

12 May 1946

MEMORANDUM TO ACCOMPANY TRIAL BRIEF
vs. Defendant Karl Doenitz

This memorandum points out the weaknesses in the case against Doenitz and the omissions due to incomplete evidence.

1. Planning for Wars of Aggression

a. It is debatable whether Germany violated the letter of treaty limitations by building submarines. Under the Versailles Treaty (1919) which allowed no submarines, Germany had foreign shipyards build them. The Anglo German Naval Treaties (1935 and 1937) allowed submarines. We do not have copies of these treaties or figures which might prove their violation.

b. Doenitz was not commander of submarines until 1935, after the treaty. Then he was only a tactical officer, operating the U-boats turned over to him. In the strategical decisions of whether to build submarines, and how many, he could only urge and advise. Before 1939 he was too low in the ladder of command to influence policy plans for waging war.

2. Sink at Sight

I have omitted the development of the U-boat "sink at sight" policy. The British Admiralty seems to consider it defensible due to the rapidity of radio communication and the strength of allied air power. The U. S. seems to have condoned it when President Roosevelt declared the waters around England a blockade zone prohibited to U.S. shipping. See L-182 for the detailed defense.

3. Individual Cases of War Crimes

a. The Athenia, a British passenger ship, was sunk without warning two hours after war broke out. No documentary proof is available in Nurnberg. I understand there is an affidavit of Admiral Godt, chief-of-staff to Doenitz, in which he states that U-30 torpedoed "the Athenia", and the captain and crew of U-30 were sworn to secrecy on their return. The log of U-30 was falsified to omit the incident. Hitler stated the British themselves probably sank "the Athenia". The affidavit and the log are purported to be in London

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b. The "Laconia" carrying Italian prisoners was torpedoed, 17 September 1942. The U-boat captain attempted rescue operations. Flying a red cross, life rafts in tow, survivors on its decks, the U-boat was bombed by a U. S. plane. Doenitz' request to declare the area neutral was denied.

c. Doenitz sent a W/T signal dated 17 September 1942 to all commanders that to rescue men off sunken ships contradicted the demands of warfare. U-boat Captain Moehle interpreted it as an order to kill the crews of sunken ships. Moehle's testimony and the W/T, I understand, are in London. The W/T must be read in the embarrassing light of "the Laconia" incident of the same date. After November 1942 killing men off sunken ships would be in violation of Doenitz' order of November to all U-boats never to surface in the presence of the enemy.

d. The Pelena, a Greek ship, was sunk (April 1944) and its crew was machine-gunned by U-852. The U-boat was later sunk, and its captain, Captain Eck, court-martialed by the British. The records of the incident are not in Burnberg. Doenitz claims he knows nothing of it, and if it happened it was in violation of his orders not to surface.

e. U-51 sank a Norwegian ship (8 Feb. 1940). The U-boat captain was praised for his action. The defense is that the ship tried to ram the U-boat. We have no evidence of the incident here.

f. The San Carlos, a Spanish ship, was sunk by gunfire (p. 6 of brief). Purportedly there is evidence in London that the U-boat captain was praised by Doenitz for a successful patrol.

4. A telegram to General Wier (12 May 1945) signed by the vice-president, National Maritime Union of America, CIO, offers to furnish survivors from torpedoed ships to "testify Doenitz' crews deliberately carried out his policy of kill kill kill." The evidence is lacking.

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5. Conclusion

The case against Doenitz on planning aggressive warfare and waging illegal warfare is weak. However, after 1943, he actively supported the Nazi philosophies (p.5 of brief) and played a leading role in terroristic activities (pp. 6 and 7 of brief). The evidence is not clear on the murdering of commandos in Norway.

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