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**Records of the United States
Nuernberg War Crimes Trials
United States of America
v. Otto Ohlendorf et al.
(Case IX)
September 15, 1947-
April 10, 1948**



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War Crimes Records

Record Group 238

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RECORDS OF THE UNITED STATES NUERNBERG WAR CRIMES TRIALS
UNITED STATES OF AMERICA V. OTTO OHLENDORF ET AL. (CASE IX)
SEPTEMBER 15, 1947-APRIL 10, 1948

On the 38 rolls of this microfilm publication are reproduced the records of Case IX (*United States of America v. Otto Ohlendorf et al.*, or the "Einsatzgruppen" 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 and defense briefs, and final pleas of the defendants as well as prosecution and defense exhibits and document books 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 of 17 bound volumes (one set in German and one in English), are the recorded daily trial proceedings. The prosecution and defense briefs 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 1-252, are those documents from various Nuernberg record series offered in evidence by the prosecution in this case. The defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically. 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 three bound volumes, includes the progress docket, the indictment, amended indictment, and the service thereof; appointments and applications of defense counsel and defense witnesses and prosecution comments thereto; defendants applications for documents; motions and physical examination of defendant reports; severance of the trial of defendant Rasch; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Clemency petitions of the defendants contained in five bound volumes were directed to the military governor, the Judge Advocate General, the U.S. district court, the Secretary of Defense, and the Supreme Court of the United States. The finding aids summarize transcripts and exhibits.

Case IX was heard by U.S. Military Tribunal IIA from September 15, 1947, to April 10, 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 Ohlendorf case was one of 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 Einsatzgruppen were special task forces assigned to maintain security and to obtain political intelligence in occupied territory and in rear areas of the German field commands. However, the Einsatzgruppen's major activity and prime cause of their members' indictment was the extermination of persons considered dangerous by the Nazi leadership, including large numbers of Jews

and gypsies. Organized initially for the Polish campaign, these special task forces operated under the command of field army headquarters but received their orders from the Reich Security Main Office (RSHA). For the Russian campaign, beginning June 21, 1941, four Einsatzgruppen, subdivided into mobile commandos (Einsatzkommandos), were assigned to areas of operation along the front from north to south. Thus Einsatzgruppe A operated mainly in the Baltic region; Einsatzgruppe B, in the Moscow area; Einsatzgruppe C, in the Kiev district; and Einsatzgruppe D, in Southern Russia.

The prosecution offered no evidence of Einsatzgruppen criminal activity before May 1941 or after July 1943, but had no difficulty obtaining documentation for the intervening period. The chief sources for such documentation were daily and weekly reports between June 1941 and May 1943 of all special task forces as consolidated by the RSHA under the successive series titles Ereignismeldungen, UdSSR and Meldungen aus den besetzten Ostgebieten. Among oral sources, Otto Ohlendorf had already admitted as a witness before the International Military Tribunal that the special task force he commanded exterminated about 90,000 persons. Although in this trial he drastically reduced this estimate, neither he nor his codefendants attempted to deny the fact that their units committed mass murder, but claimed that they acted legally under superior orders. The prosecution in Case IX estimated the total number of persons killed by the four Einsatzgruppen to exceed one million.

The transcripts of the Ohlendorf case include the indictments of the following 24 commanders and officers of special task forces and their subordinated mobile commandos:

Otto Ohlendorf, SS (Gruppenfuehrer) Major General, Commander of Einsatzgruppe D;
Heinz Jost, SS (Brigadefuehrer) Brigadier General, Commander of Einsatzgruppe A;
Erich Naumann, SS (Brigadefuehrer) Brigadier General, Commander of Einsatzgruppe B;
Otto Rasch, SS (Brigadefuehrer) Brigadier General, Commander of Einsatzgruppe C;
Erwin Schulz, SS (Brigadefuehrer) Brigadier General, Officer in Einsatzgruppe C;
Franz Six, SS (Brigadefuehrer) Brigadier General, Officer in Einsatzgruppe B;
Paul Blobel, SS (Standartenfuehrer) Colonel, Officer in Einsatzgruppe C;
Walter Blume, SS (Standartenfuehrer) Colonel, Officer in Einsatzgruppe B;
Martin Sandberger, SS (Standartenfuehrer) Colonel, Officer in Einsatzgruppe A;
Willy Seibert, SS (Standartenfuehrer) Colonel, Officer in Einsatzgruppe D;

Eugene Steimle, SS (Standartenfuehrer) Colonel, Officer in Einsatzgruppe C;
Ernst Biberstein, SS (Obersturmbannfuehrer) Lieutenant Colonel, Officer in Einsatzgruppe C;
Werner Braune, SS (Obersturmbannfuehrer) Lieutenant Colonel, Officer in Einsatzgruppe D;
Walter Haensch, SS (Obersturmbannfuehrer) Lieutenant Colonel, Officer in Einsatzgruppe C;
Gustav Nosske, SS (Obersturmbannfuehrer) Lieutenant Colonel, Officer in Einsatzgruppe D;
Adolf Ott, SS (Obersturmbannfuehrer) Lieutenant Colonel, Officer in Einsatzgruppe B;
Edward Strauch, SS (Obersturmbannfuehrer) Lieutenant Colonel, Officer in Einsatzgruppe A;
Emil Haussmann, SS (Sturmbannfuehrer) Major, Officer in Einsatzgruppe B;
Waldemar Klingelhoef, SS (Sturmbannfuehrer) Major, Officer in Einsatzgruppe B;
Lothar Fendler, SS (Sturmbannfuehrer) Major, Officer in Einsatzgruppe C;
Waldemar von Radetzky, SS (Sturmbannfuehrer) Major, Officer in Einsatzgruppe C;
Felix Ruehl, SS (Hauptsturmfuehrer) Captain, Officer in Einsatzgruppe D;
Heinz Schubert, SS (Obersturmfuehrer) 1st Lieutenant, Officer in Einsatzgruppe D; and
Mathias Graf, SS (Untersturmfuehrer) 2nd Lieutenant, Officer in Einsatzgruppe C.

The indictment consisted of three counts. Count one was concerned with crimes against humanity, encompassing persecution on political, racial, or religious grounds and including murder, extermination, and other inhuman acts committed against civilian populations, including German nationals as well as non-Germans. Twenty defendants were found guilty, while two were acquitted on this count (the trial for defendant Rasch was severed from the case because of physical disability resulting from Parkinson's disease; defendant Haussmann committed suicide). Count two of the indictment dealt predominantly with conventional war crimes, such as murder and ill treatment of prisoners of war and of the civilian population in countries occupied or controlled by German armies. Destruction and devastation not justified by military necessity was also covered by count two. Again, 20 defendants were found guilty, while two were acquitted of this count. The third of the three counts embodied membership after September 1, 1939, in organizations declared illegal by the International Military Tribunal, which included both the SS and the Geheime Staatspolizei (Gestapo or secret police), although in typical totalitarian fashion all members of the latter state organization had become members of the former Nazi Party organization by 1940. Twenty-two of the 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 22 defendants guilty. Death sentences were imposed on defendants Ohlendorf, Naumann, Blobel, Blume, Sandberger, Seibert, Steimle, Biberstein, Braune, Haensch, Ott, Strauch, Klingelhoef, and Schubert, and life imprisonment on the defendants Jost and Nosske; varying term of years were given to the defendants Schulz, Six, Fendler, von Radetzky, Ruehl, and Graf.

The English language transcript volumes are arranged numerically, 1-17; pagination is continuous 1-6,895. The German language transcript volumes are numbered 1a-17a and paginated 1-7,129. The letters at 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).

Of the many documents available to the prosecution, 252 were chosen for presentation as evidence before the tribunal. Almost 50 percent of these prosecution exhibits consist of various types of reports, mainly from the Einsatzgruppen and the Einsatzkommandos on their activities in Eastern Europe. Over 20 percent of the exhibits are affidavits and interrogations of various individuals, predominantly members of the Einsatzkommandos. The remaining exhibits include personnel records, excerpts from the Reichsgesetzblatt (official German law gazette), correspondence, directives, and a motion picture and sound track in Russian.

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. In some instances the certificate is missing, notably with affidavits, such as in exhibit numbers 4, 110, and 119. The certificate is followed by the document, the actual prosecution exhibit (most of which are photostats and a few mimeographed articles with an occasional carbon of the original). In rare cases the exhibits are followed by translations or additional certificates.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichsgesetzblatt excerpts, and other items. There are 742 exhibits for the 22 defendants in this case. The defense exhibits are arranged by exhibit number, each followed by a certificate wherever available.

The translations in each of prosecution document books I, IIA, IIB, IIC, IID, IIIA, IIIB, IIIC, and IIID are preceded by an index listing prosecution exhibit numbers, document numbers, descriptions, and page numbers of each translation. These indexes are followed by a schedule of the order in which the prosecution exhibits were presented in court. The translations in document

book VA, VB, VC, VI, also preceded by indexes, have no such schedules. Supplementary descriptions are in the indexes of document books VD and VI. Errata sheets can be found in several of these books, such as books I, p. 47; III, p. 1-10, and IIA, p. 76. Pages six and seven in document book IIB are missing. The document books consist entirely of mimeographed pages.

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. Prosecution and defense briefs are arranged alphabetically by names of defendants; final pleas follow a similar scheme. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 are filmed key documents from which Tribunal IIA 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 the names and functions of the members of Tribunal IIA 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 Ohlendorf 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; and records of the Greifelt case, M894. In addition, the record of the International Military Tribunal at Nuernberg has 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 Audiovisual Archives Division of the National Archives holds motion picture records of all 13 trials and tape recordings of the International Military Tribunal proceedings.

John Mendelsohn wrote these introductory remarks.

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