

11.06  
THE GESTAPO AND THE SD

AND

ERNST KALTENBRUNNER

Trial Brief

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Section 6

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## II. List of Individual Defendants Involved

BOERMANN	:	071-PS
FRICK	:	L-301 1390-PS 1437-PS 1723-PS 2073-PS 2107-PS 2108-PS 2243-PS 2245-PS
GOERING	:	2104-PS 2105-PS 2107-PS 2108-PS 2460-PS

2 L : L-90  
AETTEL 078-PS  
532-PS  
541-PS  
551-PS  
669-PS  
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1276-PS

ROSENBERG : 071-PS

TRUCKEL : L-81

SECTION OF INDICTMENT

Section (H) "INDIVIDUAL, GROUP AND ORGANIZATION RESPONSIBILITY FOR THE OFFENSE STATED IN COUNT ONE" of paragraph IV "Particulars of the nature and development of the common plan or conspiracy" of COUNT ONE - THE COMMON PLAN OR CONSPIRACY, page 10.

The following sentence set forth under the heading "DIE SCHUTZSTAFFELN DER NATIONALSOZIALISTISCHEN DEUTSCHEN ARBEITERPARTEI (COMMONLY KNOWN AS THE SS) INCLUDING DIE SICHERHEITSDIENST (COMMONLY KNOWN AS THE SD) of Appendix B, page 36:

"...The Sicherheitsdienst des Reichsführers-SS (commonly known as the SD), a department of the SS, was developed into a vast espionage and counter-intelligence system which operated in conjunction with the Gestapo and criminal police in detecting, suppressing and eliminating tendencies, groups and individuals deemed hostile or potentially hostile to the Nazi Party, its leaders, principles and objectives, and eventually was combined with the Gestapo and criminal police in a single security police department, the Reich Main Security Office..."

The section following the heading "DIE GEHEIME STAATSPOLIZEI (SECRET STATE POLICE, COMMONLY KNOWN AS THE GESTAPO) of Appendix B, pages 36 and 37.

The paragraph on KALTENBERGER, in Appendix A, page 29.

### LEGAL REFERENCES

Article 9 of Section II "JURISDICTION AND GENERAL PRINCIPLES" of the Charter of the International Military Tribunal, page 3:

"At the trial of any individual member of any group or organization the Tribunal may declare (in connection with any act of which the individual may be convicted) that the group or organization of which the individual was a member was a criminal organization.

"After receipt of the Indictment the Tribunal shall give such notice as it thinks fit that the prosecution intends to ask the Tribunal to make such declaration and any member of the organization will be entitled to apply to the Tribunal for leave to be heard by the Tribunal upon the question of the criminal character of the organization. The Tribunal shall have power to allow or reject the application. If the application is allowed, the Tribunal may direct in what manner the applicants shall be represented and heard."



TABLE OF ABBREVIATIONS

SD	:	Sicherheitsdienst or Security Service. This was the espionage service of the SS, the NSDAP, and the Nazi State.
GESTAPO	:	Geheime Staatspolizei or Secret State Police. This was the political police system established in Prussia and extended throughout the Reich and the occupied territories.
KRIPO	:	Reichs Kriminalpolizei or Criminal Police. This was the criminal police system which was brought into close working coordination with the GESTAPO and the SD.
SIPO	:	Sicherheitspolizei or Security Police. This was the name given to the GESTAPO and the KRIPO considered jointly. The SIPO was composed of the GESTAPO and the KRIPO.
SIPO and SD	:	Sicherheitspolizei and Sicherheitsdienst or Security Police and Security Service. This was the name given to the SIPO and the SD considered jointly. The SIPO and SD consisted of the GESTAPO, the KRIPO, and the SD.
RSHA	:	Reichssicherheitshauptamt or Reich Security Head Office. This was the headquarters office of the GESTAPO, KRIPO, and SD. This office was also known as the office of the Chief of the Security Police and SD. RSHA was used in internal communications. Chief of the Security Police and SD was used in communications with other departments and agencies of government. Amt III of the RSHA was the SD. Amt IV of the RSHA was the GESTAPO. Amt V of the RSHA was the KRIPO. The defendant KALTEBRUNNER was Chief of the Security Police and SD and Head of the RSHA.

TABLE OF POLICE RANKS

American Army

German Police

General

General

Lieut. General

Generalleutnant

Major General

General Major

Brigadier General

Generalarzt

Colonel

Oberst

Lieut. Colonel

Oberstleutnant

Major

Major

Captain

Hauptman

First Lieutenant

Oberleutnant

Second Lieutenant

Leutnant

## STATEMENT OF EVIDENCE

THE SD AND THE GESTAPO WERE ORGANIZATIONS OF THE NAZI PARTY OR STATE, AND AMONG THE DEFENDANTS ARE MEMBERS OF BOTH ORGANIZATIONS.

The SD (Sicherheitsdienst or Security Service) was an organization of the Party and part of the SS. All of the members of the SD belonged to the SS. Among the defendants are several members of the SS.

1680-PS. Article "10 Years Security Police and SD" in Die Deutsche Polizei, 1 February 1943.

The GESTAPO (Geheime Staatspolizei or Secret State Police) was an organization of the State and was first established in Prussia in 1933. The defendant GOERING was the Chief of the GESTAPO from 1933 to 1936.

2104-PS. Law setting up GESTAPO, Preussische Gesetzsammlung, 26 April 1933, p.122.

2105-PS. Law on GESTAPO, Preussische Gesetzsammlung, 30 November 1933, p.413.

2107-PS. Law on GESTAPO, 10 February 1936, Preussische Gesetzsammlung, pp.21, 22.

The SD and the GESTAPO were departments in the RSHA (Reichssicherheitshauptamt or Reich Security Head Office), the office of the Chief of the Security Police and SD, and the defendant KALTENBRUNNER was Chief of the Security Police and SD.

L-361. Order of HITLER of 27 September 1939 forming the RSHA.

L-219. Organization plan of the RSHA as of 1 October 1943.

## I. DEVELOPMENT OF THE SD AND THE GESTAPO

THE SD AND THE GESTAPO WERE DEVELOPED INTO A POWERFUL, CENTRALIZED POLITICAL POLICE SYSTEM SERVING PARTY, STATE AND THE NAZI LEADERSHIP.

### A. Development of the SD.

In 1932 the Reich Fuehrer of the SS, Heinrich HIMMLER, created the SD as an intelligence service organization in the SS under the then SS-Standarten-fuehrer (Regimental Leader) Reinhard HEYDRICH. From the beginning the full-time agents of the SD were all members of the SS.

1680-PS. Article "10 Years Security Police and SD" in Die Deutsche Polizei, 1 February 1943.

After the seizure of power on 30 January 1933 the NSDAP issued an ordinance as of 9 June 1934 which merged all information facilities then existing within the Party organization into the SD, and the SD was established as the sole Party information service.

1680-PS. Article "10 Years Security Police and SD" in Die Deutsche Polizei, 1 February 1943.

In the course of its development, the SD came into increasingly closer cooperation with the GESTAPO and also with the KRIPO (Reichs Kriminalpolizei or Criminal Police). The GESTAPO and the KRIPO considered together were called the SIPO (Sicherheitspolizei or Security Police). The SD was also called upon to furnish information to various State authorities. On 11 November 1936 a decree of the Reich Minister of



the Interior declared the SD to be the intelligence organization for the State as well as for the Party, that it had the particular duty of supporting the Secret Police and that it thereby became active on a national mission. These duties necessitated a close cooperation between the SD and the authorities for the General and Interior Administration.

1680-PS. Article "10 Years Security Police and SD" in Die Deutsche Polizei, 1 February 1943.

1638-PS. Law on SD of 11 November 1938, RGBl V, p.1906, 1938.

Through the above laws and decrees the SD was established as a uniform political information service operating throughout the Reich and serving Party, State, and the Nazi leadership.

### B. Development of the GESTAPO.

The GESTAPO was first established in Prussia on 26 April 1933 by GOERING, with the mission of carrying out the duties of political police with or in place of the ordinary police authorities. The GESTAPO was given the rank of a higher police authority and was subordinated only to the Minister of the Interior, to whom was delegated the responsibility of determining its functional and territorial jurisdiction. Pursuant to this law, and on the same date, the Minister of the Interior issued a decree on the reorganization of the police which established a State Police Bureau in each government district of Prussia subordinate to the Secret State Police Bureau in Berlin.

2104-PS. Law setting up the GESTAPO, Preussische Gesetzammlung, 26 April 1933, p.122.

2371-PS. Decree for Reorganization of the Political Police, MSB Berlin, 1933, I, 503.

On 30 November 1933 GOERING issued a decree for the Prussian State Ministry and for the Reichs Chancellor which acknowledged the valuable services which the GESTAPO was able to render to the State and which placed the GESTAPO under his direct supervision as Chief. In the preamble of the aforesaid decree it is stated: "It is the head of the State who draws the most direct benefit from the work of the Secret State Police". The GESTAPO was thereby established as an independent branch of the Administration of the Interior, responsible directly to GOERING as Prussian Prime Minister. This decree gave the GESTAPO jurisdiction over the political police matters of the general and interior administration and provided that the district, county, and local police authorities were subject to the directives of the GESTAPO. By a decree of 8 March 1934 the regional State Police offices were separated from their organizational connection with the district government and established as independent authorities of the GESTAPO.

2105-PS. Law on the GESTAPO, Preussische Gesetzsammlung, 30 November 1933, p. 413.

2115-PS. Law on the GESTAPO, Preussische Gesetzsammlung, 8 March 1934, p. 143.

Parallel to the development of the GESTAPO in Prussia, the Reichsfuehrer SS, Heinrich HIMMLER, created in Bavaria the Bavarian Political Police and also directed the formation of political police in the other federal states outside of Prussia. The unification of the political police for the federal

states took place in the spring of 1934 when Hermann GOERING appointed HIMMLER the Deputy Chief of the Prussian GESTAPO in place of the former Deputy Chief DIELS. HIMMLER, who had meanwhile been appointed leader of all other federal states, thereby obtained unified control over the political police forces throughout the Reich.

1680-PS. Article "10 Years Security Police and SD" in Die Deutsche Polizei, 1 February 1935.

On 10 February 1936 the basic law for the GESTAPO was promulgated by GOERING as Prussian Prime Minister. This law provided that the Secret State Police had the duty to investigate and to combat in the entire territory of the State all tendencies inimical to the State, and declared that orders in matters of the Secret State Police were not subject to the review of the administrative courts.

2107-PS. Law on GESTAPO, 10 February 1936, Preussische Gesetzsammlung, pp. 21, 22.

On the same date, 10 February 1936, a decree for the execution of said law was issued by GOERING as Prussian Prime Minister and by FRICK as Minister of the Interior. This decree provided that the GESTAPO had authority to enact measures valid in the entire area of the State and measures affecting that area, that it was the centralized agency for collecting political intelligence in the field of political police, and that it administered the concentration camps. The GESTAPO was given authority to make police investigations in cases of criminal attacks upon Party as well

as the State.

2108-PS. Decree for execution of the law of 10 February 1936, Preussische Gesetzsammlung, p.22.

On 28 August 1936 a circular of the Reichsfuehrer SS and Chief of the German Police provided that as of 1 October 1936 the political police forces of the German provinces were to be called the "Geheime Staatspolizei" (Secret State Police). The regional offices were still to be described as State Police offices. On 20 September 1936 a circular of the Minister of the Interior commissioned the GESTAPO Bureau in Berlin with the supervision of the duties of the political police commanders in all the states of Germany.

2372-PS. Law for uniform nomenclature for offices, RMBl, 1936, No.44, p. 1344.

2245-PS. Law commissioning Secret State Police Bureau with supervision of duties of Political Police Commanders in Provinces, 20 September 1936. RMBl, pp. 1343, 1344.

The law relating to financial measures in connection with the police of 19 March 1937 provided that officials of the GESTAPO were to be considered direct officials of the Reich and their salaries, in addition to the operational expenses of the whole State Police, were to be born from 1 April 1937 on by the Reich.

2245-PS. Law relating to finance measures of the police, RGBL, I, p.325, 19 March 1937.

Through the above laws and decrees the GESTAPO was established as a uniform political police system operating throughout the Reich and serving Party, State, and the Nazi leadership.



C. Consolidation of the GESTAPO and SD.

The first step in the consolidation of the information service of the Nazi Party (the SD) and the political police system of the State (the GESTAPO) took place in the spring of 1934 when GOERING appointed HIMMLER Deputy Chief of the GESTAPO. HEYDRICH was the head of the SD under HIMMLER, and when HIMMLER took over the actual direction of the GESTAPO, these two agencies were in effect united under one command.

1936-PS. Article in Das Archiv, vol. 22-24, January 1936, p. 1312.

2460-PS. Affidavit of Rudolf DIELS, 31 October 1945.

On 17 June 1936, "for the uniformity of police duties in the Reich," the position of Chief of the German Police was established in the Reich Ministry of the Interior, to which was assigned the direction and protection of all police affairs within the jurisdiction of the Reich. By this law HIMMLER was appointed Chief of the German Police under FRICK, the Reich Minister of the Interior, and was given the right to participate in the sessions of the Reich Cabinet as Chief of the German Police.

2073-PS. Decree re appointment of Chief of German Police in Reich Ministry of Interior, RGBL, I, June, 1936, p. 487-488.

On 26 June 1936 HIMMLER issued the decree providing for the appointment of a chief of the uniformed police and of a chief of the Security Police. By this decree the German police system was divided into two principal branches:

- a. Ordnungspolizei (Orpo or Regular Police)
- b. Sicherheitspolizei (Sipo or Security Police).

Into the Ordnungspolizei went all the existing branches of the uniformed police such as the Schutzpolizei (Protection Police), the Gendarmerie (Rural Police) and the Verwaltungspolizei (Administrative Police). The Sicherheitspolizei (SIPO) was made up of the Reichskriminalpolizei (KRIPo) and the Geheime Staatspolizei (GESTAPO). This decree listed in detail the respective duties of the two principal divisions. DALUEGE was named head of the Ordnungspolizei and HEYDRICH was named head of the Sicherheitspolizei. Since HEYDRICH was the head of the SD, he took the new title of Chief of the Security Police and SD.

1551-PS. Decree of Minister of the Interior, RMBl V pp.946, 947, 948; 26 June 1936.

The GESTAPO was a State organization; the SD a Party organization. Closer unity between Party and State was established by placing members of the SS in the GESTAPO. On 25 June 1938 HITLER issued a decree providing for admission of members of the GESTAPO into the SS, the stated purpose of which was "the aim of fusing members of the German Police with the 'Schutzstaffel' of the National Socialist German Workers' Party into one uniformly turned out State Protective Corps (Staatsschutzkorps) of the National Socialist Reich".

1657-PS. Decree for admission of members of the Security Police into the SS, Ministerial-Blatt, Berlin, 1938, 25 June, No. 28, p.1090.

On 27 September 1939 by order of HIMMLER the central offices of the GESTAPO and SD, together with the Criminal Police, were centralized in the office of the Chief of the Security Police and SD, to be called the Reichssicherheitshauptamt, Reich Security Main Office or RSHA. Under this order the personnel and administrative sections of each agency were coordinated in Amt I and II of the RSHA; the operational sections of the SD became Amt III except for foreign intelligence which was placed in Amt VI; the operational sections of the GESTAPO became Amt IV and the operational sections of the Criminal Police, or KRIPO, became Amt V. SS-Standartenfuehrer OHLENDORF was named the Chief of Amt III, SD Inland; SS-Oberfuehrer MULLER was named Head of Amt IV, the GESTAPO; SS-Oberfuehrer NEBE was named Head of Amt V, the KRIPO; and SS-Brigadefuehrer JOST was named Head of Amt VI.

L-361, Document 1. Order of HIMMLER, 27 September 1939, forming the RSHA.

On 27 September 1939 HEYDRICH, as Chief of the Security Police and SD, issued a directive pursuant to said order of HIMMLER in which he ordered the designation and heading "Reichssicherheitshauptamt" to be used exclusively in internal matters and the heading "the Chief of the Sicherheitspolizei and the SD" in external matters. The directive provided that the GESTAPO would continue to use the designation and heading "Geheime Staatspolizeiamt" according to particular instructions.

L-361, Document 2. Order of HEYDRICH,  
27 September 1939.

In 1944 most of the sections of the Abwehr (military intelligence) were incorporated into said sections of the RSHA and into a new section under Amt VI called the Militaerisches Amt. HEYDRICH was Chief of the Security Police and SD (RSHA) until his death on 4 June 1942, after which MILLER directed the organization until the appointment of Ernst KALTENBRUNNER as Chief of the Security Police and SD. KALTENBRUNNER took office in January 1943 and remained Chief of the Security Police and SD (RSHA) until the end of the war.

L-107. Organization plan of the RSHA, 15  
December 1944.

2644-PS. Affidavit of OHLENDORF, 5 November  
1945.

## II. FUNCTIONAL ORGANIZATION OF THE GESTAPO AND SD.

### A. Functional organization of the GESTAPO.

#### 1. Headquarters organization of the GESTAPO.

The Headquarters of the GESTAPO was divided on a functional basis. In 1943 it contained five subsections.

Section A dealt with Opponents, Sabotage, and Protective Service and was subdivided as follows:

- A 1 Communism, Marxism and associated organizations, war crimes, illegal and enemy propaganda.
- A 2 Defense against sabotage, combatting of sabotage, political falsification.
- A 3 Reaction, opposition, legitimism, liberalism, matters of malicious opposition.
- A 4 Protective service, reports of attempted assassinations, guarding, special jobs, pursuit troops.



Section B dealt with political churches, sects and Jews, and was subdivided as follows:

- B 1 Political Catholicism.
- B 2 Political Protestantism Sects.
- B 3 Other churches, Freemasonry.
- B 4 Jewish affairs, matters of evacuation, means of suppressing enemies of the people and State, dispossession of rights of German citizenship (SS Obersturmbannfuhrer EICHMANN was the Head of this office.)

Section C dealt with the Individual Card Files, Administration of Individual Files, Protective Custody, Press, and Party, and was subdivided as follows:

- C 1 Evaluation, Main Card Index, Administration of Individual Files, Information Office, Supervision of Foreigners.
- C 2 Matters of Protective Custody (Dr. BERGDORFF headed this office).
- C 3 Matters of the Press and Literature.
- C 4 Matters of the Party and its Formations, Special Cases.

Section D dealt with Regions under Greater German Influence and was subdivided as follows:

- D Foreign Workers.
- D 1 Matters of the Protectorate, Czechs in the Reich, Slovakia, Serbia, Croatia, and the remaining regions of the former Yugoslavia, Greece.
- D 2 Matters of the General Government, Poles in the Reich.
- D 3 Confidential office, foreigners hostile to the State, Emigrants.
- D 4 Occupied Territories, France, Belgium, Holland, Norway, Denmark.
- D 5 Occupied Eastern Territories.

Section E dealt with Security and was subdivided as follows:

- E 1 General security matters, supply of legal opinions in matters of high and State treason and other matters in accordance with section 5 of the Directive on closed matters, in charge of Security.



- E 2 General economic matters, defense against economic espionage, Protection of works and those engaged in guarding, laws concerning those engaged in protection of works and guarding, in charge of Political-Police Security.
- E 3 Abwehr (Security) West.
- E 4 Security North.
- E 5 Security East.
- E 6 Security South.

Section F dealt with Passport Matters and Alien Police and was subdivided as follows:

- F 1 Frontier Police.
- F 2 Passport Matters.
- F 3 Identification and Identity Cards.
- F 4 Alien Police and basic questions concerning frontiers.
- F 5 Central Visa Office.

L-219. Organization plan of the RSHA,  
1 October 1943.

2. Regional organization of the GESTAPO.

Subordinate offices of the GESTAPO were established throughout the Reich and designated as Staats Polizeileitstelle or Staats Polizeistelle, depending upon the size of the office. These offices reported directly to the RSHA in Berlin but were subject to the supervision of Inspektors of the Security Police in the various provinces. The inspectors were to foster cooperation between the Security Police and the central offices of the general and interior administration.

2245-PS. Law on employment of Security Police Inspektors, 20 September 1936, RMBl, pp.1343, 1344.

In the occupied territories the regional offices of the GESTAPO were coordinated with the Criminal Police and the SD under the Kommandeurs of the Security Police and SD, who were subject to Befehlshabers of the Security Police and SD who reported to the Chief of the Security Police and SD (RSHA) in Berlin.

B. Functional Organization of the SD.

1. Headquarters Organization of the SD, Amt III RSHA.

The headquarters of the SD was divided on a functional basis. In 1. it contained four sections (not considering the foreign intelligence section of the SD, Amt VI).

Section A dealt with Questions of Legal Order and Structure of the Reich and was subdivided as follows:

- A 1 General questions of work on spheres of German life.
- A 2 Law.
- A 3 Constitution and administration including the collaborating in all matters of legislation.
- A 4 National life in general.
- A 5 General questions of police law, laws of police action, law of police constitution, special laws of a police nature, and technical questions of legislation.

Section B dealt with Nationality, and was subdivided as follows:

- B 1 Nationality questions.
- B 2 Minorities.
- B 3 Race and health of the people.
- B 4 Citizenship and naturalization.
- B 5 Occupied territories.

Section C dealt with Culture, and was subdivided as follows:

- C 1 Science.
- C 2 Educational and religious life.
- C 3 Folk culture and art.
- C 4 Press, literature, radio, office for evaluation of material.

Section D dealt with Economics, and was subdivided as follows:

- D a Reading office including economics, press, magazines and literature.
- D b Colonial economics.
- D S Special questions and review of material.
- D West Western occupied regions.
- D Ost Eastern occupied regions.
- D 1 Food economy.
- D Commerce, handicraft, and transport.
- D 3 Finance, currency, banks and exchanges, insurance.

- D 4 Industry and Power.
- D 5 Labor and Social Questions.

L-215. Organization plan of the RSHA,  
1 October 1943.

## 2. Regional organization.

Within Germany the original regional offices of the SD were called SD-Oberabschnitte and SD-Unterabschnitte. In 1939 these designations were changed to SD-Abschnitte and SD-Leitabschnitte. Offices of the SD-Abschnitte were located in the same place as the Staatspolizeistelle. SD-Abschnitte located where there were Staatspolizeileitstelle were called "SD Leitabschnitte". Direct orders came from the Chief of the Security Police and SD in Berlin, (RSHA), to these regional offices, but they were also subject to the supervision of the Inspektors of the SIPO and SD. In the occupied territories the regional offices of the SD were coordinated with the GESTAPO and Criminal Police under Kommandeurs of the SIPO and SD who were subject to Befehlshabers of the Security Police and SD who reported to the Chief of the Security Police and SD (RSHA) in Berlin.

1680-PS. Article "10 Years Security Police and SD", Die Deutsche Polizei,  
1 February 1943.

5-361, (3rd document). Decree of HEYDRICH,  
23 September 1938.

2346-PS. Organization Chart of SIPO and SD,  
28 October 1945.

## C. Combined organization of the GESTAPO and SD.

### 1. Combined headquarters organization.

The central offices of the GESTAPO and SD were coordinated in 1936 with the appointment of HEYDRICH, the Head of the SD, as Head of the Security

Police. The office of HEYDRICH was called "Chief of the Security Police and SD".

1551-PS. Assignments of Chief of German Police, RMBl, V, pp.946, 7, 8, 26 June 1936.

When the central offices of the GESTAPO and SD, together with the Criminal Police, were centralized in one main office (RSHA) in 1939, the functions were somewhat redistributed.

Ant I of the RSHA handled personnel for the three agencies. Subsection A 1 handled personnel matters of general nature, A 2 handled personnel matters of the ~~Stapo~~ <sup>GESTAPO</sup>, A 3 handled personnel matters of the ~~Sipo~~ <sup>KRIPD</sup>, and A 4 handled personnel matters of the SD. Subsection B handled education, training, and schooling, Subsection C physical training, and Subsection D penal affairs.

Ant II handled organization, administration, and law of the three agencies. Subsection A handled organization and law, B handled the passport system. C handled domestic arrangements and pay accounts, and was divided into two sections, one to take care of pay accounts of the Security Police and the other to take care of pay accounts of the SD, since personnel of the former were paid by the State and personnel of the latter were paid by the Party. Under Section D SS-Obersturmbannfuhrer RAUFF handled technical matters including the motor vehicles of the Sipo and SD.

Ant III was the SD and was charged with investigation into spheres of German life. Its subdivisions have heretofore been considered.



Ant IV was the GESTAPO and was charged with combatting political opposition. Its subdivisions have heretofore been considered.

Ant V was the KRIPD and was charged with combatting criminals.

Ant VI was concerned with foreign political intelligence.

Ant VII handled ideological research against enemies.

L-185. Organization plan of the RSHA,  
1 January 1941.

L-219. Organization plan of the RSHA,  
1 October 1943.

2. Combined regional organization.

The centralization of the main offices of the GESTAPO and SD was not fully carried out in the regional organization. Within Germany the regional offices of the GESTAPO and SD maintained their separate identity and reported directly to the section of the RSHA which had the jurisdiction of the subject matter. They were, however, coordinated by the Inspektors of the Security Police and SD. The Inspektors were also under the supervision of the Higher SS and Police leaders appointed for each Wehrkreis. The Higher SS and Police leaders reported to the Reichsfuehrer SS and Chief of the German Police in each Wehrkreis and supervised not only the Inspektors of the Security Police and SD but also the Inspektors of the Order Police and various subdivisions of the SS.

1285-PS. Handbook for the SIPO and SD,  
Die Deutsche Polizei, 1943, p.82.



In the occupied territories the organization developed as the German armies advanced. Combined operational units of the Security Police and SD, known as Einsatz Groups, operated with and in the rear of the Army. These groups were officered by personnel of the GESTAPO, the KRIPD, and the SD, and the enlisted men were composed of Order Police and Waffen SS. They functioned with various army groups. The Einsatz Groups were subdivided into Einsatzkommandos, Sonderkommandos, and Teilkommandos, all of which performed the functions of the Security Police and SD with or closely behind the army. After the occupied territories had been consolidated, the Einsatz groups and their subordinate parts were formed into permanent combined offices of the Security Police and SD within prescribed geographical locations. These combined forces were placed under the Kommandeurs of the Security Police and SD, and the offices were organized in sections similar to the RSHA Headquarters. The Kommandeurs of the Security Police and SD reported directly to Befehlshabers of the Security Police and SD, who in turn reported directly to the Chief of the Security Police and SD. In the occupied territories, the Higher SS and Police leaders exercised more direct control over the Befehlshabers and the Kommandeurs of the Security Police and SD than within the Reich. They had authority to issue direct orders so long as they did not conflict with the Chief of the Security Police and SD who exercised controlling authority.

1285-PS. Handbook for the SIPO and SD, Die Deutsche Polizei, 1945, p. 83.

2346-PS. Organization chart of the RSHA showing chain of command, 28 October 1945.

2159-PS. Affidavit of OHLENDORF and HOETTL on chain of command in the RSHA, 28 October 1945.

### III. PLACE OF SD AND GESTAPO IN THE CONSPIRACY

THE PRIMARY MISSION OF THE SD AND THE GESTAPO WAS TO COMBAT THE ACTUAL AND IDEOLOGICAL ENEMIES OF THE NAZI REGIME AND TO KEEP HITLER AND THE NAZI LEADERSHIP IN POWER AS SPECIFIED IN COUNT ONE OF THE INDICTMENT.

#### A. Tasks and Methods of the SD.

The task of the SD, after it became the intelligence service for State and Party, was to obtain secret information concerning the actual and potential enemies of the Nazi leadership so that appropriate action could be taken to destroy or neutralize opposition.

1956-PS. Das Archiv, January 1936, p. 1342.

The decree of 11 November 1933 provided in part as follows:

"The Security Service of the Reichsfuehrer SS (SD) has, as the intelligence organization for Party and nation - in particular for the support of the Security Police - important missions to fulfill. The SD thereby becomes active on a national mission. This necessitates a close and sympathetic cooperation between the SD and the authorities for general and internal administration."

1638-PS. Circular of Minister of Interior on cooperation of SD and other authorities. Reichsministerialblatt, 1938, No. 48, p. 1906.

The duties of the SD were stated by the Nazi jurist, Dr. Werner BEST, as follows:

"As the intelligence service of the German National Socialist Labor Party, the Security Service has first of all the task of investigating and keeping a watch over all forces, events and facts, which are of importance for the domination of the National Socialist idea and movement in German territory. With this task follows that duty laid down by the Reich Minister of the Interior - the duty of supporting the Security Police - which is fulfilled, so far as it goes, under State orders. In support of the task of the Security Police in securing the ranks of the German people against interference and destruction of any kind, the Security Service has to watch over every sphere of life of the German people with regard to the effect of inimical forces and the result of state and political measures, and to inform continually the competent State authorities and offices about the facts which have come to light. Finally, it has to investigate politically and explore fundamentally the effect and connections of the great, universally-evident, deadly enemy of National Socialism and the German people, in order thereby to render possible a purposeful and effective fight against it."

1852-PS. Die Deutsche Polizei, Dr. Werner BEST, 1940, pp. 38, 39.

To accomplish this task, the SD created a tremendous organization of agents and informants operating out of various SD regional offices established throughout the Reich, and later in conjunction with the GESTAPO and Criminal Police throughout the occupied territories. The organization consisted of several hundred full-time agents whose work was supplemented by several thousand part-time informants. Informants were located in schools, shops, churches, and all other spheres of German life, operating under cover, and reporting any utterances or actions against the Nazi Party, State or leadership.

2614-PS. Affidavit of Dr. Wilhelm HOETTL, 5 Nov. 1945.

The SD had direct and powerful influence in the selection of Nazi leaders. It investigated the abilities and reliability of State officials, evaluating them by their complete devotion to Nazi ideology and the Hitler leadership. It caused the removal of officials who lacked complete loyalty in the Nazi regime. It secretly marked ballots and thereby discovered the identity of persons who cast "no" votes and "invalid" votes in the referenda.

2614-PS. Affidavit of Dr. Wilhelm HOETTEL, 5 Nov. 1945.  
R-142. Report of the SD Unterabschnitte Koblenz,  
7 May 1938

The SD worked closely with the GESTAPO. An article in the "Voellische Beobachter" published in Das Archiv, January 1936, stated:

"As the Secret State Police can not carry out, in addition to its primary executive tasks, this observation of the enemies of the state, to the extent necessary, there steps alongside to supplement it the Security Service of the Reichs Leader of the SS, set up by the Deputy Fuhrer as the political intelligence service of the movement, which puts a large part of the forces of the movement mobilized by it into the service of the security of the state."

1956-PS. Das Archiv, January 1936, p. 1342.

#### B. Tasks and Methods of the GESTAPO.

In the basic law of 10 February 1936, the GESTAPO was declared to have "the duty to investigate and to combat in the entire territory of the State, all tendencies dangerous to the State". The decree issued for the execution of said law gave the GESTAPO the authority to make police investigations in treason, espionage and sabotage cases, "and in other cases of criminal attacks on Party and State."

2107-PS. Law on Secret State Police, 10 February 1936.  
2108-PS. Decree for execution of law of 10 February 1936.

In referring to the above law, the Nazi jurist, Dr. Werner BEST, commented as follows:



"Not the State in its outward organic appearance but the tasks of the leadership in the sense of the National-Socialist idea is the object of protection."

2232-PS. Hans FRANK, German Administrative Law, 1937, p.424.

The duties of the GESTAPO were described in 1933 as follows:

"To the GESTAPO has been entrusted the mission by the Fuehrer to watch over and to eliminate all enemies of the Party and the National Socialist State as well as all disintegrating forces of all kinds directed against both."

1723-PS. "Verfuegungen Anordnungen Bekanntgaben", p. 430.

In Das Archiv, January 1936, the duties of the GESTAPO were described in part as follows:

"Since the National Socialist revolution, all open struggle and all open opposition to the State and to the leadership of the State is forbidden, and a Secret State Police as a preventive instrument in the struggle against all dangers threatening the State is indissolubly bound up with the National Socialist Fuehrer-State."

1956-PS. Das Archiv, January 1936, p. 1342.

The successful accomplishment of this mission to strike down the political and ideological opponents of the Nazi conspiracy was stated in the official magazine of the SIPO and SD on 1 February 1943 in the following words:

"The Secret State Police by carrying out these tasks, contributed decisively to the fact that the National Socialist constructive work could be executed in the past ten years without any serious attempts of interference by the political enemies of the nation."

1680-PS. Article in "Die Deutsche Polizei", February 1, 1943.

The methods used by the GESTAPO were limited only by the results to be obtained.

"The duties of the political police and the necessary means for their performance are not chosen freely but are prescribed by the foe. Just like the operations of an Army against the outward enemy and the means to fight this enemy cannot be prescribed, so the political police also must have



a free hand in the choice of the means necessary at times to fight the attempts dangerous to the State".

2232-PS. Deutsche Verwaltungsrecht, Hans Frank, 1937, p. 424.

The GESTAPO was not restricted to the limitations of written law. Under the National Socialist State, according to the decision of the High Administrative Court at Hamburg in 1937:

"As long as the 'police' carries out the will of the Government it is acting legally".

1852-PS. Die Deutsche Polizei, Werner Best, 1940, p. 19.

The GESTAPO was given the express power to take action outside the law in the occupied territories. The laws pertaining to the administration of Austria and the Sudetanland provided that the Reichsfuehrer. SS and Chief of the German Police will take measures for the maintenance of security and order "even beyond the legal limitation otherwise laid down for this purpose."

1437-PS. Law concerning reuniting of Austria with German Reich, 18 March 1938. RGBI I, p. 262.

1438-PS. Order regarding administration of Sudetan-German territory, 22 October 1938. RGBI I, 1938, p. 1453.

The actions and orders of the GESTAPO were not subject to judicial review. The decision of the Prussian High Court of Administration, 2 May 1935, held that the status of the GESTAPO as a special police authority removed its orders from the jurisdiction of the Administrative Tribunals. The court said that under the law of 30 November 1933 the only redress available was by appeal to the next higher authority within the GESTAPO itself.

2347-PS. Reichsverwaltungsblatt, 1935, p. 577.

The basic law of 10 February 1936 setting forth the powers of the GESTAPO provided specifically in Section VII:

"Orders in matters of the Secret State Police are not subject to the review of the Administrative Courts".

2107-PS. Law of GESTAPO of 10 February 1936, Preussische Gesetzsammlung 1936, p. 21.

The great power of the GESTAPO was "Schutzhaft" - the power to imprison people without judicial proceedings on the theory of "protective custody". It was under this theory that persons were placed in concentration camps by the GESTAPO. Jurisdiction for this arbitrary arrest and imprisonment was derived from the law of 28 February 1933 which suspended the clauses of the Weimar constitution which guaranteed civil liberties to the German people, including Article 114 thereof providing that an abridgement of personal liberty was permissible only by authority of law.

1390-PS. Decree for Protection of People and State,  
28 February 1933.

2499-PS. Order for "Protective Custody."

In April 1934, the Reich Minister of the Interior issued a decree (not published) stating that in view of the stabilizing of the national situation it had become feasible to place restrictive definitions on custody for the entire Reich. Protective custody was declared applicable only to special protection of the person in custody or if by his conduct, in particular by subversive activity, he immediately endangered public security and order.

L-301. Das Archiv, April 1934, p. 31.

The GESTAPO paid little regard to the limitations set forth in this decree, for the practice of taking people into protective custody increased greatly in 1934. Lawyers were not permitted to represent persons taken into protective custody, and employees were investigated and taken into custody by the GESTAPO without knowledge of their employers, including state officials.

775-PS. Memo. of Minister of Interior re police, 1935.

As of 1 February 1938 the Minister of the Interior issued a new regulation on protective custody providing:

"Protective custody can be decreed as a coercive measure of the Secret State Police against persons who endanger the security of the people and the state through their attitude, in order to counter all aspirations of enemies of the people and State";

that the GESTAPO had the exclusive right to order protective

custody and that protective custody was to be executed in the State concentration camps; and that the Gestapo, which authorized release from protective custody would review individual cases once every three months. The Chief of the Secret Police was given authority to issue the necessary regulations.

1723-PS. Extract from Verfuigungen Anordnungen Bekanntgaben, pp. 436-439.

The importance of this power of protective custody was set forth in Das Archiv, 1936, in the following language:

"The most effective preventive measure is without doubt the withdrawal of freedom, which is covered in the form of protective custody, if it is to be feared that the free activity of the persons in question might endanger the security of the State in any way. The employment of protective custody is so organized by directives of the Reich and Prussian Minister of the Interior and by a special arrest examination procedure of the Secret State Police that - as far as the preventive fight against the enemies of the State permits - copious guarantees against a misuse of protective custody are provided. While protective arrest of short duration is carried out in police and court prisons, the concentration camps under the Secret State Police admit those taken into protective custody who have to be withdrawn from public life for a longer time. The majority of the inmates of the concentration camps consists of those Communist and other Marxist functionaries who, by previous experiences, would, if free, immediately resume their struggle against the State".

1956-PS. Das Archiv, January 1936, p. 1342.

The authority of the Gestapo to administer the concentration camps was set forth in the decree to the basic law of 10 February 1936.

2108-PS. Decree on law of 10 February 1936, Preussische Gesetzsammlung, 1936, p. 22.

Other methods used by the Gestapo consisted of the dissolution of associations, prohibition and dissolution of assemblies and congregations, prohibition of publications of various kinds, etc.

1956-PS. Das Archiv January 1936, p. 1342.

The former Deputy Chief of the Gestapo under Goering has said:

"The Gestapo became the symbol of the regime of force. Fear of it ruled everybody, especially because of the tortures connected with arrests".

2460-PS. Affidavit of Rudolph Diels, 31 October 1945.

C. Contribution of SD and the GESTAPO to the Conspiracy.

The GESTAPO was founded in April 1933 by GOERING to serve as a political police force in Prussia. GOERING instructed DIELS, the first Deputy Chief of the GESTAPO, that his main task would be the elimination of political opponents of National Socialism and the fight against Communism.

2460-PS. Affidavit of Rudolph DIELS, 31 October 1945.

In "Aufbau Einer Nation", published in 1934, GOERING said:

"For weeks I had been working personally on the reorganization and at last I alone and upon my own decision and my own reflection created the office of the Secret State Police. This instrument which is so feared by the enemies of the State, has contributed most to the fact that today there can no longer be talk of a Communist and Marxist danger in Germany and Prussia."

2344-PS. Aufbau Einer Nation, Berlin, 1934, p.87.

In the fall of 1933, so effective had the GESTAPO proven itself in combatting the political opposition to National Socialism (Communists and Social Democrats) that GOERING took over direct control of the GESTAPO by a law, the preamble of which provided:

"Within the short period of its existence, the Secret State Police has shown what valuable services it can render to the nation. In recognition of these services, the Secret State Police has now been placed under the direct supervision of the Prime Minister."

2105-PS. Law on Secret State Police, November 30, 1933, Preussische Gesetzsammlung, 1933, p. 413.

In the spring of 1934 DIELS resigned as Deputy Chief of the GESTAPO rather than carry out a request of HITLER and GOERING that he use the GESTAPO to murder certain leaders of the SA. HIMMLER was then brought in from Munich and made the Deputy Chief of the GESTAPO. He brought with him HEYDRICH, Chief of the SD, and MUELLER, who subsequently became Chief of the GESTAPO. HIMMLER also brought new personnel into the Prussian GESTAPO, recruited largely from the SA and the SS. On 30 June 34 HIMMLER, using this new personnel of the



GESTAPO, carried out the murders of the Chief of the SA and other political leaders, which resulted in the occasion being called Germany's "Night of Horror".

2460-PS. Affidavit of Rudolph Diels, 31 October 1943.

Himmler, having gained control of the Prussian GaSTaPO, as well as the political police forces of other Provinces, had under his control the principal State agencies by which executive action could be taken against political enemies. The GESTAPO, as a State instrumentality, could legally arrest political opponents and commit them to concentration camps. Under him, as a section of the SS, he also had the SD, the espionage service of the Nazi Party, headed by Heydrich. With the espionage service of the Party and the police system of the State he controlled the means of disciplining Germany. In 1936 Himmler said of these agencies:

"Security Service and Secret State Police. I know there are many people in Germany for whom it is bad when they see these black coats; we understand the reason for that and do not expect that we shall be loved by too many. All for whom Germany lies close at heart will and are obliged to respect us; afraid of us shall those be who in any way and at any time oppose the Fuehrer or the nation. For these humans we have built up an organization called the Security Service and in the same way, we as SS, place the men for Service in the Secret State Police. We shall unremittingly fulfill our task which is the guaranty of the security of Germany from the interior, just as the German Wehrmacht guarantees the safety of the honor, the greatness, and the peace of the Reich from the exterior. We shall for that reason take care that never again in Germany, the heart of Europe, either from within or through emissaries from without, will the Jewish-Bolshevist revolutions of sub-humans be able to be kindled. Pitilessly for all of these forces, whose existence and carryings-on we know about on the very day of the slightest attempt, be it today, be it in decades, be it in centuries, we shall be a merciless sword of deliverance."

1851-PS. "Die Schutzstaffel als antibolschewistischer Kampforganisation" Pamphlet, 1936, published by NSDAP Central Publishing House, Munich, p. 29.

The GESTAPO, through its great power of arrest and confinement of concentration camps without recourse to law, became the principal means of eliminating enemies of the Nazi regime. Diels says:



"From (1934) on the GESTAPO was responsible for all deprivations of freedom and breaches of law and killings in the political field which took place without court verdicts. Of primary importance was the shooting of numerous persons who had been committed to jail by the courts and were then shot because of supposed resistance. \* \* \* The terrorist measures, which led to the establishment of a system of pure force and punished with increasing strictness each critical remark and each impulse of freedom with concentration camps, took on more and more arbitrary and cruel forms. The GESTAPO became the symbol of the regime of force. Fear of it ruled everybody, especially because of the tortures connected with the arrests. From the events which caused me to tender my resignation I recognized that the GESTAPO was developing as the willing executor not only of HITLER's orders but also of his wishes."

2460-PS. Affidavit of Adolph Diels, 21 October 1945.

An article in the official magazine of the SIPO and SD, February 1943, states:

"It is obvious that these entire tasks could be handled only by men who are deeply rooted in National Socialist ideology and who are ready to devote, not only their total working capacity, but also their lives to the comprehensive realization of the National Socialist idea."

1680-PS. Article in "Die Deutsche Polizei", magazine of the SIPO and SD, 1 February 1943.

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NOTE: In the following sections of the brief, frequent reference will be made to the SIPO and SD, the RSHA, and the Chief of the Security Police and SD, and attention is invited to the following explanation to avoid misunderstanding:

The term "SIPO" means "GESTAPO and KRIPO". The GESTAPO is the political and executive branch, and KRIPO is the criminal and investigative branch, of the SIPO. Hence, when the word SIPO is used in connection with a crime involving direct action, it may be inferred that it is the GESTAPO which carries out the action.

The term "Chief of the Security Police and SD" describes the person who is the head of the GESTAPO, KRIPO and the SD, and of their headquarters office called the RSHA. The "Chief of the Security Police and SD" and the "head of the RSHA" are always one and the same person. Usually "Chief of the Security Police and SD" is used when the person is referred to, and "RSHA" is used when the office is referred to.

IV. CRIMES OF THE GESTAPO AND SD AGAINST THE PEACE.

THE GESTAPO AND THE SD COMMITTED CRIMES AGAINST THE PEACE AS SPECIFIED IN COUNT TWO OF THE INDICTMENT.

Prior to the invasion of Poland by Germany, "border incidents" were fabricated by the GESTAPO and SD for the purpose of furnishing Hitler with an excuse to wage war.

2751-PS. Affidavit of Alfred NAUJOCKS, 7 November 1945.

Early in August, 1939, the plan was conceived by the Chief of the Security Police and SD, HEYDRICH, to stage simulated border raids by personnel of the GESTAPO and SD dressed as Poles. To add authenticity, it was planned to take certain prisoners from concentration camps, kill them by use of hypodermic injections, and leave their bodies, clad in Polish uniforms, at the various places where the incidents were planned to occur. The chief of the GESTAPO, MUELLER, took a directing hand in these actions, which were staged on 30 September 1939 in Beuthen, Hindenburg, Gleiwitz and elsewhere.

The leader of the SD agents who made the pretended attack on the Gleiwitz radio station on 30 August, said:

"The incident was arranged so that a speech in Polish was to be made over the radio inciting the Polish minorities in Upper Silesia. A German who spoke Polish was furnished for this purpose. The regular employees of the Radio Station knew nothing about the fictitious attack. I and the other SD agents were dressed in civilian clothes, and made the attack on the 30th of August after receiving the signal from HEYDRICH. A speech was made lasting three or four minutes and the entire incident lasted about twenty minutes. MUELLER, the head of Amt IV, RSFA, furnished the body of a man who, he said, was a convicted criminal who had been sentenced to death. When the body was delivered to me outside the Gleiwitz Radio Station, the man was unconscious but alive. He had blood smeared across his face. We were ordered to fire pistol shots in simulating the attack and the body that was left was supposed to appear dead from a wound. It was dressed in civilian clothing and left outside at the entrance of the radio station."

"This incident and others referred to by HEYDRICH as having taken place at other places along the Polish border were arranged in order to create a legal excuse towards the German people for the war against Poland."

2751-PS. Affidavit of Alfred NAUJOCKS, 7 November 1945.

These were the "frontier incidents" to which HITLER referred 28

in his speech to the Reichstag on 1 September 1943.

~~2601~~<sup>2751</sup>-PS, Affidavit of Alfred NAUJOCKS, 7 November 1945.  
2479-PS, Affidavit of Dr. Rudolf Mildner, 4 November 1945.  
Adolf HITLER, "My New Order," Reynal and Hitchcock, Inc.,  
1941, P. 687.

#### V. WAR CRIMES OF THE GESTAPO AND SD

THE GESTAPO AND THE SD COMMITTED WAR CRIMES AS SPECIFIED IN COUNT THREE OF THE INDICTMENT.

A. The GESTAPO and SD carried out mass murders of hundreds of thousands of civilians of occupied countries as a part of the Nazi program to exterminate political and racial undesirables ("Einsatz Groups").

About four weeks before the attack on Russia, special task forces of the Security Police and SD, called Einsatzgruppen or Einsatz Groups, were formed on order of HIMMLER for the purpose of following the German armies into Russia and exterminating the Jews and Communist leaders. Four Einsatz Groups were formed. Einsatz Group A, operating in the Baltic States, was placed under the command of STAHLCKER. Einsatz Group B, operating toward Moscow, was placed under the command of NEBE, the Chief of Amt V (KRIPO) of the RSHA. Einsatz Group C, operating toward Kiev, was placed under the command of RASCH and later, of THOMAS. Einsatz Group D, operating in the south of Russia, was placed under the command of OHLENDORF, the Chief of Amt III (SD) of the RSHA.

The Einsatz Groups were officered by personnel of the GESTAPO, the SD and the KRIPO. The men were drawn from the Order Police and the Waffen SS. The groups had complements of 400 to 500 men, and had their own vehicles and equipment.

By agreement with the OKW and OKH, the Einsatzkommandos within the Army Group or the Army were attached to certain Army corps or divisions. The Army assigned the area in which the Einsatzkommandos were to operate. All operational directives and orders for the carrying out of executions were given through the RSHA in Berlin. Regular courier service and radio communications existed between the Einsatz Groups and the RSHA.



The affidavit of OHLENDORF, Chief of the SD, who led Einsatz Group D, reads in part as follows:

"When the German Army invaded Russia, I was leader of Einsatzgruppe D in the southern sector, and in the course of the year, during which I was leader of the Einsatzgruppe D, it liquidated approximately 90,000 men, women and children. The majority of those liquidated were Jews, but there were also among them some Communist functionaries.

"In the execution of this extermination program the Einsatzgruppen were subdivided into Einsatzkommandos, and the Einsatzkommandos into still smaller units, the so-called Sonderkommando and Teilkommandos. Usually, the small units were led by a member of the SD, the Gestapo or the KAPO. The unit selected for this task would enter a village or city and order the prominent Jewish citizens to call together all Jews for the purpose of resettlement. They were asked to hand over their personal belongings to the leaders of the unit, and shortly before the execution, to surrender their outer clothing. The men, women and children were led to a place of execution which usually was located beside a deepened anti-tank ditch. Then they were shot, kneeling or standing, and the corpses were thrown into the ditch. I never permitted the shooting by individuals in Group D, but ordered that several of the men should shoot at the same time in order to avoid direct personal responsibility. The leaders of the unit, or especially designated persons, however, had to fire the last shot against those victims which were not dead immediately. I learned from conversations with other group leaders that some of them asked the victims to lie down flat on the ground to be shot through the neck. I did not approve of these methods."

2620-P, Affidavit of Otto OHLENDORF, 5 November 1945.

There are two reports by STAHLER, the chief of Einsatz Group B, available for this trial. The first report, found in HIMMLER's personal files, states that during the first four months of the Russian campaign Einsatz Group A murdered 135,000 Communists and Jews, and carried out widespread destruction of homes and villages and other vast crimes. Enclosure 8 to this STAHLER report is a careful survey of the number of persons murdered, classified as to country, and whether Jew or Communist, with totals given in each instance. This report discloses that the Einsatz Groups frequently enlisted the aid of the local populations in the extermination program. It states:

"In view of the extension of the area of operations and the great number of duties which had to be performed by the Security Police, it was intended from the very beginning to obtain the cooperation of the reliable population for the fight against vermin - that is, mainly the Jews and Communists."

L-180, Original report of STAHLER, chief of Einsatz Group A.



The second report from Einsatz Group A reports the extermination of nearly 230,000 persons. With respect to Esthonia, it states in part

"Only by the SIPO and SD were the Jews gradually executed as they became no longer required for work. Today there are no longer any Jews in Esthonia."

With respect to Latvia, the report states in part:

"In Latvia it was necessary to carry out extensive mopping-up operations by means of Sonderkommandos with the help of forces picked from the Latvian Auxiliary Police (mostly relations of the Letts who had been carried off or murdered). Up to October 1940 approximately 30,000 Jews had been executed by these Sonderkommandos. The remaining Jews who were still indispensable from the economic point of view were collected in Ghettos, which were established in Riga, Dunaburg and Libau."

With respect to Lithuania, the report states in part:

"Therefore by means of selected units - mostly in the proportion of 1:8 - first of all the prisons, and then systematically, district by district, the Lithuanian sector was cleansed of Jews of both sexes. Altogether 136,421 people were liquidated in a great number of single actions. \* \* \* As the complete liquidation of the Jew was not feasible, as they were needed for labor, Ghettos were formed which at the moment are occupied as follows: Kaunas approximately 15,000 Jews; Wilna approximately 15,000 Jews; Schaulen approximately 4,500 Jews."

With respect to White Russia, the report states in part:

"In view of the enormous distances, the bad condition of the roads, the shortage of vehicles and petrol, and the small forces of Security Police and SD, it needs the utmost effort to be able to carry out shootings in the country. Nevertheless 41,000 Jews have been shot up to now."

With respect to Jews from the Reich, the report states in part:

"Since December 1941 transports containing Jews have arrived at short intervals from the Reich. Of these, 20,000 Jews were directed to Riga and 7,000 Jews to Minsk. \* \* \* Only a small section of the Jews from the Reich is capable of working. About 70-80% are women and children or old people unfit for work. The death rate is rising continually also, as a result of the extraordinarily bad winter. \* \* \* In isolated instances sick Jews with contagious diseases were selected under the pretext of putting them into a home for the aged or a hospital, and executed."

Attached as an enclosure to this report is a map entitled "Jewish Executions Carried out by Einsatzgruppe A," on which, by the use of coffins as symbols, the number of Jews murdered in each area covered by Einsatz Group A is shown. The map shows thousands of Jews in ghettos, and an estimated 128,000 Jews "still on hand" in the Minsk area. Number of murdered, according to figures beside the coffins, during the period covered by this report, was 228,050.

2273-PS, Photostatic extract from report of Einsatz Group A.

On 30 October the District Commissar of Sluzk wrote a report to the Commissar General of White Ruthenia, Kube, in which he severely criticized the actions of the Einsatzkommando operating in his area for the murder of all the Jews of Sluzk. In this action, Jews were shot in the streets and their homes were looted. The report describes the sadism and cruelty with which the mass murder program was carried out in some instances. Jewish bodies lay in large numbers in the streets. Jews and Ruthenians were clubbed with rubber truncheons and rifle butts. Some of the persons who had been shot dug themselves out of their graves long after they had been buried.

1104-PS, Copy of report on liquidation of Jews by Police Bn. #11.

As of 10 December 1942 a secret report from Lohse to Rosenberg concerning the struggle against partisans in the East discloses that destruction of villages continued, and reports the execution of 1,274 partisan suspects and 8,350 Jews, and the deportation of 1,217 people.

1113-PS, Copy of report from Lohse to Rosenberg.

A letter to Rosenberg in the summer of 1943 dealt with the "Judenaktion" in the Minsk prison camp. Here, as reported by Guenther, administrator of the camp, 516 German and Russian Jews were murdered. A Jewish dentist was forced to remove gold fillings before Jews were slain, and the gold was turned over to a member of the SD.

1475-PS, Copy of letter to Rosenberg, June 1943.

Death vans were used by the Einsatz Groups to murder victims by gas. These vans were built by the Saurer Works in Berlin and other firms. The vans were built for the technical section of Amt II of the RSHA, which sent them to the Einsatz Groups in the field. They were first used in the spring of 1942 and continued to be used throughout the war.

2348-PS, Affidavit of RAUFF, head of Amt II D, dated 19 October 1945.

The method of using the vans is described by OHLENDORF in the following words:

"We received orders to use the cars for the killing of women and children. Whenever a unit had collected a sufficient number of victims, a car was sent for their liquidation. We also stationed these cars in the neighborhood of the transit camps to which the victims had been brought. They were told that they would be resettled and had to climb into the cars for that purpose. Then the doors were closed and as soon as the cars started moving the gas would enter. The victims died within ten to fifteen minutes. The cars were driven to the burial place, where the corpses were taken out and buried."

2620-PS, Affidavit of OHLENDORF, 5 November 1945.

The death vans were not always satisfactory. A telegram to the RSHA, Amt II D, on 15 June 1942 states:

"THE THREE S-VEHICLES AT DISPOSAL THERE ARE NOT SUFFICIENT. PLEASE FORWARD A FURTHER S-VEHICLE (5 TONS). AT THE SAME TIME PLEASE SEND FOR THE 3 S-VEHICLES (2 DIAMOND, 1 SAURER) ALSO 20 GAS PIPES, AS THOSE AT DISPOSAL ARE NOW LEAKY."

A letter from the operator of several vehicles, written to RSHA on 16 May 1942, points out that the gassing, as performed by the operators of the vehicles, had not been done:

"... in the right manner. In order to get over the work as quickly as possible the driver gives full gas. Through these measures the people to be executed die from suffocation and not, as foreseen, by being put to sleep. My method has proved that by releasing pressure on the lever at the right time, death comes more quickly and the prisoners slip peacefully away. Distorted faces and excretions, which had been previously seen, are no more to be observed."

501-PS, Letter from BECKER dated 16 May 1942 to RAUFF, head of Amt II D, and telegram in 1942 to RSHA II D.

The reports of the various Einsatz Groups were summarized at RSHA and the summaries were then distributed to the various sections interested, particularly Amt III (the SD), Amt IV (the GESTAPO), and Amt V (the KRIPO).

<sup>3752</sup>  
2642-PS, Affidavit of Willy LITZENBERG, 7 November 1945.

One such report covering the period 1-31 October 1941 is entitled "Activity and Situation Report No. 6 of the Einsatz Groups of the Security Police and the SD in the USSR." This report describes in summary form the activities of the various Einsatz Groups during the month of October 1941. It states:

"All the more vigorous are the actions of the Einsatz Groups of the Security Police and the SD against the Jews who make it necessary that steps be taken against them in different spheres."

In addition to mass murders of Jews, actions against Communists and partisans are described. These reports, circulated among the various offices of the RSHA, brought general knowledge to the entire organi-



zation of the vicious program of mass murder conducted by these special task forces of the SIPO and SD.

R-102, Report No. 6 on actions of Einsatz Groups in the USSR.

The activities of the Einsatz Groups continued into 1943, after KALTENBRUNNER had become Chief of the RSHA. Under adverse war conditions, however, the program of extermination was to a large extent changed to one of rounding up slave labor for Germany. A letter written on 19 March 1943 from the headquarters of a Sonderkommando (section of Einsatz Group C) states as follows:

"The task of the Security Police and SD is the information about and the fight against all enemies of the Reich. Not only all active opponents have to be eliminated, but also preventive measures should destroy such elements which, due to their past and principles, could be harmful to us. The Security Police carries this task through with all possible sternness. The measures, the most important of which are:

- 1) The shooting of Hungarian Jews.
- 2) The shooting of the directors of collective farms.
- 3) The shooting of children.
- 4) The complete burning of villages.
- 5) Shooting of escaped SD prisoners.

"Chief of Einsatzgruppe C confirms the correctness of these measures and has expressed his thanks.

"Since the Ukraine will have to furnish one million workers for our armament industry, these measures have to be changed. -----

"Communist Party functionaries activists should be listed but not arrested. Also the immediate family of Communists should not be arrested any more.

"-----In the case of raids on villages or burning of villages, the total population will be given over for slave labor in Germany.

"Definitely no more children will be shot.

"Prisons are to be kept empty. The only reason for the softening of our measures is the need for labor.-----"

3012-PS, Original, Christensen's signature.

The head of the Jewish section in the GESTAPO, and the man directly responsible for carrying out the mass extermination program against the Jews by the RSHA, Obersturmbannfuhrer EICHMANN, estimated in his report to HIMMLER on the matter, that 2,000,000 Jews had been killed by shootings, mainly by the Einsatzgruppen of the SIPO and the SD during the campaign in the East. This



did not include the estimated 4,000,000 killed in annihilation camps.

2615-PS, Affidavit of Dr. Wilhelm HOETTL, 5 November 1945.

B. The GESTAPO and SD stationed special units in prisoner of war camps for the purpose of screening out racial and political undesirables and executing them.

The program of mass murder of political and racial undesirables carried on against civilians was also applied to prisoners of war captured on the Eastern front. The Chief of the SD, Otto OHLENDORF, describes this action in the following words:

"In 1941, shortly after the start of the campaign against Russia, an agreement was entered into between the Chief of the Security Police and SD and the OKW and OKH to the effect that the prisoner of war camps on the Eastern front should be opened to Einsatzkommandos of the SIPO and SD so that the prisoners could be screened. All Jews and Communist functionaries were to be taken from the prisoner of war camps by the Einsatzkommandos and executed outside the camps. To my knowledge, this action was carried on throughout the entire Russian campaign. In the other occupied territories and within the Reich - to my knowledge - the GESTAPO had been made responsible for this program in the Russian prisoner of war camps. It was, to my knowledge, carried on throughout the greater part of the war."

2622-PS, Affidavit of Otto OHLENDORF, dated 5 November 1945.  
R-128, Original memorandum re treatment of Soviet prisoners of war.

On 28 June 1941 the Chief of the Security Police and SD issued regulations providing for the placing of special SIPO and SD Commando units in all Stalags. The Commandos were to have the function of screening all prisoners of war, to separate the politically suspected and the Jews, and to execute them.

078-PS, Copy of regulations of 28 June 1941.

On 17 July 1941 instructions were issued by the GESTAPO to Commandos of the SIPO and SD stationed in Stalags. These instructions referred to an agreement entered into between the Chief of the Security Police and SD (RSHA) and the OKW on 16 July 1941. Pursuant to this agreement, the task of the Commandos of the SIPO and SD stationed in the Stalags was to test and screen all inmates of the camps and to discover the following classes of prisoners:

All important state or party officials, particularly professional revolutionists.

Komintern officials.

All executive Party officials of the KP and SU and their affiliated organizations in Central Committees, and in District and Area Committees.

All Peoples Commissars and their assistants.

All former Pol-Commissars in the Red Army.

The leading personalities of the Economy.

The leading Russian Soviet scientists.

All the Jews.

All individuals known as agitators or fanatical Communists.

The instructions provided that every week the chief of the Einsatzkommando should send to the RSHA a report by express letter or wire on the persons screened, in answer to which the RSHA would forward instructions concerning measures that must be taken. Executions were not to take place in the camps or in the near vicinity, and if the camp was located in the General Government, close to the border, the prisoners subject to Sonderbehandlung (special treatment) were to be transferred to former Russian area.

502-PS, Photostatic copy of GESTAPO instructions of 17 July 1941.

R-128, Original memorandum re treatment of Russian PW's.

On 13 October 1941 Brautigam reported to Rosenberg concerning the treatment of Soviet prisoners of war, and stated that while approving the execution of politically suspected prisoners of war by the SIPO and SD, he felt that there should be a change of policy with regard to certain classes such as the "Asiatic" race, intelligentsia and economic leaders.

082-PS, Original of memorandum of Brautigam's report to Rosenberg, 13 October 1941.

C. The GESTAPO and SD took recaptured prisoners of war to concentration camps and in some cases executed them ("Bullet Decree").

On 2 March 1944 the Chief of the Security Police and SD forwarded an OKW order to regional SIPO and SD offices in which the OKW ordered that, on recapture, every escaped officer and non-working NCO prisoner of war, with the exception of British and American prisoners of war, were to be handed over to the SIPO and SD, with the words "Stufe III." Whether escaped British and American officers and non-working NCOs, upon recapture, should be

handed over to the SIPO and SD was to be decided by the "W.Kdos." In connection with this order, the Chief of the Security Police and SD (RSHA) issued instructions that the GESTAPO Leitstellen should take over the escaped officers from the camp commandants and take them, in accordance with a procedure theretofore in force, to the Mauthausen concentration camp. The camp commandant was to be informed that the prisoners were being handed over under the operation "Kugel." On the journey the prisoners of war were to be chained. The GESTAPO Leitstellen were to make half-yearly reports, giving numbers only, of the handing over of prisoners of war. Escaped officer and non-working NCO prisoners of war, with the exception of British and Americans, recaptured by police stations were not to be handed back to the Stalag command. The Stalag was to be informed of the recapture and asked to surrender them with the words "Stufe III." This decree was generally known as the "Kugel-Erlass" ("Bullet Decree"). The prisoners of war sent to Mauthausen concentration camp under this decree were regarded as dead to the outside world.

L-158, Original of order issued by District SIPO and SD Commander, 23 March 1944.

2478-PS, Affidavit of Willy LITZENBERG, of 4 November 1945.

On 27 July 1944 an order from the 6th Corps Area Command was issued on the treatment of prisoners of war, which provided that in the following cases prisoners of war had to be discharged from prisoner-of-war status and transferred to the GESTAPO:

- (a) Russian prisoners of war guilty of crimes, if the Commander of the Camp did not think his disciplinary powers were sufficient for the punishment.
- (b) Recaptured Russian prisoners of war, after the police finds that they have committed crimes while escaped. They were to be handed over to the Police for investigation after recapture.
- (c) Recaptured Russian officer prisoners of war.
- (d) Russian officer prisoners of war who refused to work or who propagandized other prisoners of war and thus diminished their willingness to work.
- (e) Russian enlisted prisoners of war refusing to work, who were leaders in opposition or who propagandized other prisoners of war, thus diminishing their willingness to work.



(f) Russian enlisted or officer prisoners of war who were screened out by the Einsatzkommandos of the SIPO and SD were to be handed over to the detachment.

(g) Polish prisoners of war who were proved guilty of sabotage.

No report on transfers was required.

1514-PS, Copy of Order of 27 July 1944 from 6th Corps Area Command on treatment of Prisoners of War.

Prisoners of war under the above policy were sometimes executed pursuant to orders of the RSHA.

1165-PS, Series of memoranda containing record of executions 1941-1944.

D. The GESTAPO and SD were responsible for establishing and classifying concentration camps, and for committing racial and political undesirables to concentration and annihilation camps for slave labor and mass murder.

The first concentration camps were established in 1933 by HIMMLEL as Head of the Political Police of Bavaria (Dachau) and by GOERING as Chief of the GESTAPO in Prussia (Oranienburg). To the GESTAPO was given the responsibility of administering the concentration camps.

2108-PS, Decree for Execution of Law of 10 February 1936.

The concentration camps were established for the specific purpose of serving as places of confinement of persons taken into protective custody by the GESTAPO. In 1938 this fact was recognized in the decrees of the Reich Minister of the Interior, which provided that the GESTAPO should have the sole authority to take persons into protective custody and that orders for protective custody were to be carried out in the State concentration camps.

1723-PS, "Verfuegungen Anordnungen Bekanntgaben," p. 437-9.

The GESTAPO ordered the establishing of concentration camps.

The GESTAPO issued the orders transforming prisoners of war camps into concentration camps or designating concentration camps as internment camps, transferring labor camps into concentration camps, setting up special section for female prisoners, and so forth.

773-PS, Photostat of order establishing concentration camps at Stutthof.

D-50, Photostat of order establishing concentration camp at Lublin, 9 April 1943.



D-46, Copy of order designating Herztogenbosch as internment camp, 13 March 1943.  
768-PS, Photostat of order establishing concentration camp at Plaszow, 27 June 1944.

The Chief of the Security Police and SD ordered the classification of concentration camps according to the seriousness of the accusation and the chances for reforming the prisoners from the Nazi viewpoint. The concentration camps were classified as Classes I, II, or III. Class I was for the least serious prisoners, and Class III for the most serious prisoners.

1063A-PS, Order of Chief of Sipo and SD of 2 January 1941.

Regional offices of the GESTAPO had the authority to commit persons to concentration camps for short periods, at first 21 days and later 56 days, but all other orders for protective custody had to be approved by the competent office for protective custody, GESTAPO headquarters, RSHA. Such orders for protective custody had to be signed by or on behalf of the Chiefs of the Security Police and SD, at first HEYDRICH, later KALTENBRUNNER.

2477-PS, Affidavit of Willy Litzenberg of 4 November 1945.

The local GESTAPO offices making the arrests maintained a register called "Haftbuch." In this register the names of all persons arrested were listed, together with personal data, grounds for the arrest, and disposition. When orders were received from the GESTAPO Headquarters in Berlin to commit persons who had been arrested to concentration camps, an entry was made in the Haftbuch to that effect. The reason assigned for the arrest and commitment of persons to concentration camps usually was that, according to the GESTAPO, the person endangered by his attitude the existence and security of the people and the State. Further specifications of grounds, including <sup>ed</sup> such offenses as that of "working against the Greater German Reich with an illegal resistance organization," "being a Jew," "strongly working for the detriment of the Reich," "being strongly suspected of aiding desertion," "because as a relative of a deserter he is expected to take advantage of every occasion to harm the German Reich," "refusal to work," "sexual intercourse with a Pole," "religious propaganda," "working against the

Reich," "loafing on the job," "defeatist statements." Sometimes specification of the grounds simply referred to an "action," under which a large number of persons would be arrested and sent to concentration camps.

L-358, Original Haftbuch, Tomaszew-Maz, Poland, year 1943.  
L-215, File of original orders for commitments to concentration camps.

On 16 December 1942, MUELLER, Chief of the GESTAPO, reported to HIMMLER that, in connection with an increase in slave labor required by concentration camps by 30 January 1943, the GESTAPO could round up 45,000 Jews, including invalids, aged and children. He said,

"By use of a practical standard, the screening of the arriving Jews in Auschwitz should yield at least 10,000 to 15,000 people fit for work."

Auschwitz was one of the camps used for the extermination of Jews.

R-91, Copy of telegram from MUELLER TO HIMMLER, 16 December 1942.

On 17 December 1942, MUELLER issued an order to the Kommandeures and Inspekturs of the SIPO and SD and to the directors of the GESTAPO regional offices, in which he stated that HIMMLER, as Reichsfuehrer SS and Chief of the German Police, had given orders on 14 December 1942 that at least 35,000 persons who were fit for work had to be put into concentration camps not later than at the end of January. The order further provided that Eastern or foreign workers who had escaped or broken the labor contracts were to be sent to the nearest concentration camps as quickly as possible, and that inmates of detention rooms and educational work camps who were fit for work should be delivered to the nearest concentration camps.

1063p-PS, Copy of MUELLER's Order of 17 December 1942.

On 23 March 1943, MUELLER issued another directive referring to said directive of 17 December 1942, in which he stated that the measures are to be carried out until 30 April 1943. More explicit instructions were given as to which concentration camps the slave laborers were to be sent. He said:

"Care has to be taken that only prisoners who are fit for work are sent to concentration camps, and adolescents only in accordance with the provisions issued; otherwise, contrary to the purpose, the concentration camps become overburdened."

L-41, Copy of MUELLER's order of 23 March 1943.

On 25 June 1943, MUELLER issued an order stating that the decrees of 17 December 1942 and of 23 March 1943 had achieved the intended goal.

1063-E-PS, Copy of MUELLER's Order of 25 June 1943.

On 21 April 1943, the Minister of Justice declared in a letter that the RSHA had ordered on 11 March 1943 that all Jews who were released from prison were to be handed over to the Gestapo for life-long detainment in the concentration camps at Auschwitz and Lublin. Poles released after an imprisonment of over six months were to be transferred to the GESTAPO for internment in a concentration camp for the duration of the war.

701-PS, Copy of letter of 21 April 1943, referred to above.

The arrest of Jews and their shipment to annihilation camps was carried out under the direction of EICHMANN, head of the section handling Jews in the GESTAPO. HEYDRICH gave the instructions to carry out this program, through MUELLER, Chief of the GESTAPO, to EICHMANN. EICHMANN's staff was composed of members of the SIPO, especially the GESTAPO. The Jews were shipped on order of the SIPO and SD to annihilation camps in the East. EICHMANN estimated, and so reported to HIMMLER, that 4,000,000 Jews were killed in the annihilation camps in the East, in addition to the 2,000,000 Jews shot by the Einsatz Groups. The extermination of Jews in the annihilation camps was accomplished mainly after the beginning of 1943, during the time KALTENBRUNNER was the Chief of the Security Police and SD.

2615-PS, Affidavit of Dr. Wilhelm HOETTL, dated 5 November 1945.

E. The Gestapo and the SD participated in the deportation of citizens of occupied countries for forced labor and handled the disciplining of forced labor.

On 26 November 1942, Fritz SAUCKEL transmitted a letter to the president of provincial employment offices in which he stated that he had been advised by the Chief of the Security Police and SD (RSHA) under date of 26 October 1942 that during the month of



November the evacuation of Poles in the Lublin concentration camps would begin in order to make room for the settlement of persons of the German race. The Poles who were evacuated as a result of this measure were to be put into concentration camps for labor so far as they were criminal or a-social. The remaining Poles who were suitable for labor were to be transported without their families into the Reich, there to be put at the disposal of the Labor Allocation Offices to serve as replacements for Jews eliminated from the armament factories.

L-61. Original letter, 26 Nov. 1942, signed SAUCKEL.

During 1943 the program of mass murder carried out by the Einsatz Groups in the East was modified, and orders were issued to round up hundreds of thousands of persons for armament industry.

"Since the Ukraine will have to furnish 1,000,000 workers for our armament industry, these measures have to be changed. \* \* \* The activity of our employment authorities should be supported. Our prisoners, upon release, should be put at the disposal of these authorities. Force may have to be used. In the case of raids on villages or burning of villages, the total population will be given over for slave labor in Germany."

On 18 June 1941 secret orders were issued from the Chief of the Security Police and SD, signed by MUELLER, to prevent the return of Eastern emigrants and civilian workers from the Reich to the East, and to keep them in German war production. Any attempts at refusal to work were to be countered by the GESTAPO with the severest measures, arrest and confinement in concentration camps.

1573-PS. Copy orders of 18 June 1941, signed MUELLER.

The Chief of the Security Police and SD had exclusive jurisdiction over labor reformatory camps established under control of the GESTAPO for disciplining foreign workers.

1063B-PS. Copy letter re establishment of labor reformatory camps, 26 July 1943, signed KALTENBRUNNER.

1063C-PS. Telegram from MUELLER to GESTAPO offices re inspections of labor reformatory camps, 20 July 194

F. The GESTAPO and SD executed captured commandos and paratroopers, and protected civilians who lynched Allied flyers.

On 4 August 1942 KEITEL issued an order which provided that the GESTAPO and SD were responsible for taking counter-measures against single parachutists or small groups of them with special



missions. Even if such paratroopers were captured by the Wehrmacht, they were to be handed over to the GESTAPO and the SD.

553-PS, Printed copy of KEITEL's secret order of 4 August 1942.

On 18 October 1942, HITLER ordered that all members of Commando units, even when in uniform, or members of sabotage groups, armed or not, were to be exterminated to the last man by fighting or by pursuing them. Even if they wished to surrender, they were not to be spared. Members of such Commandos, acting as agents, saboteurs, etc., handed to the Wehrmacht through other channels, were to be handed over immediately to the SD.

498-PS, Original of Top Secret Order of 18 October 1942, issued by Hitler.

On 17 June 1944, the Chief of the Security Police and the SD stated in a Top Secret letter to OKW/WFST that the SIPO would take over French paratroop-sabotage units in British uniforms which were captured by the local police, and would treat them as "killed in action."

1276-PS, Original of Top Secret letter of 17 June 1944, referred to above.

On 25-26 June 1944, KEITEL issued an order based upon the Fuehrer Order of 18 October 1942, in which he said that the order of 18 October 1942, which provided that in certain cases commandos were to be handed over to the SD, would be applicable in full force after the D-Day landings.

551-PS, Original of KEITEL's Top Secret order, dated 25-26 June 1944.

On 26 June 1944, WFST issued an order in which it was stated that enemy paratroopers landing in Brittany were to be treated as commandos, and that it was immaterial whether the paratroopers were in uniform or civilian clothes. The order provided that in cases of doubt enemy soldiers who were captured alive were to be handed over to the SD for examination as to whether the Fuehrer Order of 18 October 1942 was to be applied or not.

532-PS, Copy of letter of 26 June 1944, referred to above.

On 28 September 1944, OKW drafted a letter to the Reichsfuehrer of the SS referring to a new HITLER Order of 18 August 1944, pro-

viding that all "terrorists," saboteurs, including members of commando task forces, who were not killed in battle, were to be handed over to the nearest office of the SIPO and SD.

541-PS, Copy of letter of 28 September 1944 from OKW.

Commandoes turned over to the SIPO and SD under these orders were executed.

2374-PS, Affidavit of Police Colonel Rudolf MILDNER of 27 June 1945.

On 10 August 1943, HIMMLER issued an order to the commanders of the Security Police stating that it was not the task of the police to interfere in clashes between Germans and English and American terror fliers who had bailed out.

R-110, Original of HIMMLER's order of 10 August 1943.

On 12 June 1944, a letter from the Chief of the SD-Abschnitte at Koblenz to the Inspector of the SIPO and SD at Wiesbaden, referring to previous correspondence and verbal conferences, stated that the Army had issued a similar order, namely, that German soldiers were not to protect enemy flyers from the populace and that the Army no longer attached value to enemy flyers taken prisoner.

L-55, Copy of letter of 12 June 1944, from Chief of SD-Abschnitte, Koblenz.

G. The GESTAPO and SD took civilians of occupied countries to Germany for secret trial and punishment ("Nacht und Nebel Erlass").

On 7 December 1941, KEITEL issued the directive, since called the "Nacht und Nebel Erlass" (Night and Fog Decree), under which all civilians charged with offenses, other than those in which the death sentence was certain, were to be taken secretly to Germany and surrendered to the Security Police and SD for trial or punishment in Germany. This decree was approved by Hitler on the theory that to combat terrorization, either capital punishment or a method of keeping relatives ignorant of the action taken was necessary.

L-90, Decrees of 7 December 1941 and 12 December 1941, signed by KEITEL

In compliance with the above directive, the military intelligence turned over cases, other than those in which the death

sentence was probable, to the GESTAPO and the Secret Field Police for secret deporting to Germany. The order applied at first only to Norway, Holland, Belgium and France.

833-PS, Instructions of 2 February 1942 by Admiral Canaris, head of Abwehr.

After the civilians so removed arrived in Germany, no word of the disposition of their cases was permitted to reach the country from which they came, or their relatives. Even when they died awaiting trial, the Security Police and the SD refused to notify the families, so that anxiety would be created in the minds of the family of the arrested person. This treatment of such civilians and their families by the Security Police and the SD continued to the end of the war.

688-PS, Letter of 24 June 1942 from SIPO and SD to OKW.  
835-PS, Letter from OKW to German Armistice Commission,  
2 September 1944.

F. The GESTAPO and SD arrested, tried, and punished citizens of occupied territories under special criminal procedure and by summary methods.

The GESTAPO arrested, placed in protective custody, and executed civilians of occupied territories under certain circumstances. Even where there were courts capable of handling emergency cases, the GESTAPO conducted its own executions without regard to normal judicial processes.

674-PS, Original letter of Kattowitz court officials re executions being carried out by GESTAPO without judicial process, 3 December 1941.  
1645-PS, Original documents of RSHA ordering protective custody and execution, October 1941.

On 18 September 1942, THIERACK, the Reich Minister of Justice, and HIMMLER came to an understanding by which a special criminal procedure would be applied by the police to the Jews, Poles, gypsies, Russians, and Ukrainians who were not to be tried in ordinary criminal courts.

654-PS, Original of THIERACK's notes re discussion with HIMMLER, 18 September 1942.

On 5 September 1942 an order was issued by the RSHA to the offices of the GESTAPO and SD covering this understanding. This

order provided that ordinary criminal procedure would not be applied against Poles, Jews, gypsies and other Eastern people, but that instead they would be turned over to the police. Such persons of foreign extraction were to be treated on a basis entirely different from that applied to Germans. "In other words, the offense committed by a person of foreign extraction is not to be regarded from the point of view of legal retribution by way of justice, but from the point of view of preventing danger through police action."

L-316, Photostat of RSHA order of 5 September 1942.

On 3 September 1944, the Military Commander, Southeast ordered that all criminal offenses committed by ~~non-~~German civilians within the occupied South East territory, Greece, Albania, Montenegro, and Serbia were no longer to be dealt with by the military courts but by the SD.

L-5, Original of Order of 3 September 1944, by Military Commander, Southeast III, No. 133/44.

I. The GESTAPO and SD executed or confined persons in concentration camps for crimes allegedly committed by their relatives.

On 19 July 1944, the Commander of the Sipo and SD for the District Radom published an order transmitted through the Higher SS and Police Leaders to the effect that in all cases of assassination or attempted assassination of Germans, or where saboteurs had destroyed vital installations, not only the guilty person but also all his (or her) male relatives should be shot and the female relatives over sixteen years of age put into a concentration camp.

L-37, Original of letter of 19 July 1944, by Commander, Sipo and SD, Radom.

In the summer of 1944, the Einsatzkommando of the Sipo and SD caused persons to be confined at Sachsenhausen concentration camp because they were relatives of deserters and were, therefore, "expected to endanger the interests of the German Reich if allowed to go free."

L-215, Original dossiers of Luxembourgers committed to concentration camps in 1944.

J. The GESTAPO and SD were instructed to murder prisoners in the Sipo and SD prisons to prevent their release by the Allied armies.



On 21 July 1944, the Kommandeur of the SIPO and SD for the District Radom forwarded an order of the Befehlshaber of the SIPO and SD to the effect that it was essential that the number of inmates of the SIPO and SD prisons be kept as low as possible. Inmates were to be subjected only to short formal interrogations and then to be sent by the quickest route to concentration camps. Preparations were to be made for total clearance of the prisons should the situation at the front necessitate such action. In the case of sudden emergency precluding the evacuation of the prisoners, they were to be shot and their bodies buried or otherwise disposed of, the buildings to be dynamited, and so forth. In similar circumstances, the Jews who were still employed in the armament industries or in other work were to be dealt with in the same way. The liberation of prisoners or Jews by the enemy was to be avoided at all costs.

L-53, Letter of 21 July 1944 from Kommandeur, SIPO and SD, Radom.

K. The GESTAPO and the SD participated in the seizure and spoliation of public and private property.

In connection with the program for the mass extermination of Jews and Communist functionaries, the Gestapo and the SD seized all personal effects of the persons executed or murdered. On the eastern front the victims were required not only to give up all their personal possessions, but even to remove their outer garments prior to being murdered.

2620-PS, Affidavit of Otto OHLENDORF, 15 November 1945.  
L-18, Report on solution of Jewish problem in Galicia, 30 June 1943.

In connection with the program of confiscation of scientific, religious and art archives and objects, an agreement was entered into between ROSENBERG and HEYDRICH, under which it was agreed that the SD and ROSENBERG would cooperate closely in the confiscation of public and private collections.

071-PS, Copy of letter from ROSENBERG to BORMANN, dated 23 April 1941.

## VI. CRIMES OF THE GESTAPO AND SD AGAINST HUMANITY

THE GESTAPO AND THE SD COMMITTED CRIMES AGAINST HUMANITY AS SPECIFIED IN COUNT THREE OF THE INDICTMENT.

A. The GESTAPO and the SD were primary agencies for the persecution of the Jews.

The persecution of the Jews under the Nazi regime is a story of increasingly severe treatment, beginning with restrictions, then seizure and spoliation of property, commitment to concentration camps, deportation, slave labor, and finally mass murder. The responsibility of the GESTAPO and the SD for the mass extermination program carried out by the Einsatz Groups of the SIPO and SD and in the annihilation camps to which Jews were sent by the SIPO and SD has been considered in sections VI A and VI D of this brief. In this section, the place of the GESTAPO and SD in the development of this persecution will be treated.

Section B of the SD dealt with problems of nationality, including minorities, race and national health, immigration and resettlement. Section B 4 of the GESTAPO, headed by EICHMANN, dealt with Jewish affairs, including matters of evacuation, means of suppressing enemies of the people and State, and dispossession of rights of German citizenship. One of the functions of the SD was to furnish information concerning the Jews to the GESTAPO. One of the functions of the GESTAPO was to execute the Nazi program of persecution of the Jews.

- L-185. Organization plan of the RSHA,  
1 January 1941.  
L-219. Organization plan of the RSHA,  
1 October 1943.

The GESTAPO was charged with the enforcement of discriminatory laws, such as preventing Jews from engaging in business, restricting their right to travel, and prohibiting them from associating with Gentiles. Violations of such restrictions resulted in protective custody and confinement in concentration camps by the GESTAPO.

- L-217. GESTAPO order of 20 November 1936, re Jewish trade and business.  
L-152. Copies of RSHA order re fraternization of Jews and Aryans, 3 November 1941.  
L-167. Copies of orders of Reich Ministry of Interior re use by Jews of public transportation, 24 March 1942.

The Chief of the Security Police and SD ordered the GESTAPO, assisted by the Criminal Police and SD, to take a leading part in the anti-Jewish pogrom staged in November 1938 following the von Rath incident in Paris. As many Jews were to be arrested in all districts as the available jail-space would hold. Well-to-do Jews were to be singled out for arrest, and primarily only healthy male adults of not too advanced age. Immediately after completion of the arrests, the competent concentration camp was to be notified in order to provide for speediest transfer of Jews to the camp. In his instructions, MUELLER, the Chief of the GESTAPO, stated that preparations had been made for the arrest of some 20,000 to 30,000 Jews in the demonstration. The demonstrations were carried out under the leadership of the GESTAPO. Private property confiscated was returned to the rightful owners only if the value was under RM 1000.

374-PS. GESTAPO orders of 9 Nov. 1938.  
D-183. Circular letter from Secretary of  
State Police Department re disposal  
of Jewish property seized in action  
of November 1938.

On 31 July 1941 GOERING sent the following order  
to the Chief of the Security Police and SD, HEYDRICH:

"Complementing the task that was assigned  
to you on 24 January 1939, which dealt with  
arriving at a solution of the Jewish problem  
through furtherance of emigration and evacua-  
tion as advantageous as possible, I hereby  
charge you with making all necessary prepara-  
tions in regard to organizational and financial  
matters for bringing about a complete solution  
of the Jewish question in the German sphere of  
influence in Europe.

"Wherever other governmental agencies are  
involved, these are to cooperate with you.

"I charge you furthermore to send me,  
before long, an overall plan concerning the  
organizational, factual and material measures  
necessary for the accomplishment of the desired  
solution of the Jewish question."

710-PS. Copy of letter from GOERING to HEYDRICH,  
dated 31 July 1941.

The deportation of Jews into concentration camps  
was part of the program for slave labor. Jews not fit  
for work were screened out at extermination centers, such  
as Auschwitz, and the remainder were taken into concen-  
tration and work camps. The orders were issued by HIMMLER,  
and passed through the Chief of the Security Police and  
SD, KALTENBRUNNER (formerly HEYDRICH), to MUELLER, chief  
of the GESTAPO, and then to EICHMANN for carrying out.

2376-PS. Affidavit of Rudolf HILDNER, 23 June  
1945.

R-91. Copy of telegram of 16 December 1942  
from MUELLER to HIMMLER.

In Galicia, the deportation of Jews was carried out  
during the period from April 1942 to June 1943. At the  
end of that time Galicia had been entirely cleared of



Jews. In all 434,392 Jews were deported from Galicia alone. In connection with the deportations, Jewish property was confiscated, including furniture, clothing, money, dental fillings and gold teeth, wedding rings, and other personal property of all kinds. The report states: "As a result of the fur drive carried out in December 1941, 35 railway truck-loads of furs could be handed in." This action was carried out by the SIPO, aided by regular police detachments.

L-18. Report from Lt. General of Police to General of Police, KRUEGER on solution of Jewish problem in Galicia, c. June 1943.

In Warsaw the Security Police played a responsible role in the segregation of the Jews and placing them in the Ghetto, in the subsequent removal of the Jews to concentration camps and in the final clearance of the Ghetto. The Ghetto was established in November of 1940. Over 300,000 Jews were deported from it between July and October 1942, and 6,500 more were deported in January 1943. In April and May, 1943, the final clearance of the Ghetto was accomplished under the direction of the SS and Police Leader of the Warsaw Area, and with units of the SIPO, Waffen SS, Order Police and some military and Polish police units. Thousands of Jews were killed in the action. About 7,000 were transported to "T.II" where they were exterminated. The remaining 40,000 to 45,000 were placed in concentration camps.

1061-PS. Official report of STROOP, SS and Police Leader of Warsaw on clearance of Warsaw Ghetto, 1943.

In Denmark the Kommandeure of the SIPO and SD was ordered in September of 1943 to arrest all Danish citizens

of Jewish belief and send them to Stettin by ship and from there to the concentration camp at Theresienstadt. In spite of the protests of the Kommandeur of the SIPO and SD, KALTENBRUNNER as Chief of the Security Police and SD gave direct orders to carry out the anti-Jewish action. EICHMANN, head of the Jewish section in the GESTAPO, had direct charge of the clearance program.

2375-PS. Affidavit of Rudolf MILDNER, 22 June 1945.

In Hungary the deportation of Jews was again carried out by EICHMANN. This action took place under direction of the GESTAPO after the German occupation of Hungary in March, 1944. About 350,000 Jews were deported from Hungary due to the pressure and direction of the GESTAPO.

839-PS. Affidavit of Dr. Rudolf ~~MILDNER~~<sup>KASTNER</sup>, September, 1945.

B. The GESTAPO and the SD were primary agencies for the persecution of the Churches.

The fight against the Churches was never brought out into the open by the SD and the GESTAPO as in the case of the persecution of the Jews. The struggle was designed to weaken the Churches and to lay a foundation for the ultimate destruction of the confessional Churches after the end of the War.

1815-PS. Original GESTAPO file of reports and orders re surveillance of churches by GESTAPO and SD, 1941.

Section C 2 of the SD dealt with education and religious life. Section B 1 of the GESTAPO dealt with political Catholicism. Section B 2 with political Protestantism sects, and Section B 3 with other churches and

Freemasonry.

L-185. Organization chart of the RSHA as of 1 January 1941.

As early as 1934 the GESTAPO enforced restrictions against the Churches. An order by the State Police of Dusseldorf prohibited the churches from engaging in public activities, especially public appearances in groups, sports, hikes, and the establishment of holiday or outdoor camps.

R-145. Order of State Police Dusseldorf 28 May 1934.

In 1934 the Bavarian Political Police placed three ministers in protective custody for refusing to carry out the order of the Government to ring church bells on the occasion of the death of HINDENBURG.

1521-PS. Original report from Bavarian Political Police to GESTAPO in Berlin dated 24 August 1934.

The GESTAPO dissolved those church organizations which it considered to have political objectives. In 1938 the GESTAPO at Munich dissolved by order the Guild of the Virgin Mary of the Bavarian dioceses.

1481-PS. Copy of order of GESTAPO, Munich, 20 January 1938.

An insight into the hidden objectives and secret methods of the GESTAPO and the SD in the fight against the churches is disclosed in the file of the GESTAPO regional office at Aachen.

1815-PS. Original GESTAPO file of reports re surveillance of Churches by GESTAPO and SD, 1941.

On 12 May 1941 the Chief of the GESTAPO issued a directive in which he reported that the Chief of the Security Police and SD had issued an order under which the treatment of

church politics which had theretofore been divided between the SD and the GESTAPO was to be taken over entirely by the GESTAPO. The SD "church specialists" were to be temporarily transferred to the same posts in the GESTAPO and operate an intelligence service in the church political sphere there. SD files concerning church political opposition were to be handed over to the GESTAPO, but the SD was to retain material concerning the confessional influence on the lives of the people.

On the 22nd and 23rd of September 1941 a conference of church specialists attached to GESTAPO regional offices was held in the lecture hall of the RSHA in Berlin. The notes on the speeches delivered at this conference indicate that the GESTAPO considered the church as an enemy to be attacked with determination and "true fanaticism". The immediate objective of the GESTAPO was stated to be to insure that the Church did not win back any lost ground; the ultimate objective was stated to be the destruction of the confessional Churches. This was to be brought about by the collection of material through the GESTAPO church intelligence system to be produced at a proper time as evidence for the charge of treasonable activities during the German fight for existence.

The executive measures to be applied by the GESTAPO were discussed. It was stated that it was impracticable to deal with political offences under normal legal procedure owing to lack of political perception which prevailed among the legal authorities. The so-called "Agitator-Priests", therefore, had to be handled by GESTAPO



measures, and when necessary removed to a concentration camp. The following punishments were to be applied to priests according to individual circumstances: warning, fine, forbidden to preach, forbidden to remain in parish, forbidden all activity as a priest, short-term arrest, protective custody. Retreats, youth and recreational camps, evening services, processions and pilgrimages were all to be forbidden on grounds of interfering with the war effort, black-outs, over-burdened transportation, etc.

In executing this program close cooperation was required by the GESTAPO with the SD. The study and treatment of the Church in its opposition to the Nazi state was the responsibility of the GESTAPO; but the result of this treatment of the Church in the sphere of "religious life" remained the province of the SD. There was to be a constant and close exchange of information. The SD was to give the GESTAPO any information which might be of assistance to the GESTAPO in combatting Church opposition. By these furtive means the GESTAPO and SD carried the struggle of the Nazi regime against the Church.

VII. CRIMINALITY OF THE DEFENDANT KALTENBRUNNER

- A. KALTENBRUNNER entered the National Socialist movement in its early stages and supported it to the end.

KALTENBRUNNER joined the Nazi Party and the SS in Austria in 1932. He led the SS in Austria from 1933 until the Anschluss in 1938. He then became Secretary of State for Security under SEYSS-INQUART. He held this position for a few months and then became Higher SS and Police official for Vienna and Upper and Lower Austria. KALTENBRUNNER had supervisory authority over all Secret Police and Order Police in his districts.

2642-PS. Affidavit of UBERREITER, 9 November 1945.

In January 1943 KALTENBRUNNER was appointed Chief of the Security Police and SD, succeeding HEYDRICH, who had been assassinated in June 1942. KALTENBRUNNER held this position until the end of the war.

2644-PS. Affidavit of Otto GILENDORF, 5 November 1945.

On 3 October 1943 at Poznan, Poland, in a speech delivered to Obergruppenfuhrers of the SS, HIMMLER made special reference to "our comrade" KALTENBRUNNER, who had succeeded to the powers and authority of HEYDRICH.

1919-PS. Speech of HIMMLER, 3 October 1943, page 51.

On 9 December 1944 the decoration known as the Knight's Cross of the War Merit, Cross with Swords, was given to SS Obergruppenfuhrer and General of the Police Dr. Ernst KALTENBRUNNER, Chief of the Security Police and of the SD.

2770-PS. Befehlsblatt des Chef der Sicherheitspolizei und des SD, edition A, 5th year, Berlin, 9 December 1944, No. 51, page 361.

B. During KALTENBRUNNER's term in office as Chief of the Security Police and SD, numerous and vast crimes were committed by the SIPO and SD in the course of official duties.

As Chief of the Security Police and SD from and after January 1943, KALTENBRUNNER was the head of the RSHA and the regional offices of the GESTAPO, SD, and KRIPO. Directly under KALTENBRUNNER were the Chiefs of the main offices of the RSHA, including Amt III (the SD), Amt IV (the GESTAPO), Amt V (the KRIPO), and Amt VI (the SD in foreign intelligence).

L-219. Organization plan of the RSHA, 1 October 1943.

KALTENBRUNNER had direct responsibility over the offices of the RSHA. All important matters had to be referred to him or had to be handled under general or special authority granted by him to office chiefs.

"All decisions of principle character are signed by the Chief of the Security Police personally. An office chief has only the authority to sign "acting for" and a chairman "by order of" if the subjects treated in the respective decrees fit into the general laid-down principles according to the plan of distribution of authority. In case of doubt it was the duty to get the question cleared up by reporting it to the Chief of the Security Police and SD."

L-34. Affidavit of Edmund TRINKL, chairman of Amt I A 6 of the RSHA, dated 2 August 1945.

"To my knowledge no chief of office or any of the officials of the RSHA, authorized to sign, had the right to sign in any principle affairs of particular political significance without consent of the Chief of the Security Police - not even during his temporary absence. From my own experience I can furthermore declare that the chief of Amt IV, MUELLER, particularly was very hesitant in signing documents concerning questions of general

nature and in some cases of greater importance, and that he put aside events of such nature in most cases for the return of the Chief of the Security Police, whereby often much time was lost."

L-50. Affidavit of Kurt LINDOW, official in Amt IV and Amt I, RSHA, 3 August 1945.

During his term in office as Chief of the Security Police and SD, the following crimes were committed by the SIPO and SD pursuant to policy established by the RSHA or orders issued out of the RSHA for all of which KALTENBRUNNER was responsible by virtue of his office.

1. Mass murders of Civilians of Occupied Countries by Einsatz Groups.

For general discussion refer to Section V A of this brief. That this crime continued after January of 1943 is shown by the following documents:

3012-PS. Original letter of CHRISTENSEN, 19 March 1943.

2752-PS. Affidavit of Willy LITZENBERG, 7 November 1945.

2. Screening of Prisoner of War Camps and Executing Racial and Political Undesirables.

For general discussion refer to Section V B of this brief. That this crime continued after January of 1943 is shown by the following documents:

2622-PS. Affidavit of Otto OHLENDORF, 5 November 1945.

3. The Taking of Recaptured Prisoners of War to Concentration Camps where in some Cases they were Executed.

For general discussion refer to Section V C of this brief. That this crime continued after January of 1943 is shown by the following documents:

L-158. Original order issued by district SIPO and SD Commander, 23 March 1944.

1514-PS. Copy of order of 27 July 1944 from 6th Corps Area Command on Treatment of PW's.



4. Establishing concentration camps and committing racial and political undesirables to concentration and annihilation camps for slave labor and mass murder.

For general discussion refer to Section IV D of this brief. That this crime continued after January of 1943 is shown by the following documents:

- D-50. Photostat of order establishing concentration camp at Lublin, 9 April 1943.
- D-46. Copy of order designating Herzogenbosch as concentration camp, 13 March 1943.
- 763-PS. Photostat of order setting up Plaszow concentration camp, 27 June 1944.
- L-41. Copy of MUELLER's order of 23 March 1943.
- 1063E-PS. Copy of MUELLER's order 25 June 1943.
- 701-PS. Copy of letter 21 April 1943 from the Minister of Justice.
- 2615-PS. Affidavit of Wilhelm HOETTEL, 5 November 1945.

5. Deportation of Citizens of Occupied Countries for Forced Labor and Disciplining of Forced Labor.

For general discussion refer to Section V E of this brief. That this crime continued after January of 1943 is shown by the following documents:

- 3012-PS. Original letter from CHRISTENSEN, 19 March 1943.
- 1063B-PS. Copy of letter dated 26 July 1943 re establishment of Labor Reformatory Camps, signed by KALTENBRUNNER.

6. The Execution of Captured Commandos and Paratroopers and Protection of Civilians who lynched Allied Fliers.

For general discussion refer to Section V F of this brief. That this crime continued after January of 1943 is shown by the following documents:

- 1276-PS. Original top secret letter from Chief of SIPS and SD to JKW/WFST, 17 June 1944.
- 551-PS. Original of KEITEL Top Secret Order, 25-26 June 1944.
- 532-PS. Copy of letter of WFST, 26 June 1944.
- 2574-PS. Affidavit of Police Colonel Rudolf MILNER, 27 June 1945.
- R-110. Original of HITLER order of 10 August 1943.
- L-55. Copy of letter of 12 June 1944 from Chief of SD, Koblenz.

7. The Taking of Civilians of Occupied Countries to Germany for Secret Trial and Punishment.

For general discussion refer to Section V G. That this crime continued after January of 1943 is shown by the following document:

835-PS. Letter from OKW to the German Armistice Commission, 2 September 1944.

8. Punishment of Citizens of Occupied Territories under special Criminal Procedure and by Summary Methods.

For general discussion refer to Section V H of this brief. That this crime continued after January of 1943 is shown by the following document:

L-5. Original Order of military commander, S.E., 3 September 1944.

9. The Execution and Confinement of Persons in Concentration Camps for Crimes alleged to be committed by their relatives.

For general discussion refer to Section V I of this brief. That this crime continued after January of 1943 is shown by the following document:

L-17. Original of letter by Commander, SIPO and SD, Radom, 19 July 1944.

10. Seizure and Spoliation of Public and Private Property.

For general discussion refer to Section V K of this brief. That this crime continued after January of 1943 is shown by the following documents:

2620-PL. Affidavit of Otto OHLENDORF, 5 November 1945.

L-18. Report to General of Police KRUEGER on the Solution of Jewish Problems in Galicia, 30 June 1943.

11. Murder of Prisoners in SIPO and SD Prisons.

For general discussion refer to Section V J of this brief. That this crime continued after January of 1943 is shown by the following document:

L-53. Letter from Kommandeur, SIPO and SD, Radom, 21 July 1944.

12. Persecution of Jews.

For general discussion refer to Section VI A of this brief. That this crime continued after January of 1943 is shown by the following documents:

L-18. Report to General of Police KREUGER on the solution of Jewish problems in Galicia, 30 June 1943.

1061-PS. Official report of STROOP, SS and Police Leader of Warsaw on Clearance of Warsaw Ghetto, 1943.

2375-PS. Affidavit of Rudolf MILDNER, 22 June 1945.

839-PS. Affidavit of Dr. Rudolf KASTNER, September 1945.

13. Persecution of the Churches.

For general discussion refer to Section VI B of this brief. That this crime continued after January of 1943 is shown by the following document:

1315-PS. Original GESTAPO file of reports re surveillance of Churches by GESTAPO and SD.

C. KALTENBRUNNER HAD DIRECT KNOWLEDGE OF AND RESPONSIBILITY FOR THE COMMISSION OF MANY SPECIFIC CRIMES.

1. KALTENBRUNNER was fully cognizant of conditions in concentration camps and of the fact that concentration camps were used for slave labor and mass murder.

Mauthausen concentration camp was established in Austria while KALTENBRUNNER was the Higher SS and Police Leader for Austria, and was frequently visited by KALTENBRUNNER before he was appointed Chief of the Security

Police and SD.

L-51. Affidavit of Adolf ZUTTER, 2 August 1945.

On the occasion of one such visit in 1942, KALTENBRUNNER personally observed the mass execution of inmates in the gas chamber.

2753-PS. Affidavit of Alois HOELLRIEGL, 7 November 1945.

After he became Chief of the Security Police and SD KALTENBRUNNER visited Mauthausen concentration camp but with less frequency.

L-51. Affidavit of Adolf ZUTTER, 2 August 1945.

On one occasion he made an inspection of the camp grounds with HIMMLER and had his photograph taken during the course of the inspection.

2641-PS. Photographs of KALTENBRUNNER, HIMMLER, and others at Mauthausen Concentration Camp.

Mauthausen Concentration Camp was classified by HEYDRICH in January 1941 in Category III, a camp for the most heavily accused prisoners and for a-social prisoners who were considered incapable of being reformed.

1063A-PS. Order of Chief of Security Police and SD of 2 January 1941.

To Mauthausen concentration camp were sent the escaped prisoners of war who had been recaptured, and other persons scheduled for execution under the extermination program.

2642-PS. Affidavit of UIBERREITER, 9 November 1945.

2478-PS. Affidavit of Willy LITZENBERG, 4 November 1945.



There were frequent conferences between the RSHA and executives of the SS Wirtschaft and Verwaltungshauptamt who had charge of the internal administration of concentration camps. The affidavit of Rudolf MILDNER states with respect to these conferences:

"SS Obergruppenfuehrer Dr. KALTENBRUNNER attended personally conferences with SS Obergruppenfuehrer POHL, Chief of the SS Wirtschaft and Verwaltungshauptamt and Chief of the concentration camps. As to these conferences and through talks with the Chief of Office Gruppenfuehrer MUELLER of Amt IV and Gruppenfuehrer NITZ of Amt V, the Chief of the Security Police and SD, SS Obergruppenfuehrer Dr. KALTENBRUNNER, must have known the state of affairs in the concentration camps."

L-35. Affidavit of Rudolf MILDNER, 1 August 1945.

2. With full knowledge of conditions in and the purposes of concentration camps, KALTENBRUNNER ordered or permitted to be ordered in his name the commitment of persons to concentration camps.

All orders for protective custody other than short term confinements were issued in the name of KALTENBRUNNER as Chief of the Security Police and SD and bore the facsimile stamp of his signature.

2477-PS. Affidavit of Willy LITZENBERG, 4 November 1945.

The commandant of Buchenwald concentration camp in his affidavit states:

"With the exception of the mass delivery of prisoners from the concentration camps of occupied territories, all prisoners were sent to the concentration camp Buchenwald on orders of the Reichssicherheitshauptamt, Berlin. These preventive arrest orders (red blanks) were in most cases signed with the name KALTENBRUNNER. The few other preventive arrest orders were signed with 'Foerster'."

L-38. Affidavit of Hermann PISTER, 1 August 1945.

On 7 July 1943 an order for protective custody was issued by the GESTAPO (Amt IV C 2, RSHA) bearing the facsimile signature of KALTENBRUNNER, to be sent in the form of a telegram to the GESTAPO office in Köslin in the case of a woman whose offense was stated to be failure to work, work sabotage, and a-social conduct, and she was ordered to be confined in the concentration camp at Ravensbrueck.

2745-PS. Original order for commitment to concentration camp, 7 July 1943, KALTENBRUNNER's signature.

On 19 January 1944 a warrant for protective custody was issued by the GESTAPO (Amt IV C 2 of the RSHA) certified as signed by KALTENBRUNNER, to a British subject, C.S.James, on the grounds that he had been proved to be guilty of activities to the detriment of the German Reich and there was reason to expect that he would, if released, commit acts prejudicial to the Reich.

1574-PS. Warrant of 19 January 1944 for protective custody.

Other instances of commitments to various concentration camps on orders, signed by KALTENBRUNNER, are contained in the dossiers of 25 Luxembourgers committed to concentration camps by the Einsatzkommando of the SIPO and SD in Luxembourg during the year 1944. The concentration camps to which the persons were committed included Matzweiler, Dachau, Sachsenhausen, and Buchenwald. Among the grounds were: "strongly suspected of working to the detriment of the Reich," "spiteful statements inimical to Germany as well as aspersions and threats against persons active in the National Socialist

movement," "strongly suspected of aiding desertion,"  
"as relative of a deserter expected to take advantage  
of every occasion to harm the German Reich."

L-215. Dossier of 25 Luxembourgers committed  
to concentration camps at various times  
in 1944.

Further orders for commitments to concentra-  
tion camps are contained in a file of 42 telegrams, all  
issued by the RSHA, Amt IV A 6, Prague, to the GESTAPO  
Office at Darmstadt, and all signed by KALTENBRUNNER,  
during the period from 20 September 1944 to 2 February  
1945. The concentration camps to which people were  
sent included Sachsenhausen, Ravensbrueck, Buchenwald,  
Dachau, Bergen-Belsen, Flossenbug, and Theresienstadt.  
Nationalities included Czech, German, French, Dutch,  
Italian, Corsican, Lithuanian, Greek, and Jew. Grounds  
included "refusal to work," "religious propaganda,"  
"sex relations with PW's," "communist statements,"  
"loafing on job," "working against the Reich," "spreading  
of rumors detrimental to morale," "Aktion Gitter,"  
"breach of work contracts," "statements against Germany,"  
"assault of foreman," "defeatist statements," "theft  
and escape from jail."

2239-PS. File of 42 telegrams sent by Amt IV,  
RSHA, to GESTAPO Office, Darmstadt,  
signed KALTENBRUNNER.

3. KALTENBRUNNER authorized executions in con-  
centration camps.

Adolf ZUTTER, the adjutant of Mauthausen  
concentration camp, avers that, until the assassination  
of HEYDRICH, orders for executions at Mauthausen were  
signed by HEYDRICH or his substitute, and that after

KALTENBRUNNER became Chief of the Security Police and SD they were signed either by KALTENBRUNNER or by his substitute, MUELLER. ZUTTE mentions a specific instance in which KALTENBRUNNER ordered the execution of a group of 12 to 15 uniformed members of an American military mission.

L-51. Affidavit of Adolf ZUTTER, 2 August 1945.

4. KALTENBRUNNER had knowledge of the commitment of thousands of Warsaw Poles to concentration camps and refused to release them.

During the suppression of the Warsaw uprising of 1944 about 50,000 to 60,000 inhabitants of Warsaw were sent to concentration camps. As a result of entreaties by FRANK to HIMMLER the deportation was stopped. FRANK and BUEHLER, his State Secretary, requested KALTENBRUNNER to release the persons who had been committed. KALTENBRUNNER refused to release them on the grounds they were employed in making secret weapons for the Reich and declared that the number transported into concentration camps in the Reich as small. BUEHLER verified the fact that the number of persons so placed in concentration camps for forced labor was 50,000 to 60,000.

2476-PS. Affidavit of Josef BUEHLER, 4 November 1945.

5. KALTENBRUNNER controlled the deportation of Poles, Jews, and other non-Germans from Poland.

Otto HOLMANN, former Chief of the SS Main Office for Race and Settlement Matters, stated:

"The execution of all so-called resettlement actions, that is, the sending away of Polish, Jewish, and people of non-German blood,



inhabitants of a territory in Poland destined for Germanization was in the hands of the Chief of the RSHA, HEYDRICE, and, since the end of 1942, KALTENBRUNNER."

L-49. Affidavit of Otto HOFFMANN, 4 August 1945.

6. KALTENBRUNNER ordered the deportation of Jews from Denmark.

In September 1943 HIMMLER ordered the Danish Jews arrested and shipped to Stettin and from there to Theresienstadt concentration camp. MILDNER, the Chief of the SIPO and SD telegraphed the RSHA to request that the Jewish persecutions be stopped. In reply he received an order from HIMMLER through KALTENBRUNNER to carry out the anti-Jewish action. Shortly thereafter MILDNER flew to Berlin to speak to KALTENBRUNNER personally about the matter. In KALTENBRUNNER's absence he spoke to MUELLER. After his return to Copenhagen, MILDNER received a direct order from HIMMLER through KALTENBRUNNER to carry out the anti-Jewish actions immediately.

2375-PS. Affidavit of Rudolf MILDNER, 22 June 1945.

7. KALTENBRUNNER personally exercised punitive authority over foreign workers.

By order of KALTENBRUNNER Labor Reformatory Camps were established under the exclusive jurisdiction of the Security Police.

1063B-PS. Copy of letter signed KALTENBRUNNER, 26 July 1945.

In addition to sending workers to Labor Reformatory Camps, KALTENBRUNNER, through orders for protective custody signed by him or by facsimile of his signature, committed workers to concentration camps. On

9 February 1945 a French citizen was sent to Buchenwald by order of KALTENBRUNNER for shirking work and insubordinate behavior. On 18 June 1945 a Pole was sent to Latzweiler "to be used as a skilled worker" by order of KALTENBRUNNER. On 2 December 1944 a citizen of the Netherlands was taken into protective custody "for work sabotage" by order of KALTENBRUNNER. On 2 December 1944 a French citizen was taken into protective custody for "work sabotage and insubmissive."

2532-PS. Telegrams ordering protective custody signed by KALTENBRUNNER.  
2580-PS. Protective custody decrees signed KALTENBRUNNER.

8. KALTENBRUNNER personally attended to matters against Jews, political and concentration camp internees in the Protectorate.

The following handwritten memorandum was found in the personal effects of KALTENBRUNNER:

"Radio message to Gruppenfuehrer FEGELEIN Hq. of the Fuehrer through Sturmbannfuehrer Sansoni, Berlin.

Please report to RF SS and to the Fuehrer that all arrangements against Jews, political and concentration camp internees in the Protectorate have been taken care of by me personally today. The situation itself there is one of calmness, fear of Soviet successes and hope of an occupation by the Western enemies.

KALTENBRUNNER"

2519-PS. Undated memorandum for radio message from KALTENBRUNNER to FEGELEIN.

### VIII. ARGUMENT AND CONCLUSION

The GESTAPO and SD were primary agencies of the Nazi regime for combatting the actual and ideological enemies of the Nazi Party, State, and leadership. The GESTAPO and SD lay at the heart of the conspiracy and their influence flowed through every artery of the conspiracy. They were the means by which the conspirators bent the people of Germany to their will and controlled the inhabitants of the conquered nations. In serving the objectives of the conspiracy the GESTAPO and SD disregarded all principles of humanity and decency and degenerated into blackest barbarism. The merciless enslavement and murder of thousands of defenseless men, women, and children could be justified only by Hell's own advocate. All the defendants, as leaders of the Nazi State, share responsibility for the unnumbered crimes of the GESTAPO and SD committed in the name of Nazi ideology and in the service of the Nazi regime.

KALTENBRUNNER was for several years the Higher SS and Police Leader for Austria. In this position he supervised and had knowledge of the activities of the GESTAPO and the SD in Austria. He visited Mauthausen concentration camp on several occasions and observed victims murdered in the gas chamber. With this experience and knowledge, he accepted, in January 1943, the appointment by HIMMLER as chief of the very agencies which sent such victims to their deaths. He held that office to the end, and was honored by the

Fuehrer for his service as head of it. Like other Nazis he sought power. To gain it, he wrote his name in blood - a name to be remembered as a symbol for cruelty, degradation, and death.

Respectfully submitted,

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