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**Records of the United States
Nuernberg War Crimes Trials
United States of America V.**

Wilhelm List et al.

(Case VII)

July 8, 1947- February 19, 1948



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RECORDS OF THE UNITED STATES NUERNBERG WAR CRIMES TRIALS
UNITED STATES OF AMERICA V. WILHELM LIST ET AL. (CASE VII)
JULY 8, 1947-FEBRUARY 19, 1948

On the 48 rolls of this microfilm publication are reproduced the records of Case VII, *United States of America v. Wilhelm List et al.* (or the "Hostage" Case), one of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal held in the same city. These records consist of German and English language versions of official transcripts of court proceedings, prosecution memorandums, and final pleas of defendant Dehner as well as prosecution and defense exhibits and document books, opening and closing statements, rejoinders and replies, and final pleas in one language or the other. Also included in this publication are a minute book, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in two sets (28 bound volumes in German and 27 volumes in English), are the recorded daily trial proceedings. The prosecution memorandums are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. The unbound prosecution exhibits, numbered 1-678, are those documents from various Nuernberg record series and other sources offered in evidence by the prosecution in this case. Among the defense exhibits, also unbound, are affidavits by various persons. Both prosecution document books and defense document books consist of full or partial translations of exhibits into the English language. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

The minute book, in one bound volume, is a summary of the transcripts. The official court file, in two bound volumes, includes the progress docket, the indictment, amended indictment, and the service thereof; appointments and applications for defense counsel and defense witnesses and prosecution comments thereto; defendants applications for documents; motions; uniform rules of procedures; and appendixes. The order and judgment book, in one bound volume, represents the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Clemency petitions of the defendants contained in three bound volumes were directed to the military governor, the Judge Advocate General, and the Supreme Court of the United States. The finding aids summarize transcripts and exhibits.

Case VII was heard by U.S. Military Tribunal V from July 8, 1947, to February 19, 1948. The records of this case, as the records of the other Nuernberg and Far East (IMTFE) war crimes trials, are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The List case was one of the 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>
1	<i>Karl Brandt et al.</i>	Medical Case
2	<i>Ehrhardt Milch</i>	Milch Case (Luftwaffe)
3	<i>Josef Altstoetter et al.</i>	Justice Case
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)
7	<i>Wilhelm List et al.</i>	Hostage Case
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)
11	<i>Ernst von Weizsaecker et al.</i>	Ministries Case
12	<i>Wilhelm von Leeb et al.</i>	High Command Case

Authority for the proceedings of the International Military Tribunal against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943, Executive Order 9547 of May 2, 1945, the London Agreement of August 8, 1945, the Berlin Protocol of October 6, 1945, and the Charter of the International Military Tribunal.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinance Nos. 7 and 11 of October 18, 1946, and February 17, 1947; and U.S. Forces, European Theater General Order 301 of October 24, 1946. The procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the International Military Tribunal and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

The List case was concerned with hostage or reprisal actions of German occupation forces, particularly the execution of hostages at the ratio of 100 for each German soldier killed and 50 for every soldier wounded. The "Hostage" Case was less frequently called the "Southeast Case" because most of the criminal conduct occurred while the defendants were acting as field commanders or chiefs of staff to field commanders in southeastern Europe from April 1941 to May 1945 during German occupation of the Balkan area. One of the defendants, Lothar Rendulic, was tried also for the wanton destruction of property in the Finmark of Norway during the German retreat from Finland after the latter country had negotiated a separate peace with Russia on September 3, 1944.

Those named as defendants were:

- Wilhelm List, General of the Army (Generalfeldmarschall); Commander in Chief, 12th Army, April-October 1941; Armed Forces Commander, Southeast (Wehrmachtbefehlshaber Südost), June-October 1941; Commander in Chief, Army Group A, July-September 1942.
- Maximilian von Weichs, General of the Army (Generalfeldmarschall); Commander in Chief, 2d Army, April 1941-July 1942; Commander in Chief, Army Group B, July 1942-February 1943; Commander in Chief, Army Group F, and Supreme Commander, Southeast, August 1943-March 1945.
- Lothar Rendulic, General (Generaloberst); Commander in Chief, 2d Panzer Army, August 1943-June 1944; Commander in Chief, 20th Mountain Army, July 1944-January 1945; Armed Forces Commander, North (Wehrmachtbefehlshaber Nord), December 1944-January 1945; Commander in Chief, Army Group North, January-March 1945; Commander in Chief, Army Group Courland, March-April 1945; Commander in Chief, Army Group South, April-May 1945.
- Walter Kuntze, Lieutenant General, Engineers (General der Pioniere); Acting Commander in Chief, 12th Army, October 1941-August 1942.
- Hermann Foertsch, Lieutenant General, Infantry (General der Infanterie); Chief of Staff, 12th Army, May 1941-August 1942; Chief of Staff, Army Group E, August 1942-August 1943; Chief of Staff, Army Group F, August 1943-March 1944.
- Franz Boehme, Lieutenant General, Mountain Troops (General der Gebirgstruppen); Commander, XVIII Mountain Army Corps, April-December 1941; Plenipotentiary Commanding General in Serbia, September-December 1941; Commander in Chief, 2d Panzer Army, June-July 1944; Commander in Chief, 20th Mountain Army and Armed Forces Commander, North (Wehrmachtbefehlshaber), January-May 1945.
- Helmuth Felmy, Lieutenant General, Air Force (General der Flieger); Commander, Southern Greece, June 1941-August 1942; Commander, LXVIII Army Corps, June 1943-October 1944.
- Hubert Lanz, Lieutenant General, Mountain Troops (General der Gebirgstruppen); Commander, 1st Mountain Division, October 1940-January 1943; Commander, XXII Mountain Army Corps, August 1943-October 1944.
- Ernst Dehner, Lieutenant General, Infantry (General der Infanterie); Commander, LXIX Army Reserve Corps, August 1943-March 1944.
- Ernst von Leyser, Lieutenant General, Infantry (General der Infanterie); Commander, XV Mountain Army Corps, November 1943-July 1944; Commander, XXI Mountain Army Corps, November 1943-July 1944.
- Wilhelm Speidel, Lieutenant General, Air Force (General der Flieger); Commander, Southern Greece, October 1942-September 1943; Military Commander, Greece, September 1943-June 1944.
- Kurt von Geitner, Brigadier General (Generalmajor); Chief of Staff to the Commanding General in Serbia, July 1942-August 1943;

Chief of Staff to the Military Commander of Serbia and
Military Commander, Southeast, August 1943-October 1944.

The indictment consisted of four counts. Count one was concerned with crimes against humanity and war crimes encompassing the murder of thousands of persons from the civilian population of Greece, Yugoslavia, and Albania in connection with hostage and reprisal actions. Seven defendants were found guilty of this count and three were acquitted; two of the latter were acquitted of all counts of the indictment. In addition, defendant Weichs' trial was suspended because of illness, and defendant Boehme committed suicide.

Count two of the indictment dealt predominantly with the plundering, looting, or wanton destruction of private and public property in Norway, Greece, Yugoslavia, and Albania. Defendant Felmy was found guilty of this count.

Count three of the indictment consisted of participation in the initiation, distribution, or execution of illegal orders, including directives that enemy troops may be denied quarter or status and rights of prisoners of war. Five defendants were found guilty of this count.

Count four related to the illegal treatment of civilian populations by murder, torture, persecution, imprisonment in concentration camps, deportation as slave labor, and similar acts. Three defendants were found guilty of this count.

The transcripts also contain the arraignment and pleas of the defendants (all pleaded not guilty), opening and closing statements of defense and prosecution, and the judgment, which found eight defendants guilty. Life sentences were imposed on defendants List and Kuntze; varying terms were given to defendants Rendulic, Felmy, Lanz, Dehner, Leyser, and Speidel.

The English language transcript volumes are arranged numerically, 1-27; pagination is continuous, 1-10544. The German language transcript volumes are numbered 1a-28a, and paginated 1-10426. The letters on the top of each page indicate morning, afternoon, and evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals).

There are numerous errors in pagination; for example, page 2293 is unnumbered, pages 1572-1575 are misnumbered, and pages 1442-1444 are missing.

The prosecution presented 678 documents for evidence. The exhibits draw on a variety of sources, such as reports, war diary

excerpts, and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events mentioned are among the prosecution resources.

The first item in the arrangement of the prosecution exhibits is usually a certificate listing the document number, a short description of the exhibit, and a statement on the location of the original document of the exhibit. The certificate is followed by the document, the actual prosecution exhibit (most of which are photostats), and mimeographed articles with an occasional carbon of the original. In rare cases the exhibits are followed by translations. In some instances, such as exhibits 440-A, 499/5, and 515, the certificates are missing.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, *Reichsgesetzblatt* and war diary excerpts, and other items. There are approximately 1,000 exhibits for 10 defendants. The defense exhibits are arranged by defendant's name and thereunder numerically, each followed by a certificate wherever available.

The translations in each of the prosecution document books I-XXV are preceded by an index listing prosecution exhibit numbers, document numbers, descriptions, and page numbers of each translation. These indexes are often followed by a schedule of the order in which the prosecution exhibits were presented in court. The defense document books are similarly arranged. Each book is preceded by an index giving document numbers, description, and page number for each exhibit. The corresponding exhibit numbers are generally not provided. There are several unindexed supplements to numbered document books. Opening statements, memorandums, closing statements, rejoinders, and replies are normally arranged alphabetically by names of defendants. Pagination is consecutive, yet there are several pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 are filmed key documents from which Tribunal V derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the Charter of the International Military Tribunal, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, U.S. Forces, European Theater General Order 301, and names and functions of members of Tribunal V and counsels.

These documents are followed by finding aids, which consist of the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by summaries of the daily proceedings providing an additional finding aid for the transcripts. The exhibits are listed in an index, which notes type of exhibit, exhibit number and name, corresponding document number and document book and page, a short description of the exhibit, and the date when it was offered in court.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of prosecution and defense exhibits already microfilmed or opening statements of prosecution and defense, which can be found in the transcripts of the proceedings.

The records of the List case are closely related to other microfilmed records in Record Group 238, specifically: prosecution exhibits submitted to the International Military Tribunal, T988; NI (Nuernberg Industrialist) Series, T301; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; records of the Ohlendorf case, M895; and records of the Greifelt case, M894. In addition, the records of the International Military Tribunal at Nuernberg have been published in *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947), 42 vols. Excerpts from the 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: 1946-49), 15 vols. The Audio-visual Archives Division of the National Archives and Records Service holds motion and still picture records of all 13 trials and tape recordings of the International Military Tribunal proceedings.

The English language records in this microfilm publication were prepared for microfilming by Marilla B. Guptil, who collaborated with John Mendelsohn in the writing of this introduction. Harlan S. Stone assisted in the preparation of the German language records.

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