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RECORDS OF THE UNITED STATES
NUERNBERG WAR CRIMES TRIALS, GUERTNER DIARIES,
OCTOBER 5, 1934-DECEMBER, 24, 1938

On the three rolls of this microfilm publication are reproduced the diaries (Diensttagebuecher) of Franz Guertner, German Minister of Justice from 1932 to 1941, covering the period from October 1934 to December 1938. The diaries were assembled at the Berlin Document Center for use by the prosecution staff of the International Military Tribunal (IMT) at Nuernberg, which prosecuted 24 major war criminals and several organizations from November 1945 to October 1946. Individual items and larger portions of the diaries, redesignated PS (Paris-Storey) documents, were offered as evidence by the prosecution for both the United States and Great Britain at the IMT.

The diaries were also available to the Office of the Chief of Counsel for War Crimes (OCCWC) of the following 12 proceedings held before U.S. Military Tribunals I-VI from 1946 to 1949 at Nuernberg in the U.S. Zone of Occupation in Germany:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u># Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizsaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT 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 IMT Charter.

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 Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; 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 IMT 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 processes of collection, verification of authenticity, and handling of the records by the prosecution of the IMT at Nuernberg are described in the affidavit of November 19, 1945, by Maj. William H. Coogan. These processes for the 12 U.S. trials at Nuernberg are summarized in a similar affidavit by Fred Niebergall dated December 3, 1946.

The PS series of documents is one of the following used by the Office of the U.S. Chief of Counsel for the Prosecution of Axis Criminality (OCCPAC), which prosecuted the major war criminals at the IMT:

<u>Series</u>	<u>Numbered documents</u>	<u>Acronym interpretation</u>
C	1-460	Crimes
D	1-976	Industry
EC	1-615	Economics
ECH	1-36	Economic-Heidelberg
ECR	1-177	Economic-Reichskreditkassen
L	1-361	London
M ¹	1-229	Melvin
PS ²	1-4080	Paris-Storey
R ³	1-589	Rothschild
TC	1-94	Treaty Committee

The Guertner Diaries were kept largely by Hans von Dohnany, the personal assistant (persoenlicher Referent) of the Justice Minister, who after leaving the Justice Ministry in 1939 became a special assistant (Sonderfuehrer) of Gen. Hans Oster in Adm. Wilhelm Canaris' Intelligence and Counter Intelligence Service (OKW/Amt/Ausland/Abwehr). Later Dohnany became one of the key-men involved in the assassination attempt on Hitler on July 20, 1944, and was eventually executed in April 1945.

¹ The M series is named for Melvin Jones, Assistant Prosecutor for the United Kingdom.

² Collection of this series began in Paris under the direction of Col. Robert G. Storey, Chief of the Documentation Division of the IMT.

³ The R series contains the records screened by Lieutenant Rothschild from the OSS Collection in London.

The diary entries are summaries of incoming correspondence and reports. They deal with a variety of topics, particularly the involvement of Nazi Party members in criminal activities, and represent a running commentary on injustice and persecution committed by the Nazi regime. Frequent entries include such subjects as the persecution of churches by members of the SA and Hitler youth, particularly the Confessing Church (Bekennende Kirche) and the trial of Pastor Martin Niemoeller, restrictions imposed on the Catholic Church, and persecutions of many individual priests and Jehovah's Witnesses. Other items pertain to tortures and mistreatment of individuals in concentration camps and the bypassing of the judicial process by the Gestapo in cases of protective custody. There are entries on sterilization, the eliminating of Jews and political adversaries of the Nazis, and amnesties or quashings of criminal proceedings against party and SA members. Several items are concerned with Julius Streicher and his attacks on individuals. There are many other topics.

The diaries, found in the Berlin Document Center, include many annotations and marginalia, and are arranged chronologically. Some days have several entries while others have none. Upon its arrival at OCCPAC in Nuernberg, the diary for October 5, 1934, to December 23, 1935, was given the Nuernberg document No. PS 3751. It was introduced as evidence by the U.S. Prosecution Counsel on May 24, 1946, and given exhibit No. USA 858. The diary from January 4, 1936, to January 5, 1937, received the Nuernberg document No. PS 3758. Upon introduction as evidence by the British Prosecution Counsel on June 25, 1946, it was designated as prosecution exhibit GB 516. The diaries for January 6, 1937, to December 27, 1937, and from January 3, 1938, to December 24, 1938, were not introduced into evidence before the IMT and were designated as Nuernberg documents Nos. PS 3759 and PS 3757, respectively.

Each PS-numbered diary is preceded in the arrangement by staff evidence analyses (SEA). The SEA form was devised by OCCPAC to establish reference control over the great influx of documents into its Documentation Division. This form gives the title, date, and source of the document; names of persons and organizations implicated; cross-reference to related records; and a summary of the content emphasizing data potentially applicable as evidence. A few fragmentary English translations follow the SEA.

The Guertner Diaries are part of the National Archives Collection of World War II War Crimes Records, Record Group 238, as are the records of the other Nuernberg and Far East war crimes trials. They are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; Records of the Office of the U.S. Chief Counsel for War Crimes, Nuremberg, Military Tribunals, Relating to Nazi Industrialists, T301; Records of the U.S. Nuernberg War Crimes Trials, NOKW Series, T1119; NG (Nuernberg Government) Series, T1139; also M895, *United States of America v. Otto Ohlendorf, et al.*; M894, *United States of America v. Ulrich Greifelt, et*

al.; and M893, *United States of America v. Wilhelm List, et al.* In addition, the record of the IMT 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 printed as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (U.S. Government Printing Office), 15 vols. The Audiovisual Archives Division of the National Archives and Records Service holds motion picture and photograph records of many sessions of the IMT and of the 12 U.S. proceedings, and sound recordings of the IMT proceedings only. The Guertner Diaries are also related to Records of the United States Strategic Bombing Survey, Record Group 243; National Archives Collection of Foreign Records Seized, 1941- , Record Group 242; and Records of the Office of the Judge Advocate General (Army), Record Group 153.

At the beginning of roll 1 are filmed key documents from which the tribunals derived their jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Also filmed at the beginning of the roll are affidavits by Coogan and Niebergall.

John Mendelsohn wrote these introductory remarks and arranged the records for microfilming.

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1	Diary; Oct. 5, 1934-Dec. 23, 1935
2	Diary; Jan. 4, 1936-Dec. 27, 1937
3	Diary; Jan. 3-Dec. 24, 1938