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**United States Army
Investigation and Trial Records
of War Criminals
*United States of America
v. Kurt Andrae et al.*
(and Related Cases)
April 27, 1945-June 11, 1958**



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*Records of the Office of the
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Record Group 153

and

Records of U.S. Army Commands, 1942-

Record Group 338

UNITED STATES ARMY INVESTIGATION AND
TRIAL RECORDS OF WAR CRIMINALS
UNITED STATES OF AMERICA v. KURT ANDRAE ET AL.
(AND RELATED CASES)
APRIL 27, 1945-JUNE 11, 1958

On the 16 rolls of this microfilm publication are reproduced the records of the Nordhausen Concentration Camp war crimes cases generated by six U.S. military trials between August 7 and December 30, 1947.

The records contained in this publication come from two different sources: the War Crimes Branch, Judge Advocate General's Office, Washington, and the War Crimes Group, Judge Advocate General's Office, European Command. The former records belong to Records of the Office of the Judge Advocate General (Army), Record Group 153; the latter records constitute part of Records of U.S. Army Commands, 1942- , Record Group 338. Neither record group by itself provides full documentary evidence of the Nordhausen prosecutions, but together they complement one another. The records are identified by record group number in the table of contents and on insert sheets appearing on the microfilm.

In the six separate proceedings, 24 individuals associated with the camp's operation were prosecuted on one or more counts of the general charge "violation of the laws and usages of war." The records of these proceedings include pretrial records, trial transcripts, prosecution and defense exhibits, formal reviews of sentence and actions undertaken by modification boards, and posttrial records. Although most of the documentation is in English, numerous items are in German, Polish, or French, often with English translations, including interrogation statements, official camp records, trial exhibits, and fact-gathering reports compiled by war crimes investigative teams. There are also English- and German-language versions of posttrial petitions and parole documents.

Most of the records were created as a consequence of the main Nordhausen atrocity case, *United States of America v. Kurt Andrae et al.*, case file numbers 12-481 and 000-50-37. Documentation for the Andrae case spans a time period from April 1945, when pretrial investigations were first undertaken, to June 1958, when the last defendant was released from parole supervision; however, some pretrial exhibits date back as far as June 1938.

History and Organization

In the American Zone of Occupied Germany, responsibility for developing the evidence in war crimes cases and for prosecuting the crimes was assigned to the Army's Deputy Judge Advocate General for War Crimes, and a special War Crimes Group was set up under his direction. U.S. Army military courts and commissions in Germany tried a total of 1,672 defendants in 489 cases from 1945 to 1949.

Authority to try the six Nordhausen cases stemmed from several sources, including the Declaration on German Atrocities (the Moscow Declaration) of November 1, 1943. This declaration stated that the Allies were determined to ferret out and bring to justice all Axis war criminals after hostilities. In addition, the Joint Chiefs of Staff (JCS) Directive 1023/10, dated July 8, 1945, delegated to military theater commanders the responsibility for war crimes trials of such minor war criminals as concentration camp personnel, soldiers, and enemy civilians. This directive urged that courts established for this purpose "adopt fair, simple, and expeditious procedures" to effect justice without ensnarlment in technicalities. As a result of JCS Directive 1023/10, the commander of U.S. Forces, European Theater (USFET), on July 16, 1945, conferred on the commanding generals of the Eastern Military District (the 7th Army Area, encompassing U.S.-held parts of Hesse, Wuerttemberg-Baden, and Bremen) and of the Western Military District (the 3d Army Area, encompassing Bavaria) the authority to use military government courts to try most war crimes cases. Subsequently, USFET Commanding Gen. Joseph T. McNarney, on October 14, 1946, revoked the authority for war crimes trials to proceed on the district level; instead, trials were to be administered at one location--the site of the former concentration camp Dachau. Centralizing all Army trial activities at Dachau resulted in increased efficiency in docketing and bringing war crimes cases to trial. Henceforth, the Deputy Judge Advocate General for War Crimes, acting for the USFET commander, referred pertinent cases (including the Nordhausen cases) for trial to military government courts sitting at Dachau, where detention facilities already existed.

Nordhausen Concentration Camp was not one camp but a complex of camps clustered in and around the town of Nordhausen, Germany. Composed of a main camp, "Dora," and 31 subcamps, the complex was known variously as "Nordhausen," "Dora," or "Mittlebau" after the location of each of several constituent camps or sections. Because of its location and purpose, the whole Nordhausen-Dora-Mittlebau complex resembled few of the other major concentration camps except that it contained large numbers of prisoners. Nordhausen was not an extermination camp; hence, few crematoriums and no gas chambers were employed. The chief reason for the existence of the complex was the presence of a top-secret, V-weaponry factory housed in one of the neighboring Harz Mountains.

Both in its construction and production phases, the factory utilized forced inmate labor totaling 75,000-80,000 workers from the summer of 1943 to April 1945. According to prosecution briefs, casualties were estimated to be between 15,000 and 20,000 because the inmates were forced to sleep in the underground tunnels that were being constructed and the inmates were subjected to insufficient diets, unsanitary surroundings, 12-hour work shifts 7 days a week, and brutalization by the SS troops who guarded them. The SS troops were assisted in their guard duties by inmate block leaders, usually called "Kapos," who were, allegedly, common criminals.

The Andrae Case

As a consequence of concentration camp and/or factory activities, the Nordhausen defendants in the Andrae case stood trial before a general military government court on August 7, 1947. Each defendant was indicted under a general charge of "violation of the laws and usages of war." Specific alleged offenses involved engagement "in a common design" to operate the Nordhausen complex from 1943 to 1945 in order to result in wholesale starvation, beatings, tortures, and killings. In addition, the prosecution maintained that the rifling of inmates' mail, black-market trade in food, the lack of proper toilet facilities, the exposure of inmates to the elements without providing adequate clothing and shelter, and the callous disregard for medical needs constituted criminal behavior.

The following 19 Andrae case defendants were indicted and listed on the formal charge sheet:

<u>Names of Defendants</u>	<u>Ranks and Positions</u>
Arthur Kurt Andrae (listed on original charge sheet as "Kurt Andree")	SS master sergeant; in charge of the mail office.
Erhard Brauny	SS master sergeant; block leader at Dora and occasional rollcall leader and camp commander of Rottleberode (outcamp).
Otto Georg Werner Brinkmann	SS master sergeant; rollcall leader at Dora and, from January to February 1945, protective custody camp leader at Ellrich (outcamp).
Emil Buehring	SS staff sergeant; tunnel guard later bunker guard.
Heinz Georg Alfred Detmers	SS first lieutenant; adjutant and judge advocate at Dora from December 1943 to November 1944.
Josef Fuchsloch	SS master sergeant; substitute camp leader at Harzungen (outcamp).
Kurt Heinrich	SS first lieutenant; adjutant and judge advocate at Dora from November 1944 to January 1945.

Names of DefendantsRanks and Positions

Oskar Georg Helbig	SS technical sergeant; in charge of clothing supply at Dora.
Rudolf Jacobi	SS master sergeant; in charge of the carpentry shop at Dora.
Josef Kilian	inmate; for a short time "Kapo" and afterward official hangman at Dora.
Georg Wilhelm Koenig	SS master sergeant; rollcall leader at Dora and in charge of motor pool.
Paul Maischein	SS corporal; worked in Dora dispensary and acted as medical aide at Rottleberode from January to April 1945.
Hans Moeser	SS first lieutenant; protective custody camp leader at Dora.
Georg Johannes Rickhey	civilian; general director of entire Mittlebauworks (factory).
Heinrich Schmidt	SS captain; physician at Boelke-Kaserne (outcamp).
Wilhelm Simon	SS technical sergeant; labor allocation leader at Dora
Walter Ulbricht	inmate; "Kapo" and clerk at Rottleberode.
Richard Walenta	inmate; "Kapo" and camp "Eldest" (head "Kapo") at Ellrich and afterward "Kapo" at Dora.
Willi Zwiener	inmate; "Kapo" and for a short time camp "Eldest" and official hangman at Dora.

Headquarters, European Command (successor organization to USFET), Special Order 144, paragraph 17, designated seven officers to constitute the court for this case: Col. Frank Silliman, president of the court; Col. Joseph W. Benson; Col. Claude O. Burch; Lt. Col. Louis S. Tracy; Lt. Col. Roy J. Herte; Lt. Col. David H. Thomas; and Maj. Warren H. Vanderburgh. Lt. Col. William Berman

was assigned as chief prosecutor with Capt. William McGarry, Capt. John J. Ryan, and Lt. William F. Jones assigned to assist him. Maj. Leon B. Poullada served as chief defense counsel; Milton Crook served as associate defense counsel. They were assisted by three German attorneys--Emil Aheimer, Ludwig Renner, and Konrad Max Trimolt.

All of the Andrae case defendants pleaded not guilty to both the general charge and the specific charges. One of the first issues addressed by the defense was whether or not "common design," the allegation referred to in the specific charges, actually amounted to a separate substantive crime. The court ruled that it did not. Moreover, the court ruled as implausible the defense assertion that the prosecution exaggerated the level of abuse and suffering in the camp. Similarly, a defense contention that certain killings had been justified because the victims had been residents of cobelligerent countries was disallowed. The basis for the court's decision in this instance was the view that these unfortunate inmates had been unarmed deportees who, as such, had represented no significant threat to the Third Reich's continued security. Finally, the defense argued that many of the acts had been in compliance with superior orders or had been preceded by administrative determinations of guilt, thus the acts had been in accord with German law. The court, however, agreed with the prosecution and ruled against the defense assertion.

On December 30, 1947, the court announced its findings and pronounced its sentences for the Andrae case defendants. Four of the defendants--Fuchsloch, Heinrich, Rickhey, and Schmidt--were found not guilty and were acquitted. Moeser was sentenced to death by hanging. The remainder were pronounced guilty and received prison sentences as follows: Maischein and Ulbricht, 5 years; Detmers, 7 years; Andrae, Helbig, and Walenta, 20 years; Zwiener, 25 years; and Brauny, Brinkmann, Buehring, Jacobi, Kilian, Koenig, and Simon, life.

Information on actual time served and release dates for these defendants can be found in the defendants' posttrial files filmed on rolls 12 through 15. Those defendants sentenced to serve time were imprisoned at War Criminal Prison No. 1, Landsberg, Germany, including defendant Moeser until his execution there on November 26, 1948.

The Five Other Nordhausen Cases

In five separate but related cases, five additional defendants stood trial at Dachau in short-term proceedings.¹ Each defendant

¹In another case (000-Nordhausen-4) Eduard Schwalm, a German national, was charged with concentration camp beatings, but because witnesses could not identify the accused, the case was dropped before coming to trial.

was accused of assaults or murders that had occurred at Nordhausen. Case numbers, names of defendants, ranks and positions held, and trial dates are as follows:

<u>Case Numbers</u>	<u>Names, Ranks, and Positions of Defendants</u>	<u>Trial Dates²</u> (1947)
000-Nordhausen-1 and 12-481	Michail Grebenski: ³ SS private; block leader at Dora	Oct. 22-23
000-Nordhausen-2 and 12-481	Albert Mueller: SS corporal; rollcall leader	Dec. 1
000-Nordhausen-3 and 12-481	Georg Finkenzeller: Inmate; chief "Kapo" in tunnel	Oct. 3
000-Nordhausen-5 and 12-481	Philipp Klein: SS sergeant; German national	Dec. 1
000-Nordhausen-6 and 12-481	Stefan Palko: SS corporal; block leader at Nordhausen	Dec. 3-11

Defendants Grebenski, Finkenzeller, and Palko pleaded not guilty to the general charge of "violation of the laws and usages of war" and to the specific offenses that they were alleged to have committed. Grebenski, a Romanian national, successfully argued that he had never served where the murders and beatings attributed to him had occurred, and he was acquitted. Finkenzeller and Palko were found guilty of assault but not guilty of murder. They were sentenced to 2 years and 25 years in prison, respectively. Klein, after changing his plea several times, pleaded guilty to one of several counts of assault. All of the other assault charges against Klein were dismissed, and he was sentenced to 4 years in prison. Mueller also pleaded guilty to one charge. He argued a case of mistaken identity for several of the beatings that he allegedly had administered and offered as mitigating circumstances the information that he had been young and overeager when the said acts had been committed and that he had on subsequent occasions helped inmates escape. The court accepted Mueller's guilty plea and sentenced him to 25 years in prison.

²Sentences were pronounced on the last day of each trial.

³Grebenski's last name is erroneously spelled "Grabinski" or "Grebinski" in several of the documents relating to his case.

Records Description

The Andrae Case

Because there was more than one Nordhausen trial, records relating to the main trial (those of the Kurt Andrae case) were filmed first, followed by those records of the shorter other cases. In all instances when file folders contained useful identifying information concerning their content, the identifying information was filmed before the contents of the file folders. For documents in both German and English, the English-language version precedes the German. Photographic negatives were not filmed because of the technical difficulties in achieving clear print images. Duplicate copies of records were omitted unless they contained significant annotations. Documents from Record Group 338 other than the case records were filmed to supplement the trial record when necessary. Occasionally posttrial records were not filmed because of personal privacy considerations.

Documents in the Andrae trial preliminary investigation and other pretrial materials section on the microfilm include witness interrogation reports (many in German with English translations), witness lists, investigative reports, summaries of Nordhausen's functions, atrocity photographs, casualty lists, pretrial exhibits, camp maps, diagrams of chains-of-command, administrative orders, prisoner transfer requests and authorizations, autopsy reports, preliminary prosecution briefs, internal routing slips, and extensive correspondence pertaining to defendant Rickhey's activities and detention. These records were collected in 18 volumes, the first two of which were labeled "books" and contain numbered pretrial exhibits. The other volumes were numbered volume 14 through volume 28, and the last volume was unnumbered; no discernible internal arrangement scheme is evident. The final, unnumbered volume appears to have been compiled after the other 15 volumes.

An entry book and a hospital treatment certificate, which apparently became separated from the particular pretrial volume(s) that contained them, constitute the miscellaneous pretrial exhibits. Court- and attorney-appointment documents together with charge and amended-charge sheets for the main defendants are the final components of pretrial preliminary section.

The trial transcripts for the Andrae case are in English and proceed chronologically for the duration of the trial. Each of 88 numbered volumes contains one day's testimony (note that volume 68 and 69 is one volume and relates to the testimony on Nov. 26, 1947). Volumes are preceded by transcript covers providing such information as names of chief prosecutor, chief defense counsel, and occasionally those of interpreters, witnesses, and court reporters; volumes are also preceded by cover sheets with a table of contents for the transcription of that day. Excluding transcript covers and cover sheets, the transcript pages are numbered sequentially from 1 to 7788. The final transcript

volume also contains individual defendant's prison commitment forms arranged alphabetically by surname.

Prosecution exhibits are numbered sequentially from 1 to 136A and often appear in photostatic form. Exhibits 96, 97, 111, 118, 121, and 122 were not admitted as evidence and follow on film those exhibits that were admitted. Missing from prosecution exhibits not admitted as evidence are exhibits 117, 135, and 135A. In addition to affidavits, the prosecution exhibits consist of diagrams, maps, defendant identification sheets, camp records, death certificates, death books, whipping books, atrocity photographs, health reports, and other items. Several pages of affidavits are of poor legibility.

Defense exhibits are numbered sequentially from 1 to 82A. Included are affidavits and interrogation statements, stipulations, maps, organizational charts, photographs, and camp records. Among the affidavits in support of Rickhey is a statement by Wernher von Braun, a fellow German scientist who later assumed a prominent role in the U.S. space program.

The files of sentence reviews and related documents section contain sentence reviews of the Deputy Judge Advocate General for War Crimes and a war crimes board of review, extracts and summaries of findings, correspondence related to the main trial proceedings, and documentation pertaining to individual defendants (e.g., petitions for sentence review and sentence review forms signed by Gen. Lucius D. Clay, Commander in Chief, European Command; prison commitment papers; reports on Brinkmann and Kilian; and the death records of Brauny, who died in prison of natural causes).

Posttrial documentation relating to the Andrae case defendants is arranged alphabetically by surname of defendant and thereunder chronologically. These files include German-language (with English translations) clemency petitions and letters of appeal by or on behalf of defendants; petition acknowledgments; internal routing slips and memorandums; periodic review and recommendation forms; parole applications; prison records; evaluations (in both German and English); parole requests, acceptance forms, and reports; and orders for remission of unserved parts of sentences. Posttrial files for Fuchsloch, Heinrich, Rickhey, and Schmidt do not exist because they were acquitted of all charges.

The Five Other Nordhausen Cases

The final major section of this publication contains records from the five other Nordhausen cases, including pretrial investigation material, trial records, clemency petitions, sentence reviews, modification of sentences, prison records, parole-related documents, and remission of sentence forms. Each proceeding

has its own set of related records. No posttrial file exists for defendant Grebenski because he was acquitted. These records are arranged sequentially by case number and thereunder chronologically.

The records of each trial include daily transcripts of court proceedings preceded by transcript covers containing such identifying information as case number and name of defendant, prosecutor, defense counsel, members of the court, and personnel associated with the proceedings. Cover sheets preceding page 1 of the transcripts provide such information as trial dates, names of witnesses who testified that day, and exhibits introduced. Extant transcript copies are carbon copies rather than originals (except for defendants Mueller and Palko, whose copies are originals) and are numbered sequentially.

Included with prosecution exhibits and court- and attorney-appointment orders are defendant charge and identification sheets. Defense exhibits generally consist of character affidavits or denials of guilt written in German with English translations.

Clemency files contain petitions for clemency written either by or on behalf of defendants, petition applications, internal routing slips, and some reviews of sentences. Most of these records are photostatic copies or carbon copies. Records of sentence reviews and modification board actions include review documents and such related documents as notices of remission of sentence. Parole documents include plans, acceptance forms, and reports.

Copies of individual charge sheets and records authorizing the appointment of members of the court and of defense and prosecution counsels were numbered as prosecution exhibits and thus appear as part of the trial record.

Included with documents of authorization in finding aids for this publication are cover sheets for each trial transcript volume, lists of defense and rebuttal witnesses, and daily proceedings of witness testimony and trial exhibit keys.

Related Records

Related records in the same record groups, RG 153 and RG 338, have been microfilmed in Microfilm Publications M1078, *United States of America v. Alfons Klein et al.*, and T1021, *German Documents Among the War Crimes Records of the Judge Advocate Division, Headquarters, United States Army, Europe*. Related unpublished records in RG 338 include records in the following series: interfiles, parolees, and released inmates.

The records of the Nordhausen trials are closely related to records in National Archives Collection of World War II War

Crimes Records, Record Group 238. A list of records that have been microfilmed follows:

Prosecution Exhibits Submitted to the International Military Tribunal, T988;

Records of the Office of the United States Chief of Counsel for War Crimes, Nuernberg, Military Tribunals, Relating to Nazi Industrialists, T301;

Records of the United States Nuernberg War Crimes Trials:

NOKW Series, 1933-1947, T1119;

NG Series, 1933-1948, T1139;

NM Series, 1874-1946, M936;

NP Series, 1934-1946, M942;

WA Series, 1940-1945, M946;

Guertner Diaries, October 5, 1934-December 24, 1938, M978;

Records of the United States Nuernberg War Crimes Trials, United States of America v.:

Karl Brandt et al. (Case I), November 21, 1946-August 20, 1947, M887;

Erhard Milch (Case II), November 13, 1946-April 17, 1947, M888;

Josef Altstoetter et al. (Case III), February 17-December 4, 1947, M889;

Oswald Pohl et al. (Case IV), January 13, 1947-August 11, 1948, M890;

Friedrich Flick et al. (Case V), March 3-December 22, 1947, M891;

Carl Krauch et al. (Case VI), August 14, 1947-July 30, 1948, M892;

Wilhelm List et al. (Case VII), July 8, 1947-February 19, 1948, M893;

Ulrich Greifelt et al. (Case VIII), October 10, 1947-March 10, 1948, M894;

Otto Ohlendorf et al. (Case IX), September 15, 1947-April 10, 1948, M895;

Alfried Krupp et al. (Case X), August 16, 1947-July 31, 1948, M896;

Ernst von Weizsaecker et al. (Case XI), December 20, 1947-April 14, 1949, M897;

Wilhelm von Leeb et al. (Case XII), November 28, 1947-October 28, 1948, M898;

Records of the United States Nuernberg War Crimes Trial Interrogations, 1946-1949, M1019.

John A. Vernon arranged the records for filming and wrote these introductory remarks. Thomas Whitfield was the editor.

CONTENTS

<u>Roll</u>	<u>Description</u>	<u>Inclusive Dates</u>
1	<u>Finding Aids</u> Documents of Authorization (not part of trial records) Defendants' Trial Status Reports (Record Group 153) Lists of Defense and Rebuttal Witnesses (Record Group 338) Trial Exhibits and Witness Testimony Key (Record Group 338)	
	<u>Preliminary Investigation and Other Pretrial Documents</u>	
	Book 1: Documents 1 Through 26 and Related Items (Record Group 153)	
	Book 2: Documents 27 Through 54 and Related Items (Record Group 153)	
	Vol. 14	(Record Group 338)
	Vol. 15	(Record Group 338)
	Vol. 16	(Record Group 338)
2	Vol. 17	(Record Group 338)
	Vol. 18	(Record Group 338)
	Vol. 19	(Record Group 338)
3	Vol. 20	(Record Group 338)
	Vol. 21	(Record Group 338)
	Vol. 22	(Record Group 338)
	Vol. 23	(Record Group 338)
4	Vol. 24	(Record Group 338)
	Vol. 25	(Record Group 338)
	Vol. 26	(Record Group 338)
5	Vol. 27	(Record Group 338)
	Vol. 28	(Record Group 338)
	Unnumbered Volume	(Record Group 338)
	Miscellaneous Pretrial Exhibits	(Record Group 338)
	Court- and Attorney-Appointment Documents;	
	Charge Sheets for Main Defendants	(Record Group 338)
	<u>Trial Transcripts</u> (Record Group 338)	
6	Vol. 1 (p. 1-100)	Aug. 7, 1947
	Vol. 2 (p. 101-174)	Aug. 8, 1947
	Vol. 3 (p. 175-252)	Aug. 11, 1947
	Vol. 4 (p. 253-333)	Aug. 12, 1947
	Vol. 5 (p. 334-414)	Aug. 13, 1947
	Vol. 6 (p. 415-478)	Aug. 14, 1947
	Vol. 7 (p. 479-549)	Aug. 15, 1947

<u>Roll</u>	<u>Description</u>	<u>Inclusive Dates</u>
	Vol. 8 (p. 550-623)	Aug. 18, 1947
	Vol. 9 (p. 624-704)	Aug. 19, 1947
	Vol. 10 (p. 705-764)	Aug. 20, 1947
	Vol. 11 (p. 765-797)	Aug. 21, 1947
	Vol. 12 (p. 798-867)	Aug. 25, 1947
	Vol. 13 (p. 868-932)	Aug. 26, 1947
	Vol. 14 (p. 933-1005)	Aug. 27, 1947
	Vol. 15 (p. 1006-1078)	Aug. 28, 1947
	Vol. 16 (p. 1079-1136)	Aug. 29, 1947
7	Vol. 17 (p. 1137-1207)	Sept. 2, 1947
	Vol. 18 (p. 1208-1273)	Sept. 3, 1947
	Vol. 19 (p. 1274-1333)	Sept. 4, 1947
	Vol. 20 (p. 1334-1389)	Sept. 8, 1947
	Vol. 21 (p. 1390-1437)	Sept. 9, 1947
	Vol. 22 (p. 1438-1497)	Sept. 10, 1947
	Vol. 23 (p. 1498-1555)	Sept. 11, 1947
	Vol. 24 (p. 1556-1617)	Sept. 12, 1947
	Vol. 25 (p. 1618-1688)	Sept. 15, 1947
	Vol. 26 (p. 1689-1771)	Sept. 16, 1947
	Vol. 27 (p. 1772-1848)	Sept. 17, 1947
	Vol. 28 (p. 1849-1913)	Sept. 18, 1947
	Vol. 29 (p. 1914-1975)	Sept. 22, 1947
	Vol. 30 (p. 1976-2047)	Sept. 23, 1947
	Vol. 31 (p. 2048-3007)	Sept. 24, 1947
	Vol. 32 (p. 3008-3057)	Sept. 25, 1947
	Vol. 33 (p. 3058-4032)	Sept. 26, 1947
	Vol. 34 (p. 4033-4071)	Sept. 29, 1947
	Vol. 35 (p. 4072-4152)	Sept. 30, 1947
8	Vol. 36 (p. 4153-4215)	Oct. 1, 1947
	Vol. 37 (p. 4216-4274)	Oct. 2, 1947
	Vol. 38 (p. 4275-4307)	Oct. 3, 1947
	Vol. 39 (p. 4308-4372)	Oct. 6, 1947
	Vol. 40 (p. 4373-4443)	Oct. 7, 1947
	Vol. 41 (p. 4444-4521)	Oct. 8, 1947
	Vol. 42 (p. 4522-4585)	Oct. 9, 1947
	Vol. 43 (p. 4586-4629)	Oct. 10, 1947
	Vol. 44 (p. 4630-4694)	Oct. 13, 1947
	Vol. 45 (p. 4695-4759)	Oct. 14, 1947
	Vol. 46 (p. 4760-4842)	Oct. 15, 1947
	Vol. 47 (p. 4843-4897)	Oct. 27, 1947
	Vol. 48 (p. 4898-4970)	Oct. 28, 1947
	Vol. 49 (p. 4971-5045)	Oct. 29, 1947
	Vol. 50 (p. 5046-5126)	Oct. 30, 1947
	Vol. 51 (p. 5127-5177)	Oct. 31, 1947
	Vol. 52 (p. 5178-5257)	Nov. 3, 1947
	Vol. 53 (p. 5258-5333)	Nov. 4, 1947

<u>Roll</u>	<u>Description</u>	<u>Inclusive Dates</u>
9	Vol. 54 (p. 5334-5393)	Nov. 5, 1947
	Vol. 55 (p. 5394-5457)	Nov. 6, 1947
	Vol. 56 (p. 5458-5534)	Nov. 7, 1947
	Vol. 57 (p. 5535-5603)	Nov. 10, 1947
	Vol. 58 (p. 5604-5674)	Nov. 12, 1947
	Vol. 59 (p. 5675-5751)	Nov. 13, 1947
	Vol. 60 (p. 5752-5826)	Nov. 14, 1947
	Vol. 61 (p. 5827-5849)	Nov. 17, 1947
	Vol. 62 (p. 5850-5920)	Nov. 18, 1947
	Vol. 63 (p. 5921-5988)	Nov. 19, 1947
	Vol. 64 (p. 5989-6065)	Nov. 20, 1947
	Vol. 65 (p. 6066-6150)	Nov. 21, 1947
	Vol. 66 (p. 6151-6233)	Nov. 24, 1947
	Vol. 67 (p. 6234-6313)	Nov. 25, 1947
9	Vol. 68 and 69 (p. 6314-6388)	Nov. 26, 1947
	Vol. 70 (p. 6389-6453)	Nov. 28, 1947
10	Vol. 71 (p. 6454-6566)	Dec. 1, 1947
	Vol. 72 (p. 6567-6679)	Dec. 2, 1947
	Vol. 73 (p. 6680-6774)	Dec. 3, 1947
	Vol. 74 (p. 6775-6887)	Dec. 4, 1947
	Vol. 75 (p. 6888-6966)	Dec. 5, 1947
	Vol. 76 (p. 6967-7055)	Dec. 8, 1947
	Vol. 77 (p. 7056-7141)	Dec. 9, 1947
	Vol. 78 (p. 7142-7251)	Dec. 10, 1947
	Vol. 79 (p. 7252-7352)	Dec. 11, 1947
	Vol. 80 (p. 7353-7430)	Dec. 12, 1947
	Vol. 81 (p. 7431-7518)	Dec. 15, 1947
	Vol. 82 (p. 7519-7582)	Dec. 16, 1947
	Vol. 83 (p. 7583-7623)	Dec. 17, 1947
	11	Vol. 84 (p. 7624-7638)
Vol. 85 (p. 7639-7712)		Dec. 22, 1947
Vol. 86 (p. 7713-7769)		Dec. 23, 1947
Vol. 87 (p. 7770-7782)		Dec. 24, 1947
Vol. 88 (p. 7783-7788)		Dec. 30, 1947
<u>Prosecution Exhibits</u>		
	1-114A	(Record Group 338)
	115-123A	(Record Group 338)
	124-136A	(Record Group 153)
<u>Prosecution Exhibits Not Admitted As Evidence</u> (Record Group 338)		
12	96, 97, 111, 118, 121, and 122	
<u>Defense Exhibits</u> (Record Group 338)		
	1-82A	

<u>Roll</u>	<u>Description</u>	<u>Inclusive Dates</u>
<u>Sentence Reviews and Related Documents</u>		
		(Record Group 153)
		Apr. 15, 1948-Aug. 10, 1951
<u>Posttrial Documents: Main Defendants</u>		
		(Record Group 338)
13	Arthur Kurt Andrae	Aug. 15, 1946-Nov. 30, 1951
	Erhard Brauny	July 6, 1946-June 30, 1950
	Otto Brinkmann	Mar. 1, 1948-May 2, 1958
	Emil Buehring	Apr. 23, 1948-Sept. 13, 1957
14	Heinz Detmers	Feb. 5, 1946-July 3, 1952
	Oskar Helbig	Apr. 10, 1947-Feb. 4, 1952
	Rudolf Jacobi	May 24, 1948-Dec. 4, 1957
	Josef Kilian	Apr. 23, 1948-June 11, 1958
	Georg Koenig	Mar. 12, 1947-Oct. 10, 1957
	Paul Maischein	Feb. 9, 1946-Jan. 10, 1951
	Hans Moeser	Feb. 5, 1945-Nov. 26, 1948
	Wilhelm Simon	May 9, 1947-Oct. 24, 1957
	Walter Ulbricht	Apr. 26, 1946-July 28, 1953
15	Richard Walenta	Aug. 30, 1948-Jan. 3, 1958
	Willi Zwiener	Mar. 7, 1948-Jan. 7, 1958
<u>Pretrial, Trial, and Posttrial Documents: Other Defendants</u>		
		(Record Group 153)
	Michail Grebenski	Oct. 10, 1947-Feb. 2, 1948
	Albert Mueller	May 6, 1945-Jan. 18, 1952
16	Georg Finkenzeller	Sept. 18, 1947-Mar. 23, 1948
	Philipp Klein	June 18, 1945-June 17, 1949
	Stefan Palko	Sept. 28, 1947-Nov. 22, 1952