cautious in the prosecution. In the formulation. Starting with 1933, the Generals were rather enthusiastic about national socialism primarily, however, for the reason that again they had received jobs and had something to do. In political decency I kept in that first phase and as two examples cite they silently tolerated the fight against the Church in Germany of which they knew and secondly, on June 30th when two of their fellow officers were murdered, they did not protest at all. However, during that first phase, it would be wrong to say that the Nazis and the Generals collaborated. Quite to the

contrary, the Generals felt themselves a good deal better than the Nazis and kept away to some extent from the Nazis. They still had the idea of using the Nazis to get the Army revived and financed, etc. The first phase was from about 1933 to 1936. Roughly, the second phase was from 1936 to 1938. During these two years the leading Generals began to get suspicious and certain civil servants of the administration began to warn the Generals of what was coming. It was the time during which men like Schacht, Frisch, Neurath, Popitz, Weiszacker, men who all held important positions, warned these Generals and told them what was coming. During that period, the Generals were widely suspicious, to some extent had the excuse and right as the heads of the Army Schellenberg and Beck were decent people and large parts of the German population hoped to find in them the General would show up who would remove Hitler because Frisch was considered a strong personality and the Gestapo was not as yet as powerful as later. Hitler was in these years fighting for his position and the Luftwaffe practically did not exist. Himmler at that time was trying to create his S.S., which originated the so-called Totenkopf Verbände (death's head), and these formations at that time had been created to control the concentration camps but not yet for big political purposes. Sort of the nucleus of what was to be developed.

Goerdler and Schacht said to Frisch, "If you do not act now or soon, Himmler and his S.S. are going to be so strong that they will fight to take over the ministry of war." The same warnings were uttered by Canavis, who at that time felt Oster - -

GEN. D.: How could proof of these things be established? Are there any documents, any agreements, any memoranda, or can it be testified to by any living man now?

GES: Schacht, Hausbacht. (Mentioned in the General's memo. to RMJ.)

RMJ: How do you think you can obtain proof?

SCHLAB.: Believe a German officer at the outset will be observed if an American officer approaches him and asks him to provide information on these matters. The officer will think that he might be committing treason to his country. The situation is entirely different if the officer is being questioned by a German. It is possible, even probable, that the German interrogating the officer would know the man he is interrogating from former dates. He would not be a stranger as a basis of confidence would exist from former days between the interrogator and the man being interrogated. On the basis of this atmosphere of confidence, it would be easier for this German to get the German General, for instance, to talk than an American. The same is true as to German civil servants of high positions.

SCHLAB.: What we just explained as to the program in my opinion is in accordance with the facts. I myself was present at a meeting of Himmler and Marshal v. Boch where Hitler explained the Nazi program almost in just the words just used. I could testify as to that and would be willing to do so.

GAEV.: His friend, Gen. Nebe, (also killed) made notes of statements of Himmler which he kept. Nebe was himself in the inner circle of the police and he feels that when we find the Gestapo documents, we should also search them very carefully for such notes made on the statements of Himmler. These documents were taken by Nebe to a place called Schwerlein. It is most likely that amongst the Gestapo papers statements of Himmler can be found because he had the habit of circulating his statements and views to high officials of the Gestapo.

GEN. D.: We have Kaltenbrunner. He is right here.

AMEN: He is London I heard yesterday. He was moved out on June 26th. Can find out from records in Paris.

GES.: Kaltenbrunner, Best and Schellenberg were the most intimate friends of Himmler and they were particularly interested in the plan that the Gestapo should gradually expand all over the world. It was their special field. There would be many things which these fellows if they were interrogated by American interrogators would simply deny. My plan is not to interrogate them at all but would just want to talk with them and in conversation with them go over the historical development.

(Interrupted by telephone.)

SCHLAB.: \* \* First, Hitler and his associates had violated the principle to preserve peace in Germany, Europe and the world; secondly, that this order to shoot American and British paratroopers was issued by Hitler. I have seen it. Thirdly, that Hitler ordered that the Commissars in the Russian Army that had Army ranks but political position were to be shot if and when captured; fourth, that Hitler gave orders to shoot all Russian P.W.'s to the extent that they were members of the Communist Party; that Hitler gave the order that when bombing England important cultural centers should be chosen as targets.

GEN. D.: How do you know that?

SCHLAB: I know it from Treskow. He was the second General Staff officer in the Army Group. Treskow is cousin of my wife. He was engaged in a sort of liaison work between the Army and the Gestapo and in this position he was informed with regard to this order. August or September, 1940.

RHF: How do you know about shooting Russian prisoners of war insofar as they were Communists?

SCHLAB.: Because Gen. v. Boeh asked me to draft a memorandum to be sent back to Hitler in opposition to this order.

RHF: Do you know that the order was issued after General v. Boeh's opposition?

SCHLAB.: It was issued before and I replied to it.

RHF: Was any reply received to it by Hitler?

SCHLAB.: It was sent. Whether Hitler received it, I do not know. But I believe he received it. Hitler intended at the beginning of the war against Russia to issue an order that all captured Russian officers were to be shot. Against this proposed order. And was successful in his opposition. The order was not issued. In June 1941. Oster was dismissed in December, 1941.

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GEN. D.: What was the position of this officer when he got this information?

SCHLAB.: He was Ordnance Officer for special purposes attached to Section 1-a of Army Group Mitte. Section 1-a is concerned with operational and tactical matters.

GEN. D.: What was the rank?

SCHLAB.: First Lieutenant. During that time wrote the war diary of the Army Group Mitte. Under the orders of Field Marshal Krug and Beck was in charge of legal matters of the Army. Treskow is cousin of my wife. He became in January, 1941, the first General Staff officer of the Army Group Mitte. Treskow got him this position in the Army Group Mitte.

GEN. D.: What did you do before that?

SCHLAB.: In charge of a company. First in the French campaign and then was wounded.

GEN. D.: Give five things as to which you can testify.

SCHLAB.: Think I could testify to more things if definite questions were put.

GEN.: He has seen innumerable things and collected them from 1943 to 1944 and could probably be a witness on a great many matters we would like to know about - how the S.S. took over the Army, as he knows the story from A to Z.

GEN. D.: When do you believe the Party or Hitler took over the Army?

GAEV.: Early after Frisch's removal. Goes back to those phases explained and would like to continue to explain them as only up to 1938 he feels these Generals would all claim they had been betrayed by Hitler and Hitler lied to them and therefore the period for which these Generals could be prosecuted could be started rather late. In the first phase they were betrayed. He feels that the conspiracy between the Generals and the Nazis can probably not be proved. What he thinks can be proved is that these generals at one point knew so much of Hitler's plans that it was their duty according to this clause in the German military law that they should have opposed him.

GEN. D.: If knowing what his plans were and instead of opposing and not acquiescing they would have joined.

SCHLAB.: The German Military Code contains a clause according to which it is a crime to carry out and act if the person carrying it out is criminal.

GEN.: Halder, Keitel and Brauchitsch can only be gotten and tried by the fact that they know all these things because believe they will always say they were against them and did not approve of them.

GEN. D.: Let me suggest something.\*\* Which Generals could be held responsible?

SCHL.: One must make a distinction between those Generals who were commanding an Army formation and those Generals who were in key positions, such as Chief of the General Staff, the Chief of the Army or Navy, the Commander-in-Chief of the Air Forces. The first group only acted on order. This group can only be prosecuted on the basis of that paragraph of the German military penal law. The second group, the situation is different. According to the German military law and to the guide book, manual, of the General Staff. The people in this position, according to this law, are co-responsible under these laws for orders issued from the top of the highest command.

GEN. D.: Co-responsible in what way?

SCHLAB.: The deciding orders came from Hitler personally but by the fact that these men whom he mentioned in those positions signed these orders. By the fact of the signing, they became responsible for the contents of the order although they did not create the order. It came from above. While the General receives the orders on the front line he is just executing them.

GESEV.: If you get orders to shoot hostages; anybody along the line would be responsible under the German law. But the people in on the discussions with Hitler were in a different position.

GAEV.: My friends felt that is not sufficient to make Halder and Keitel responsible for the orders to attack Holland. So far as the outbreak of the war is concerned I think Keitel, Halder and Brauchitsch can be held responsible because the Generals in lower rank believed that there would be no war. They thought it was only a diplomatic bluff. Later on, in the further development of the war, Beck and others felt that also lower ranking Generals were guilty because knowingly they made preparations for attack on neutral countries like Holland. In preparing the attacks in the west, Holland, Belgium and France, that involved ~~Buch~~ v. Boch in the north, Rundstedt in the middle, and Leeb.

SCHLAB.: According to the German military law, the Chief of the General Staff is in quite a different position as the Army leaders because under German military law the Chief of the General Staff is responsible personally for the contents of any orders issued.

GEN. D.: So you think that Keitel could be included as a defendant here?

SCHLAB.: According to German law, disregarding any other law, that might be used, Keitel is responsible as Chief of the O.K.W. The same applies to Brauchitsch as Chief of the Army, Halder, Chief of the Staff of the Army, and the same corresponding ranks in the Navy and Air Forces.

GAEV.: In order to justify the attack on Holland and Belgium, the O.K.W. prepared a memorandum to the German Foreign Office.

GEN. D.: We asked them what German Officers could be included as defendants.

List submitted by Gesevius:

Reichsmarschall Göring  
 Grossadmiral Raeder  
 Grossadmiral Donitz  
 Feldmarschall Kesselring  
 " Sperle  
 " Milch  
 " v. Richthofen  
 " Ritter v. Greim  
 " Keitel  
 " v. Brauchitsch  
 " v. Bock  
 " v. Rundstedt  
 " v. Leeb  
 " Busch  
 " Liszt  
 " v. Kuchler  
 " Schorner  
 " v. Manstein  
 " v. Weichs  
 Generaloberst Zeitzler  
 " Halder  
 General Warlimont  
 " Godt  
 Generaloberst Guderian