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THE CASE AGAINST
THE NAZI SECRET POLICE, SECURITY AND INTELLIGENCE SYSTEM
AND
ERNST KALTENBRUNNER

Preliminary Trial Brief

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THE CASE AGAINST
THE SECRET POLICE, SECURITY AND INTELLIGENCE SYSTEM
AND ERNST KALTENBRUNNER

PRELIMINARY TRIAL BRIEF

Introduction

The secret police, security and intelligence system was an important part of the organization created and used by the conspirators to accomplish the objectives of the conspiracy. In one way it was the worst part, for its victims were usually civilians, and often minority political and racial groups which were unable to defend themselves. It executed its part of the conspiracy with extreme ruthlessness.

The secret police, security and intelligence system, in its final form, was largely an amalgamation of state and party organizations. The Gestapo was the most notorious of these. But it would be a mistake to consider the Gestapo as constituting the police agency of the conspirators. The Gestapo was but a part of an elaborate system developed by the conspirators to maintain domination and control over the German people and the peoples of occupied countries.

Similarly, it would be erroneous to attribute all of the evils of the Nazi tyranny, other than those committed by the Wehrmacht, to that system, for in its final synthesis it was but one of twelve departments of the SS which in turn was but one of several divisions of the NSDAP. Yet its importance to the conspirators must not be discounted. Throughout the pre-war years the secret police, security and intelligence system was important in stamping out opposition to their plans and in putting their ideology into action; during the war it was the principal means for controlling the people of occupied

nations; toward the end of the war it virtually took over control of the Reich.

Plan of the Brief

This brief is divided into four sections. In the first section the Development of the secret police, security and intelligence system is considered and facts brought out to show that the conspirators contrived to bring within their personal control a secret police, security and intelligence system through which they could maintain complete domination over the German people and the inhabitants of occupied nations.

In the second section the Organization of the secret police, security and intelligence organization is considered, with special consideration given to the RSHA (Reichssicherheitshauptamt) and to those subdivisions of it which are considered to be criminal in purpose and action. Special attention is given to the matter of the chain of command and hence of responsibility of superiors for the crimes of inferiors.

In the third section the Crimes of the secret police, security and intelligence organization are discussed and related to the various sections which are directly accountable therefor. Crimes mentioned are illustrative only, since the assembling of documentary evidence has not long been underway, and no staff interrogations have been made as yet.

In the fourth section the criminal responsibility of Ernst KALTENBRUNNER is considered. KALTENBRUNNER was a practising attorney in Austria when he joined the SS and the NSDAP in 1932. He was active in the Anschluss and upon its accomplishment was made Secretary of Security and had charge of all Austrian police forces and their integration into the police system of Greater Germany. In 1941 he was appointed Highest SS and Police Leader for Austria. On 31 January 1943 he was appointed head of the

RSHA, which post he held until war's end.

KALTENBRUNNER is probably the only important figure of the secret police, security and intelligence system who will be named a defendant in the major trial. He was chief of the secret police, security and intelligence system during only the last two years of Nazism, and it may be asked whether evidence can be introduced to prove crimes committed by various sections of the RSHA before he took office. It is submitted that proof of such crimes can be offered in the case against KALTENBRUNNER upon two theories: (1) that it is necessary background information, and (2) that when he became Chief of the RSHA he knew of the past criminal practices of the system and continued to carry out those practices; in short, that KALTENBRUNNER picked up the bloody brush dropped by HEYDRICH and continued to paint the tragic deeds which now are history.

CHARGE

THAT THE CONSPIRATORS DID ORGANIZE, ESTABLISH AND MAINTAIN A SECRET POLICE, SECURITY AND INTELLIGENCE SYSTEM OPERATING UNDER THEIR PERSONAL CONTROL AND DIRECTION AND OUTSIDE THE ORDINARY JUDICIAL PROCESSES; THAT THE CONSPIRATORS USED SAID SYSTEM TO GAIN AND MAINTAIN ABSOLUTE PERSONAL DOMINATION AND CONTROL OVER EVERY ASPECT OF GERMAN LIFE AND TO ELIMINATE ALL PERSONS AND ORGANIZATIONS OPPOSED TO THEIR AIMS AND METHODS; THAT THE CONSPIRATORS USED SAID SYSTEM IN PREPARATION FOR WARS OF AGGRESSION AGAINST PEACEFUL NEIGHBORING NATIONS; THAT THE CONSPIRATORS USED SAID SYSTEM TO CONTROL THE PEOPLE OF OCCUPIED NATIONS, ENSLAVE THEM, FORCE THEM TO WORK FOR THE REICH, AND TO HOLD THEM IN FEAR; THAT THROUGH SAID SYSTEM THE CONSPIRATORS CAUSED MONSTROUS CRIMES TO BE COMMITTED, INCLUDING MASS MURDERS, TORTURE, CRIMINAL NEGLECT, STARVATION, STERILIZATION, AND OTHER INFAMOUS CRIMES

AGAINST THE LAWS OF NATURE AND CIVILIZATION.

SPECIFICATION

THAT THE ACCUSED, ERNST KALTENBRUNNER, DID ON OR ABOUT 1932 JOIN THE NAZI PARTY AND THE SCHUTZSTAFFEL AND DID SUBSCRIBE TO THE AIMS, METHODS AND PRINCIPLES OF SAID ORGANIZATIONS, AND FROM THAT DATE THENCEFORWARD DID EXERT HIS EFFORTS IN AID OF THE CRIMINAL OBJECTIVES OF SAID PARTY AND ORGANIZATION AND THE LEADERS THEREOF; THAT HE APPROVED AND PARTICIPATED IN THE PLOT TO BRING AUSTRIA UNDER NAZI DOMINATION AND ACTIVELY ASSISTED IN THE ANSCHLUSS; THAT IN JANUARY OF 1945 HE ORDERED THE EXECUTION OF FIFTEEN UNIFORMED AMERICAN AND BRITISH PRISONERS OF WAR WITHOUT TRIAL, HEARING OR JUST CAUSE, AND IN DELIBERATE VIOLATION OF THE LAWS OF WAR, AND SAID PRISONERS WERE EXECUTED IN COMPLIANCE WITH SAID ORDER; THAT ON OR ABOUT 31 JANUARY 1943 HE ACCEPTED THE APPOINTMENT AS HEAD OF THE GERMAN SECRET POLICE, SECURITY AND INTELLIGENCE SYSTEM, WELL-KNOWING OF THE CRIMINAL PURPOSES AND PAST CRIMINAL ACTIONS OF SAID SYSTEM, AND THAT DURING HIS PERIOD IN SAID OFFICE ENDING ON OR ABOUT 8 MAY 1945 HE DID CONTINUE THE CRIMINAL ACTIVITIES OF SAID SYSTEM AND DID ORDER, PERMIT AND APPROVE THE PERPETRATION OF MONSTROUS CRIMES BY PERSONNEL OF SAID SYSTEM, INCLUDING MASS MURDERS, TORTURE, CRIMINAL NEGLIGENCE, STARVATION, STERILIZATION, AND OTHER INFAMOUS CRIMES AGAINST THE LAWS OF NATURE AND CIVILIZATION."

I

DEVELOPMENT OF THE SECRET POLICE, SECURITY AND INTELLIGENCE SYSTEM

The CHARGE begins: "THAT THE CONSPIRATORS DID ORGANIZE, ESTABLISH AND MAINTAIN A SECRET POLICE, SECURITY AND INTELLIGENCE SYSTEM OPERATING UNDER THEIR PERSONAL CONTROL AND DIRECTION AND OUTSIDE THE ORDINARY JUDICIAL PROCESSES."

A. THE PERIOD FROM 1933 TO 1936.

1. Rise to Power. The Nazi conspirators obtained political control of the German nation on 30 January 1933. From that date onward they sought to gain absolute domination of the German people and to subvert them to the objectives of the conspiracy. To achieve that end it was essential that they develop a strong, centralized police, security and intelligence organization within Germany operating outside the ordinary judicial processes by which they could be kept constantly informed of organizations and individuals whose attitudes did not coincide with the Nazi ideology and program and by means of which "undesirables" could be eliminated from the National Community. As KALTENBRUNNER says (Enclosure 1):

"The Nazi Party came to power after a ten years' struggle against thirty to forty other parties and other groups of interests; i.e. parties within the framework of the existing laws of the, then, democratic constitution. HITLER and his party leaders had gained much experience as to how it was possible for any opposition group to get round, with a certain amount of cunning skill, the existing state laws concerning opposition actions and the damaging of state authority, and in so doing they pretended to make believe that their actions were legal. However, HITLER was determined to enforce, without restriction, his logical and uncompromising conception of state authority, or as he called it 'Fuehrerstaat', in which he already felt himself justified inasmuch as he had obtained the overwhelming majority by democratic ballot. Thus, the laws, which at the time were insufficient to impede his seizure of power, had to be supplemented to prevent, for a long period, the danger of being undermined by Right or Left Wing opposition."

At the time of the rise to power there was no centralized police organization in Germany. The country was divided into Länder, each of which controlled the police within its own borders. Nor was there any intelligence service which informed upon the German people. Within the party, however, there existed such an information service known as the Sicherheitsdienst (or SD) des Reichsfuehrer SS (Security Service of the Chief of the SS). HIMMLER was Reichsfuehrer SS and HEYDRICH was Chief of the SD. GOERING was Prime Minister of Prussia.

2. The Beginning. During the first few months after the rise to power the Nazi conspirators sought to bring all organizations into accord with the Nazi political ideology. During that period the governments of the Länder were taken over by the Nazis, and with them the executive positions controlling the police. The new executives in turn removed members of the police whose loyalty towards the Nazi cause was open to question.

On 26 April 1933 GOERING, as Prime Minister of Prussia, created a secret police agency called the Geheime Staatspolizei (Gestapo). GOERING held the title of Chief of the Gestapo but delegated the active direction of the organization to his Deputy Chief, BIELS. In 1934 GOERING appointed HIMMLER Deputy Chief of the Gestapo. HIMMLER had gained control of the political police forces of the other German states and was in a position to develop the secret police system throughout the Reich.¹ He dismissed officials who were suspected of being lukewarm toward the regime and replaced them with SS personnel.

1. Acts and orders establishing secret police organizations in various Länder after the Nazis came into power were the following:
Prussia: Act of 26 April 1933 re establishment of a Secret State Police Office in Berlin. Act of 30 November 1933 re the Secret State Police. Act of 10 February 1936 establishing the Geheime Staatspolizei. Executive order of 10 February 1936 detailing the powers and duties of the Gestapo.
Anhalt: Ordinance of 29 March 1934 by the State Ministry regarding the new organization of the political police.
Baden: Ordinance of 26 August 1937 by Minister of the Interior re the Secret State Police Office. (Continued on next page).

3. Centralization. On 30 January 1934 the decree for the reconstruction of the Reich (Gesetz über den Neuaufbau des Reiches) was published. Article 2 of the decree provided that the sovereign rights of the Länder were to be transferred to the Reich and that all State governments were thenceforth subordinated to the central Reich government. By this decree the police forces of each Länder were likewise subordinated to the central government.

On 9 June 1934, three weeks before the purge of the SA, a decree was issued dissolving all intelligence organizations within the Nazi Party other than the SD, which then became the sole political intelligence agency for Germany.

4. Gesetz für die Geheime Staatspolizei. The Gestapo functioned for nearly three years without any legal basis other than the order of GOERING creating it, and the decrees of 28 February 1933 and of 8 March 1934 which sanctioned the practice of protective custody. On 10 February 1936 it was given basis in law by enactment of the famous Prussian Law entitled "Gesetz für die Geheime Staatspolizei" (Law concerning the Secret State Police). This law, framed in the broadest terms,

Bavaria: Order of 1 April 1933 by Acting State Minister of the Bavarian Ministry of the Interior.

Brunswick: Law of 17 April 1934 regarding Political Police in Brunswick.

Bremen: Order of 16 June 1933 from Order of the Chief of Police and Order of 13 July 1933 of the Senator of Interior.

Hamburg: Order of 6 October 1933 of the Acting Burgomaster.

Hesse: Order of 28 March 1933 of the State Commissioner for Police re the organization of the Political Police.

Lubeck: Order of 1 March 1933 of the Senator for the Interior re the competence of the Secret State Police Office.

Mecklenburg: Order of 7 December 1933 of the Minister of the Interior.

Aldenburg: Order of 4 November 1933 of the Minister of the Interior re establishment of a Secret State Police Office.

Saxony: Order of 5 July 1933 by Saxon Council of Ministers re establishment of a Secret State Police Office, and Executive Order of 2 August 1933.

Thuringia: Act of 4 December 1933 re establishment of a Secret State Police Office and Executive Order of the same date.

Württemberg: Act of 27 January 1934 by State Ministry re Political Police Department, and Executive Orders of 3 February 1934 and 27 November 1934.

stated that the decisions and acts of the Gestapo were valid throughout the Reich and were not subject to review or restraint by any court of law. To the power of arrest for protective custody was added the power to arrest without warrant or showing of just cause. The functions of the Gestapo were to receive all political information requiring police action; to take such action; and to administer the concentration camps. Under the protection of this law, although only Prussian in scope, the Gestapo arrested thousands of Germans throughout Germany for their political beliefs, an outstanding example being Pastor Niemöller. The law also provided that in the course of their duties officers of the Gestapo could invoke the cooperation of all types and branches of the local police whose personnel in such cases would enjoy the same legal protection as Gestapo personnel.

B. THE PERIOD FROM 1936 TO 1939.

1. Chef der Deutschen Polizei. On 17 June 1936 the position of Chef der Deutschen Polizei (Chief of the German Police) was created in the Reich Ministry of the Interior. HIMMLER was appointed Chief of the German Police under FRICK, the Minister of the Interior. HIMMLER also reported directly to HITLER in his position as Reichsführer SS. HIMMLER proceeded at once to the reorganization of the German police and security system.

On 26 June 1936 HIMMLER issued the decree entitled "Geschäftsverteilung im Geschäftsbereich des Chef der Deutschen Polizei" (Division of Duties in the Office of the Chief of the German Police). By this decree the German police system was divided into two principal branches:

- (1) Ordnungspolizei (Ordo or Regular Police)
- (2) 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 was made up of the Reichskriminalpolizei (Kripo or Reich Criminal Police) and the Geheime Staatspolizei (Gestapo or Secret State Police). This decree listed in detail the respective duties of the two principal divisions. DALUWÉ was named head of the Ordnungspolizei and HEYDRICH was named head of the Sicherheitspolizei. REIMLER also appointed an Inspekteur der Orpo (Inspector of the Orpo) and an Inspekteur der Sipo (Inspector of the Sipo) over their respective divisions in each Wehrkreis, and Der Höherer SS und Polizeiführer (HSSPF or Superior SS and Police Commander) over the Inspectors in each Wehrkreis.

2. Expansion of the Sicherheitspolizei. On 10 July 1936 a decree was published which empowered officers of the Gestapo (Secret State Police) and the Kripo (Criminal Police), to conduct their activities in any part of the Reich independently of the area assigned to their bureaus. On 20 September 1936 a new decree made the Gestapo Amt in Prussia responsible for the duties of the Political Police Commanders in all the states of Germany. On 1 October 1936 a further decree declared that the Political Police forces of the Reich were to be called Geheime Staatspolizei (Secret State Police). By these decrees the Sicherheitspolizei was established as a powerful, centralized, nation-wide police and security organization, with full power to investigate crimes defined as such by the conspirators and to imprison in concentration camps and take other punitive measures against persons at the behest of the conspirators. These powerful executive agencies were the means of making fear of repression an active partner of the conspirators in their plan to subjugate to their will the people of the Reich.

3. Staatsschutzkorps. The Gestapo (Secret State Police) and the Kripo (Criminal Police) having been consolidated and

established on a nation-wide scale, it now remained to join them with the SD, the powerful Nazi Party intelligence organization. On 23 June 1938 a decree ordered the enrollment of all SD personnel into the ranks of the SS. On 11 November 1938 the Reich Minister of the Interior issued a decree making the SD officially responsible for the control of all persons and agencies antagonistic to National Socialism, and requiring the SD, as the intelligence organization of the Party and the Reich government, to assist the Sicherheitspolizei in matters within the jurisdiction of the latter. The combined Gestapo, Kripo and SD came to be known as the "Staatsschutzkorps", signifying the combination of forces for the protection of the State.

C. THE PERIOD FROM 1939 TO 1945.

1. Reichssicherheitshauptamt. The final consolidation of all the secret police, security and intelligence (other than military intelligence) agencies of the Reich was effected in September, 1939. The several agencies became Aemter of the Reichssicherheitshauptamt (RSHA or Reich Security Headquarters). The SD became Amt III; the Gestapo became Amt IV; the Kripo became Amt V. In 1941 most of the sections of the Abwehr (military intelligence) were incorporated into these Aemter or in a new section under Amt VI called the Militaerisches Amt. By the end of 1944 all secret police, security and intelligence functions of the Reich had been consolidated in the RSHA, and the secret police, security and intelligence system was complete and all-powerful.

NOTE: The matters set forth in the above outline of the development of the secret police, security and intelligence system can be proved by:

(1) Decrees of which the court can take judicial notice.

(Decrees herein referred to are in process of being translated and compiled).

- (2) "Die Deutsche Polizei", by Dr. jur. Werner Best, SS-Brigadefuehrer, Ministerial-direktor, 1940.

(Pertinent sections of this book are now being translated.)

- (3) Interrogation reports of the defendants GOERING and KALTENBRUNNER and of the witnesses SCHELLENBERG, OHLENDORF and other prominent figures in the German secret police system.

II

ORGANIZATION OF THE SECRET POLICE, SECURITY AND INTELLIGENCE SYSTEM

The CHARGE continues in part as follows: "THAT THE CONSPIRATORS USED SAID SYSTEM TO GAIN AND MAINTAIN ABSOLUTE PERSONAL DOMINATION AND CONTROL OVER EVERY ASPECT OF GERMAN LIFE AND TO ELIMINATE ALL PERSONS AND ORGANIZATIONS OPPOSED TO THEIR AIMS AND METHODS."

A. THE REICHSSICHERHEITSHAUPTAMT (RSHA).

1. Creation. In September, 1939, almost coincidentally with the outbreak of war, all German secret police, security and intelligence agencies, with the exception of military intelligence, were coordinated under a single office called the Reichssicherheitshauptamt, or RSHA. Reinhardt HEYDRICH was appointed head of the RSHA. He reported only to HIMMLER since HIMMLER was both Minister of the Interior and Reichsfuehrer der SS. HEYDRICH was assassinated in 1942, and for several months HIMMLER directed the RSHA himself. On or about 1 February 1943, Ernst KALTENBRUNNER accepted the position of Chief of the RSHA, which position he held until war's end.

2. Organization. The basic structure of the RSHA remained about the same from 1939 to 1945 except for absorption of the counter-espionage, intelligence and sabotage sections of the

Abwehr in 1944. The RSHA was divided into nine offices, or Aemter, all of which contributed in some measure to the general functions and efficiency of the RSHA. The offices most directly accountable for criminality, however, were Amts III, IV, and V, and possibly II and VI.

Amt III, the Sicherheitsdienst, or SD, was the vast network of spies and informers which the conspirators used to discover persons and organizations opposed to the conspiracy or to the Nazi ideology, and in some cases, to dispose of them.

Amt IV, the Geheime Staatspolizei, or Gestapo, was the notorious secret state police system which was charged with the elimination of political opposition, and which made arrests and commitments to concentration camps for political offenses without benefit of trial or hearing.

Amt V, the Kriminalpolizei, or Kripo, was the state investigative agency charged with the investigation and prosecution of crimes other than political crimes, and which also made arrests and commitments to concentration camps.

Amt VI was the foreign intelligence branch which was charged with sabotage and subversion in foreign territories.

Amt II was the administrative and finance office. Among its "administrative" duties was the operation of the infamous "Death Vans" which were used to asphyxiate political "undesirables".

Enclosure 2 hereto is the translated copy of a captured document giving the complete organization, functions and principal personnel of the RSHA as of 1 January 1941. Enclosure 3 gives similar information as of 1 October 1943; Enclosure 4 gives similar information as of 15 December 1944; and Enclosure 5 is a series of charts giving the organizational breakdown of the RSHA as of the end of the war.

During the period between the formation of the RSHA in 1939 and the end of the war in 1945 the most important changes in the

functions of the various Aemter were:

- (1) Amt IV took over the counter-espionage section of the Abwehr.
- (2) Amt VI took over the espionage and sabotage sections of the Abwehr.
- (3) Amt III added new sections in the economic field.
- (4) Amt IV added a new section to deal with foreign labourers and a new section for control of passports and foreigners.
- (5) Amt V added a new section called the Central Criminalological-Biological Institute and a new section called the Central Criminalological-Medical Institute.

In addition to the Mil Amt, which was subordinated to Amt VI, the following Aemter were added during this period:

- (1) Amt N
- (2) Amt SAN.

3. Functions. The creation of the RSHA was the final step in the consolidation of the secret police, security and civil intelligence agencies of State and Party under the direct and personal command and control of the Nazi conspirators. HIMMLER had once said: "We National Socialists found ourselves in the presence of a police force which had originally been created as the obedient instrument of power in an absolutist state but which had subsequently lost this complete power". In September 1939 the establishment of the RSHA as a department of the SS gave formal notice that the police power of the Reich had been reestablished "as the obedient instrument of power" in the Nazi absolutist state.

4. Chain of Command. Although the RSHA was divided for administrative purposes into Aemter which had particular functions, in the execution of many of the crimes and purposes of the conspirators personnel was drawn from various sections. This was particularly true on large scale enterprises, such as inciting the public to riots against the Jews (Enclosure 6) ~~or to the murder of Allied airmen (Enclosure 7)~~, where all available personnel was required.

Within Germany the field offices of the Gestapo, Kripo and SD were usually located in close proximity, and the activities of the principal Aemter were supervised by the Inspekteur der Sipo und der SD, and the entire police and security system was coordinated by the Höherer SS und Polizeiführer in each Wehrkreis.

In occupied territories there were no separate offices of the Gestapo, the Kripo, and the SD, but only combined Dienststellen der Sipo und des SD. These offices were under the command of a Kommandeur der Sipo und SD. Supervising these offices was the Befehlshaber der Sipo und SD, who in turn reported to the Höherer SS und Polizeiführer appointed for each occupied country. The crimes committed in occupied territories, therefore, although accomplished by personnel attached to one Aemter or another, were the responsibility of the entire organization and its chief.

5. Relation to other Departments. The relationship of the RSHA to other departments of the SS is shown by Enclosure 7, which is a translation of the official organization book of the Nazi Party, 1943 edition. According to this source the first five Hauptämter were:

- (1) SS-Hauptamt
- (2) Reichssicherheitshauptamt
- (3) Rasse-und-Siedlungshauptamt SS
- (4) Hauptamt Ordnungspolizei
- (5) SS Wirtschafts-Verwaltungs-Hauptamt.

The fact that these offices were combined into the SS organization indicates close relationship between them. Enclosure 8, a translation of the RSHA telephone communication plan as of 1943, also provides evidence of the offices with which the RSHA maintained close liaison. It is perhaps significant that the one other Hauptamt of the SS with which the RSHA had direct line communication

was the SS Wirtschafts-Verwaltungs-Hauptamt, which had management of the concentration camps. (Enclosure 1).

B. AMT III OF THE RSHA (THE SD).

1. Development. Amt III of the RSHA succeeded to the principal functions and personnel of the Sicherheitsdienst or SD. The SD was established by HIMMLER in 1932 to serve as an intelligence agency within the SS. It was thus created as a Nazi Party organization and thereafter continued to function as such, although in later years it was incorporated into the secret police, security and intelligence headquarters organization. The first chief of the SD was Reinhardt HEYDRICH. On 9 June 1934, three weeks before the purge of the SA, all other intelligence organizations within the Nazi Party were dissolved and their members transferred to the SD, which then became the sole political intelligence agency operating within the Reich. On 26 June 1936, following his appointment to the new post of Chief der Deutschen Polizei, HIMMLER appointed HEYDRICH Chief der Sicherheitspolizei (Sipo), thus linking under one command the political information-gathering agency (the SD) and the secret police executive agencies (the Gestapo and the Kripo). On 27 September 1939 the SD was linked officially with the Sicherheitspolizei by the decree of HIMMLER which set up the Reichssicherheitshauptamt (RSHA). HEYDRICH became Chief of the RSHA and assumed the title of Chief der Sicherheitspolizei und des SD. He held this position until his assassination in April of 1942. On 1 February 1943 Ernst KALTENBRUNNER succeeded to the office.

2. Functions in General. The functions of the SD in general were to locate all sources of dissatisfaction with or opposition to the Nazi regime or its leaders, to expose all underground or dissident organizations, to maintain a constant check on morale of the people and their reactions to speeches, decrees and events,

to assist the executive police agencies, and particularly the Gestapo, in the performance of their duties by supplying them with information, and to keep the conspirators constantly advised of such matters and the moods and trends of thought within the Reich. Amt III was concerned with studies of public opinion, culture, economy, and national interests. In the exercise of these duties, officials of the SD were required to and did maintain very close working relations with the Sicherheitspolizei, and particularly with the Gestapo. Although the Gestapo had information-gathering personnel and services of its own, it frequently used information furnished by the SD in its task of combatting opposition to the conspirators. The SD was not primarily an executive organization, but there is evidence to show that SD personnel were in charge of killings of prisoners of war and of the extermination of political and social "undesirables". The functions of the SD were summarized by SS-REF, Dr. Werner BEST, in these words: "The SD, finally, must investigate and explore thoroughly the background and activities of the great ideological arch-enemies of National Socialism and of the German People, in order to make possible a determined and effective effort for the annihilation of these enemies." Die Deutsche Polizei, page 39.

3. Method of Operations. The SD collected information through a headquarters and field personnel assisted by thousands of informants throughout the Reich. The informants might be anyone in any walk of life--a child, a priest, or a doctor. These informants reported on almost everything of potential interest. The child reported what his family said, the priest what his parishioners said, and the doctor what his patients said. When anyone was heard to speak in opposition to the tyranny, the information was passed to the Gestapo for appropriate action. The SD was concerned in gathering knowledge on every phase of German life, and submitted objective reports to the RSHA called Lageberichte.

The reports provided a complete picture of German public opinion and morale.

4. Scope of Operations. In this gigantic internal spy system every person was potentially an informer who would report the most casual remarks to the authorities. In the field of education, SD agents checked the political attitudes of teachers and professors, and made frequent reports on lectures and courses. The SD enlisted teachers, students, and administrative personnel as informers. Fear of exposure through unknown informers helped in confining the flow of learning within the banks of Nazi ideology. Religion was an important field for SD operatives, for here, as in the school, freedom of thought and speech might produce resistance to the un-Christian objectives of the conspirators. Even art and public entertainment came under surveillance of the SD. Artists and entertainers were constantly watched by the SD, which published each month long lists of prohibited books, music, plays, and other works of art.

5. Relationship with other agencies. Even before the SD had been incorporated into the RSHA as Amt III, it had cooperated closely with the other branches of the secret police, security and intelligence system. The decree of 11 November 1938 provided that the SD should assist the Security Police (i.e. the Gestapo and the Kripo). Information obtained by the SD was sometimes passed to the Gestapo or the Kripo as a basis for executive action by them. The SD could not itself commit persons to concentration camps so it often recommended to the Gestapo that individuals be taken into protective custody. The SD also received information from the Gestapo which it used in preparing situation reports.

The SD, as a secret information-gathering agency within the SS, was of assistance to other Hauptämter of the SS, particularly the SS Rasse und Siedlungs Hauptamt (SS Race and Settlement Department) and the SS Hauptamt Volksdeutsche Mittelstelle (Department for the Repatriation of "Racial" Germans). The SD submitted

a lengthy report on the procedure for evacuating Jews from Alsace and on the reaction of the public to the measure. It studied the effect of the Nazi program of importing foreign workers, the German resettlement policy, and the forced evacuation and systematic persecution of racial groups. It brought political and racial undesirables to murder-hospitals for extermination.

The SD also cooperated with the Wehrmacht as was shown by the so-called "Night and Fog" Decree (Nacht und Nebel Erlass). This secret decree was issued by the German High Command in December 1941 as a means of combating sabotage, espionage, and other activities of potential danger to the army in occupied territories. It authorized the secret transfer to Germany of persons subject to trial. Whenever prolonged legal procedure was expected, a lenient sentence seemed probable, or the execution of a harsh sentence might create unrest among the population, the accused was, on the recommendation of the SD, secretly (i.e., "die Nacht und Nebel") transferred to the Reich for incarceration in concentration camps, or perhaps for trial and execution.

The decree of 11 November 1938 declared that as the SD was active on behalf of the Reich there should be close and intelligent cooperation between it and the officials of the General and Interior Administration. The SD established and maintained close liaison with other government agencies such as the Reichsnährstand (Reich Food Administration), the Reichsverkehrsbehörden (Reich Transport and Traffic Authorities) and the Reichsministerium für Rüstung und Kriegsproduktion (Reich Ministry for Armament and War Production), and thus extended its activities into various phases of economic life.

6. Organization. The official heading of Amt III in the RSHA is Deutsche Lebensgebiete (Spheres of German Life), and it is concerned with studies of public opinions, national interests, and cultural and economic matters, on a secret basis. In addition

to the Geschäftsstelle (Administrative Office) it has the following divisions or Gruppen:

Gruppe III A

Gemeinschaftsleben Allgemein (General Community Life)

III A 1: Allgemeine Fragen der Lebensgebietsarbeit (General questions of Amt III work). This section is concerned with planning and recording the work carried out by Amt III in general. Hilfsreferat III A 1 a is responsible for cooperation between SD and Wehrmacht.

III A 2: Rechtsleben Allgemein (General Legal Matters). This Referat examines new acts or laws, collects suggestions and reports on laws and on their effects from all the regional SD headquarters, and forwards the results of such research to the Reichsjustizministerium. Its personnel as well as its agents are drawn mainly from the legal profession. It also deals with specific cases of violations of the law. The SD will investigate such violations in order to report them to the Gestapo or Kripo for action. Particular topics which have been investigated by A 2 are:-

- Political offenses and violations of the law in general.
- Popular attitude towards distinguishing emblems to be worn by Jews.
- Attitude of Germans towards Jews.
- Marriages between Germans and "Non-Aryans".
- Protection of the honour of soldiers killed in battle.
- Legal matters in connection with public collections.
- Theft of mails.
- Public and official corruption.
- Forged ration coupons.
- Illegal slaughter of livestock.
- Investigation of claims.
- Court decisions incompatible with Nazi ideas.
- Schutzhaft (Protective Custody) and Concentration Camps.

III A 3: Verwaltung Allgemein (Administration in General). This Referat is closely related to A 2. Its functions include observing public reaction to various administrative

and official actions as well as public opinion in general. It is reported that A 3 also supervises all Police personnel, including even the Kripo and Gestapo. The following are examples of special cases handled by the Referat:

- Simplification of administration.
- Elimination of unnecessary recourse to higher HQ.
- Lack of cooperation between various official agencies.
- Behaviour of high ranking public officials, such as Landräte.
- Attitude of officials towards the public.
- Cancellation of pay and pensions to officials found politically unreliable.
- Replacement of personnel in local offices (Beamtennachwuchs).
- Deferment of officials from military service (Uk-Stellung).
- The effects of military recruiting policy.
- Effect of the distribution of duties and financial burdens on local communities.
- Public attitude towards compulsory insurance for employees.
- Family allowances for military personnel.
- Fixing of responsibility for the investigation of acts of sabotage in mining areas.
- Listening to foreign wireless stations.
- Study of results of enemy air raids.
- Surveillance of prisoners out on parole.
- National Population Register (Volkskartei).

III A 4: Allgemeines Volksleben (General National Life). This Referat deals with mass observation and its evaluation. It is the most important Referat of Amt III. The term "Volksleben", translated as "national life", includes all matters concerning both Nation and Party. The Referat has almost unlimited scope in the surveillance of individual and community for possible anti-Nazi tendencies. Investigations and spying of this kind are carried into the ranks and headquarters of the Nazi Party. A 4 investigates relations between the Party and the Armed Forces. The following illustrate some of the activities of A 4:

- Observation of general morale (Stimmung und Lage)
- Reception by the public of enemy leaflets and propaganda in general.
- Rumours, political jokes and popular humor.
- Rumours concerning discontinued payment of pensions for invalid veterans after the war.
- Observation of the effect of mail on the morale of the troops.

Behaviour of leading personalities of the Party and States.
Blameworthy behaviour of soldiers' wives.
General attitude toward mass evacuations and ARP measures.
ARP daily reports.
Press comments and editorial opinion on court sentences.
Relations between Party and Wehrmacht.

III A 5: (Cooperation between Sipo und SD with other Police and Government agencies; general problems of police law). This Referat is responsible for cooperation with the Ordnungspolizei (Order Police). A decree of the RSHA of September 1943 ordered that all matters of police law and registration affecting in some way the relationship between the German Police and other Government agencies were to be handled by the RSHA instead of by the Hauptamt Orpo. Requests for character references by the Kripo to Government agencies, liaison between the Sipo and the Postal authorities in matters of censorship, and written reports furnished by the Sip and SD to local Police headquarters or to the Administrative Police on matters of Police registration and Police law in general, are handled in this Referat.

Gruppe III B

Dealing with the German People and "the Well-being of the German Race"

III B 1: Deutsches Volkstum (German Racial Heritage). This Referat contains several Aemter für Volkstumsfragen (Bureaux for questions concerning the German "Racial Heritage"). Close liaison was maintained with the NSDAP Hauptamt für Volkstumsfragen and with the Beauftragter d. NSDAP für alle Volkstumsfragen.

III B 2: Fremdes Volkstum und Minderheiten (Foreign Races and Minorities). This Referat dealt with the relations between Germans and people of other nations as well as

minorities within Germany. This Referat may have controlled the liquidation of Jews in Poland, the resettlement of Poles and their "Germanisation", and the mass murder of social "undesirables" in Russia. The following are examples of special cases handled by this Referat:

- Problems of racial policy.
- Utilisation of foreign workers.
- Specific questions of foreign labour, such as employment of Poles, Dutch, Russians.
- Employment of Russian women for domestic help.
- Distinguishing marks for foreign workers and its effect on the public.

III B 3: Rasse und Volksgesundheit (Health of the German race and people). This Referat deals with general aspects of national health rather than with specific technical and medical matters. It employs a considerable number of doctors as agents. The following are examples of topics covered by B 3:

- Reports on public health.
- Reports on medical aid given in schools.
- The effect of air raids on public health.
- Investigation of shipments of inferior X-ray.
- Problems of immunisation.
- Investigation of shipments of inferior drugs and chemicals to hospitals.
- Euthanasia.
- Propaganda campaigns to popularize certain medical aids, such as Vitamins (Vitamin-Aktion).
- Investigation of grants of additional rations.

III B 4: Staatsangehörigkeit, Wanderung und Siedlung (Citizenship, Migration and Settlement). This Referat observes such matters as the resettlement of families who have lived in non-German territories, but who have come under German jurisdiction as a result of the expansion of the Reich and are now regarded as Germans by the Nazis. Close liaison is probably maintained with the Volksdeutsche Mittelstelle (Department for the repatriation of "racial" Germans).

III B 5: Innerpolitische Lage d. besetzten Gebiete (Political Conditions in Occupied Territories). This subsection

studies the attitude of the native population in occupied territories. It is the department which handles the exchange of students between Germany and occupied countries. Special courses were given to students from the Eastern territories by the Ostministerium (Ministry for Eastern Affairs) headed by Alfred Rosenberg. Among the topics of interest to B 5 is the attitude of the population toward Pan-Germanism.

Gruppe III C
Culture

III C 1: Wissenschaft und Hochschule (Sciences and Higher Education). The various sub-sectional units of this Referat are responsible for the supervision of universities, interesting themselves in the students as well as in the teachers. All scientists and scientific institutions come under its supervision and many of the agents of C 1 are recruited from among the teaching staffs of universities. C 1 also checks certain activities in secondary schools; but the main interest is in universities, colleges and similar institutions.

III C 2: Erziehung, Religiöses Leben und Sport (Education, Religious Matters and Sport). The following Hilfsreferats are responsible for the observation and investigation of the subject indicated:

III C 2 a Schools.
Teachers.
Prohibition of certain plays etc. in schools.

III C 2 b Youth in general.
Juvenile delinquency.
Camps, including disciplinary camps for juveniles.
Military service for juveniles.
Matters concerning the Hitler Jugend.

III C 2 c Sport.

- III C 2 d Religious Problems.
Religious services, and their effect on the population.
Memorial celebrations, and their effects.
Observation of money collections for church purposes.
Assistance given by the church to soldiers.
Pastoral letters.
Catholicism and Protestantism.
Reports on the clergy's attitude to political speeches.
Propaganda among opposition church groups.
Rumours circulating among the clergy.

III C 3: Kulturelles Leben (Cultural Matters). This Referat concerns itself mainly with the effect on the public of news, music, theatre, films, museums, buildings, monuments, and art in general. The interest is not in culture and art as such, but rather in the investigation of artists from the Nazi point of view. A careful and detailed check is kept on all phases of cultural life and any anti-Nazi tendencies are immediately reported to the Gestapo or Kripo. To cover these varied topics thoroughly C 3 has been divided into various sub-sectional units:

- III C 3 a Associations, clubs and similar organizations. Investigations of the employment of "undesirable racial groups", (e.g. Negroes) for public performances.
- III C 3 b Cultural advancement in general. Strength through Joy (KdF - Kraft durch Freude) presentations. Lectures, public speeches and recitals. Studies of local history. National Socialist celebrations.
- III C 3 c Public entertainment; its effect on the audience.
- III C 3 d Music - possible also prohibited music.
- III C 3 e Production and sale of art products. Investigation of inferior art. Approval of the erection and maintenance of monuments.
- III C 3 f Theatre. Opera. Actors, singers, etc. Probably also includes control of actors' and singers' salaries.

III C 3 g Films.
Newsreels.
Propaganda films.

III C 3 ? Reports on comperes (MC) and announcers.

III C 4: Allgemeine Propaganda (Presse, Schriftum, Rundfunk -
Propaganda in General, Press, Literature and Wireless).

This Referat is the counterpart of III C 3 in the
field of propaganda and literature.

III C 4 a Press. (Sub-divisions within this
unit provide for study of theatre,
film, and music as discussed in
the press. III C 4 also checks
newspaper vendors and similar
agencies, and determines the
desirability of any newspaper and
its contents.

III C 4 b Literature.
Books in general.
Book clubs.
Collections of books for the Armed Forces
(Rosenberg Bucherspende).
Libraries.
Liaison with the Reichsschrifttumskammer
(National Chamber of Literature).

III C 4 c Wireless.
Wireless reporting.
Community wireless programmes.
Investigation of listeners to foreign
and illegal broadcasts.
Monitoring of foreign wireless stations.

III C 4 d Propaganda.
Study of the effects and reception of
propaganda.
Weekly propaganda slogans.
Propaganda literature.
Public showcases exhibiting daily
newspapers (Pressekästen).
Popular reaction to foreigners.

Gruppe III D
General Economic Matters

This Gruppe deals with economic matters of all kinds, including
agriculture. It has become extremely important because of its
activities in occupied territories. In its investigations of
black market and other illegal activities, it has established
itself as an economic control agency of tremendous scope.

III D 1: Agrarpolitik, Forstwirtschaft und Ernährung (Agricultural Policy, Forestry and Food Distribution).

This Referat deals with the investigation of every detail of agriculture and forestry, in particular:

- Violations of wartime economy regulations.
- Food production in general.
- Distribution of such foodstuffs as eggs, milk, bread, meat, vegetables, and fruit.
- Control of livestock.
- Study of purchasing power (Kauf and Kaufkraft).
- Allotment of food to occupying forces and to the population of occupied territories.
- Distribution of alcoholic beverages.
- Exploitation of the soil for agricultural purposes.

III D 2: Handel, Handwerk und Verkehr (Trades, Crafts, Traffic, and Communications). This Referat studies and investigates the following activities:

- Distribution of fuel.
- Hoarding and black market activities.
- Distribution of manufactured products - fabrics, soap and shoes.
- Abuse of motor vehicles.
- Conditions of roads and highways.
- Motor traffic in general.
- Supervision of all trade organizations and clubs.
- Supply of essential materials for the construction and maintenance of public air raid shelters.
- Control of hotels, inns and restaurants.
- Water and power supply.
- Employment and efficiency of telephone, telegraph and postal communications.

III D 3: Finanzwesen (Finance). This Referat studies and investigates the following activities:

- Financial and tax policy.
- Control of currency, dividends, banks, savings banks and stock-exchanges.
- Insurance.
- Supervision and regulation of prices (Preisüberwachung, Preisgestaltung).
- Rumours concerning confiscation of property, freezing of bank accounts and inflation reports.
- Credit in industry and agriculture.
- Speculative sales of real estate; profits in general.

III D 4: Industrie und Energiewirtschaft (Industry and Power Supply). This Referat studies and investigates the following activities:

- Power supply and rates governing the supply.
- Mining.
- Production matters in general.

Distribution and exploitation of raw materials.
Specific industries such as metallurgy or the
textile industry.
Collection of salvage .
Closing down of industries.
Investigation of the distribution of contracts and
orders.
Administration of enemy industries and property.

III D 5: Arbeitseinsatz und Sozialwesen (Employment of Labour
and Matters of Social Welfare). This Referat has
been greatly expanded by the manifold problems arising
from foreign labour; it studies and investigates the
following:

Employment of foreign workers in Germany and
their administration.
Unemployment problems.
Employment of women for national labour.
Employment of PW.
Employment of Party organisations such as the
NSKK.
Surveillance and discipline of foreign labour.
Results of increased working hours.
Results of wage ceilings.
Slacking and absenteeism.
Legal and illegal labour organisations.
All matters of pay and salary.
Housing conditions for workers.
Social insurance and benefits.
Working conditions in industry.
Holidays for workers.
Enforced savings and collections.
Evacuation and resettlement of children.
Benefits for next of kin of soldiers killed in
action.

7. Chain of Command. Since the SD was first set up simply
as a branch of the SS, its original organization followed the old
regional organization of the SS into Oberabschnitte and Unterab-
schnitte. Gradually, however, as a result of the close association
between the SD and the Sipo, the regional organization of the SD
was brought into line with that of the Gestapo and the Kripo, and
the regional headquarters were renamed SD-Leitabschnitte (SD Regional
Headquarters) and SD-Abschnitte (SD Sub-regional Headquarters).
Under these were lesser offices called SD-Hauptausstellen and
SD-Ausstellen. As the Party administrative and territorial
system came to be regarded as the guiding pattern for administration,

areas controlled by SD Headquarters came to be defined in terms of Party Gaue and Kreise.

SD-(Leit-)Abschnitte are usually established in the same locality as Stapo-(Leit-)Stellen in order to facilitate close cooperation between the two services. Within their particular area the (Leit-)Abschnitte are responsible for the administration and direction of all SD activities. They receive their orders direct from, and report to, the RSHA. At the same time they are subject to general supervision and coordination by the BdS (IdS), in their Wehrkreis. A BdS (IdS) is usually chosen from among the highest officials of the SD. It can therefore be assumed that the BdS (IdS), if only by reason of his personal contacts, stands closer to the SD than the Kripo and Gestapo.

Each (Leit-)Abschnitte is headed by a Leiter (Chief). The chain of command from this chief of the regional headquarters to the BdS and finally to the RSHA is somewhat complicated by the fact that the SD as a Party organization is also responsible to the appropriate Gauleiter (Party Regional Chief Executive) who is authorized to assign specific missions to the SD. The Gauleiter's expert adviser in all SD matters is the Leiter of the Regional SD headquarters.

The relationship between SD-Leitabschnitte and Abschnitte is similar to that between the equivalent offices of the Gestapo and Kripo. SD-Abschnitte are not subordinate to SD-Leitabschnitte; they are independent headquarters and no executive orders as from a higher to a lower echelon are issued by a Leitabschnitte to an Abschnitte. The Leitabschnitte may, however, issue directives and memoranda to the various Abschnitte within its territory to ensure uniformity of procedure and to avoid overlapping. In certain instances the Leitabschnitte may also act as a collecting point for information to be passed on to the RSHA and to regional headquarters.

C. AMT IV OF THE RSHA.

1. Development. Amt IV of the RSHA was the secret political police force of the Nazis, the Geheime Staatspolizei or Gestapo. The Gestapo was created by GOERING in 1933 as a secret political police agency of Prussia. It functioned for nearly three years without legislative definition of its powers and functions other than two special decrees which sanctioned the practice of protective custody. The Prussian law of 10 February 1934 prescribed its duties and confirmed its right to act outside and beyond judicial processes. By that act the Gestapo was placed above the law. In 1936 the Gestapo was combined with the Reichskriminalpolizei or Kripo to form the Sicherheitspolizei or Security Police, and shortly thereafter the scope of the Gestapo was extended throughout the Reich. GOERING was the first chief of the Gestapo. In 1934 he appointed HIMMLER his deputy chief. In effect HIMMLER succeeded to the command of the Gestapo when he was appointed Chef der Deutsche Polizei (Chief of the German Police) on 17 June 1936. Heinrich MULLER was the Chief of Amt IV.

2. Functions in General. The functions of the Gestapo or Amt IV were to investigate and eliminate all political opposition to the Nazi Party and State, and to carry out the special police requirements of the Nazi leaders. It received much information for action from the Sicherheitsdienst or SD, but it also operated agents of its own to collect and receive political information. (See enclosure 9, which is a series of reports by a Catholic priest on the activities of the church and its members). It neutralized or destroyed such individuals within the Reich who actively or ideologically opposed the conspirators or their objectives. Among the classes of active opponents were communists, liberalists, monarchists, and pacifists. Among the classes of ideological opponents were Catholics, Protestants, and Jews.

3. Method of Operations. The great power of the Gestapo was its ability to operate beyond the reach or control of the ordinary judicial processes. The importance of this power is stated by KALTENBRUNNER as follows: (Encl. 1)

"The term Schutzhaft is closely bound up with the above-mentioned Ermächtigungsgesetz, Emergency Decree. The term Schutzhaft means the custodianship of Partei and State interests against the political activity of any person. The activity of the person had to be recognised as 'hostile to the State'. The term 'hostile to the State' was interpreted in the widest sense of the word.

"The question to be posed was, namely this:- Was the existing penal code sufficiently comprehensive to enable the ordinary courts to protect the State and Partei interest on the basis of the existing penal laws? The country's leaders were of a different opinion. They were of the opinion, in the first place, that the old staff of judicial officials had not sufficiently absorbed the Nazi psychology and studied the new public aim in order to appreciate in a clear concise manner who, and what, might be likely to damage the New State. It transpired, however, that an accused person, who, for example, had been summoned on a charge connected with some political offence, was acquitted, whilst the Stapo nevertheless took him into custody, because they came to the conclusion that the general circumstances of the case indicated that he was an enemy of the State.

"At any rate, the real state of affairs, i.e. 'Vorbereitung zum Hochverrat' (Preparation for High Treason), had been too narrowly defined in the criminal code. Thanks to the enlarged power, granted to the Stapo, the inadequacy of the existing law was remedied, inasmuch as it was made possible to counter the slightest political opposition."

Persons arrested and imprisoned by the Gestapo had no right or chance to appeal to law. The personnel of the Gestapo were not answerable to the courts for cruelties inflicted upon their prisoners, and the door was thus opened for ruthlessness and brutality.

4. Organization. The official heading of Amt IV of the RSHA is Gegner-Erforschung und Bekämpfung (Investigation and Combatting of Opposition). In the summer of 1944 the organization of Amt IV was revised in order to assimilate the counter-espionage section of the Abwehr. Prior to that time it had been divided into six Gruppe numbered from A to F. After absorption of the counter-espionage section of the Abwehr Amt IV was divided into two Gruppe, IVA and IVB. In Gruppe IVA were placed most of the functions of

the old Amt IV. In Gruppe IVB were placed the counter-espionage activities of the Abwehr together with sections dealing with supervision of foreigners and the control of passports, visas and other identity papers. Since Gruppe IVA contained those sections of the Gestapo which were of principal criminality, a detailed breakdown of that Gruppe only is given hereinbelow:

IV A 1
Opposition

- IV A 1 a: Communism, Marxism, and affiliated organizations (National Committee "Free Germany") in Germany, occupied territory and foreign countries.
German and satellite Prisoners-of-War in Soviet captivity.
Violation of broadcasting regulations.
Hostile guerrilla units in Germany.
Illegal communist and marxist propaganda.
Hostile guerrilla units in annexed portions of N. Yugoslavia.
Enemy propaganda - through leaflets and foreign broadcasts, and its dissemination.
- IV A 1 b: Reactionary movements.
Opposition.
Liberalism.
Monarchism.
Pacifism.
Treacherous acts, spreading of rumours, etc.
Undermining of the morale of the Armed Forces, grumbling.
Defeatism.
Discontented members of the Armed Forces in Germany, also those in enemy captivity, and their next-of-kin.

IV A 2
Sabotage

- IV A 2 a: Prevention and combatting of sabotage.
Political assassinations.
Forgery of passports and identity papers, with political implications.
Terrorists.
Syndicalists.
- IV A 2 b: Parachute agents.
Radio interference, jamming.

IV A 3
Abwehr - Counter Intelligence

- IV A 3 a: Combatting of espionage in circles of society.
Treason through negligence, careless talk, etc.
Combatting of political espionage.
- IV A 3 b: Economic matters in Germany and the occupied territories trade with foreign countries (see also under Amt III of the RSHA).
Combatting of espionage in the economic field.
Surveillance activities in Switzerland.
Transgressions of foreign exchange regulations.

IV A 3 c: Frontier Control, local border traffic and frontier incidents.

IV A 3 d: Signals and Communications counter-intelligence (monitoring, censorship, etc.)
Illegal communications traffic.
(This Section was taken over from the former Abwehr-Amt, where it was known as Abwehr III N).

IV A 4

Weltanschauliche Gegner - Ideological Opponents

IV A 4 a: Catholicism and Protestantism, sects, other religious bodies, freemasons, in Germany and in the occupied territories.

Basic problems at home and abroad.

IV A 4 b: Jews, emigres, Enemy and Opposition Property, taking away of Reich citizenship, at home, in the occupied territories and abroad.

IV A 5

Sonderfalle - Special Cases

IV A 5 a: Protective Service (for leading Party and Government personalities).

Special duties.

Unfriendly attitude towards evacuees.

German work-dodgers.

Anti-social behaviour.

IV A 5 b: Party affairs and Press.

IV A 6

Card indices and Search for Wanted Persons.

IV A 6 a: Card Index, Personal Dossiers (probably the central index of the RSHA).
Information.

IV A 6 b: Protective custody (Concentration Camps).

IV A 6 c: Foreign workers and prisoners-of-war.

Escapes and attempts to escape by foreign workers in Germany and the occupied territories (see also Amt V of the RSHA).

Illicit transmission of mail to and from foreign workers.
Refusal to work by foreigners.

5. Laws Enforced by the Gestapo. The Gestapo was charged with the prevention, detection, and prosecution of political crimes as defined by the conspirators. To ensure that it should never be embarrassed for lack of formal authority, the decree of 10 February 1936 authorized the Chief of the German Police "to take measures necessary for the preservation of security and order, even exceeding the limits defined by law". And on 22 October 1938 HITLER pointed

to the "unwritten law of Germany as expressed in the will of the Party Leader", and proclaimed that "every means adopted for the purpose of carrying out the will of the Leader is considered legal even though it may conflict with existing statutes and legal precedents". Thus, long after the words had been buried, the very ghost of "government by law" departed from the German scene. However, the Gestapo did enforce the following specific laws and decrees:

- Treason according to articles 88 - 93 of the Reich Penal Code.
- High treason (treason aimed at the overthrow of the German Government) according to articles 80 - 87 of the Reich Penal Code.
- Other crimes mentioned in the Reich Penal Code, such as public libel and slander of the Government.
- Public libel or slander of the National Socialist Party and its formations, e.g. the SS, SA or NSKK.
- Riots or incitement to rioting.
- Contraventions of the Conscription Law and offences against Germany's war potential.
- Failure to make a prompt report of any indications of high treason and treasonable act, etc.
- Hostile acts against friendly nations.
- Crimes, and offences against the exercise of citizens' rights and privileges.
- Offences against the decree of 20 Dec 34 dealing with treacherous attacks on the Government and Party, and protection of Party Uniforms.
- Offences against the Decree of 7 Apr 37 for the Protection of Party Designations.
- Offences against the Decree of 19 May 33 for the Protection of National Symbols.
- Offences against the Decree of 4 Apr 33 for the Prevention of Political Terrorism or Acts of Violence.
- Offences against the Decree of 12 Jun 33 against Treason towards the German Economic System.
- Offences against any of the Statutes or Ordinances based on the Presidential Decree of 28 Feb 33 for the Protection of Nation and Government.
- Offences against the Decree of 26 May 33 covering the Expropriation of Communist Property.
- Offences against the Decree of 13 Oct 33 for the Protection of Judicial Administration.
- Contraventions of the Decree of 14 Jul 33 against the Formation of new Political Parties or Factions.
- Offences against the Decree of 1 Dec 36 against Economic Sabotage.
- Offences against the Statutes of 12 Dec 38 dealing with the Administration of Foreign Exchange (Foreign exchange Regulations and Restrictions).
- Offences against:
 - a. the Ordinance of 18 Aug 39 for the Control of Goods and Trade.
 - b. the Ordinance of 27 Aug 39 establishing German Economic Administration.
 - c. the Ordinance dated 27 Aug 39 covering provisionally defined priorities to provide for the Essential Needs of the German People (Food, Consumer Goods, Fuel, etc.).

d. any other ordinances which were issued as directives and supplements to the three preceding ordinances.
 Offences against the Ordinances of 1 Sep 39 covering extraordinary measures relating to wireless Transmitting and Receiving.
 Offences against the Ordinances of 2 Sep 39 for the Protection of the German Border Regions and Internal Customs Zones.
 Offences against the Ordinance of 5 Sep 39 dealing with the treatment of Foreigners (PWs, Non-German workers, etc.)
 Offences against the Ordinances of 5 Sep 39 against the Enemies of the People (Anti-social Elements, as defined by German decrees).
 Offences against the Ordinance of 25 Nov 39 supplementing the Penal Regulations for the Protection of Germany's war effort.
 Offences against the Police Ordinance of 5 Jan 40 for the Protection of National Symbols and Songs.

6. Chain of Command. The Geheime Staatspolizei was founded upon the Political Police which had existed under the Weimar Republic to protect the Government against plots and treasonal attacks by extremists. Although its powers were vastly enlarged, its regional organization was patterned after that of the Political Police system which it superseded. The regional offices retained their old designation of Staatspolizei-Leitstellen, Staatspolizei-Stellen, Staatspolizei-Aussendienststellen and Staatspolizei-Aussenstellen. The Stapo-Leitstellen were established at the seat of a Wehrkreis or the administrative capital of a Prussian province or one of the large Länder or Reichsgaue. The chief of a Stapo-Leitstelle served as political adviser to the Reichsstaathalter or Prussian Oberpräsident, and cooperated with the authorities of the Wehrmacht and Party located in the same city.

Stapo-Stellen were established at the seat of a Prussian Regierungsbezirk or one of the small Länder or Reichsgaue. The Chief of a Stapo-Stellen served as the political adviser to the Regierungspräsident or similar authority in the Länder or Reichsgaue. The Stapo-Stellen are not subordinate to the Stapo-Leitstellen although the latter are responsible for proper coordination. They are self-contained units and may take independent action as necessary. Subordinate offices established by them in smaller localities are called Stapo-Aussendienststellen and Stapo-Aussenstellen.

The chain of command extends from the subordinate offices to the Stapo-Stellen and Stapo-Leitstellen and thence to Amt IV headquarters in Berlin, but in the field the Gestapo offices, like the SD offices, are subject to the direction of the Inspekteur or Befehlshaber der Sipo und des SD. The internal organization of the regional offices corresponds to the organization of Amt IV of the RSHA on a smaller scale.

By a decree of 8 May 1937, the responsibility for the security of the German frontier was placed with the Chief of the Security Police, and the Gestapo was then designated as in charge of frontier control. For this purpose it organized a new specialised branch called the Grenzpolizei, or Frontier Police, which operated through Grenzpolizei-Kommissariate situated at key points along the Reich frontiers.

At the outbreak of war the Oberkommando der Wehrmacht organized a secret police force to serve with the armed forces, the Geheime Feldpolizei (or Secret Field Police). It was conceived as a counterpart of the Gestapo which furnished much of its executive personnel. It was given authority to arrest civilians without court order. During 1942 most of the functions and personnel of the Geheime Feldpolizei were taken over by the Sipo and SD and the remaining units were reduced to a small field security corps of the Armed Forces.

D. AMT V OF THE RSHA.

1. Development. Amt V of the RSHA was the criminal police branch of the German police system, the Kriminalpolizei or Kripo. Such an organization had existed in Germany long before the rise of the Nazis to power, operating in various Länder in cooperation with state and municipal police in combatting crimes.

In 1936 HIMMLER combined the section of the Reich Ministry of the Interior which handled criminal police matters with the Prussian State Criminal Police to form the Reichskriminal Polizeiamt,

or Kripo. He then joined the Kripo and the Gestapo together under the Sicherheitspolizei. Thenceforth the Kripo functioned closely with and as a coordinate of the Gestapo in the execution of Nazi laws, decrees, and policies. In 1938 all members of the Kripo were required to enroll in the SS and in that year the Kripo and the Gestapo were joined with the SD to form the powerful combination of forces for the "protection of the State" known as the "Staatsschutzkorps". However legitimate its functions might appear on paper, the Kripo cannot escape its share or responsibility for the crimes of the secret police and security organization of the conspirators, for it was an important member of that organization and its facilities were available for and utilized in the criminal practices of the organization. The Kripo, as well as the Gestapo, had and exercised the power to commit persons to concentration camps.

2. Functions in General. Basically the duties of the Kripo were to discover, investigate, and prosecute criminals. As the Gestapo served as the centralized political police, so the Kripo served as the centralized criminal police. And insofar as their functions were limited to the commonly-accepted practices of state criminal police, no criminality could be charged to the organization or its members. Under the Nazis, however, the Kripo was increasingly used to combat the new "crimes" defined by the conspirators. In effect this meant that the Kripo had to investigate and prosecute as "criminal" conduct which in any way conflicted with the Nazi tyranny or its ideology. Criminal tendencies were ascribed to racial groups and minorities. The Kripo was charged with the segregation of "Untermenschentum" (e.g., the dregs of humanity) from the pure German race. The Kripo dealt with anti-social elements of the population which were not handled by the Gestapo as political offenders.

3. Organization. The official heading of Amt V of the RSHA is "Verbrechensbekämpfung", or combatting of crime. In addition to the administrative office, it contained six Gruppen and two scientific institutes, the Institute of Criminal Biology of the Security Police, and the Central Institute of Criminal Medicine of the Security Police.

GRUPPE V A
Kriminalpolitik und Vorbeugung
(Criminal Policy and Crime Prevention)

V A 1
Rechtsfragen, Internationale Zusammenarbeit,
Kriminalforschung

V A 1 a (Legal Matters):

- Law and legislation on Criminal Police matters.
- Matters relating to policy.
- Control of the Reich Criminal Police.
- Publications.
- Official manuals and publications.
- Forms and printed matter.
- Rewards to private individuals.
- Legal and criminal investigation policy.
- Penal law.
- Penal procedure.
- Training films.
- Dissemination of official messages and reports.
- Special problems of the Criminal Police.
- Special scientific problems.
- Information service.

V A 1 b (International Collaboration):

- Matters regarding foreign countries.
- International Criminal Police Commission.
- Foreign controls (extradition, etc.).
- Relations with foreign countries (correspondence).
- Translations.
- Interpreter service.
- Visits of foreigners and their participation in work at Police Headquarters.
- Arrest of foreigners.

V A 1 c (Criminal Research):

- Crimino-Biology.
- Statistics.
- Statistics of looting and plundering.
- Crime statistics.
- Crimes committed by foreigners, etc.
- Archives.
- Libraries.
- Specialised scientific treatises.
- Criminology.
- Research into racial theories of criminology.

V A 2
Prevention

V A 2 a Preventive measures against professional, habitual, and pathological criminals.

V A 2 b Preventive measures against anti-social elements, prostitutes and gypsies.
Central Bureau for the suppression of gypsies.

V A 3
Criminal Police - Women's Branch

Organization and employment.
Central Reich Bureau for combatting juvenile delinquency.
Arrest of juveniles.
Juvenile Penal Code.
Police reformatory and penal camps for juveniles.

Hilfsreferat V A 3 handled transfer of youths into Polen-Jugendverwahrlager (Internment Camp for Polish youths).

V A 4
Police Registration

Registration with the police on taking up or giving up residence.
Information from the civil registers (personal, marital etc.)

GRUPPE V B
Executive Work of the RKPA

V B 1
Capital Crimes

V B 1 a (Central Reich Bureau for combatting capital crimes).

Homicide and manslaughter.
Robbery and extortion.
Cruelty.
Unlawful hunting and fishing.

V B 1 b (Central Reich Bureau for combatting capital crimes).

Arson and explosions.
Traffic and industrial accidents.
Disasters.
Reports on theft of munitions, explosives and weapons.

V B 1 c (Central Reich Bureau for missing persons and unidentified corpses.)

V B 1 d (Central Reich Bureau for combatting international and inter-city pickpockets).

V B 1 e (Central Reich Bureau for combatting travelling and professional burglars).

V B 2
Fraud

- V B 2 a (Central Reich Bureau for combatting travelling and professional frauds and forgers: general fraud.)
(Central Reich Bureau for combatting art forgeries).
- V B 2 b (Central Reich Bureau for combatting travelling and professional frauds and forgers: fraud in business).
Combatting crimes against wartime economy.
- V B 2 c (Central Reich Bureau for combatting fraud: bribery and corruption of Government officials).
- V B 2 d (Central Reich Bureau for combatting forgeries of currency, securities and postage stamps).
- V B 2 e (Central Reich Bureau for combatting games of chance and fraudulent gambling).
- V B 2 f Combatting violations of statutes for wartime economy.

V B 3
Offences against Public Morality

- V B 3 a (Central Reich Bureau for the suppression of obscene pictures, books and advertisements).
- V B 3 b (Central Reich Bureau for combatting international white slave traffic).
- V B 3 c (Central Reich Bureau for combatting traffic in illegal drugs).
- V B 3 d (Central Reich Bureau for combatting homosexuality and abortion).
- V B 3 e (Central Reich Bureau for combatting offences against morality and pathological sex crimes).

Hilfsreferat V B 3 e handles the investigation and prosecution of so-called Rassenschandugn ("Pollution of the German Race"), i.e. sexual relations between Germans and "non-Aryans".

GRUPPE V C
Wartime search and general search for wanted persons

V C 1
Wartime search for wanted persons

- V C 1 a Searches for deserters and for men absent without leave from the Armed Forces, the Waffen-SS, the SS-Police battalions, the Reich Labour Service, the Todt Organization.
Arrest of persons subject to military service who are guilty of dodging service.
Combatting of the assistance of deserters by their relatives where motives are non-political.
Solution of crimes committed by unidentified deserters.
Maintenance of card files of deserters and other persons subject to military service who have escaped into foreign countries.

V C 1 b (Central Bureau for the wartime search for wanted persons).
 Search for escaped prisoners of war and bailed-out enemy
 airmen.
 Preventive measures against escaped prisoners of war.
 Methods and routes of escape of prisoners of war.
 Search on railways, on highways and at barriers; authority
 for control of Armed Forces by police.
 Special search system of the Security Police and Security
 Service.
 Signals and communications equipment of the Criminal Police.

V C 2

Means employed by the police in the search for wanted persons

V C 2 a Central graphological collection (Political and Criminal).

V C 2 b Criminal Police collection of personal dossiers.

V C 2 c Collection and exploitation of reports and Wanted Persons
 lists received from abroad.
 Central files of nicknames and distinguishing marks.

V C 2 d Publishing Office of the Criminal Police Gazette.

V C 2 e Central files of wanted persons.

V C 2 f Central Reich Bureau of registration and identification.

V C 2 g German Book of Wanted Persons.

V C 2 h List of individual residences and personal whereabouts.

V C 3

V C 3 a Police dogs of the Security Police, employment of dogs
 for the following of traces, for the detection of
 mines and for the discovery of persons.

V C 3 b ?

V C 3 c Control of all Chinese who have become subjects of police
 attention in Reich territory.

GRUPPE V D

KTI - Criminological Institute of the Security Police

V D 1

Identification of Traces and Persons

V D 1 a (1) Identification of fingerprints and traces.
 Library of single fingerprint records.

V D 1 a (2) Identification of tools, footwear, animal tracks,
 teeth, etc., and their imprints.

V D 1 a (3) Identification of firearms and ammunition.

V D 1 b (1) Central library of ten-finger print records.

V D 1 b (2) Central bureau for tracing and identifying persons.

V D 2
Chemical, physical, biological and
botanical Research and Analysis

- V D 2 a Investigation of arson and explosions.
- V D 2 b Comparative analysis of materials.
- V D 2 c Analysis of poisons.
- V D 2 d Research and analysis in the field of the natural sciences.

V D 3
Scientific examination of documents

- V D 3 a Examination of documents - forgeries.
- V D 3 b Comparative graphology - handwritten, printed and typewritten documents.

V D W
Technical Workshops and Laboratories

Photolaboratory and files of photographs.
Drafting, copying and plaster casts, etc.
Workshops and laboratories.

GRUPPE V F

This Gruppe was not originally part of Amt V. It was added to take care of financial matters.

GRUPPE V Wi.
Criminal acts against the National Economy

- V Wi 2 Violations of the decrees governing economic matters.
Blackmarket and illegal bartering.
Theft and embezzlement of purchasing permits.
- V Wi 3 Violations of regulations governing prices, foreign exchange, customs and taxes.
- V Wi 4 Corruption in the Armed Forces, the RAD, the OT and other formations with the Armed Forces as well as in the SS and the Police.
- V Wi 5 Corruption in national and local authorities, in the Nazi Party and in business and industry.
- V Wi 6 Fraud in business, protection of inventors' rights, all trade matters and forgeries of purchasing permits.

Kriminalbiologisches Institut der Sipo
(Institute of Criminal-Biology of the Security Police)

The functions of this Institute, which was established in December, 1941, are:

- (1) To maintain indexes of all anti-social and criminal "family groups" in Germany.

- (2) To segregate according to the principles of Crimino-Biology all juveniles who are regarded as harmful to society, and who "necessitate" police action in the interests of crime prevention.
- (3) To establish an observation office in cooperation with the Reichsgesundheitsamt (National Health Bureau) in order to compile records from the point of view of criminal-biology.
- (4) To take part in research into the heredity of the German people, and act in an advisory capacity to the National Health Bureau.

Kriminalmedizinisches Zentralinstitut der Sicherheitspolizei
(Central Institute of Criminal-Medicine of the Security Police)

The functions of this Institute, which was formed in September, 1943, are:

- (1) Training of replacements for the medical personnel of the SS and Police (this apparently does not seem to include the Waffen-SS).
- (2) Scientific research and experiment in crimino-medicine.
- (3) Direction and exploitation of all research by other scientific criminal institutes in medical matters.
- (4) Direction in all matters regarding crimino-medicine within the Sipo.
- (5) Medical examination of criminal cases of interest to the Police.
- (6) Training of Kripo personnel to deal with problems of criminal medicine.

4. Chain of Command. Headquarters of the Kriminalpolizei were established in most cities containing headquarters of the Gestapo. The Kripo-Leitstellen and Kripo-Stellen, since their establishment in 1936, were directly subordinate to the Reich-kriminalpolizeiamt, but for administrative purposes they were, until October 1943, attached to the Staatliche Polizeiverwaltung of their respective localities. In localities which did not have Kripo Leitstellen or Kripo-Stellen the work was handled by local criminal police offices which had only a functional connection with the Reich Criminal Police. By decree of 7 September 1943 HIMMLER incorporated all criminal police offices into the structure of the Reich Criminal Police, thereby centralizing administration and extending control of criminal police into the smallest communities.

Kripo-Leitstellen were usually established at the seats of large German Länder or Reichsgaue or at the administrative capitals of Prussian provinces. Kripo-Stellen were established at Prussian Regierungsbezirke or at the administrative capitals of small Länder or Reichsgaue. The relationship between the two was similar to that between the Stapo-Leitstellen and Stapo-Stellen. Kripo-Stellen were not subordinate to Kripo-Leitstellen. Each functioned independently of the other, except that the Kripo-Leitstellen were responsible for coordination. The Kripo-Leitstellen and Kripo-Stellen each maintained control over and direction of their respective branch offices, known as Kripo-Aussendienststellen and Kripo-Aussenporten.

Like the regional headquarters of the Gestapo, these offices of the Kripo were subject to the supervision of the Inspekteur der Sipo of the Wehrkreis in which they were situated, so that directives to the Kripo-Leitstellen and Kripo-Stellen might come either directly from Amt IV headquarters or from the Inspector of the Security Police responsible for their supervision.

E. AMT II AND AMT VI.

1. Amt II of the RSHA. Amt II was the administrative and finance office of the RSHA. One of its important subdivisions was the technical section, which handled wireless, photograph, films, telephones and teletype, motor vehicles and weapons. In connection with its technical responsibility for motor vehicles, this Amt developed and operated special vehicles which have gained notoriety by the name of "murder wagons" or "death vans".

2. Amt VI (SD Ausland). When the RSHA was established in September of 1939 the personnel of the SD who had formerly dealt in foreign political intelligence were separated from the SD proper and set up as Amt VI of the RSHA. Their function was principally to gather foreign political intelligence. The Abwehr

was the established military intelligence agency. A division of functions was established by which Amt VI received political intelligence and the Abwehr received operational or military intelligence. Amt VI expanded its functions under SCHELLERBERG, who became its chief in 1942. In 1944 Amt VI absorbed the espionage and sabotage sections of the Abwehr under a new office called the Militaerisches Amt.

Amt VI maintained representatives abroad both in neutral and occupied countries. Before the total occupation of France Amt VI used the German consul-general in Vichy, Dr. REICHE, to advise and control LAVAL. In neutral countries the duties of Amt VI personnel included political surveillance of local German institutions, liaison with the police, cultivation and support of political parties useful to Germany, the conducting of active political espionage. From its bases in Spain and Portugal SD personnel under Amt VI made persistent efforts to establish a political network in South America.

An important subdivision of Amt VI was VI S, the sabotage section under SKORZENY. There is evidence to show that this Amt was responsible for carrying out sabotage reprisals against Danish citizens in retaliation for damage to German war plants in Denmark.

The detailed breakdown of the organization of Amt VI is set forth in Enclosure .

III

CRIMES OF THE SECRET POLICE, SECURITY AND INTELLIGENCE SYSTEM

NOTE: Until completion of interrogations and assembly of documents now held in various document-gathering centers it is not possible to set out in detail the crimes of the secret police, security and intelligence system of the Nazi conspirators. For the purpose of this preliminary brief, only illustrative documents

will be used or referred to. It is expected that the next step in the development of the briefed case against the secret police, security and intelligence organization will be the integration of documentary evidence now available into this outline, to be followed by interrogations of key witnesses.

The CHARGE concludes as follows: "THAT THE CONSPIRATORS USED SAID SYSTEM IN PREPARATION FOR WARS OF AGGRESSION AGAINST PEACEFUL NEIGHBORING NATIONS; THAT THE CONSPIRATORS USED SAID SYSTEM TO CONTROL THE PEOPLE OF OCCUPIED NATIONS, ENSLAVE THEM, FORCE THEM TO WORK FOR THE REICH AND TO HOLD THEM IN FEAR; THAT THROUGH AND BY THIS SYSTEM THE CONSPIRATORS CAUSED MONSTROUS CRIMES TO BE COMMITTED, INCLUDING MASS MURDERS, TORTURE, CRIMINAL NEGLECT, STARVATION, STERILIZATION, AND OTHER INFAMOUS CRIMES AGAINST THE LAWS OF NATURE AND CIVILIZATION."

A. PREPARATION FOR WARS OF AGGRESSION.

1. Polish Frontier Incidents. The secret police, security and intelligence system was utilized by the conspirators in fabricating, by the most inhuman and gruesome methods, frontier incidents upon which they could base their arguments to the world that the Wehrmacht had to strike first in defense of the Fatherland. Enclosure 10 constitutes proof that prior to the invasion of Poland--the attack which launched the war--and pursuant to orders of the chief of the secret security and intelligence system, certain prisoners in concentration camps were murdered by hypodermic injections, their bodies were then clad in Polish uniforms and taken to places near the Polish border where they were riddled with bullets as though they were Poles penetrating the German frontier, thereby establishing the "incidents" which the conspirators needed to justify the ruthless and unprovoked attack upon Poland.

2. Penetration of Luxembourg. Luxembourg could scarcely have been considered a military threat to the Nazi conspirators. Yet Enclosure // shows that in advance of war the conspirators used the intelligence system to corrupt children and citizens of Luxembourg into giving information against their own country. The Enclosure shows that shortly before the outbreak of war, the information sought and obtained through these subversive means was primarily military in nature, rather than political, indicating that in their plans for military domination of Europe they did not overlook preparations against as small a country as Luxembourg.

B. CRIMES AGAINST THE PEOPLE OF OCCUPIED COUNTRIES.

1. Forced Labor of Poles. The two documents constituting Enclosure 12 hereto, show that the secret police and security agencies were instrumental in the evacuation of Poles from the district of Lublin for forced labor in the Reich, and that upon the evacuation of Warsaw the RSHA ordered all Polish men and women fit to work to be transferred into concentration camps for protective custody. Enclosure 13 shows that Amt IV possessed and exercised the power of commitment of Poles to workcamps.

2. Reprisals against the Danes. Enclosures 14 and 15 show that Amt VI (S) of the RSHA conducted counter-sabotage against Danish industries in reprisal for sabotage of factories producing war materials for the Reich, and that these reprisals were carried out pursuant to the direct order of HITLER.

C. CRIMES AGAINST THE LAWS OF NATURE AND CIVILIZATION.

1. Concentration Camps. It is beyond the scope of this preliminary trial brief to present an analysis of the concentration camps. There is available at this time a considerable quantity of evidence on concentration camps, and the transcript of the trial concerning atrocities at Belsen and other camps will provide ample

evidence of the internal organization and the cruelties inflicted upon the inmates.

The basic Gestapo law of 10 February 1936 gave to the Gestapo the responsibility of administering the concentration camps. Evidence indicates, however, that the administration of the camps was placed under the SS Wirtschafts und Verwaltungs Hauptamt for the economic exploitation of slave labor. The Chief of the SS WVHA was SS Obergruppenfuehrer POHL. The Chief of Amtsgruppe D in the SS WVHA was SS Gruppenfuehrer GLUECKS, who served as Inspekteur der Konzentrationslager (Inspector of Concentration Camps). The camp guards were taken from the SS-Totenkopfverbände (Deathhead Battalion). (See Enclosure /.) The close relationship between the RSHA and the SS Wirtschafts und Verwaltungs Hauptamt is indicated by the direct telephone communications between the respective headquarters (Enclosure 8), and ~~the RSHA retained sufficient authority, apparently, to order the outright murder of inmates. (Enclosures and .)~~

The RSHA stationed its own personnel in the concentration camps. In Buchenwald, RSHA personnel constituted Abteilung II, the Political Department. This office maintained all documents pertaining to the arrest of prisoners for protective custody. It also carried out interrogations in the course of which torture was sometimes used. (Enclosure , and see Enclosure /6 wherein the use of third degree methods, within certain limitations, is approved.)

KALTENBRUNNER states (Enclosure /) that deaths in concentration camps were attributed mainly to the following causes:

- (1) Death due to sickness and suicides.
- (2) Epidemics, typhus, para-typhoid, and diphtheria.
- (3) Malnutrition.
- (4) HIMMLER's orders for individual and mass execution.
- (5) Accidents occurring during hard labor.

The responsibility of the secret police, security and intelligence system for the concentration camps lies not so much in the direct murder, starvation, torture, and mistreatment of the internees, as in the fact that the Gestapo and the Kripo determined who should be subjected to the horrors. KALTENBRUNNER states (Enclosure /) that except where HIMMLER personally ordered imprisonment, which was seldom, commitments to concentration camps were based upon one of three orders:

- (1) By the Gestapo, Schutzhaft, or political custody.
- (2) By the Kripo, Vorbeugungshaft, or preventive custody.
- (3) By a court, Sicherungsverwahrung, or security internment.

Thus it was these two components of the RSHA, the Gestapo and the Kripo, which primarily controlled confinements to the concentration camps.

2. Annihilation Camps. Certain concentration camps were not used for employment of slave labor but were outright instruments of murder. Among these were the camps at Auschwitz, Majdanek, and Tremblinka. The responsibility of the RSHA for the murders committed in these camps is shown by Enclosures 13 and 14.

Enclosure 13 is a description of an original record book used by Amt IV, the Gestapo Amt, in determining the punishment of Poles in the town of Tomaschow, Poland. This book contains irrefutable evidence that the Gestapo determined who should be sent to the annihilation camps. Some of the Poles were sent to work-camps in Germany and some were shot, but most of them were sent to Auschwitz, where in the ordinary course they would be exterminated. The offenses of those sent to their deaths were various. Some were listed as bandits, others as suspected of belonging to resistance groups, others "als Jude" - with the crime of being Jewish. None were given the benefit of trial. They were simply taken into Schutzhaft, i.e. political custody, and shipped to the

extermination center to be killed.

Enclosure 2 shows that SS-Stubannfuhrer EICHMANN was the head of Amt IV B 4 of the RSHA, which section was in charge of matters concerning Jews and matters concerning evacuations. According to the hearsay statement of Enclosure 17, EICHMANN was responsible for the organization of the annihilation camps at Auschwitz, Majdanek, and Tremblinka and gave the orders for deportation of Jews and for their mass executions. Verification of this statement is being sought.

3. "Death Vans". Enclosure 18 shows that as early as 16 May 1942 "Death Vans" were in use by the secret police and security system in aid of the Nazi objective to eliminate political and racial undesirables by murder. The transcript of the Kharkov trial contains considerable evidence on this method of extermination. The fact that the Death Vans were an instrumentality of the police and security system is proved by reference to Enclosures 18 and 2. In Enclosure 18 are numerous documents referring to these special vehicles which were sent to and from the RSHA II D 3 a; one letter is addressed to SS-Obersturmbannfuhrer RAUFF. Enclosure 2 shows that at the time in question the head of Gruppe II D was SS-Obersturmbannfuhrer RAUFF and that Section II D 3 handled "Motor Vehicles of the Sipo". These documents, considered collectively, prove that the RSHA had charge of the "Death Vans" used in the extermination of unwanted populations and that the Sicherheitspolizei (Amts IV and V) and Amt II participated in the exterminations.

4. Murder Hospitals. Enclosure 19 is an interrogation report of a doctor who served in and for several months had charge of a murder hospital in Kiev to which diseased and political and racial undesirables were brought for extermination by morphine injections. (Enclosure 19.) He states that the political and social undesirables, "the living unworthy to live people," predominated in numbers and were brought to the hospital by the SD,

and that SD personnel were stationed at the hospital. As this seems more of an Amt IV function, corroborative proof is being sought. In view of the clearly established responsibility of the RSHA for operation of the Death Vans for the liquidation of undesirables, it is almost certain that some section of the RSHA, whether III or IV, did determine who should be exterminated at this murder hospital.

5. Murder of relatives. The secret police, security and intelligence organization invoked and applied the practice of murdering and imprisoning relatives of men who committed acts of treason, sabotage or assassination. See Enclosure 16, and the statement made by KALTENBRUNNER on this subject, Enclosure 20.

6. Murder of Prisoners of War. Documentary evidence now at hand indicates that where treatment was to be given to prisoners of war which exceeded the limitations of the laws of war the prisoners were handed over to the secret police so that the Wehrmacht could not be charged with violations of international law. Thus all British or British Empire Commandos taken as prisoners were to be turned over to the SD for execution (Enclosure 21). On recapture, escaped officers were removed from the control of the Wehrmacht and surrendered to the Sipo and SD. The greatest caution was taken to prevent disclosure of this action to the Red Cross or similar institutions, and the recaptured prisoners were reported as "escaped and not recaptured". (Enclosure 16).

The secret Police protected civilians who murdered captured airmen and were ordered to incite the population to take ruthless action against any Allied pilots forced to bail out of their planes. (Enclosures 22 and 23).

7. Sterilization. The secret police carried out the sterilization program of the Nazi conspirators. The Gestapo headquarters at Cologne conducted a ruthless system of sterilization of children

under the file subject, "Rhineland Bastards". In the summer of 1937 all descendants of occupation troops of non-European blood in this area were sterilized. Sterilization of children was performed without their consent or the consent of their guardians. (Enclosure 24 .)

8. Persecution of Jews. The persecution of the Jews was largely a function of the secret police, although in the early stages, regular police were also used. The anti-Jewish demonstration of 9-10 November 1938 in which thousands of Jews were driven from their homes and shops and placed in concentration camps was primarily a Gestapo, Kripo and SD function, as is shown by Enclosure 6 , but cooperation in carrying out the program was also obtained from the regular police.

The deportation of Jews and expropriation of their properties, as in the case of Galicia (Enclosure 25), and the commitment of Jews to murder camps and murder hospitals was conducted by the secret police (Enclosures 13 and 19). Proof that this action was taken as a part of the Nazi ideology is established by Enclosure 29 , in which an order of the RSHA is quoted to the effect that persecution of Jews is one of the most basic principles of National Socialism.

The order for the murder of Jews by the Gestapo to prevent liberation by advancing Allied armies is shown by Enclosure 16 .

The motive for persecution of Jews is stated by KALTENBRUNNER, Chief of the RSHA, in the following words:

"The discovery of the fact that Jews were participating in 'red' organizations was one of the first motives for their persecution, because the Jews had thus banded together as a team to fight against the seizure of power by the Nazis by giving their votes to the Left in all election campaigns. The further circumstances which led to the Jews being almost completely and systematically expelled from Reich Territory were:

- a) That in every case of treason against one's country the Jew played an inspiring leading role.
- b) That he made himself guilty of many economic offences against the national life.

- c) The fact that later, violent racial political propaganda started; and finally, there was HITLER's prophesy at the outbreak of the war, that this war would bring about the downfall of the Jews, as the Jews had provoked it with all possible means.

"Whilst initially, emigration was even supported by the State, later, transfers to concentration camps and deportations to the East were applied, and both led to a high death percentage."

9. Sipo and SD Prisons. Enclosure 16 indicates that under the general Government, there were established Sipo and SD prisons and that an order was issued from the commander of the Sipo and SD for the District of RADOM, at least, that in case of sudden emergency, precluding the evacuation of the prisoners, they were to be shot and the bodies disposed of as far as possible by burning, dynamiting of the prisons, buildings, etc.

IV. CRIMINAL RESPONSIBILITY OF THE ACCUSED, ERNST KALTENBRUNNER

The SPECIFICATION provides as follows: "THAT THE ACCUSED, ERNST KALTENBRUNNER, DID ON OR ABOUT 1932 JOIN THE NAZI PARTY AND THE SCHUTZSTAFFEL AND DID SUBSCRIBE TO THE AIMS, METHODS AND PRINCIPLES OF SAID ORGANIZATIONS, AND FROM THAT DATE THENCEFORWARD DID EXERT HIS EFFORTS IN AID OF THE CRIMINAL OBJECTIVES OF SAID PARTY AND ORGANIZATION AND THE LEADERS THEREOF; THAT HE APPROVED AND PARTICIPATED IN THE PLOT TO BRING AUSTRIA UNDER NAZI DOMINATION AND ACTIVELY ASSISTED IN THE ANSCHLUSS; THAT IN JANUARY OF 1945 HE ORDERED THE EXECUTION OF FIFTEEN UNIFORMED AMERICAN AND BRITISH PRISONERS OF WAR WITHOUT TRIAL, HEARING OR JUST CAUSE, AND IN DELIBERATE VIOLATION OF THE LAWS OF WAR, AND SAID PRISONERS WERE EXECUTED IN COMPLIANCE WITH SAID ORDER; THAT ON OR ABOUT 31 JANUARY 1943 HE ACCEPTED THE APPOINTMENT AS HEAD OF THE GERMAN SECRET POLICE, SECURITY AND INTELLIGENCE SYSTEM, WELL-KNOWING OF THE CRIMINAL PURPOSES AND PAST CRIMINAL ACTIONS OF SAID SYSTEM, AND THAT DURING HIS PERIOD IN SAID OFFICE ENDING ON OR ABOUT 8 MAY 1945 HE DID CONTINUE THE CRIMINAL ACTIVITIES OF SAID SYSTEM AND DID ORDER, PERMIT AND APPROVE THE PERPETRATION OF MONSTROUS CRIMES BY PERSONNEL OF SAID SYSTEM, INCLUDING MASS MURDERS, TORTURE, CRIMINAL NEGLECT, STARVATION, STERILIZATION, AND OTHER INFAMOUS CRIMES AGAINST THE LAWS OF NATURE AND CIVILIZATION."

A. Criminal Acts prior to appointment as Chief of the RSHA.

1. Early Party Activities. KALTENBRUNNER admits that in 1932 he joined the SS and the NSDAP (member No. 300179), and that he became the head of the "Juristen Bund" (Lawyers' club) of LINZ, a Pan-Germanic organization which after 1933 openly supported National Socialism. During this time he frequently made speeches, at first at "Heimat Schutz" gatherings under the auspices of Count STARHEMBERG, and subsequently at Nazi meetings. On 14 January 1934 he was arrested for his Nazi activities and imprisoned.

In May 1934 he was released. He denies personal participation in the DOLFUSS murder. (Enclosure 26.)

2. The Anschluss. KALTENBRUNNER denies active participation in the Anschluss of March 1938. Immediately after the Anschluss, however, he was raised in party rank from SS Hauptsturmfuehrer to SS Oberfuehrer and was appointed Secretary of Security, a position which gave him complete control of all Austrian police forces. (Enclosure 26.)

3. HSSu PF of Austria. KALTENBRUNNER was appointed Höherer SS und Polizei Fuehrer for Austria in the spring of 1941 and held this position until called to Berlin to head the RSHA in January 1943. While holding this post, he was responsible for establishing the infamous Mauthausen concentration camp. (Enclosure 27.)

B. Criminal responsibility as Chief of the RSHA.

1. Circumstances of his appointment. KALTENBRUNNER states that he first discussed his appointment as Chief of the RSHA with HIMMLER at Berchtesgaden on 18 December 1942, and that on that occasion he refused the appointment. He claims that subsequently he was ordered by HIMMLER to take the post. (Enclosure 27). In view of his first refusal of the promotion, however, the defense of superior orders cannot be sustained by KALTENBRUNNER, and he must be held to have succeeded to the post willingly.

2. Criminal intent. Intent can be derived only from all pertinent circumstances. Certainly among the circumstances pertinent to the proof of the intent of KALTENBRUNNER to carry out criminal acts through the RSHA is the fact that he knew or should have known of the past criminality of the RSHA and its principal components. In his capacity as the Höherer SS und Polizei Fuehrer of Austria he had supervised the same agencies which were incorporated into the RSHA. KALTENBRUNNER had a clear understanding of the purposes of the secret police, security and intelligence

organization, as shown by his preliminary interrogations. The fact that he accepted appointment as Chief of this combination of criminal agencies constitutes evidence of his criminal intention unless countered by proof of change of policy under his command.

3. Crimes of his administration. Not only was there no change of policy for the better when KALTENBRUNNER took command of the RSHA, but the evidence shows that the general crimes of the organization were continued and that new crimes, such as the murder of inmates of concentration camps in danger of capture, took place under his administration and were ordered by him (Enclosures 16 and 23.)

C. Crimes for which KALTENBRUNNER was directly responsible. (See Enclosure 23.)

1. Murder of prisoners of war.

(a) On or about 24 January 1945, fifteen American and British uniformed prisoners of war, members of a British/OSS Slovakia Mission, were executed at the Mauthausen concentration camp, without trial, on the direct orders of KALTENBRUNNER. Witnesses are available to testify that they saw the soldiers shot and saw the order for the executions in the form of a telegram from the RSHA signed by KALTENBRUNNER. (Enclosure 28.)

(b) SCHELLENBERG declares that KALTENBRUNNER and MULLER were responsible for the shooting in two cases of English and American prisoners of war.

2. Murder of civilians.

(a) SCHELLENBERG states that KALTENBRUNNER ordered MULLER (Chef Amt IV) on one occasion to kill twenty incurable French prostitutes, and on another occasion to kill ten persons.

(b) He also states that KALTENBRUNNER was responsible for the killing of an undetermined number of Russian and Polish workers.

3. Killing of Allied Airmen.

(a) SCHELLENBERG states that KALTENBRUNNER ordered the police to incite the people to take ruthless action against captured Allied airmen.

4. Murder of internees of concentration camps.

(a) SCHELLENBERG states that KALTENBRUNNER ordered that the concentration camp at Ravensbruck was not to be evacuated and that if the enemy approached all internees were to be shot.

(b) SCHELLENBERG states that KALTENBRUNNER ordered two ships carrying prisoners from the Stutthof camp to be scuttled on the high seas in April 1945.

5. Murder of Jews.

(a) SCHELLENBERG declares that KALTENBRUNNER ordered a steamer to be loaded with Norwegian Jews and scuttled on the high seas, and that subsequently the sinking of the ship was reported to have occurred as the result of striking a mine.

6. Imprisonment of relatives on theory of kindred responsibility.

(a) KALTENBRUNNER admits that the practice of imprisoning relatives of traitors, assassins and saboteurs was an approved method of Nazi punishment (Enclosure .) He claims that he was personally not sympathetic to this measure, but SCHELLENBERG states that KALTENBRUNNER ordered the imprisonment of relatives of officers and men who joined the Seydlitz Committee in Russia.