

DOENITZ ORDERED SHIPS' CREWS SLAIN

Followed Hitler's Instructions on Personnel of U-Boat Victims, Court Hears

SEIZED OFFICER TESTIFIES

Captured German Documents Also Offered to Support Charge Against Admiral

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By Wireless to THE NEW YORK TIMES.

NUREMBERG, Germany, Jan. 14—Grand Admiral Karl Doenitz, on Adolf Hitler's order soon after the United States had entered the war, directed the German submarine fleet to destroy the crews as well as the ships of the Allies, the prosecution charged today before the International Military Tribunal, which called for an early clarification of the charge of criminality against a half-dozen organizations of Nazi Germany.

These organizations are in the Cabinet, the General Staff, the Nazi Leadership Corps, the Elite Guard (including the Security Police), the Storm Troops and the Gestapo. Faced with applications from 35,000 members of these organizations to testify in behalf of them, Chief Justice Lawrence said that the tribunal must have a clearer definition of the prosecution's contentions than that contained in the indictment before it could rule fairly on the applications.

Most of the applications, it was understood, came from members who alleged that they had been conscripted into the organizations, that they had been unaware of their criminal nature and purposes or that the individual seeking to testify had committed no illegal acts himself. Since the charter giving it its powers did not define criminal organizations, Justice Lawrence said, the tribunal must examine the prosecution's tests of criminality to determine the nature of the evidence admissible on this part of the case.

Timing of Evidence a Problem

One problem troubling the tribunal, Justice Lawrence said, was whether evidence offered by volunteer witnesses should be received in rebuttal of the prosecution's case or should be taken at subsequent trials provided for under Article X of the charter if the tribunal should hold the organizations criminal. To help it determine this issue, Justice Lawrence said, the prosecution should file a written statement delimiting the time when the accused organizations were criminal and explaining whether, in the light of the evidence, subordinate members of such organizations as the Leadership Corps were to be excluded "without prejudice to other prosecutions against them."

The tribunal also called for a summary of the elements justifying the charge of criminality and a specific statement of acts committed by individual defendants.

To support the charge that Doenitz had ordered submarine crews to commit wholesale murder at sea, Col. H. J. Phillimore of the British prosecuting staff produced entries from the German Admiralty's war diary, captured orders, and minutes of a conversation between Hitler and the Japanese Ambassador, Hiroshi Oshima, on Jan. 3, 1942. Finally he called to the witness stand a captured submarine officer who testified that he had heard Doenitz advocate killing the crews of Allied merchantmen in an address to a group of 120 new officers at graduation exercises in September or October, 1942.

Testified Earlier in Hamburg

This witness was Oberleutnant Peter Joseph Heisig, whose U-boat was destroyed on Dec. 27, 1944, by two Canadian frigates before it ever had a chance to sink an Allied ship. He had just volunteered his testimony at a military trial in Hamburg where some of his shipmates were facing death sentences for killing survivors of ships that they had sunk when attached to other U-boats.

Heisig started to recite all the points made by Doenitz in his speech until Justice Lawrence said that he did not care to hear it in its entirety. Alfred Rosenberg's lawyer, Alfred Thoma, whose client was not even remotely connected with this phase of the case, objected that "under German law" it was the custom to allow a witness asked to describe a speech to cite from beginning to end. Justice Lawrence retorted that the tribunal was "not bound by German law" and found counsel's "intervention inconvenient." He added that any defense lawyer would have ample opportunity to make any points he wished in cross-examination.

According to Heisig, Doenitz told student officers that Hitler had decided on "total war" at sea and the submarine crews were to make no effort to rescue survivors as the Allies were running low on trained personnel and a strike of merchant seamen impending in the United States might take place if the Germans were ruthless enough. Although Doenitz on that occasion did not say so in so many words, Heisig said, he left the clear impression that men as well as ships were targets for attack.

Documents Cited in Support

That this was the German Admiralty's intent was made clear by a series of documents that Phillimore had introduced before calling the witness. One of these was a memorandum of Hitler's talk with Oshima less than a month after Pearl Harbor. With a map, Hitler described the progress of the war at sea and declared that, although the United States had embarked on a vast ship-building program, trained crews would prove a bottleneck. The memorandum said:

"For that reason, even merchant ships would be sunk without warning with the intention of killing as many of the crew as possible.

When it gets around that most

of the seamen are lost in the sinking, the Americans will soon have difficulties in enlisting new men."

A people fighting for its existence, Hitler said, could not afford to be "ruled by any humane feeling." Oshima, the memorandum said, expressed hearty agreement and said that the Japanese had been forced to adopt similar methods.

Either Doenitz did not issue the order for killing crews immediately

or it has not been found. Colonel Phillimore said that it had probably been issued orally, however, because the Admiralty's diary and captured U-boats' sailing orders referred to orders against the attempted rescue of survivors. The U-boats, it was shown, received a specific order on Oct. 7, 1943, to make a special effort to destroy the rescue ships that followed every convoy "in view of the desired destruction of ships and crews."