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**Reviews of U.S. Army
War Crimes Trials in Europe
1945-1948**



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Records of U.S. Army Commands, 1942-

Record Group 338

REVIEWS OF U.S. ARMY
WAR CRIMES TRIALS IN EUROPE
1945-1948

On the five rolls of this microfilm publication are reproduced the reviews and recommendations pertaining to the 489 war crimes cases tried by U.S. Army courts and commissions between April 1945 and July 1948. The records filmed are part of Record Group 338, Records of U.S. Army Commands, 1942-.

Background

Jurisdictions and Cases

In Europe, the United States participated in war crimes trials under three jurisdictions: that of the International Military Tribunal (IMT), that of the U.S. military tribunals at Nuernberg, and that of the U.S. Army courts. General authority for the proceedings of all three jurisdictions derived from the Declaration of German Atrocities (Moscow Declaration), released November 1, 1943, which expressed Allied determination to arrest and bring to justice Axis war criminals. Brief descriptions of the war crimes trials records in the National Archives are in the Record Group Statement near the end of this introduction. Microfilm and other publications available at the National Archives and Records Service are mentioned in the Related Records section, which concludes the introduction.

International Military Tribunal

The IMT tried 24 major Nazi war criminals and a number of organizations in 1945 and 1946. Specific authority for U.S. participation in the IMT is found in Executive Order 9547 of May 2, 1945, which authorized Supreme Court Justice Robert H. Jackson to represent the United States in war crimes matters and to act as Chief of Counsel; the London Agreement of August 8, 1945 (as amended by the Berlin Protocol of October 6, 1945), in which the United States, France, the United Kingdom, and the Soviet Union agreed to hold the IMT; and the IMT Charter (an annex to the London Agreement), which outlined the rights and obligations of defendants, judges, and prosecutors.

U.S. Military Tribunals at Nuernberg

From 1946 to 1949, U.S. military tribunals at Nuernberg tried 185 individuals in 12 separate proceedings grouped according to type of crime or organization. Specific authority for the U.S. tribunals, which tried these 12 cases, is found in Allied Control Council Law 10 of December 20, 1945, which outlined trial procedures patterned after those of the IMT; Executive Order 9679 of January 16, 1946, which authorized the

establishment of U.S. military tribunals; Office of Military Government for Germany (U.S.) (OMGUS) Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively, which spelled out details of trial procedures outlined by Allied Control Council Law 10; and United States Forces, European Theater (USFET), General Order 301 of October 24, 1946, which appointed Brig. Gen. Telford Taylor as Chief Counsel for War Crimes for the 12 U.S. military tribunals at Nuernberg.

U.S. Army Courts

From 1945 to 1948, U.S. Army courts (military commissions and special or general military courts) tried 1,672 individuals in 489 proceedings. Specific authority for these proceedings is found in Joint Chiefs of Staff Directive 1023/10 of July 8, 1945, which placed responsibility for certain war crimes trials in Germany on the Commander, USFET. The Commander, in turn, empowered the commanding general of the Western Military District (territory occupied by the U.S. 3d Army (Bavaria)) to appoint military courts, predominantly at the site of the former concentration camp Dachau, for the trial of war criminals not heard at Nuernberg. This was done in a letter on the subject of "Trial of War Crimes and Related Cases" of July 16, 1945. The commanding general of the Eastern Military District (territory occupied by the U.S. 7th Army (Hesse, Baden-Wuerttemberg, and Bremen)) was similarly authorized to commence war crimes trials, mainly at Ludwigsburg. In order to streamline operations, the Commander, USFET, revoked this division of authority in a letter of October 14, 1946, and assigned responsibility to prosecute war criminals to the Deputy Judge Advocate for War Crimes, USFET. Henceforth, all cases were tried at the site of the former concentration camp Dachau because centralization of war crimes activities appeared necessary in view of the large body of cases and investigations.

The 489 cases tried by the U.S. Army in Germany can be divided roughly into four categories: main concentration camp cases, subsequent concentration camp cases, flier cases, and miscellaneous cases. The first category comprises 6 cases with about 200 defendants, mainly staff members and guards at Dachau, Buchenwald, Flossenburg, Mauthausen, Nordhausen, and Muehldorf concentration camps. The second category includes about 250 proceedings against approximately 800 guards and staff members of the outcamps and branch camps of the major camps. The third category encompasses more than 200 cases in which about 600 persons, mostly German civilians, were prosecuted for the killing of some 1,200 U.S. nationals, mostly airmen. The fourth category consists of a few cases, including the Malmedy Massacre Case, in which 73 SS men were tried for murdering large groups of surrendered U.S. prisoners of war; the Hadamar Case, in which a number of Hadamar Asylum staff members stood trial for the killing of about 400 Russian and Polish nationals; and the

Skorzeny Case, in which some members of the German Armed Forces were charged with wearing U.S. Army uniforms while participating in the Ardennes offensive.

U.S. Army Trial Reviews and Recommendations

A review and recommendation is a summary of the records of a trial, examined by reviewers to verify that the trial was conducted in a legal manner and that the rights of the accused had not been violated. These reviews automatically followed all U.S. Army-conducted trials.

Until mid-October 1946, trials were conducted by the U.S. Armies in Europe, within each Army's area of jurisdiction. While the vast majority were conducted by the 3d and 7th Army Commands, a few of the early trials were conducted by the 1st and 15th Armies and the United States Forces in Austria. During the 1945-46 period, reviews and recommendations were prepared from the trial record by the posttrial units of the Army commands convening the courts. They were reviewed by the pertinent Army staff judge advocates, and the commanding generals. Death sentences required a last review by the European Theater Commander.

From October 1946 to July 1948, the conduct of U.S. Army war crimes trials was centralized under the Deputy Judge Advocate for War Crimes and the trials held at the site of the former concentration camp Dachau. During this period reviews and recommendations were prepared by the Deputy Judge Advocate for War Crimes. They were reviewed by the Judge Advocate and, for death sentences, the Theater Commander.

Records Description

A typical review and recommendation contains paragraphs for the following subjects: trial data and charges, summaries of evidence, personal information regarding the accused, evidence presented by prosecution and defense counsel, and petitions for clemency; the conclusions of the reviewer and the recommendation, either of an Army staff judge advocate or the Deputy Judge Advocate for War Crimes, complete the record.

The case files to which the first 227 reviews and recommendations pertain were filed and are arranged by a two-number mail and records system employed by the European and Washington Offices of the War Crimes Branch, Office of the Judge Advocate General. The same system is used for the reviews and recommendations. The first number designates a country, and the second number identifies the case within the country. In Case 5-37, for example, the first number represents Austria, the country in which the crime was alleged to have been committed; and the second number identifies the case among the other Austrian cases tried or investigated between 1945 and 1948. All of the case files in

this publication arranged by the two-number system have one of the following five country designations: 5-Austria, 6-Belgium, 8-Czechoslovakia, 11-France, or 12-Germany.

The remaining reviews and recommendations are arranged by one of two modified mail and records systems. One system consists of a sequence of numbers beginning with a triple zero, 000, followed by the number 50, 000-50. These two-number sequences indicate concentration camp cases. A third number in this sequence stands for a main camp case. Thus 000-50-2 is for the Dachau Concentration Camp Case, 000-50-5 is for the Mauthausen Case, 000-50-9 is for the Buchenwald Case, 000-50-37 is for the Nordhausen Case, 000-50-46 is for the Flossenburg Case, and 000-50-136 is for the Muehldorf Concentration Camp Case.

The subsequent proceedings to these main cases were designated either by adding a fourth number to the sequence such as 000-50-2-1, indicating the first subsequent proceeding to the Dachau main concentration camp case; or using a triple zero followed by the name of the main camp and the number of the subsequent proceeding, 000-Buchenwald-1. The apparent difference between these two methods of identifying subsequent concentration camp cases is that the charges under the first method were substantially the same as in the main case; whereas in the second method the accused were tried under additional charges.

At the beginning of the first roll, key documents authorizing the U.S. Army courts to try war crimes cases and a case list including the names of war criminals tried have been reproduced. This staff-prepared list--arranged by case number and the under by title of trial, beginning date of trial, and surnames of defendants in alphabetical order--serves as a finding aid. It also appears immediately following these introductory remarks.

Record Group Statement

Most of the records of European and Japanese war crimes cases tried by the U.S. Army are part of one or more of the following three record groups (RG): Records of the Office of the Judge Advocate General (Army), RG 153, which includes case records and other files pertaining to war crimes trials maintained by that Office in Washington, D.C.; Records of U.S. Army Commands, 1942- , RG 338, which contains the records generated by Army war crimes agencies subordinate to the Office of the Judge Advocate General in Europe; and Records of the Allied Operational and Occupation Headquarters, World War II, RG 331, which contains the war crimes records created by the Supreme Commander Allied Powers and subordinate units in the Far East. In addition to these record groups, the National Archives Collection of World War II War Crimes Records, RG 238, consists of war crimes records produced by war crimes agencies other than those of the U.S. Army.

Related Records

NARS microfilm publications produced to date are listed below under the appropriate headings. Two lists are followed by a description of printed publications, including finding aids, that are available at NARS.

Records of the United States Army War Crimes Trials

- United States of America v. Alfons Klein et al. (Case Files 12-449 and 000-12-31), October 8-15, 1945, M1078 (Hadamar Case), 3 rolls;*
- 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, M1079. (Nordhausen Cases), 16 rolls;*
- Franz Auer et al., November 1943-July 1958, M1093 (Muehldorf Case), 13 rolls;*
- Juergen Stroop et al., March 29, 1945-August 21, 1957, M1095 (Superior Orders Case), 10 rolls;*
- Records of the United States Army War Crimes Trials, United States of America v.:*
- Ernst Dura et al., June 9-23, 1947, M1100 (Wiener-Neudorf Outcamp Case), 2 rolls;*
- Kurt Goebell et al., February 6-March 21, 1946, and United States of America v. August Haesiker, June 26, 1947 M1103 (collectively known as the Borkum Island Case), 7 rolls;*
- Otto Skorzeny et al., July 13, 1945-December 13, 1948, M1106 (Skorzeny Case), 24 microfiche*
- Johann Haider et al., September 3-12, 1947, M1139 (Haider Case), 2 rolls;*
- Martin Gottfried Weiss et al., November 15, 1945-December 13, 1945, M1174 (Dachau Concentration Camp Case), 6 rolls;*
- Friedrich Becker et al., June 12, 1946-January 22, 1947, M1204 (Flossenburg Concentration Camp Case), 16 rolls;*
- Ernst Angerer et al., November 26-December 3, 1946, M1210 (Angerer Case), 1 roll;*
- German Documents Among the War Crimes Records of the Judge Advocate Division, Headquarters, United States Army, Europe, T1021, 20 rolls;*
- Reviews of the Yokohama Class B and Class C War Crimes Trials by the U.S. Eighth Army Judge Advocate, 1946-1948, M1112 (Yokohama Reviews), 5 rolls.*

Records of International Military Tribunals

Diary of Hans Frank, T992, 12 rolls;
Prosecution Exhibits Submitted to the International Military Tribunal, T988, 54 rolls;
War Diaries and Correspondence of General Alfred Jodl, T989, 2 rolls;
Mauthausen Death Books, T990, 2 rolls;
United States Trial Briefs and Document Books, T991, 1 roll;
Guertner Diaries, October 5, 1934-December 24, 1938, M978, 3 rolls;
Records of the International Military Tribunal for the Far East, M1060, 253 rolls.

The nearly complete record of proceedings of the IMT at Nuernberg and most of the documentary evidence have been published in *Trial of the Major War Criminals Before the International Military Tribunal (Nuernberg, 1947)*, 42 vols. Two NARS publications--PI 21, *Preliminary Inventory of the Records of the United States Counsel for the Prosecution of Axis Criminality*, and PI 180, *Preliminary Inventory of the Records of the International Military Tribunal for the Far East*--are also available. NARS also holds motion pictures, photographs, and sound recordings of the IMT proceedings at Nuernberg.

Records of United States Military Tribunals at Nuernberg

Records of the Office of the United States Chief of Counsel for War Crimes, Nuernberg Military Tribunals, Relating to Nazi Industrialists, T301, 164 rolls;
Records of the United States Nuernberg War Crimes Trials:
NOKW Series, 1933-1947, T1119, 47 rolls;
NG Series, 1933-1948, T1139, 70 rolls;
NM Series, 1874-1946, M936, 1 roll;
NP Series, 1934-1946, M942, 1 roll;
WA Series, 1940-1945, M946, 1 roll;
Records of the United States Nuernberg War Crimes Trials Interrogations, 1946-1949, M1019, 91 rolls;
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 (Medical Case), 46 rolls;
Erhard Milch (Case II), November 13, 1946-April 17, 1947, (Milch Case--Luftwaffe), 13 rolls;
Josef Altstoetter et al. (Case III), February 17-December 4, 1947, M889 (Justice Case), 53 rolls;
Oswald Pohl et al. (Case IV), January 13, 1947-August 11, 1948, M890 (Pohl Case--SS), 38 Rolls;
Friedrich Flick et al. (Case V), March 3-December 22, 1947, M891 (Flick Case--Industrialist), 42 rolls;

Carl Krauch et al. (Case VI), August 14, 1947-July 30, 1948, M892 (I. G. Farben Case--Industrialist), 113 rolls;

Wilhelm List et al. (Case VII), July 8, 1947-February 19, 1948, M893 (Hostage Case), 48 rolls;

Ulrich Greifelt et al. (Case VIII), October 10, 1947-March 10, 1948, M894 (RuSHA Case--SS), 38 rolls;

Otto Ohlendorf et al. (Case IX), September 15, 1947-April 10, 1948, M895 (Einsatzgruppen Case--SS), 38 rolls;

Alfried Krupp et al. (Case X), August 16, 1947-July 31, 1948, M896 (Krupp Case--Industrialist), 69 rolls;

Ernest von Weizsaecker et al. (Case XI), November 4, 1947-October 28, 1948, M897 (Ministries Case), 173 rolls;

Wilhelm von Leeb et al. (Case XII), November 28, 1947-October 28, 1948, M898 (High Command Case), 67 rolls.

Excerpts from subsequent proceedings have been published as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (U.S. Government Printing Office, 1950-1953), 15 vols. Detailed published finding aids with computer-assisted indexes for the microfilmed records of the Ohlendorf Case (Special List 42) and the Milch Case (Special List 38) have also been published. The National Archives and Records Service holds motion pictures and photographs of many sessions of the 12 U.S. Nuernberg proceedings.

Edward J. McCarter arranged the records for microfilming and wrote these introductory remarks.

CONTENTS

<u>Roll</u>	<u>Description</u>
1	Documents of Authorization List of Cases Tried by U.S. Army Courts in Europe, 1945-48 (staff-prepared finding aid) Reviews and Recommendations for Cases: 5-37 to 12-926-1
2	12-931 to 12-2114
3	12-2119 to 000-50-2-40
4	000-50-2-41 to 000-50-5-20
5	000-50-5-21 to 000-50-136