The GAT System & Target Analysis
186 to General Jim Fleger & Paul Dirchsen
Tr. by Colonel [illegible] Att. 225 - End
(Ribbon Copy)

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182 right up to the present day.

In the meanwhile, however, the Russians had succeeded in evacuating large segments of their armament industries to behind the Ural Mountains. The study takes cognizance of this fact as follows:

> And so it must be stated that we have missed the most favorable time, and that the difficulties have become very great.

Above all, what was now acutely felt was the lack of a long-range 4-engine bomber.

At the end of 1943 an air corps was withdrawn from combat and given special training for operations against the enemy sources of military power.

By the time this corps had completed its training, in mid-1944, the Russian offensives had pushed the German front so far westward that the most important targets in the Russian armament industry, even including those still west of the Urals, were beyond the striking range of German bomber aircraft.

B. IMPORTS AND FOOD.

1. <u>The Mission as the Basis in the Selection of Targets.</u>

a. <u>Principles to be Observed in the Statement and Assignment of Missions.</u> On this subject, Air Field Manual L. Dv. 16 states in Paragraph 157:

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183 Warfare against import traffic is advisable if the intake of imported goods is a vital necessity for the enemy country.

The medium for import traffic is generally the sea.

.....

Almost all countries have to rely on the import of raw materials, particularly fuels. Warfare against such import traffic is almost always of incisive significance.

Attacks against ports of entry must be so timed that they will strike the target in a manner which will prevent the intake of precisely these categories of commodities. This calls for careful intelligence work (reports from agents).

Food Supplies. On this subject Air Field Manual L. Dv. 16 states in Paragraph 156:

In the case of countries which have to depend on imported food supplies, operations against the enemy food supply system are bound up with warfare against import traffic generally.

b. What Command Headquarters Stated and Assigned the Mission? As a rule the missions in this type of air warfare were assigned by the highest levels of command, the Supreme Military Command or the Air Force High Command. At Supreme Military Headquarters the headquarters Economic Staff

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184 participated in an advisory capacity.

c. Examples of Mission Statement and Assignment in World War II.

(1) By Supreme Military Command Headquarters.

Example One.

From Hitler Directive # I, 31 August 1939.[1]

In the conduct of warfare against Britain, provisions will be made for the commitment of air power in operations to interfere with British seaborne import traffic.....

Example Two.

Excerpt from Order "Der Oberste Befehlshaber der Wehrmacht, OKW/WFA., # 215/39 g. Kdos. Chefs. Abt. L. I, Weisung Nr. 9 vom 29 November 1939.[2]

Paragraph 4:

For the Navy and the Air Force the following missions, stated in sequence of importance, will develop for execution in a mutual conduct of operations:

a. Warfare against the principal British transit ports in the form of mining operations, action to block the approach routes, and action to destroy the vitally important port and lock installations.

Here, particular importance attaches to the use of mine-laying aircraft, particular for operations against ports on the west coast of England, and for mine-laying

1. Karlsruhe Document Collection. 2. Ibid.

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285 operations in narrow channels and river estuaries.

b. Warfare against British shipping and the British naval units engaged in the protection of that shipping.

c. Action to destroy British oil and other supplies, food stored in refrigerated warehouses and grain silos .....

Paragraph 5.

The most important British transit ports, which handle 95 percent of foreign trade and can only be inadequately replaced by the use of other ports are as follows:

186 London, Liverpool, Manchester — Vitally important for the intake and processing of food supplies, timber, and oil. In the peacetime import trade these 5 (sic) ports take a decisively important position, handling 38 percent of the entire volume of imports.

Newcastle	Swansea
Blythe	Cardiff
Sunderland	Barry
Hull	

The following can be considered as alternate ports to a limited extent and only for the handling of specific categories of commodities.

Grangemouth	Holyhead
Leith	Bristol
Middlesborough	Belfast
Grimsby	Newport

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186 Alternate Ports--continued

Southampton Goole
Glasgow Dundee

Constant supervision will be essential in order to detect measures diverting import traffic. In addition, it is important to progressively narrow down British foreign trade and force it to follow routes in areas within effective striking range of our naval and air forces.

Attacks against French ports will only be taken into consideration if they are connected with the blockade of Britain by reason of the geographical location or their functions, or if they are of importance as ports of debarkation of troops.

Paragraph 5.

In the case of those ports against which effective mine-laying operations cannot be carried out, measures must be taken to cripple merchant shipping by sinking ships to block the approaches to the port installations and by attacks to destroy the vitally important installations.

Of particular importance here is the destruction of the large sea lock installations in the ports of Leith, Sunderland, Hull, Grimsby, London, Manchester,

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187 (ship channel) Liverpool, Cardiff, Swansea, Bristol-Avonmouth. Particularly in the case of the west coast ports regulation of thw ater level and therefore of transhipment operations within the ports depends on the functioning of these lock installations.

Example Three.

Excerpt from Hitler Directive # 17, 1 August 1940, for the Conduct of Air and Naval Warfare against Britain.[1]

.....

Paragraph 2.

After temporary and local air superiority has been secured, air warfare will be continued against the ports, particularly against food storage installations, and also will be extended to attacks against the food storage installations in the British interior.

Attacks against ports on the south coast will be kept to a minimum out of consideration for our own planned operations.

b. What Command Headquarters Stated and Assigned the Mission? As a rule the mission was stated and assigned by the highest levels of command, the Supreme Military Command and the Air Force High Command, with the Military Economics Staff participating at Supreme Military Headquarters.

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188 c. Examples of Mission Assignment in World War II.

(1) By Supreme Military Headquarters.

Example One.

From Hitler Directive # 1, 31 August 1939.[1]

In the conduct of warfare against Britain, provisions will be made for the commitment of air powerin operations to interfere with British seaborne import traffic.....

Example Two.

Excerpt from Order "Der Oberste Befehlshaber der Wehrmacht, OKW/WFA, Nr. 215/39 g. Kdos. Chefs. Abt. L. I, Weisung Nr. 9 Vom 29. II. 1939.[2]

Paragraph 4.

For the Navy and the Air Force the following mission stated in sequence of importance, will then develop for execution in a mutual conduct of operations:

a. Warfare against the principal British transit ports in the form of mine-laying operations, action to block approach routes and action to destroy the vitally important port and lock installations.

Here, particular importance attaches to the use of mine-laying aircraft, particularly for operations against ports on the west coast of England, and for mine-laying operations in narrow channels and river estuaries.

Paragraph 5.

Air warfare against naval and merchant ships of

1. Karlsruhe Document Collection. 2. Ibid.

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189 the enemy can take second priority after such targets, except when exceptionally favorable fleeting targets are concerned and their destruction would serve to increase the effects of the attacks under Paragraph 2, above.....

(2) By the Commander in Chief of the Air Force.

Example One.

Letter "Chef W. FSt., Landesverteidigung, Nr. 00229/41 g. K. F. HQ, den 4. 2. 4."

Note for oral report concerning conduct of warfare against Britain.

On 1 February 1941 the Commander in Chief of the Air Force issued the following directive for the continued conduct of operations by the Air Force against Britain:

1. Concentrated combat action against ports and dock and storage installations, and against particularly important targets of the aircraft manufacturing industry,

190 as well as for the purpose of destroying ships at sea or in ports, including ships still under construction.

2. The Port Target Areas.

Kingston upon Hull	Liverpool
Southampton	Manchester
Tyne River Mouth	Middlesborough
Bristol Canal, south bank	Clyde-Glasgow
Cardiff	Swansea.

These have been appropriately narrowed down in order

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190 to achieve greater concentration in the attacks.

3. Given good conditions of visibility, strong forces could perhaps also be dispatched in night attacks against specific industrial works. The objective in the attacks must be to achieve a firm concentration of forces within the smallest possible area in order to secure complete demolition and cancel out once and for all the target as a factor in the British/armament production capability.

4. If weather conditions are suitable, operations to mine the mouth of the Thames, the Bristol Channel, and the mouth of the Mersey will be stepped up, and the mine-laying operations in the mouth of the Humber will continue.

2. The Selection of Targets.

a. Principles to be observed in the Selection of Targets.

In Operations against Enemy Import Activities. On this subject Air Field Manual L. Dv. 16 contains the following passages:

In Paragraph 157.

.....

Operations will therefore be directed against the most important of the ports handling import traffic. In particularly favorable circumstances and in confined

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191 waters operations can include coordinated action with the Navy against merchant ships sailing under military escort.

Almost all countries have to depend on imported supplies of some materials or other, particularly fuels.

.....

Oil storage installations and ships in port are particularly vulnerable targets.[1] Although port installations are to a certain extent protected by the very fact of their distribution over large areas, the targets sought can usually be found without difficulty and their most vital elements are easily detected.

The possibilities for the transportation of goods from ports are frequently limited, so that the flow of supplies can easily be disrupted.

<u>In Operations against the Enemy Food Supply System</u>. On this subject the field manual states in Paragraph 156:

Operations against the food supply system are directed principally against large storage facilities intended by the enemy to serve in the distribution of food supplies.

.....

To what extent it might be possible during droughts and under favorable circumstances to destroy a part of

1. Appendix 67.

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191 the grain crop before it is harvested is a matter which requires consideration.

b. What Command Headquarters Selected the Targets? Usually the targets to be attacked and their sequence of priority were determined by the Supreme Military Command, with advice from the Military Economy Staff, or by the Air Force High Command.

In the case of fleeting targets, such as ships detected at sea or in port, the selection of the target was contingent upon the results of reconnaissance and was therefore usually a responsibility of the air command locally responsible for direction of the assigned mission (air fleet, air corps, air division or local air command headquarters).

c. Examples of Target Selection in World War II.

Example One.

From Order: "Der Oberste Befehlshaber der Wehrmacht OKW/WFA Nr. 215/39 g. Kdos. Chefs. Abt. I L Weisung Nr. 9 vom 29. II. 1939."[1]

Paragraph 4.

a. Warfare against the principal British transhipping ports by means of mining and blocking the approach routes and by destroying the vitally important port installations and lock installations.

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1. Karlsruhe Document Collection.

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192 b. Combat action against British shipping and the naval forces protecting that shipping.

c. Action to destroy British oil and other reserve supplies, and food supplies stored in refrigerated warehouses and grain silos.

Example Two. (See Map: Far North Theater of Operations)[1]

Successful German operations against three convoys (PQ 16-18) in Arctic waters in the 25 May-13 October 1942 period, in which ships carrying military supplies for Russia were sunk. (From a study by the Air Force Military Science Division, 1944).[2]

"This means that in 869 missions flown, in 243 of which air torpedos were used, our air forces out of three convoys sank

Merchant ships totalling 437 000 Gross Register Tons
1 Cruiser
1 Destroyer
2 Escort vessels.

"In addition other ships were struck by 42 air torpedos and 49 other bombs, damaging a large number of transport ships besides those sunk."

3. Critical Review. The best critique that can be offered is that contained in the letter now quoted.

1. Appendixes 68-69.
2. Karlsruhe Document Collection.

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194 Geheime Kommandosache Berlin, 6. 2. 1941
OKW/1778

Der Oberbefehlshaber der Wehrmacht

OKW/WFSt/Abt. L (II.Op) Nr. 44095/41 g.K.Chefs.

Command Personnel Only

Officer Courier Only

Directive # 23

Directives for Warfare against the British Military Economy.

1. Results Hitherto Achieved in Our Conduct of the War against Britain.

a. Contrary to our former expectations the most effective results achieved in warfare against the British military economy are the heavy losses in merchant ships inflicted in air and naval combat action. The impact of these results has been augmented through the destruction of port installations, the destruction of large supplies, and through the decreased exploitation of ship space due to the necessity to travel in convoys.

It is to be expected that our increased commitments of submarines will produce further increased results in this year, and that these might bring about a collapse of Britain's power to resist within the foreseeable future.

2. Conclusions Drawn for Our Own Conduct of Warfare.

Within the next few months the impact of our naval warfare

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194 against enemy merchant shipping will presumably be increased through the increasing number of submarines and surface units which will be committed.

On the other hand, our air attacks against enemy ships cannot be maintained at the present level, because the missions to be executed in other theaters make it unavoidably necessary to withdraw strong elements of our Air Force from operations against the British Isles.

Consequently, it will become necessary to concentrate our air attacks even more tightly than before, and to direct them at targets which are such that their destruction will produce results similar to those produced by our naval warfare. Only in this way can we expect to produce within the foreseeable future results which will have a decisive impact on the outcome of the war.

3. The objective in continued operations against the British Homeland therefore must be to consolidate all means of naval and air warfare in action against enemy import traffic, and in action to neutralize the British air armament industries and if at all possible to further damage those industries.

For these purposes it is essential:

a. To destroy the most important British ports handling import traffic, with particular emphasis on

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195 the port installations, and ships detected within such ports or still under construction.

b. To employ all means available in warfare against enemy shipping.

c. To systematically destroy key points in the British air armament industry, including industries serving the antiaircraft artillery, and factories manufacturing gunpowder or other explosives.

These missions will continue for those forces which remain committed in operations against Britain, even if large elements of the Air Force and smaller forces of the Navy are transferred in the course of the year for commitment in other theaters of operations.

196 4. The following principles will apply in the execution of these missions:

a. It is more important to sink enemy merchant ships than to sink enemy naval units. This is also the case in attacks involving the use of air torpedos. Any reduction of the ship space available to the enemy will not only increase the severity of the blockade, which can decide the outcome of the war, but at the same time will hamper enemy operations in Europe or in Africa.

b. b. Even if it is obvious that attacks against port towns or factories of the air armament industry

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196 have produced good results, these attacks will be repeated time and again.

c. Continuous mine-laying operations will be carried out to increase the uneasiness and losses of the enemy.

d. After combat action against the large ports handling import traffic, the operations must follow up British transhipment activities diverted to smaller ports insofar as these are within the striking range of aircraf

e. Only if weather conditions or other conditions affecting operations make it impossible to attack the targets enumerated in Paragraph 3, above, will it be considered justifiable to also attack other factories serving the armament industries in general, towns of especial industrial importance, and/or supply depots in the British interior, as well as traffic and communication installations and facilities.

On the other hand, no decisive military results can be expected from intimidation attacks against residential areas or against coastal fortification works.

197 5. Up to the time when the regrouping of forces for Operation Barbarossa is initiated, efforts must be made to insure progressively increasing effectiveness in our air and naval warfare, the purpose being not

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197 only to inflict the greatest possible damage on Britain, but also at the same time to create the impression of an impending invasion of the British Isles to take place in this year.

6. Special orders will be issued regulating the air reconnaissance necessary at sea to insure properly integrated naval and air warfare.

7. This rescinds Directive Nr. 9 of 29 November 1939 supplementary orders of 26 May 1940 to Directive Nr. 9, and Directive Nr. 17 of 1 August 1940.

S/ Adolf Hitler

Excerpt from a study by Branch 8 of the Air Force General Staff under the title "Die Bedeutung des Nachschubs ueber See fuer England und die Moeglichkeit, diesen in entscheidender Weise einzuschraenken."(The Significance of Seaborne Supplies for Britain, and the Possibility to Curtail These to a Decisive Extent).

Britain's imports in 1937 totalled 71 000 000 tons, equalling 55 000 000 Gross Register Tons of ship space.

In 1942 this volume dropped to 36 000 000 tons. This volume Britain was able to import and had to import to cover the minimum requirements for existence.

This total volume of 36 000 000 tons comprises

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198 Raw materials and semi-finished products

	15	million	tons
Food supplies	10.5	"	"
Mineral oils	10	"	"
Manufactured goods	1	"	"

This means that each month 2.050 000 tons of dry commodities and 0.800 000 tons of mineral oils from all parts of the globe and by way of the various routes are brought to Britain through the North Channel.

Given a full exploitation of all submarine forces, supported by long-range air reconnaissance, it should have been possible in 1942 to sink ships totalling more than 2 000 000 Gross Register Tons. Furthermore, the enemy at that time had not yet developed their defenses to such an extent that they could have decisively interfered with attacking submarines. The British Air Force, presently the most dangerous opponent, was not in any position to operate at such decisive strength as is the case at present far over the Atlantic, since its development had not yet gained full momentum. The development of submarine detecting devices had also by no means been completed.

Therefore it would have been of the utmost importance at that time to so support our warfare against shipping by the commitment of all means available that, in spite

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198 of all increments through new ships built, and in spite of the most stringent British measures to place every available ship in service, a steady decline in the ship space available to the enemy would have resulted, which necessarily would have had a catastrophic impact on the British supply situaation.

For their conduct of the war in Europe the British, and the Western Allies in general, are completely dependent on supplies from overseas. It is therefore to be understood that a German victory in the Battle of the Atlantic would have had an enormous impact on the military situation, both on the ground and in the air, in Europe, and that this impact would have been exceptionally favorable for the military situation of the German Reich.

If ships totalling 2 000 000 Gross Register Tons had been sunk monthly, this would have compelled the enemy to concentrate exclusively on supplying the British Isles. This means that not a single ton of ship space would have been available for the large scale landing operations, for the later movement of suplies to the forces thus landed or even of supplies to sustain the already existing zones of operations and of strategic assembly. In fact it means that the ship space still available would not even have sufficed to meet the barest minimum for the

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199 subsistence needs of the Island Kingdom.

Warfare against supplies strikes the enemy at a point where it is possible to utterly destroy enormous military potentials at the smallest cost in forces and in losses. Only rarely is it possible in war to find such a concentration of military materiel as is to be found on the ships of a convoy during their voyage from the production sites on the Continent of North America to the European theater of war. This was expecially the case in 1942, when our opponents in Europe were eagerly awaiting every shipload of military materiel.

Taking into consideration that a ship of 9 000 Gross Register Tons can load 12 600 tons in weight, the transportation of which on land would require 860 rail freight cars of each 15 tons, one can form some idea of the ex-
200 tent to which the Western Allies were supported in their conduct of the war by the delivery of supplies from over seas.

Why attack tanks at the fighting front, where they are encountered in dispersed formation and employed to use their own combat capabilities, when it would be possible during the voyage from America to Europe to destroy such concentrations of weapons at the cost of only very small commitments of forces and thereby

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200 serve in the best manner conceivable to relieve the pressure on our ground forces.

It is against this import traffic in military and other supplies that the combat activities of our submarines are directed. It should have been possible in 1942 to so increase the number of ships sunk by submarines, with support from the Air Force, that this broad stream of supplies would have been whittled down to a slow moving trickle.

.....

The following passages are from the critique with which the letter closes:

It was the greatest chance in our war against Britain by exploiting to the fullest the capabilities of the submarine forces available to us for warfare against enemy shipping, supported by relatively small concurrent commitments of air power in the form of reconnaissance units, to reduce the ship space available to the enemy so decisively that even if they had placed in service all reserve that could be mustered in any way their total tonnage would have dropped below the 1 000 000 Gross Register Ton level.

Once this minimum level had been passed the time would
201 have arrived at which the German blockade of sea routes would have proved fatal to the enemy.

THIS PAGE DECLASSIFIED IAW EO12958

201 As the appendix shows, the German Air Force did not succeed in its efforts to stop British imports. The only results achieved, were that the main convoy routes were moved to the areas north of Ireland.[1]

C. Electricity Supply Systems.

1. The Mission as the Basis in the Selection of Targets.

a. Principles to be Observed in the Statement and Assignment of Missions. On this subject Air Field Manual L. Dv. 16 contains the following passages:

In Paragraph 159.

> Properly regulated electricity, gas, and water supplies are vital factors in any country. The fact that entire regions receive their electrical power supplies through overland cables from specific large power stations makes these power stations vital targets unless the possibility exists to link up alternate supply circuits. Their destruction cripples manufacturing activities in the entire region they serve and seriously depresses the living conditions of the people.
>
> The progressive electrification of railroad systems makes railroad traffic also largely dependent on a regular supply of electric power.
>
> Attacks against electric power stations of this type

1. Appendixes 70, 71.

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201 are always worth while.

202 In missions of this type the selection of targets evolved logically from the mission itself. They comprised such targets as water supply installations, large reservoirs, gas works, electric power and transformer stations. At a later stage the idea was conceived of using specially developed bombs, known as cable bombs, to cut large overland electric lines.

b. What Command Headquarters Stated and Assigned the Mission?

As a rule missions in this category were assigned by the highest levels of command, the Supreme Military Command or the Air Force High Command.

c. Example of Mission Assignment in World War II.

Example One.

During the Polish campaign, the water, electricity, and supply installations were attacked in Warsaw in orde to compel the city to surrender.[1]

Example Two.

Organization of a Special Staff in 1943 by the German Air Force High Command for Operations against the Russian Electricity Supply System.

Even before the outbreak of World War II Professor Dr. Steinmann, a member of the Air Force Administration Office, where he was responsible within the Building

1. Appendix 72.

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202 and Construction Division for the supply of electricity, water, gas, etc., to all installations of the Air Force, had voiced the theory that the most sensitive point in all countries was that of the electricity supply system.[1]*

Apart from plans to destroy the electric power stations themselves, he suggested attacks to destroy the overland electricity supply lines. For this purpose he had designed a special type of bomb, which when dropped unwound a cable that was to short-circuit the electric wires and cause them to burn through. This would have caused the electric poles on either side of the cut point to collapse for a considerable distance, provided the electric wires were not passed freely over or through the insulators on the poles but were fastened to the insulators as was customary at the time.

Professor Steinmann had assisted in compiling Operational Study Blau (Study on Warfare against Britain), but had been unable to have his ideas accepted. The main difficulty in his plan was that the cable bombs had to be released at a very low altitude, which seemed a highly problematical matter in view of the status of defenses in

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1. If electricity supplies could have been brought to a standstill, this necessarily also would have halted all military industries.

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203 Britain.

What was difficult to achieve in Britain, it was thought, could be achieved in warfare against Russia.

When the Air Force General Staff, after the death of General Jeschonnek, who had committed suicide, was considering ways and means to employ air power in operationa missions, the ideas propounded by Professor Dr. Steinmann were again taken up, and a special staff was formed in in 1943 under Professor Dr. Steinmann with the mission of studying all Russian territories within striking range of the German Air Force with a view to determining points at which such operations held out prospects of success.

203a For security reasons Professor Dr. Steinmann retain- his responsibilities in the Building and Construction Division of the Air Force Administration Office.

The Special Staff expanded gradually to a size of 37 members, who carefully scrutinized all available air photos of Russian territories to discover the presence of large overland electricity supply lines. In addition to those already available, reconnaissance aircraft turned in innumerable newly taken photos.

The plan was, immediately after the work of investigation was completed, to dispatch Mistel composite

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203a aircraft units in attacks to destroy the entire Russian electricity supply system, including the overland supply lines. The headquarters intended to direct the execution of this mission was the IV Air Corps, which at the time was under training as a strategic bomber unit.

By the time preparations were just about completed, however, the German withdrawal on the eastern front had so changed the whole situation that the German Command no longer entertained any hopes of achieving decisive results in these planned operations, particularly because it had in the meanwhile become necessary to deactivate the IV Air Corps.

Furthermore, some of the Mistel composite aircraft intended for participation in the attacks against the Russian electric power stations had in the meanwhile been destroyed in attacks by air forces of the Western Allies against the German airfields.

The War Journal of the Commander in Chief states as follows on this subject in an entry dated 14 April 1945:

After low-altitude attack by enemy aircraft against German airfields in northern Germany had destroyed six of the twelve Ju-290 aircraft required for Operation Gertrud (attack against the Russian electric power stations with water ballons), the Chief of the Air Force

1. Wasserballon: A special type of parachute-carried water mine-bomb for release upstream from the target (Translator).

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203a General Staff ordered cessation of all preparations for

204 the operation, since it "could no longer be carried out successfully."

Critical Review. There is no room for doubt that massed air attacks against the Russian electric power stations and and overland electricity supply lines would have met with resounding success, and could have paralyzed the Russian armament industries for a long time. The few Russian large size electric power stations in existence, and the complete or almost complete lack of an interconnecting link-up system held out good prospects of success.

Whether results commensurate with the effort which would have had to be expended could have been achieved in similar operations against Britain is questionable in view of the experience gained in the Air Battle for Britain. Bombing with cable bombs and the attacks by Mistel composite aircraft against the electric power stations would only have been possible during daylight and would have had to be carried out at very low levels. Following the Air Battle for Britain British defenses had been so reinforced that attacks of this type held out no prospects of success. It was probably due to these causes that no attempt was made to execute such attacks.

THIS PAGE DECLASSIFIED IAW EO12958

204 D. Attacks Against Cities, or against Military Targets Located within Cities. As mentioned in Chapter 1, II of the present study, the German Government held the view that, as was the case in the International Rules of Naval Warfare, it was permissible in independent operational air warfare to attack military targets located within towns and other settled areas even if these were undefended.

By German concepts military targets of this type included all installations and establishments which served the combatant forces, their command, their reinforcement and their increase.

In addition, the German Command reserved to itself the right to carry out retaliatory attacks against towns.

The subject of attacks against such targets as factories installations handling import traffic, food supply stores, and installations serving in the supply of electric power, whether these were situated in cities or elsewhere, has been treated in the foregoing sections of the present study.

For this reason the following pages will be devoted to the subject of attacks against centers of Government, administration, mobilization, and military replacement activities.

Retaliatory Attacks Against Towns and against Towns within the Zones of Combat on the Ground.

THIS PAGE DECLASSIFIED IAW EO12958

205 It was only with very great reluctance that the German Government was able to reconcile itself to the idea of attacks against military targets situated within towns, possibly out of consideration for the possibility of retaliatory attacks by the enemy.

It was perfectly clear to those responsible that, in view of the difficult conditions of bombing while in horizontal flight at high altitudes, and particularly in the case of night attacks, it was impossible to aim bombs so precisely that they would only strike the military installations against which an attack was directed. Thus, Paragraph 12 of Air Field Manual L. Dv 16 states :

> It is impossible to prevent the attacks producing unintended results concurrently with the results desired. Such action can lead to farreaching repercussions in the political field and in the field of international law.

The following are a few examples from orders containing specific instructions to avoid attacks against towns.

Example One.

From Directive # 8, 20 November 1939.[1]

Paragraph 5.

.....

Neither in the areas of Holland nor of Belgium-Luxemburg will built-up areas, particularly large open

1. Karlsruhe Document Collection.

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206 and undefended towns or cities,..... be attacked unless compelling military reasons exist.

Example Two.

From Directive # 5 by Commander in Chief, Air Force, 7 December 1939, Orders for the Campaign in the West.[1]

Attacks against ~~London are subject to my approval~~ all sizable towns, including military targets they might contain, are subject to my express approval. Excluded from this prohibition are attacks against troop concentrations at the entrances to or exits from built up areas.

Example Three.

Excerpt from Hitler Directive # I, 31 August 1939.[2]

Attacks against London are subject to my decision.

Example Four.

Excerpt from "Luftoperationen im Nordseeraum 1949."[3]

On 6 January 1940 it was again emphasized that

.....it is not in line with our policy for the overall conduct of the war that German initiative should invoke unrestricted air warfare to the fullest extent. Here I reserve to myself the ~~the~~ authority to permit attacks which seriously jeopardise the civilian population.

S. Goering

Example Five.

From Hitler Directive # 17, 1 August 1940, for the Conduct

1. Karlsruhe Document Collection. 2. Ibid. 3. Ibid.

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207 of Air and Naval Warfare against Britain.[1]

Paragraph 5.

I reserve to myself the authority to order intimidation attacks designed as retaliatory action.

Example Six.

Excerpt from "Befehl des Oberkommandos der Wehrmacht, 24 August 1940."[2]

.....

~~RXXXXXXXXXX~~.

B 3: Attacks against the city districts of London and intimidation attacks are subject to prior decision by the Fuehrer.

In this latter case the orders prohibiting attacks ~~XXXXX~~ against targets in London were to prove of fateful consequenc for the outcome of the Air Battle for Britain.

The plans of the German Air Force provided for feint attacks or attacks by small forces against military targets in London. The purpose was to compel the British, in view of the great importance of the city, to concentrate their entire fighter forces at London, where they could be attacked and destroyed by the German fighters. Hitler's order prohibiting air attacks against targets in London removed the necessity for the British fighters to be committed in full force over London. The order was only rescinded at the end of August, after the Royal Air Force had attacked German

1. Karlsruhe Document Collention.
2. Ibid.

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208 cities. After this weather conditions were such that the clouds supported the British fighter forces by decreasing the chances for a successful execution of the German plans.

Attacks against Centers of Government, Administration, Mobilization, and Replacement Activities.

1. The Mission as the Basis for the Selection of Targets.

a. Principles to Be Observed in the Statement and Assignment of Missions. On this subject Air Field Manual L. Dv. 16 contains the following passages:

In Paragraph 183 (Refers to Government and Administration Centers.

> Attacks against the center of Government are advisable if that center can be considered as the hub of spiritual and moral resistance, and if it is situated in an area so confined that the attacks are likely to produce considerable results. Consideration must be given to the public morale and to the degree of solidarity of the population in their political views.

In Paragraph 185 (Refers also to Government and Administration Centers.

> .....
>
> The center of Government, the national capital, will always be exceptionally well defended. Very heavy losses must be expected in any attacks against targets of this

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209 type. Generally speaking, such targets therefore should only be attacked at times when the attacks can be expected to produce particularly effective results, for example at the beginning of hostilities, prior to events of cardinal importance, or during periods of military or inner political developments unfavorable to the enemy.

In Paragraph 182.

The prospects of success in attacks against military personnel replacement centers are particularly good prior to or during mobilization. Even later in the war, however, attacks against replacement centers and training camps can be highly effective.

b. What Command Headquarters Stated and Assigned the Mission? As a rule missions in this category were assigned by the Supreme Military Command, and the Commander in Chief o the Air Force was merely responsible for the execution.

c. Examples of Mission Assignment in World War II.

Example One.

From Orders by the Air Force High Command for the Attack against Poland (Excerpt from Operational Study 1939, Volume II, page 9.[1]

.....

3. The Mission of the Air Force is

a. (Counter-air action).

1. Karlsruhe Document Collection.

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209 b. (Missions of direct and indirect support for the Army.) .....and to dislocate mobilization through attacks directed at the Polish mobilization centers.

..... (Interdiction of the rail routes used in the strategic assembly).

Example Two.

From Orders by the Commander in Chief, Air Force, for the attack against Poland. Operational Study 1939, Volume II, Revised Edition, 1 May 1939.[1]

.....

c. It is to be expected that the Commander in Chief, Air Force will order a mass attack by the forces of both air fleets against Warsaw on the afternoon of the first day of the offensive.

Example Three.

Excerpt from Hitler Directive # 39, 8 December 1941.[2]

.....

II. The mission of the Air Force is to attack the armament and training centers, particularly at Leningrad, Moscow, Rybinsk, Gorki, Voronezh, Rostov, Stalingrad, Krasnodar, etc., and thereby interfere as much as possibl with the rehabilitation of the Russian military forces.

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1. Karlsruhe Document Collection.
2. Ibid.

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210 2. The Selection of Targets.

a. Principles to Be Observed in Attacks against Centers of Government, Administration, and Replacement Activities. On this subject Air Field Manual L. Dv. 16 states as follows:

In Paragraph 184.

Through attacks against communications centers and radio broadcasting stations the entire machinery of Government and administration is seriously disrupted and the Government is deprived of an important medium by means of which it could influence opinion in its own country and in the world in general.

In Paragraph 182.

.....

Sudden concentrated attacks against casernes and billets can inflict heavy casualties among raw recruits and seriously depreciate their morale.

b. The Selection of Targets. As a rule the command headquarters assigning the mission also selected the targets for attack.

Example One.

From Directives by the Commander in Chief, Air Force, in Directive # 5 Concerning Preparations for the French Campaign

The Ghent radio broadcasting station will be

1. Karlsruhe Document Collection.

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211 destroyed in the first attack.

Example Two.

At the time when Rumania defected from the German side, an attack was flown against the central telegraph office and the Royal Palace, Bucharest, on 26 August 1944 pursuant to a request by Major General (Generalleutnant) Gerstenberg. Hitler, who had ordered Gerstenberg to call for the attack against Bucharest, which was designed to cause the downfall of the Rumanian Government, ordered the Fourth Air Fleet to fulfill all requests made by Gerstenberg.

The attack against the Post and Telegraph Office proved a resounding success, since the destruction of this communications center deprived the King of all possibilities to order his troops stationed throughout the country to take action against the Germans. A few days later the Kronstadt Radio Broadcasting Station was also destroyed, after the King had attempted to use it for the dissemination of orders. The attack against the Royal Palace in Bucharest was ineffective, since the King at that time was in residence at his palace at Sinaia, in the Carpathians.

No cognisance is taken here of the question whether the measures thus taken , and which incited the Rumanians

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212 against Germany, served any useful purpose in the overall sense.

Retaliatory Attacks

a. Principles to Be Observed in the Statement and Assignment of Missions. On this subject Air Field Manual L. Dv. 16 containes the following passages:

In Paragraph 186.

The idea of attacking cities for the purpose of terrorizing the population must be rejected on principle.

However, if the enemy nevertheless should attack unprotected, defenseless cities for the purpose of intimidating the population, retaliatory attacks of a similar nature might be the only means by which they can be brought to desist from such brutal methods of air warfare.

The timing of such retaliatory attacks will be determined primarily by the preceding enemy intimidation attack. In each case the attack must be clearly reconnizable as retaliatory action.

In Paragraph 187

Retaliatory attacks presuppose a precise knowledge and intuitive understanding of the mentality and morale of the enemy population. If the wrong moment is chosen and the desired effects on the enemy are premised on a faulty appraisal, the attacks may result in strengthenin

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213 instead of weakening the enemy will to resist.

As a rule retaliatory attacks are particularly likely to produce effective results at a time when the Nation as a whole is discouraged by previous reverses in the field, or when it is worn down because of food shortages and no longer firmly supports its Government. At such times the attacks might result in revolts and uprisings.

2. The Selection of Targets.

a. Principles to be Observed in the Selection of Targets. Air Field Manual L. Dv. 16 states in Paragraph 188:

Only large and densely populated cities should be selected as targets. The cities selected must be far distant from the zones of operations on the ground, and if possible should be so situated that they have hitherto escaped combat action. In areas close to the zones of battle on the ground the population usually become dulled to any sense of danger. This blunts the punitive effect of an air attack in such areas.

b. What Command Headquarters Selected the Target? Owing to the political repercussions action of this type might produce, orders for retaliatory attacks had to come from thepolitical leaders. The Supreme Military Command and the Commander in Chief of the Air Force served only to channel orders to the field commands.

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21 c. Examples of Target Selection in World War II.

Example One.

Retaliatory Attack against London on 7 September 1940. Excerpt from a Study by Branch 8 of the Air Force General Staff: "Die Luftschlacht um England."[1]

Throughout the month of August the number of enemy units penetrating over German territory at night had increased. On 26 August Berlin for the first time had been the target of a British air attack, in which residential districts of the National Capital primarily had been bombed.

Because of these attacks against non-military targets which had commenced already during the Western campaign, the Commander in Chief, Air Force, on 31 August made preparations for the first counteraction. In his speech on 4 September Hitler gave notice of the imminent retaliatory action.

A few days later, on 7 September 1940, the first large-scale attacks against London commenced, which was to remain the target of attack for the next few weeks.

According to German orders, however, the whole action was directed exclusively at the militarily important supply installations and facturies.

Both the Second and the Third Air Fleet participated

1. Karlsruhe Document Collection.

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214 largely in these attacks. A number of bomber units from the Third Air Fleet passed to control by the Second Air Fleet.

All in all the German Air Force in the month of September directed 22 large-scale attacks against London. Harassing raids were carried out in the intervals between the individual large-scale attacks, so that the constant air alert in London was lifted on only a few occasions. The large units committed, which varied in size between 200 and 300 bombers, inflicted heavy damage, particularly in the dock and supply installations along the Thames. Large fires destroyed valuable military supplies.

Example 2.

From "OberKommando der Wehrmacht, 14 September 1940."[1]

.....

2. The target areas will be expanded and the air attacks will continue to be directed primarily against installations of military importance and vitally important for the city, to include rail depots, as long as worthwhile targets remain in existence.

Intimidation attacks against strictly residential districts will be held in abeyance as a last resort for the exertion of pressure.

1. Karlsruhe Document Collection.

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215 Example Three.

From "Fuehrerweisung # 25 vom 27 March 1941 (Einsatz gegen Jugoslawien)."[1]

Paragraph 3 a.

As soon as adequately strong forces are available for the purpose and weather conditions permit, the ground service organization of the air forces, and Belgrade, will be destroyed by the Air Force by means of continuous day and night attacks.

Example Four.

Retaliatory Attack against Moscow. From "Fuehrerweisung # 33 vom 19 7. 41."[2]

Paragraph 3, Second Item.

The attack against Moscow by bomber forces of the Second Air Fleet temporarily reinforced by bomber forces from the western theater, will be "carried out as reprisals for the Soviet-Russian attacks against Bucharest and Helsinki."

Example Five.

From "Fuehrerweisung # 34 vom 30. 7. 41."[3] Section II, Paragraph 2, last Item.

The attacks against Moscow are to continue.

Example Six.

From "Oberkommando der Wehrmacht vom 12. 8. 41, Ergaenzungen zur Weisung # 34."[4]

1. Karlsruhe Document Collection G b. 2. Karlsruhe Document Collection. 2. Ibid. 3. Ibid.

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21B 1. (Last Item).

The attack against the city of Kiev itself is to cease. Destruction of this target by incendiary bombs and artillery fire is intended as soon as the supply situation permits.

Example Seven.

Excerpt from "Fuehrerweisung # 35 vom 6. 9. 1941.[1]

Paragraph 3 (condensed).

Prior to this however, efforts will be made to envelop Leningrad more closely, at least in the east, and if weather conditions permit, the AirForce will execute a large-scale attack against Leningrad. The important objective here is to destroy the water supply works.

Example Eight.

From "Befehl vom 3. 12. 43 fuer einen Vergeltungsangriff gegen England." (Orders dated 3 December 1943 for a Retaliatory Attack against Britain).[2]

OKL 2382/452 Command Personnel Only
3 December 1943 Officer Courier Only.

Command Priority Message. Top Secret. Command Personnel Only. Transmit with Specific Addresses. Officer Courier Only.

To Second Air Fleet, Chief of Staff
Third Air Fleet, Chief of Staff
Chief, Bomber Forces, Chief of Staff
Chief of Special Supplies and Procurement, Field Marshal Milch.

1. Karlsruhe Document Collection. 2. Ibid.

THIS PAGE DECLASSIFIED IAW EO12958

218 I. In retaliation for the increasingly frequent intimidation attacks by the enmy, I have decided to increase the severity of air warfare against England by means of concentrated attacks against cities (particularly industrial targets and major ports).

2. For this purpose the following measures will be taken to reinforce the units committed in warfare against Britain:

a. From the command zone of Second Air Fleet, the 30th and 54th Bomber Wings, each with two groups, one of them only temporarily;

b. From rehabilitation and/or reequipment, the 2d (Ju-88) Group, 6th Bomber Wing and the 1st (He-177) Group, 100th Bomber Wing, plus the 1st (Me-410) Group, 51st Bomber Wing.

c. From Supply and Administration Branch, FBK[1] according to more detailed instructions through Chief of Air Force Supply and Administration.

3. All units will be placed under uniform direction by the Commanding General, IX Air Corps and consolidated for concentrated action against vital targets, planning to take fullest advantage of the experience gained in th past months of warfare against Britain.

1. FBK: Fluhafenbetriebskompanien, Airfeild operating companie

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218 Depending on loss and replacement movements, the missions will be so directed in respect to type and frequency that the operability of the units committed will definitely remain unimpaired. This is essential in view of the necessity to maintain a constant state of preparedness for defense against attempts which the enemy might make at any time to land forces in the west.

4. All measures to bring the units up to full strength and place them in full operability will be so expedited that the operation can commence still during the last stages of the full-moon phase in December.

Orders implementing the necessary measures for this purpose will be issued by the Chief of Air Force Supply and Administration separately.

5. The necessary preparations, particularly insofar as the ground organization is concerned, will be initiate immediately.

In these preparations provisions must be made to use the forward airfields exclusively as take-off fields, while base airfields and support air fields will be transferred farther to the rear.

At the airfields themselves the aircraft will be kept widely dispersed, and by using side dispersal areas and providing protection against fragmentation effects

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219 at some distance from the actual runways, the aircraft will be so parked that they will to a great extent be protected against enemy bombing attacks which must be anticipated. In addition arrangements will be made at airfields not in use to create the impression that they are in operation.

6. Special attention is drawn to the necessity for a careful selection of the types of bombs to be used and for their storage. Although this will depend in each case on the specific mission, the general rule will be for all planes to load 70 percent incendiary bombs. The demolition bombs used will be primarily of the heaviest calibers over (2 200 pounds) with "England type" charge, and aerial mines. Smaller calibers than 1 100 pounds will be carried only to take fullest advantage of carrying capacities.

The staff members of the Chief of Special Supplies and Procurement, namely Generalingenieur[1] Marquardt and Colonel Marienfeld, are available for consultation.

7. As soon as possible Headquarters, IX Air Corps, will report through Third Air Fleet

a. Its plans, specifying the targets selected for attack in December and January,

1. Major General, Technological Services.

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220 b. Its general plans for execution of its mission

c. Its disposition of forces, including antiaircraft artillery and fighter defense forces,

to the Commander in Chief, Air Force, and the Air Operations Section of the Air Force Operations Staff.

8. The necessity for strict secrecy concerning all preparations is expressly emphasized. Only persons who definitely need the knowledge will be oriented. The scope of such orientation will be restricted to the essential minimum. Special instructions will follow concerning measures to maintain secrecy concerning unit transfer (Headquarters, Second Air Fleet, namely the Commanding General, has already been informed orally).

S./ Goering
Reich Marshal of Greater Germany and
Commander in Chief, Air Force.
8937/43, Top Secret. Command Personnel Only.
(Air Operations Section, Air Force Operations Staff).

Distribution:
Air Force Operations Staff (Air Operations Section) 1st Copy.
Chief of Air Force Supply and Administration, 2d Copy.
Keeper of War Journal, 3d Copy.

Example Nines.

Target Selection for a Retaliatory Attack, with Map Insert Showing Target Areas.[1] The other air corps were to attack

1. Appendix 72a.

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221 targets in the other target areas simultaneously.

Orders Concerning the Attack against Fort Installations in Loge (London)[1]

Headquarters, I Air Corps Corp Headquarters,
Ia Br. B. Nr. 10285, Top 6 September 1940
Secret. Commanding Officers
Only.

1. The Second Air Fleet on the evening of 7 September will execute a large-scale attack against Target Area a in Loge.

For this purpose the following units will arive over one and the same target area in succession as follows:

For a preliminary attack:

1800 hours, one bomber wing from II Air Corps

For the main attack:

1840 hours, the main body of II Air Corps

1800 hours (sic), I Air Corps, reinforced by the 30th Bomber Group.

2. The fontages for attack will be as follows:

On the right: 30th Bomber Wing, reinforced by 2d Group, 76th Bomber Wing.

In the center: 1st Bomber Wing

On the left: : 76th Bomber Wing (minus 2d Group).

Bombing lanes shown in Annex.

1. Karlsruhe Document Collection G V 3.

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221 3. Fighter and Escort Mission.

a. The purpose of the preliminary attack is to draw the British fighters into action so that they will be out of fuel when the main attack force strikes.

b. Fighter Command 2 will provide one fighter wing to escort each bomber wing.

c. The 76th Fighter Wing[1] (assigned under I Air Corps) will maintain its units over the target area from 1840 hours on, will keep the area free of enemy fighters, and will cover the attack and departure of the bomber units.

d. Fighter Command 2 will provide protection for the I and II Corps returning from their mission, assigning two fighter wings for the purpose.

4. Execution of the Attack. a. The fighter forces will join the bomber forces while crossing the coastline on the approach route. No curving allowed.

b. Approach Routes.

30th Bomber Wing: St. Omer,-hard south of Cap Gris Nez-railroad fork north of Seven-aes-target area.

1st Bomber Wing: St Pol-Mouth of la Slack-Riverhead target area.

76th Bomber Wing: Hedin-northern outskirts Boulogne-Westerham-target area.

1. This should read 76th Twin-Engine Fighter Wing.

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222 c. Fighter Escort. The fighter escort mission will be executed by

26th Fighter Wing for the 30th Bomber Wing

54th Fighter Wing for the 1st Bomber Wing

27th Fighter Wing for the 76th Bomber Wing.

Since the fighter forces will have to operate at their extreme range, every detour must be avoided, and they will fly at top speeds.

d. Cruising Altitude after Junction with Fighter Forces.

30th Bomber Wing	16 500-18 000 feet (5000-5500 meters)
1st Bomber Wing	20 000-22 000 feet (6000-6500 meters)
76th Bomber Wing	16 500-18 000 feet. (5000-5500 meters)

Advantage will be taken of altitude echeloning to decrease the length of the force to a minimum. On home route all units will fly slightly downward, crossing the coast of England at altitudes of approximately 13 000 feet (4000 meters).

e. The whole attack will be executed in one bomb release run. If the approach run fails, the bomb load will be delivered on other suitable targets within Loge. Attack altitude same as approach altitude.

f. Home Route. After the bomb release run, all units will curve to the right, the 76th Bomber Wing

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223 curving sharply only after definitely ascertaining that the units on its right have released their bombs. After this right curve, all units will follow the course over Maidstone-Dynchurch-to thw waiting area of the escort fighters.

g. Bomb Types.

20 percent incendiary bombs

30 percent Type LZZ bombs, timed to detonate in between 2-4 hours and between 10-14 hours (the latter without vibration fuzes).

Do-17 planes will carry 25 percent disintegrating containers with B-1 electron bombs, no Type SD-50 bombs.

The only determining factor for the bomb load to be carried will be the altitude required for protection against antiaircraft artillery fire. Fuel load will be limited to the amounts rquired for execution of the mission plus the essential marginal allowance.

5. In order to achieve maximum effectiveness, close unit formation will be observed during the bomb release run, during defense action, and also during the return flight.

The whole operation involves the highest mission that could be assigned to the Air Force.

6. This rescinds the order issued under

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223 Commanding General, I Air Corps, Ia Br. Nr. 10285/40.

The Commanding General

S/ Grauert

Distribution .....

7 September 1940: Change of Detail Orders:

1. The time of attack is changed by five minutes from 45 to 50.

2. Responsibility for direct fighter protection will be assumed by

~~XXXXXXXXXXXXXXXXXXXXXXXXXX~~

76th Twin-Enging Fighter Wing in place of 27th Fighter Wing

27th Fighter Wing in place of 27th Twin-Engine Fighter Wing.

Attacks against Towns within the Zones of Operations of the Ground Forces.

In post-war literature the German air attacks against Warsaw in 1939 and Rotterdam in 1940 are given great prominence. They are cited as typical examples of infringements of International Law. Here, sight is lost of the fact that the towns in question were within the zones of operations of the ground forces, attacks against which are permitted even by the Hague Rules of Land Warfare.

In detail the following remains to be said on the subject:

THIS PAGE DECLASSIFIED IAW EO12958

224 Attack against Warsaw.

In the final phase of the Polish campaign the Polish Army continued offering resistance only in the Warsaw-Modlin area, with these two fortresses serving as the corner bastions of the resistance (see outline map).[1]

The Polish antiaircraft and other artillery forces were in position within Warsaw and Modlin. Even Polish fighters put in an appearance over Warsaw, although the entire Polish air forces had been practically annihilated. The two towns had been developed into regular pockets of resistance, and the entire area around and between them had to be considered as an areal fortifications system from the military point of view. These fortifications had to be subdued in order to bring the war against Poland to an end. The fact that the Russians were advancing from the east towards their demarkation line made it appear wise to expedite the necessary measures to this end.

The targets attacked were primarily of a military nature, as will be seen from the the target map and the air photo offered in support of what is said here.[2] The air photo confirms that the attacks actually struck the targets shown in the target map.

1. Appendixes 74, 75. Also Appendix 76 illustrating German attack against Paris.
2.

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225 The official bulletin by the German Supreme Military Command, which was published daily, states as follows concerning these attacks:[1]

German Air Attacks against Warsaw and Modlin.[1]

25 September 1939:

Dive bombers successfully attacked militarily important targets in Warsaw.

26 September 1939:

After the failure of all efforts to convince the Polish Commandant of the cruelty and uselessness of resistance in Warsaw, combat operations against that city commenced yesterday. Fort Mokotowski and later a part of the suburb of Mokotow were captured in a bold stroke.

27 September 1939:

After Warsaw, the capital of Poland and hitherto considered an open city and respected accordingly, has been changed into a fortress by the measures taken by the Commandant to restore the old forts and arm the civilian population, Warsaw can no longer be considered as an open and undefended city.

The German attack on 26 September brought the

1. Excerpts from Supreme Military Command Bulletins (Wehrmachtberichte), as published in "Der Sieg in Polen," by the German Supreme Military Command, p. 126.

THIS PAGE DECLASSIFIED IAW EO12958

226 outer perimeter in the northern segment and the second line of defenses in the southern segment under German control. Under the impact of this attack the Polish Commandant this forenoon offered the capitulation of the city and of the garrison. The Commander in Chief of the [German] Army has authorized General Blaskowitz to negotiate the capitulation.

28 September 1939:

In fighting on the southern flank, east of the San River, 500 officers and 6 000 enlisted personnel were taken prisoner. The Commandant of the fortress of Modlin has offered the capitulation of the Fortress.

29 September 1939:

In the process of our prearranged movement across the demarkation line, the German Commandant in a formal ceremony on 28 September handed over Przemysl-South to the Russian forces.

This evening the disarmed garrison forces of Warsaw will commence their march out of the city, a movement which will take from two to three days. The entry of German troops has therefore been set for 2 October. Measures have been initiated to assist in the feeding and medical care of the civilian population.

THIS PAGE DECLASSIFIED IAW EO12958

227 Under the impact of the German attacks the Fortress of Modlin has surrendered unconditionally. Within the fortress there are still approximately 1 200 officer, 30 000 enlisted, and 4 000 wounded personnel.

The attack against Rotterdam on 13 May 1940 must also be considered in a similar light as Warsaw. It is subjected to a critical examination from the viewpoint of international law in Appendix 77.

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C. STATUTES OF ESPECIAL IMPORTANCE IN AIR WARFARE

1. Hague Rules of Land Warfare

Article 25.

It is prohibited to attack or fire upon undefended towns, villages, residential quarters, or buildings, regardless of what means of attack are used.[1]

SECOND AGREEMENT CONCERNIMG AIR TRAFFIC
(Paris Agreement on Aeronautical Law)
of 13 October 1919
Germany did not join this Agreement

Article I.

The high contracting parties recognize that every Power has complete and sole sovereignty in the air over its territories.

In the sense of this Agreement the territory of a State includes the territories of that States homeland and its colonies, including the adjacent territorial waters.

1. The words ".....regardless of what means;...."are to serve to extend the effectiveness of this legal clause also to apply to the dropping of bombs from aircraft.

The requirements of Article 25 are stated only in the Rules of Land Warfare. The Article does not apply to naval warfare, and accordingly also not to independent air warfare. According to the Agreement concerning the shelling by naval forces in times of war (see above under B-7) the shelling of undefended settlements or buildings in naval warfare is prohibited, but the shelling of military targets within undefended settlements is permitted. This applies essentially also for independent air warfare.

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Article 38.

The requirements of this Agreement will not, in the event of war, affect the freedom of action of the contracting parties, whether they be combattants or neutral powers

2. HAGUE RULES OF LAND WARFARE OF 1923

The Hague Rules of Land Warfare are not legally binding, but for all practical purposes can be considered of importance as a guide for the future development of rules of air warfare.

CHAPTER II

APPLICABLE AREAS: SUBDIVISION AND DEFINITIONS

Article 1

The Rules of Air Warfare apply to all types of air vehicles, whether they are in the lighter than air or heavier than air class, or whether they are capable of floating on water or not.

Article 2

As nationally owned air vehicles will be regarded:

a. military air vehicles

b. non-military air vehicles used exclusively in the public services.

All other air vehicles are regarded as private air vehicles.

Article 3.

Military air vehicles shall be marked externally

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with insignia showing their nationality and their military character.

Article 4.

Nationally owned non-military air vehicles used in the customs or police services must carry documentation proving that they are used exclusively in the public services. These air vehicles must be marked with insignia showing their nationality and their character as nationally owned non-military vehicles.

Article 5.

Nationally owned non-military air vehicles, with the exception of those used in the customs and police services in times of war must carry the same external insignia as privately owned air vehicles and are treated as such, so far as the rules presented here are concerned.

Article 6.

Air vehicles to be considered as privately owned and not enumerated in Articles 3 and 4, must be provided with the same documentation and external insignia as are required under the regulations valid in their homeland. These insignia must show their nationality and character.

Article 7.

The external insignia prescribed by the foregoing articles must be so placed that they cannot be changed

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during flight. They must be as large as possible and must be visible from above, from below, and from either side.

Article 8.

The external insignia required by the laws in force within the individual countries shall without delay be brought to the attention of all powers.

101 Any changes made during peace in the regulations concerning the external insignia must be brought to the attention of all other powers before they are placed in effect.

Changes made at the outbreak of or during hostilities in these regulations by any power must by that power be brought to the attention of all other powers as soon as possible, at latest simultaneously with information to that power's own military forces.

Article 9.

Non-military nationally or privately owned air vehicles of a belligerent power can be converted to military air vehicles provided such conversion takes place within the sovereign territories of the belligerent power owning them, but not at sea.

Article 10.

No air vehicle may have more than one nationality.

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Chapter II

GENERAL PRINCIPLES

Article 11

Article 11.

Outside the sobereign territories of a belligerent or neutral country all air vehicles shall have unrestricted freedom of passage and of landing on water.

Article 12.

During times of war any country, belligerent or neutral, shall have the right to prohibit or make subject to special regulations the entry into, passage over or presence within its sovereign territories

Article 13.

Only military air vehicles can exercise the rights of combattants.

Article 14.

A military air vehicle must be under the command of a person properly appointed to this function or contained in the military rosters of the country concerned; the crew shall consist exclusively of military personnel.

Article 15.

Crew members of military air vehicles shall wear a specific and non-removable insignia, which can be distinguished at a distance, whenever they are physically separated from their air vehicle.

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Article 16.

With the exception of the military air vehicles of the belligerent powers no other air vehicle shall participate in any form whatsoever in the hostilities.

The term "hostilities" here also includes the transmission during flight of military information for direct use by a belligerent power.

Outside of its own sovereign territorial limits no privately owned air vehicle during times of war shall be armed.

Article 17.

The principles established by the Geneva Convention of 1906 and in the agreement concerning the application of that Convention to naval warfare (X Agreement of 1907) are applicable to air warfare and to medical air vehicles, and to the verification of such medical air vehicles by the military commanders of the belligerent powers.

In order to participate in the protection and privileges extended by the Geneva Convention of 1906 to the mobile medical formations, the medical air vehicles, in addition to their regular insignia shall be marked with the insignia of the Red Cross.

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CHAPTER IV

HOSTILITIES

Article 18.

The use of missiles with a visible trail of flight, or of incendiary or explosive missiles by or against air vehicles is not prohibited.

This statute applies equally the paricipants in the Petersburg Declaration of 1868 and to countries which are not participants in the Declaration.

Article 19.

The use of false external markings is prohibited.

Article 20.

If an air vehicle becomes unmaneuverable, its crew or passengers attempting to escape by means of parachutes may not be attacked during their descent.

Article 21. Appendix 1--103

The use of air vehicles for purposes of propaganda is not considered as a disallowed means of warfare.

The crew members of such air vehicles can not be deprived of their privileges as prisoners of war because of their having carried out such action.

Article 22.

Aerial bombing which is designed for the purpose of terrorizing the civilian population, destroying privately

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owned property not of a military nature or damaging such property, or injuring noncombattants is prohibited.

~~Article 23~~.

Aerial bombing for the purpose of enforcing the execution of requisitions or the payment of monetary contributions is prohibited.

Article 24.

(1) Aerial bombing is allowed only if it is directed against a military target, meaning a target the total or partial destruction of which would represent a clearly definable advantage for the belligerent.

(2) Such bombing is permissible only when it is directed against the following targets:

military forces; military works; military installations or depots; factories representing important and well-known centers and serving to manufacture weapons, ammunition and typically military types of commodities; communication or transport routes used for military purposes.

(3) The bombing of towns, villages, residential quarters or buildings not in the immediate vicinity of operations by the ground forces is prohibited. If the target enumerated in (2) above are so situated that their bombing is not possible without indiscriminately bombing the the civilian population, the air vehicles must refrain from such bombing.

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(4) In the immediate vicinity of operations by the ground forces the bombing of towns, villages, residential quarters, and buildings is permissible, provided a justifiable assumption exists that the military forces concentrated at such points are large enough to justify such bombing even with due regard to the hazards to which the civilian population would be exposed.

Appendix 1--104

(5) The belligerent country shall pay indemnity in the form of money for any damage or harm done to persons or property by its authorized representatives or any of its forces in action contravening the requirements of these articles.

Article 25.

In bombing attacks by air vehicles the commander will take all necessary steps to spare as far as possible all buildings dedicated to religious services, arts, wellfare activities, monuments of historicalvalue, hospital ships, hospitals, and collecting points for the sick and wounded, provided such buildings, installations, or points are not used simultaneously for military purposes. During daylight such monuments, installations, and places will be identified by markings which are visible to air vehicles. The use of such markings to protect buildings, installations, or places other than those just enumerated

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constitutes a perfidious act. The markings to be used for the purposes just described shall be, in the case of buildings protected by the Geneva Convention a Red Cross on a white backing and, in the case of other protected buildings a large square divided diagonally in one direction into two triangles, one white, the other black.

A belligerent power desiring to insure protection of hospitals and the other privileged buildings enumerated above during the dark of night shall take the necessary measures to insure that the special markings prescribed above shall be adequately visible.

Article 26.

The following statutes have been accepted in order to enable countries to insure more effective protection of monuments of great historical value situated within their territories, provided they are willing to refrain from using such monuments or the surrounding areas for military purposes and to accept special arrangements for their control.

(1) If it considers such step advisable, a country is authorized to establish a protected area around such monuments situated within its territories. During war such zones are protected against bombing.

(2) The monuments around which protected areas are to

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be establishedmust be made known through diplomatic channels during peace to the other powers; the information thus given must include the boundaries of the protected area. Such declaration can not be withdrawn during war.

Appendix 1--105

(3) Besides the space taken up by the monument or group of monuments involved, the protected area may include a zone surrounding that space, the depth of which zone shall not exceed 500 meters from the perimeter of the space.

(4) In order to enable crew members of belligerent air vehicles to recognize the boundaries of such areas, markings will be used which will be clearly identifiable from the air vehicles during daylight and at night.

(5) The monuments themselves will be identified by the markings prescribed in Article 25. The markings to be used to identify the areas surrounding such monuments will be determined by each country subscribing to the requirements of this article and made known to the other powers concurrently with the submission of a list of the monument and protected areas.

(6) Any abuse of the markings described under Item (5) above shall constitute a perfidious act.

(7) Any country accepting the terms of this article must refrain from the use in any form of the historical monuments and their surrounding areas for military purpose

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or for any purpose which would benefit its military organization; in like manner it shall refrain from any action within such monuments or their surrounding zones which serves a military purpose.

(8) A Control Committee consisting of three neutral members shall be appointed in each state submitting to the terms of this article, the three neutral members to be duly accredited representatives or persons delegated by such representatives, the purpose being to ascertain that the requirements of Item (7) have not been infringed. One member of the Control Committee shall be the representative of the Government serving as the protective power for the other belligerent, or his delegate.

Article 27.

Any person present on an air vehicle of a belligerent or neutral country shall only then be considered as a spy if he secretly or under false pretences secures or endeavors to secure information while in flight over the sovereign territory or the zone of operations of a belligerent power with the intention of furnishing such information to the opposing belligerent power.

Article 28.

Acts of spionage perpetrated by a crew member or a passenger of an air vehicle after he has left that air

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vehicle are subject to the regulations contained in the Laws and Usages of Land Warfare.

Article 29. Appendix 1--106

Articles 30 and 31 of the Statement of Laws and Usages of Land Warfare shall be applicable in the punishment any acts of espionage as described above in Articles 27 and 28.

CHAPTER V

MILITARY JURISDICTION OVER ENEMY AND NEUTRAL AIR VEHICLES AND PERSONS ON BOARD SUCH AIR VEHICLES.

Article 30.

If a commanding officer of a belligerent power holds the opinion that the presence of air vehicles is likely to endanger the success of military operations he is presently directing, he shall have the right to forbid neutral air vehicles to operate in the immediate vicinity of his forces or to prescribe a course to which they must adhere. Any neutral air vehicle not following such instructions, of which it shall be informed by means of proclamation by the commanding officer of a belligerent power, exposes itself to the hazards of being taken under fire.

Article 31.

Consonant with the principles contained in Article 53 of the Statement of Laws and Usages of Land Warfare, any

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privately owned neutral air vehicles found present when the occupying forces of a belligerent power enter territory under enemy sovreignty can be requisitioned, subject to payment of full indemnity.

Article 32.

All nationally owned enemy air vehicles, with the exception of those to be treated as privately owned air vehicles, are subject to seizure without the formalities of prize court procedures.

Article 33.

Non-military nationally or privately owned air vehicles flying in areas under the sovreignty of their nation expose themselves to the hazards of being taken under fire if they do not land at the nearest suitable spot when they are approached by an enemy military air vehicle.

Article 34.

Non-military nationally and privately owned air vehicles expose themselves to the hazards of being taken under fire if they fly

1. Within areas under the sovreignty of the enemy power,

2. In the immediate vicinity of such sovereign areas and outside the areas under the sovreignty of their own nation,

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3. In the immediate vicinity of military land or naval operations of the enemy.

Article 35. Appendix 1--107

Neutral air vehicles flying over territory under the sovreignty of a belligerent power must land at the nearest suitable point if they receive information of the approach of military air vehicles of the other belligerent power. Otherwise they will expose themselves to the hazards of being taken under fire.

Article 36.

If an enemy military air vehicle is captured by a belligerent power, the crew members and passengers who might be aboard can be made prisoners of war.

The same applies to crew members and possible passengers of a nationally owned, non-military, enemy air vehicle with the exception that, in the case of non-military public air vehicles serving exclusively for the transportation of passengers, such passengers shall be entitled to release provided they are not in the services of the enemy power or are not enemy nationals fit for military service.

If a privately owned enemy air vehicle is captured by a belligerent power those crew members who are enemy nationals or neutral nationals in the services of the

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enemy power can be made prisoners of war. Those neutral nationals who are crew members but are not in the services of the enemy are entitled to release if they sign a written undertaking not to serve on an enemy air vehicle until the cessation of hostilities. The passengers must be released unless they are in the services of the enemy or are enemy nationals fit for military service. In such cases they may be made prisoners of war.

The release may be delayed in all cases if the military interests of the belligerent power so require.

The belligerent power shall have the right to retain as a prisoner of war any crew member or any passenger whose behavior during the flight at the termination of which he was seizedwas such that it constitutes special or active support of the enemy.

The names of all persons released after giving the written undertaking provided for in Item 3 of this Article shall be made known to the other belligerent power. That power shall not wittingly make use of them in any manner contravening their written undertaking.

Article 37.

The crew members of a neutral air vehicle halted by a belligerent power shall be released undonditionally

if they are neutral nationals and are not in the services

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of the enemy. If they are enemy nationals or are in the services of the enemy they may be made prisoners of war.

The passengers must be released, except if they are in the services of the enemy or are enemy nationals fit for military service. In such case they can be made prisoners of war.

The release may be delayed in all cases if the military interests of the belligerent power so require.

The belligerent power shall have the right to detain as a prisoner of war any crew member or any passenger whose behavior during the flight at the termination of which he was seized was such that it constitutes special or active support of the enemy.

Article 38.

Where the requirements of Articles 36 and 37 provide that crewmembers and passengers may be made prisoners of war, this presupposes that, if they are not members of the military forces, they shall be entitled to treatment not less favorable than that accorded prisoners of war.

CHAPTER VI

THE OBLIGATIONS OF BELLIGERENT POWERS TOWARDS NEUTRAL POWERS

AND

THE OBLIGATIONS OF NEUTRAL POWERS TOWARDS BELLIGERENT POWERS

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Article 39.

The air vehicles of the belligerent powers are obligated to respect the rights of neutral powers and within the territories under the sovreignty of neutral powers to refrain from any action which the neutral power is obligated to prevent.

Article 40.

Military air vehicles of a belligerent power are not allowed to enter areas under the sovreignty of a neutral power.

Article 41.

Air vehicles on board a ship of war, including aircraft carriers, are considered as parts of that ship.

Article 42.

A neutral government is obligated to employ all means available to it to prevent military air vehicles of the belligerent powers from penetrating over areas under its sovreignty and, if such aircraft have penetrated over such areas, to compel them to land or to surface on water

A neutral government is obligated to apply the means available to it to intern any military air vehicle of the belligerent powers, together with its crew members and possibly its passengers, which has landed on the ground or surfaced on the water, for any reasons whatsoever,

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within areas under its sovreignty.

Article 43.

The crew members rescued from a military air vehicle which has become unmaneuverable outside neutral territorial waters and brought by a neutral military air vehicle into the territory of a neutral power and landed there shall be interned.

Article 44.

The direct or indirect delivery of air vehicles or parts thereof, or of materiel, items of equipment, or ammunition for air vehicles by a neutral government to a belligerent power is prohibited.

Article 45.

Subject to the requirements of Article 46 a neutral power is not obligated to prevent the export or transit of air vehicles or parts thereof, or of materiel, items of equipment, or ammunition for air vehicles for the account of a belligerent power.

Article 46.

A neutral government is obligated to apply the means available to it in order

1. To prevent the departure of an air vehicle from areas under its sovreignty which is able to execute an attack against a belligerent power, or which carries or

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accompanies equipment or materiel the mounting or use of which would enable it to execute an attack, if grounds exist for the assumption that the air vehicle involved is intended for employment against a belligerent power;

2. To prevent the departure of an air vehicle, the crew of which includes any member of the military forces of a belligerent power;

3. To prevent the execution of any work on an air vehicle intended to prepare that air vehicle for departure contrary to the purposes of this article.

On the departure of air vehicles being sent by air from persons or business concerns within neutral areas to a belligerent power, the neutral government shall prescribe a course for such air vehicles which will avoid the vicinity of military operations by the other belligerent

power, and shall demand all guarantees necessary to insure that the air vehicles will adhere to the prescribed course.

Article 47

A neutral power is obligated to take all possible measures to prevent air observations being made from its territory of the movements, operations, or defense works of one belligerent power for the purpose of giving such information to the other belligerent power.

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This requirement applies also in the case of military air vehicles of a belligerent power on board of ships of war.

Article 48.

The fact that a neutral power in exercising its rights and fulfilling its obligations under the present statutes may use force or any other means available to it shall not be considered as a hostile act.

CHAPTER VI

STOPPING AND SEARCHING, CAPTURE AND SEIZURE

Article 49.

Privately owned air vehicles are subject to be stopped searched, and intercepted by the military air vehicles of the belligerent powers.

Article 50.

The military air cehicles of the belligerent powers shall have the right to instruct non-military nationally or privately owned air vehicles to land on the ground or to surface on water or to proceed to some suitable spot reasonably easy to reach for the purpose of being stopped and searched.

If the air vehicle after being called upon to do so refuses to obey the order to land or surface at the designated point for the purpose of being searched, it exposes itself to the hazards of being taken under fire.

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Article 51.

Nationally owned non-military neutral air vehicles, with the exception of those to be treated as privately owned air vehicles are subject only to a verification of their documents.

Article 52.

Privately owned enemy air vehicles are subject to being stopped in all circumstances.

Article 53. Appendix 1--111

A privately owned neutral air vehicle shall be subject to capture

a. If it offers resistance to the exercise of the lawful rights of the belligerent powers;

b. If it infringes a prohibition proclaimed under the terms of Article 30, of which it has knowledge by reason of proclamation by the commanding officer of the belligerent power;

c. If it is guilty of supporting the enemy;

d. If it is armed outside of its national areas during war;

e. If it has no external identification markings or has false markings;

f. If it has no documents, or if its documents are incomplete or not in order;

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g. If it is obviously out of the course between its point of departure and the destination stated in its documents and if, after a search or investigation considered necessary by the belligerent power, no justification is evident for this deviation from the proper course. During the search or investigation the air vehicle, its crew members, and any passengers who may be aboard can be detained by the belligerent power;

h. If it has contraband goods aboard or if it itself is contraband goods;

i. If it is attempting to run a properly declared and effectively maintained blockade;

k. If its enemy nationality has been changed to a neutral nationality at a time and under circumstances which reveal the intention to escape the hazards to which an enemy air vehicle as such is exposed.

In all cases, however, with the exception of the circumstances mentioned under Item k, the cause for the capture must be an act committed during the flight on which the air vehicle fell into the hands of the belligerent power, in other words, in the time after it left its point of departure and before its arrived at its destination.

Article 54.

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Article 54.

The documents of a privately owned air vehicle shall b be considered incomplete or not in order if they do not state the nationality of the air vehicle, the name and nationality of each crew member and each passenger, the point of departure and the destination, or if they do not contain precise information concerning the cargo carried and the conditions of its transportation. The documents shall include the log books.

Article 55. Appendix 1--112

The capture of an air vehicle or the confiscation of goods on board of an air vehicle shall be submitted to a prize court, so that all claims by neutrals can be properly investigated and decided.

Article 56.

Privately owned air vehicles intercepted and captured because of failure to bear external markings or because of the use of false markings, or because they are encountered armed outside their national boundaries during war, are subject to seizure.

Privately owned air vehicles intercepted because of contravention of an order proclaimed by a commanding officer of a belligerent power in terms of the requirements of Article 30 are subject to seizure unless they justify

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their presence in the prohibited zone.

In all other cases the prize court deciding on the legality of the capture of an air vehicle or the confiscation of the cargo or mail it is carrying will apply the rules applicable in the case of merchant ships and the cargo and mail they are carrying.

Article 57.

A privately owned air vehicle proved after a search to be of enemy nationality can be destroyed if the commanding officer of the belligerent power considers such destruction necessary, provided that all persons on board and all documents of the air vehicle are first removed to safety.

Article 58.

If a privately owned air vehicle after it has been searched proves to be a neutral air vehicle subject to seizure because of having supported the enemy, or because of its lack of exterior markings or its use of false markings, it may be destroyed if its removal for investigation is not possible or possible only under circumstances which might jeopardize the safety of the belligerent air vehicle or the success of the missions in which the belligerent air vehicle is engaged. In all cases except those enumerated above , a privately owned neutral air vehicle may only

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be destroyed if a military necessity of extreme urgency for such destruction exists which makes it impossible for the commanding officer concerned to release the air vehicle or to remove it for investigation by a prize court.

Article 59.

Prior to the destruction of a privately owned neutral air vehicle all passengers on board must be removed to safety, and all documents of the air vehicle must be secured.

Any intercepting person or command who destroys a privately owned air vehicle must submit to the prize court justification for the interception and, above all must adduce proof that he was justified in destroying the air vehicle in terms of Article 58. Should he fail to produce such proof those having any title to the air vehicle or its cargo shall be entitled to claim compensation. If the halting of an air vehicle, the destruction of which has been justified, is declared to have taken place illegally, the interested parties, in place of the return of the air vehicle to which they would have been entitled, shall be paid compensation.

Article 60.

If a neutral privately owned air vehicle has been detained for carrying contraband goods, the detaining

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power shall have the right to demand the delivery of any evidently contraband cargo or to proceed to destroy it, if circumstances exist which make removal of the air vehicle for investigation impossible or possible only under conditions which might jeopardize the safety of the belligerent air vehicle or the success of operations in which it is engaged. The detainer shall enter in the air vehicle's log book all articles delivered or destroyed and, after having taken delivery of the original documents or copies of the documents referring to such goods, shall permit the neutral air vehicle to proceed on its way.

The requirements stated in the second paragraph of Article 59 will also apply if goods which are evidently contraband carried by the air vehicle have been taken over or destroyed.

CHAPTER VIII
DEFINITION OF TERMS

Article 61.

In the rules set forth here the term "military" shall mean all elements of the armed forces, namely, the ground, naval, and air forces.

Article 62.

Insofar as special conditions are not stated in the rules set forth here and subject to the requirements

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of Chapter VII of the present rules and of the internation al agreements in accordance with which Maritime Law and its procedures are applied, the persons on board an air vehicle participating in hostilities are subject to the laws of warfare and neutrality and to the various declarations and agreements to which the interested countries are party as applied to ground forces.

AIR WARFARE AND THE HAGUE RULES OF LAND WARFARE

Evidence by Goering before the International Military Tribunal, Nuremberg, in the Trial of Major War Criminals, from the Official Report on Court Proceedings, Volume IX, pp. 405-407, of the German Edition.

Dr. Stahmer.

In the military and economic measures taken by you in the occupied territories, did you give consideration whether these measures were consonant with the Hague Rules of Land Warfare?

Goering.

I assumed the Hague Rules of Land Warfare for the first time just before the outbreak of the Polish conflict. When I was reading them at that time I regretted not having studied them thoroughly very much sooner. Mostly, I then would have held the view: that a modern war could not be conducted under any circumstances with the Rules of Land Warfare as they are set forth here in paragraphs but that one would necessarily by modern warfare, in the expansion of its technology, necessarily and unavoidably be brought into conflict with the conditions established at that time, in 1906 or 1907.

Either one would have to regulate them or introduce modern viewpoints consonant with technological developments

My reason now is as follows:

The Hague Rules of Land Warfare in the form in which they now existed I considered in accordance with my concepts of logic to be absolutely appropriate for land warfare in 1907. In 1939-1945, however, there was not only land warfare but also air warfare, which here is given no consideration and which in part creates a completely new situation and re-forms the Hague Rules of Land Warfare in many things. But that is not so much the deciding issue, rather, modern and total warfare continues by my concepts in three spheres: armed conflict on land, at sea, and in the air; economic warfare, which has become an integral part of any conduct of modern warfare; and thirdly propaganda warfare, which also has become an essential part of the conduct of warfare. If one accepts this basis, which would be logical, then certain modifications become apparent which by the strict letter of the law could be an infringment of logic, but in the spirit could not be such.

Appendix 2--3

If the Hague Rules of Land Warfare provide that the weapons of the enemy are considered as selfunderstood war booty, then I must say that nowadays, in modern warfare, the weapons of the enemy in some circumstances

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have only the value of scrap material; but that economic commodities, raw materials, high-quality steel, aluminium, copper, lead, tin, appear far more valuable as war booty than obsolete weapons which I take from the enemy.

Over and above this, however, not only raw materials are involved, no matter to whom they belong; the Hague Rules of Land Warfare provide in one place--I cannot recollect at the moment where--that those things which are necessary can be confiscated, admittedly against compensation. This is not the deciding point, which one can realize without further ado. Decisive is, however, that in this modern war and in a war of economy, which constitutes the basis for any continued conduct of warfare, one must regard primarily the supplies in the field of foods as the basis and foundation of any conduct of war, and over and above this the raw materials in the industrial field as absolutely necessary for military purposes and thus subject to confiscation.

In the same way, however, the factories and machinery are a part of the conduct of economic warfare. if they have in the past served the enemy either directly or indirectly or as subsidiary industries for his armament and conduct of warfare, they must now also serve him who, by reason of a military decision has come into possession of

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these means of production, even if only temporarily during the Armistice or in the occupied territories. In this connection the labor problem in economic warfare naturally also plays a far bigger role than in former wars, which still served as a model in the Hague Rules of Land Warfare.

In 1907 only the Russo-Japanese War as the last war, or at best the Anglo-Boer War, both of which were fought ~~inpractice~~ under entirely different circumstances but in practice were only a decade past, could serve as a fundamental basis. At that time a war was a matter of army against army, in which the population had only a small part or no part at all; but by no means can it be compared with the total warfare of our days , which involves everyone, including children, because of the introduction of bombing warfare, in the happenings of the war.

And thus in my opinion, according to my conviction, labor, and thereby the worker and his current exploitation also has become an integral part of economic warfare. This does not mean that such a worker should be so exploited that he would suffer in body and soul,

but that his working capacity should be used. Only recently one of the witnesses mentioned what it means when,

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in an occupied territory in which one is still in a state of conflict and remains year after year, one, two, three, four, or five age classes reach military age, who without employment in their home country.....

The problem of the deportation of working personnel thus must also be considered from this aspect of security. We were obligated to feed the entire occupied territories insofar as this was possible for us. Hence, we also had to be able to use the labor potential. At the same time those in particular who had no employment in their own country had to be considered as a dangerous reservoir for the growth of the underground resistance against us ourselves and therefore meriting particular measures to eliminate them.

If these age classes were recruited and sent to Germany to work, this happened on the one hand out of basic considerations of security, so that they would not fall into idleness in their own country and thereinto the work and struggle against us; on the other hand they served to insure us advantages in the economic war.

And thirdly--for the time being I am only mentioning things incidentally--finally the propaganda war.

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At one point the Prosecution mentioned that we also confiscated the radio sets; this should be realized to have been a self-understood measure, because how highly effective propaganda warfare, enemy propaganda is in its penetration far into the hinterland through broadcasting and radio nobody was made to feel more severely than Germany. All of the great dangers of the underground movements, of partisan warfare, of sabotage and everything connected therewithfinally in this war also produced this bitterness, this atmosphere, this attitude on both sides of "War to the finish." Also what has happened in the way of cruelties and such things, which definitely must be condemned, are to be traced back to the war of propaganda in the final essence if one thinks them over dispassionately.

Thus the Hague Rules of Land Warfare according to my personal convictions are no instrument that one can apply to modern warfare, because they in no way take into consideration basic fundamentals of this war: warfare in the air, economic warfare, and the war of pro--

paganda.

At this point I would like in closing to quote the same words one of our greatest, most significant, and

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most tenacious opponents once used:

"In a life and death struggle there is after all no such thing as legality."

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ANNEX TO OPERATIONAL STUDY 39 (Planstudie 39)

Volume I

20 July 1939

INSTRUCTIONS FOR THE CONDUCT OF AIR WARFARE
ON THE BASIS OF THE ATTACHED THESES

I. GENERAL.

The Theses (Legal Principles) in the Appendix hereto represent the rules established in Germany for the conduct of air warfare. Due regard is given in them to the general principles of International Law which are valid for air warfare. In contrast with the subjects of the Rules of Land Warfare and of Maritime Law, special rules of air warfare exist only in a small scope.

In the compilation of the present theses representatives of the following Ministries and Corporations have participated in a responsible role:

The Military Forces (The Supreme High Command, the Reich Air Ministry, the Navy High Command, and the Army High Command

The Ministry of Justice

The Foreign Office

The Kaiser Wilhelm Institute, Faculty for Foreign and Public Law, and for International Law

The German Association for Defense Policies and Military Sciences.

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The Theses contained in Appendix 1a are only the first but most important part of the subject matter to be treated. Their present form also is only temporary. In view of the general situation, however, it appears wise to bring to the knowledge of the field commands the work hitherto completed, in spite of its present unfinished version, because of the importance of the contents in the conduct of air warfare.

The Theses will be treated as classified secret material as long as the political authorities of the Reich consider such treatment necessary. However, their compilation has taken place under the consideration that their publication in certain circumstances might prove a wise measure, and that their use as a basis for international negotiations or for negotiations with neutral nations is possible. The Theses as they stand therefore require certain explanations for the field commands, and these have been compiled in Appendix 1b.

PURPOSE OF THE THESES.

It is necessary to establish basic rules governing the behavior of the Air Force towards enemies and neutrals.

The Theses offer guiding principles for the conduct of combat operations, for the behavior to be observed when the sovereign rights of neutral nations are involved, and for the treatment of enemy and neutral civilian vehicles and

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merchant ships. They restrict the action of field commanders only in a measure which is advisable in our own military interests, and are intended to provide justification for the measures taken by field commanders within the limits of these directives.

By Order

S/Jeschonnek.

LAWS GOVERNING AIR WARFARE

Definition of Concepts

1. Zone of Air Warfare.
A Zone of Air Warfare is that region in the air in which acts of war may be carried out at any time.

2. Acts of Air Warfare.

a. Combat action between air vehicles;

b. Combat action from the air against targets on the ground or against waterborne targets;

c. Combat action from the ground or from the water against air vehicles;

d. Reconnaissance activities;

e. Measures taken under prize laws against other air vehicles or against ships, or by the latter against air vehicles;

f. The air drop or landing from the air of paratroopers or other airborne troops.

THESES

Zone of Air Warfare

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RULE 1 Appendix 3--4

(1) The Zone of Air Warfare is the air over

1. The territories and territorial waters of Germany, her allies, and her enemies;

2. The high seas;

3. Any territories of a neutral state which are occupied by a belligerent power and the territorial waters adjacent to such territories;

4. The territories and territorial waters of a neutral state if such territories or waters ~~xxxthxxairxxxxxxxthxx~~ are used continuously and the air above them if used repeatedly by the enemy for acts of war, or for approach or home flights directly connected with such acts.

If the occupation (Item 3, above) or the use (Item 4, above) extends over only a part of the territories of a neutral state, air warfare action may be taken over the rest of the territories or waters of that neutral state if this is Appendix 3--5 necessary for combat action against the enemy within that part of the state's territories which are to be considered as a zone or zones of operations.

RULE 2

Except under the circumstances stated in Rule 1 and Rule 4, acts of air warfare may not be committed over

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1. The territories and territorial waters of neutral states;

2. Territories and waters in which acts of air warfare are prohibited under treaties entered into by the Reich.

RULE 3

As territorial waters shall be considered the sea along the shore and the islands and bays forming a part of the shore from the low-tide watermark to a distance of three nautical miles seaward; as part of the shoreline shall be considered: Islands, if they are not more than six nautical miles distant from a coast under the sovreignty of the same state, and bays if their shores are in the exclusive possession of a neutral state and their entries are not wider than six nautical miles.

If a neutral state claims a wider belt of territorial waters, such claim will be respected without acknowledging its legality.

RULE 4

Apart from the circumstances stated in Rule 1, acts of air warfare over the territories of a neutral state are permissible as an exceptioninsofar as they may be necessary for direct action to repel an enemy attack by forces violating the neutrality of that state.

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AIR SOVREIGNTY DURING WAR

a. Air Sovreignty above Neutral territory (Crossing).

RULE 5

Military air vehicles may not fly over the territories of a neutral state or, if this is prohibited by the state, over its territorial waters.

RULE 6

Flight over the entrances to the Baltic Sea are expressly permitted in terms of the Northern Neutrality Rules.

c. Air Sovreignty above Own Territory.

RULE 7

During times of war civilian air traffic may be restricted or prohibited over the territories under German sovreignty as well as over occupied territories.

RULE 8 Appendix 3--7

In exceptional circumstances civilian air traffic over German territory may be restricted or prohibited.

RULE 9

Neutral air vehicles which are present in German air ports may be confiscated against payment of full indemnity.

MILITARY AIR FORCES

a. Military Air Vehicles.

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RULE 10

As military air vehicles shall be considered

1. Those visibly marked with a special marking specified by the state of their nationality and publicly declared by that state;

2. Those operating under the command of a member of the military forces;

3. Those manned by a crew subject to military discipline.

Appendix 3--8

RULE 11

Only military air vehicles are authorized to execute acts of air warfare which can be executed by air vehicles.

This applies also to the transportation of elements of the military forces.

RULE 12

The external markings must be so applied that they cannot be changed while the air vehicle is in flight.

RULE 13

The use of false external markings is prohibited.

RULE 14

The conversion of civilian air vehicles to military vehicles is permissible, provided such conversion does not take place in the territory of neutral states.

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RULE 15

Air vehicles on board of ships of war, including aircraft carriers, are considered as integral parts of such ships.

b. The Crews of Military Air Vehicles.

RULE 16

Persons who have been on board an air vehicle and are captured by the enemy will be made prisoners of war.

RULE 17

It is forbidden to attack persons attempting to escape by means of parachutes because their air vehicle has become unmaneuverable.

THE MEANS OF AIR WARFARE

a. Prohibited Means of Warfare.

RULE 18

The use of asphyxiating, poisonous, or similar gases, as well as of all similar fluid or solid substances, or methods, and the use of bacteriological means of warfare is prohibited in terms of the Geneva Protocol of 17 June 1925.

RULE 19

The use of smoke and fire trail missiles and of incendiary and explosive missiles by and/or against air vehicles is permissible.

RULE 20

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AIR ATTACKS

RULE 20

Air attacks are permitted exclusively against targets of military importance.

RULE 21 Appendix 3--10

Air attacks are prohibited against persons and medical installations protected under the conditions of the Geneva Agreement and the 10th Hague Agreement.

RULE 22

Air attacks designed to terrorize the civilian population, to injure non-combattants, or to destroy or damage property which is not of military importance, are forbidden.

RULE 23

Air attacks to enforce measures to requisition property or to enforce the payment of monetary contributions are prohibited.

RULE 24

Air attacks will be so executed that the civilian population present in the vicinity of the targets of attack will not be negligently struck.

If a target for attack is situated in a densely populated area, the attack shall only be executed if, with due regard to the size and location of the target and the condition under which the attack is staged, reasonable grounds exist

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that the target will be hit.

RULE 25 Appendix 3--11

In the execution of an air attack all necessary precautions will be taken to spare buildings dedicated to the service of God, or serving the arts, sciences, or wellfare activities, historical monuments, civilian hospitals, and collection points for the sick and wounded, as well as extraterritorial buildings which are the property of neutral citizens, so far as possible, provided that they are not being misused for military purposes.

Such buildings and places shall be marked during daylight with clearly visible markings, which shall be declared to the enemy in advance.

Germany for such purposes will make use of the following markings:

/The markings are not presently available/.

RULE 26

In the zones of operations of the ground forces, air attacks are allowed against towns and villages and buildings if reasonable grounds exist to assume that military forces or installations are in them which justify the attack in spite of due regard for the hazards to which the civilian population thereby would be exposed.

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THE USE OF ARMED FORCE AGAINST CIVILIAN

AIR VEHICLES Appendix 3--12

RULE 27

In the air above German territories or above territories occupied by German forces or the adjacent territorial waters the following expose themselves to the hazards of being taken under fire:

a. Enemy civilian air vehicles;

b. Neutral civilian air vehicles, except if they have been authorized to fly over the areas involved and adhere to the conditions under which such authorization is given.

RULE 28

In the air above enemy territories or territories occupied by enemy forces or the adjacent territorial waters, the following expose themselves to the hazards of being taken under fire:

1. Enemy civilian air vehicles;

2. Neutral civilian air vehicles if they cross over areas in which, according to a proclamation by the appropriat German authorities, and because of compelling military reasons, armed force will be used against any air vehicle without prior warning.

RULE 29

In the air above areas as stated under Rules 27 and 28,

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above, enemy and neutral civilian air vehicles, with the exception of those also stated in those Rules, expose themselves to the hazards of being taken under fire if they

1. Commit any act or acts of air warfare benefiting the enemy or approach German military forces in a manner from which an intent to attack can be assumed.

2. Transport elements of the enemy military forces.

3. Transmit during flight messages concerning the military forces or the military operations which could serve the enemy; such circumstances are to be assumed if the air vehicle concerned steers a course from which the intention can be presumed that it intends making observations or maintaining contact.

4. Fly under escort by enemy military air vehicles.

5. If they fail to obey orders given them by a military commander to land on the ground or on the water, to adhere to specified course, to refrain from making use of their radio and wireless telegraphic equipment and from giving or transmitting signals.

RULE 30

In the air above the High Seas enemy and neutral civilian air vehicles expose themselves to the hazards of being taken under fire if they commit the acts stated in Rule 29, above.

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THE USE OF ARMED FORCE AGAINST MERCHANT SHIPS

RULE 31

Military air vehicles can attack with their weapons

Appendix 3--14

enemy and neutral merchant ships if these

1. Participate in combat operations.

2. Serve for the transportation of enemy troops or have such enemy troops on board.

3. If they transmit while en route messages concerning the military forces or military operations which could serve the enemy.

4. Are traveling under protection of enemy escorts.

5. Fail to obey an order to stop, adhere to a specified course, or refrain from making use of their radio and wireless telegraphic equipment to transmitting signals.

6. Offer resistance against the exercise of the lawful right to take prizes.

THE ZONE OF AIR WARFARE OPERATIONS

Reference: Rules I-4.

THE ZONE OF AIR WARFARE; ACTS OF AIR WARFARE

The Zone of Air Warfare is that defined space in the air in which acts of air warfare may be committed at any time

As acts of air warfare will be considered:

a. Combat action between air vehicles

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b. Combat action by air vehicles against targets on the ground or afloat..

Appendix 3--15

c. Combat action from the ground or from floating craft against air vehicles.

d. Reconnaissance activities.

e. Measures taken by air vehicles under Prize Laws against other air vehicles or ships or by ships against air vehicles.

f. Air drop or air landing of paratrooper of other airborne forces.

Weather reconnaissance has not been declared an act of air warfare because Germany in particular has to rely on weather reconnaissance conducted by air vehicles.

If civilian air vehicles gather weather information for the enemy, combat action taken against them will be justified as action to prevent reconnaissance activities.

The subject of approach and return flights has been omitted from the definition of the term "Acts of Air Warfare," for practical reasons, since otherwise the situation might arise, for example, that neutrals might prohibit flying over the entrances to the Baltic Sea. This could not be tolerated from the military viewpoint.

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ACTS OF AIR WARFARE OVER NEUTRAL TERRITORIES

(LAND AND TERRITORIAL WATERS)

As a rule no acts of air warfare shall be committed over neutral areas (Rule 2). Exceptions are justifiable in the following cases:

1. If a neutral area, in accordance with Rule 1 (1), Items 3, 4, has been declared a zone of air warfare.

2. If acts of air warfare are necessary for action to repel an enemy attack in which the attacking force crosses over neutral territories (Rule 4).

When and to what extent neutral areas shall have become zones of air warfare (Case 1, above) will be determined by the Commander in Chief of the Air Force. Case 2, above, applies to the case of a reported enemy large-scale attack by forces crossing neutral territory, to repel which the neutral country concerned has not adequate forces. In such case immediate measures including operations above neutral areas can be taken, but only under orders from the Commander in Chief of the Air Force.

If enemy bomber forces are returning from an attack against German territory or against territory occupied by German troops and in doing so cross neutral areas, the pursuit can also continue over neutral areas. This means that antiaircraft guns also can fire into neutral areas.