



1948

Affidavits Regarding Martin Sandberger, 1948-1949

Carl Mothander

John Olsson

James I.A. Dickson

Kurt Mintzel

Eva Sandberger

See next page for additional authors

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Authors

Carl Mothander, John Olsson, James I.A. Dickson, Kurt Mintzel, Eva Sandberger, Karl Sandberger, Hedwig Sandberger, and Gustav Adolph Scheel

12. Juni 1948.

Sehr verehrter, lieber Herr Ketter!

Einer Aufforderung meines Bruders Wilhelm Folge leistend richte ich diese Zeilen an Sie nachdem ich am 9. d. Mts. seinen Brief an Ihre Adresse dem Oberkonsulrat Dr. Pessel übergeben hatte um dessen schnellste Beförderung durch Luftpost zu erreichen. Inzwischen habe ich die Adressen bzw. Namen von 5 Kongress-Mitgliedern in Erfahrung gebracht welche wohl zweckmässig für den Fall unseres Sohnes interessant werden sollten. Es sind dies: The Honourables Francis Case, John W. Cory, H. Russell Overton Brooke, Ed. E. Cox in Washington.

An diese Männer hat sich schon Herr Bischof Dr. Johannes Neuhäuser gewandt, wie ich getreu mitgeteilt habe. Ich nehme an, dass es für etwaige Schritte Ihrerseits nützlich sein wird, diese Namen zu kennen. Hierzulande unternehmen wir alles Mögliche um eine Änderung des über unsden Sohn gefällten Urteils zu erreichen sowohl der Landes-
 ✓ Bischof wie auch der Minister-Präsident bejaworten unsere Gesuche und auch mit Director La Follette dem Chef der Militär Regierung unseres Landes habe ich mich in Verbindung gesetzt. Die letzte Entscheidung

x München

wird jedoch wohl drüben in Washington beim
Supreme Court fallen.

Später werde ich noch mehr von mir und von
meiner Familie hören lassen. Für heute schliesse
ich mit herzlichem Dank für jede Bemühung und
schönsten Grüßen von Haus zu Haus als Ihr
ergebener Vetter
Karl V. Sandberg,

P.S. Herr V. H. B. Gessel hat mir Wilhelm's Brief
mit Anlage zurückgegeben da der Armer. Bischof doch
Bedeutendes hatte, die Beförderung vorzunehmen. Ich
bzw. Gessel suchen jetzt einen anderen Vermittler für die
Beförderung als Luftpost.

Falls das Luadengesuch nicht beigelegt werden kann,
folgt es auf dem Seeweg!

Stuttgart-Sillenbuch, den 27. November 1948.
Treitschkestr. 12.

Rev.

T.W.S t r i e t e r,

9918 South Luella Avenue,

Ch i c a g o 17,

Illinois. USA.

Sehr geehrter Herr Pastor Strieter,

Mein Schwager, Wilhelm Sandberger in Korntal, riet mir, Ihnen zu schreiben und Ihnen die letzten Gesuche zu schicken, die wir als Nachtrag zu den Revisionsgesuchen an Herrn General Clay richteten. Ich tue dies umso lieber als ich weiß, mit welchem warmem Interesse Sie an unserem großen Kummer teilnehmen. Ich weiß auch, daß in Amerika alle Menschen, die Gerechtigkeit lieben und Gewalt verwerfen, mit uns der Hoffnung sind, daß alle Verfahren, die vor diesen Gerichten behandelt wurden, vor einem echten Revisionsgericht noch einmal behandelt werden. Unsere deutschen Bischöfe, die evangelischen sowie die katholischen, fordern ja das gleiche. Auf der zweiten Seite dieses Briefes stelle ich in ein paar Sätzen zusammen, was man von einem Revisionsgericht erwartet. Vielleicht ist es Ihnen lieb, dies einmal klar umrissen zu wissen.

Wie Sie aus dem beiliegenden Nachtrag sehen, haben sich weitere Beweisstücke dafür gefunden, daß unseren Sohn keine persönliche Schuld trifft. Wie wir vom Anwalt hören, ist noch ein weiterer Zeuge jetzt in Kiel aufgefunden worden. Wie schwer es ist, Zeugen zu finden für Vorgänge, die in einem unvorstellbar harten Vormarsch in der ersten Kriegswoche des Rußlandkriegs und in den ersten Wochen und Monaten dieses Krieges in Estland

stattgefunden haben, können Sie sich leicht denken.

Wir haben aber die Hoffnung noch nicht verloren, daß uns unser Sohn erhalten bleibt. Mein Mann ist heute in Nürnberg, um mit dem Verteidiger und mit einem der Herren der "Legal Division" Rücksprache zu nehmen. Er ist nun im 68. Lebensjahr und diese letzten Jahre waren schwer.

Mit herzlichen Grüßen und guten Wünschen für das Ergehen Ihrer lieben Familie, die uns ja leider noch fremd ist, bleibe ich

Ihre dankbare

*Hedwig Leuberg
(geb. Kaiser)*

Die allgemeinen Bemühungen konzentrieren sich darauf, daß die Einsetzung eines echten Revisionsgerichtes angestrebt werden soll.

Vor diesem Revisionsgericht, bei dem Anwaltszwang besteht (selbstverständlich mit Bewilligung des Armenrechts) müßten sämtliche Revisionsgründe geltend gemacht werden können, die nach kontinental-europäischem Recht Revisionsgründe sind (was bei den Habeas Corpus anträgen an den Supreme Court keineswegs der Fall ist, abgesehen davon, daß der Supreme Court sich für nicht zuständig erklärt hat).

Dieses Revisionsgericht müßte von der Militärregierung völlig unabhängig sein und allen Anforderungen entsprechen, die etwa in Deutschland an ein Revisionsgericht (Oberlandesgericht, Reichsgericht) gestellt werden. Bis zum Zeitpunkt der Einsetzung dieses Revisionsgerichtes wäre jegliche Vollstreckung von Todesurteilen zu suspendieren.

Dazu zitiere ich noch ein oft gesprochenes Wort des Nürnberger US Army Chaplain Cptn A c h t e r m a n: " Man sollte keine Todesurteile verhängen, denn man kann sie nicht revidieren, wenn sie sich später als ungerecht herausstellen".

To
the Military Governor
of the American Zone of Occupation in Germany
General Lucius D. Clay,
Berlin.

Stockholm, January 1949.

Sir,
With reference to Mrs. OLSSON's interview with Professor
MAC-CURDY in Frankfurt/Main on December 31 st 1948, and with re-
ference further to the petition presented by Major MOTHANDER
and others last spring, we, the undersigned, herewith venture
to appeal to you for a free pardon for Colonel SANDBERGER. We
base our appeal on the following facts:

1, Although Martin SANDBERGER was a member of the SS and SD,
he was one of the few Germans who honestly tried to neutralize
the inhumanity of Nazism by either ignoring or preventing the
execution of certain of Hitler's orders during the war. In so
doing he took great risks, as may be seen from the above-mentioned
petition.

2, There are in Sweden certain persons, former Estonian sub-
jects who can testify to the fact that it was not Martin SAND-
BERGER who was responsible for the passing of the many death
sentences in Estonia which are ascribed to him. For political
reasons, however, these persons refuse to certify this in writing.

3, It has come to the knowledge of the undersigned that a
number of German generals who bear a far greater responsibility
than Colonel SANDBERGER for the deeds of which he is accused,
have been acquitted.

4, There is substantial evidence of SANDBERGER's helpfulness
towards the Estonian people, whom -- thanks to his actions --
were spared the horrors of Nazism.

5, Walter SCHELLENBERG's testimonial to the effect that SAND-
BERGER was a convinced "Nazi", was written with the object of
speeding up the latter's promotion, because for four years SAND-
BERGER had received no promotion owing to the fact that on account
of his humaneness and the integrity of his character, he was not
regarded by his superiors as a "Vollnazist".

The mental torture suffered by SANDBERGER in Estonia, when he
had to execute orders which were contrary to his innermost con-
victions and from the knowledge that his country was in the hands
of irresponsible men and simultaneously threatened with Communism,
as also the mental torture he has suffered since April 1948 while
waiting for the execution of the death sentence, should be suffi-
cient atonement for any misdeeds that can be laid to his charge.
To grant him a pardon would be an act, in keeping with the humane-
ness of the American Nation and would be hailed with satisfaction
far and wide.

We are convinced that you, Sir, will listen to our humble
appeal and if at all possible, that you will grant Martin SAND-
BERGER a free pardon.

Metropolitan ALEXANDER of Estonia.

Carl MOTHANDER, Major,
Swedish Delegee in Estonia,
- 1942/43 -

Margarete OLSSON, Stocksund.

John OLSSON, Ph.D., Swedish
Lecturer at Hahnenklee/Hannover
Summer 1948.

Professor Gustav SUNDELIN, Stockholm.

To the Military Governor
of the American zone of occupation in Germany
General Lucius D. Clay
Berlin

I, the undersigned, also join in this appeal:

James I.A. DICKSON, Court Chamberlain,
Member of the Diet, Stockholm.

1. Although Martin SANDBERG was a member of the SS and SD, he was one of the few Germans who bravely tried to neutralize the inhumanity of Nazism by either ignoring or preventing the execution of the death sentence. The correctness of the copy of the above-mentioned document is testified to by the following facts:

2. There are in Sweden certain persons, former Gestapo and SS agents who can testify to the fact that it was not Martin SANDBERG who was responsible for the granting of the many death sentences in Estonia which are ascribed to him. For political reasons, however, these persons refuse to testify in this manner.

3. It has come to the knowledge of the undersigned that a number of German Generals who bear a far greater responsibility than Colonel SANDBERG for the deeds of which he is accused, have been acquitted.

4. There is substantial evidence of SANDBERG's helplessness towards the Estonian people, whom -- thanks to his actions -- were spared the horrors of Nazism.

5. Walter SCHULZKE, a testimonial to the effect that SANDBERG was a convicted "Nazi", was written with the object of speeding up the latter's promotion, because for four years SANDBERG had received no promotion owing to the fact that on account of his humaneness and the integrity of his character, he was not regarded by his superiors as a "Vollkammer".

The mental torture suffered by SANDBERG in Estonia, when he had to execute orders which were contrary to his innermost convictions and from the knowledge that his country was in the hands of irresponsible men and simultaneously threatened with Communist rule, is also the mental torture he has suffered since April 1948 while waiting for the execution of the death sentence, should he be sentenced to any punishment for any crime that can be laid to his charge. To grant him a pardon would be an act in keeping with the humane-ness of the American Nation and would be hailed with satisfaction by all who are convinced that you, Sir, will listen to our humble appeal and if at all possible, that you will grant Martin SANDBERG a free pardon.

Metropolitan ALEXANDER of Estonia.
John DICKSON, Ph.D., British
Professor Gustav GUNDEL, Stockholm.

Dr. Gustav Adolf Scheel

Ladenburg am Neckar, Amtshof 1.

A f f i d a v i t.

I am informed about the meaning of an affidavit. I know that untrue affidavits are liable of punishment. I am not related to Dr. Martin Sandberger, neither by blood nor by marriage.

While holding my former position as Chief of the Higher Division (Oberabschnitt) South West, resident in Stuttgart, I was informed by Dr. Martin Sandberger that the Chief of Division IV of Secret State-Police, Müller, had the intention to inhibit the sects in Germany. Sandberger argued emphatically that Württemberg-Baden would be particularly affected by that measure. In the term "sects" were comprised all the religious societies not organized within the great churches (Roman-Catholic, Protestant-United, Protestant-Lutheran, Protestant-Reformed), that is: the Methodists, Baptists, Mennonites a.s.o.

On that consideration Sandberger rigidly raised opposition to the intention of the Secret State-Police-Office though not being entrusted with state-police or executive functions of any kind. In virtue of his duty of reporting, however, he felt to be obliged to advocate a declining point of view. So he drew up a memorandum in which he strictly rejected the dissolution of the sects. He emphasized that the followers of the sects were imbued with a deep religious conviction. He pointed to the heavy reactions of such a procedure, affecting the whole body of Christian Churches, as well as to his opinion that such a measure could not be justified by anything, neither politically nor objectively. Moreover, Sandberger principally rejected the application of police-methods to cases of

ideological conflicts with religious societies.

Some time afterwards, I was informed that the convincing argumentation of the memorandum above mentioned decisively contributed to the fact that the Secret State-Police-Office desisted from the planned measure of dissolving the sects.

(signed) Dr. Gustav Adolf Scheel.
Ladenburg, March 5th 1949.

The foregoing signature of Mr. Gustav Adolf Scheel, Dr., written before my eyes, is attested and witnessed thereby by me.

Ladenburg, March 5th 1949 (signed) Kurt Mintzel
Defender of Dr. Martin Sandberger.

Karl V. Sandberger

Stuttgart-Sillenbuch 15. März 1949.
Treitschkestr. 12.

Rev. T. W. S t r i e t e r

9918 Luella Avenue

Ch i c a g o Illin.

Sehr geehrter, lieber Herr Vetter!

Sie haben sicher bereits gelesen, daß die Urteile im sogen. Einsatzgruppen-Prozeß von General Clay bestätigt worden sind, daß aber die Vollstreckung ausgesetzt werden soll, bis das Bundesgericht in Washington über die Revisionsgesuche der Verurteilten entschieden hat. Seit 11 Monaten haben wir allerdings nur gewußt, daß es eine Revision der Urteile nicht gebe, daß allerdings eine einseitige Nachprüfung in Deutschland durch die sogen. Legal Division auf Antrag erfolge. Die letzte Entscheidung liege bei General Clay.

Nun gilt es, die für die Einreichung und Prüfung des Revisionsgesuches, das von dem Anwalt unseres Sohnes ^{Herrn} (Dr. Kurt Mintzel, Nürnberg, Rieterstr.6) schnellstens an das Bundesgericht abgeht und ~~da~~ das wichtiges ergänzendes Beweismaterial enthält, die notwendige Zeit zu gewinnen und den hierzu erforderlichen Aufschub der Vollstreckung des am 10. April 48. gefällten Todesurteils zu erreichen. Der Ausgang der Praesidenten-Wahl hat Sie wohl in Ihrer Aktivität stark beeinträchtigt; trotzdem möchte ich Sie heute bitten, uns in dieser Notlage nochmals Ihre Hilfe zu gewähren, indem Sie sich mit Herrn Ludwig Lohmüller, 714 Barry, Chicago III. in Verbindung setzen, der gute Beziehungen zu Senatoren und Herren des Bundesgerichts haben soll.

Sicher haben Sie noch Unterlagen über den Fall Martin Sandberger in Händen. Weiteres liegt hier bei und steht nach Bedarf zur Verfügung. Falls das Gesuch der Verteidigung um Nichtbestätigung des Urteils ^{nochmals} benötigt wird, bitte ich um sofortige Nachricht. Von Seiten eines Rev. Dr. Eberhard Müller c/o Union Theological Seminary, 600 W 122/St New York 27 / New York sind bereits Schritte beim National Council for Prevention of War, 1013 Eighteenth Street Nord West Washington 6 DC im Interesse unseres Sohnes unternommen

B.8-0825

worden. Müller ist Leiter der Evang. Akademie in Bad Boll, ein Ihnen wohl nicht unbekannter Begriff, und kennt unseren Sohn persönlich. Müller bleibt noch einige Wochen in U.S.A. - - - Wir halten es jedoch für möglich, daß Herr Lohmüller über besondere Verbindungen verfügt, die in dieser so dringlichen Angelegenheit von Nutzen sein können.

Für jede Bemühung in dieser Sache danke ich Ihnen, zugleich im Namen meiner Frau und Schwiegertochter herzlich und sehe Ihren Nachrichten mit lebhaftem Interesse entgegen.

Mit schönsten Grüßen für Sie und die Ihrigen bleibe ich

Ihr ergebener Vetter

3

Anlagen: Brief Alexander/Mothander
Affidavit Dr. Gust. Ad. Scheel
Brief Dr. Eva Sandberger an Clay.

Karl T. Sandberger

to Mrs. Sanderberger, Dr. Phil.
General Lucius D. Clay,

Esslingen/Neckar, March 15th 1949.
Hasenrainweg 67.

B e r l i n .

Sir,

At the end of the past year, I submitted to you the request to be favored with a short reception in order to report to you on the most important aspects justifying the mercy of my husband, Dr. Martin S a n d b e r g e r, sentenced to death. My request was refused. Meanwhile you have affirmed the sentence passed upon my husband. I do not know what considerations were decisive for you therein, as, in the course of the proceedings of court or by supplementary evidences of witnesses, the points proffered by the bill of indictment were completely rebutted, partly in different ways, so that the connection constructed between my husband and the events in Estonia could not be maintained anywhere: neither the forwarding nor the carrying into effect of a criminal order by any activity of his was proved. He detested the orders in question at that time as emphatically as he does to-day, and did not only try to withdraw from the effects of a criminal policy but managed to frustrate or to delay them, as far as it was within the reach of his power. This attitude of his was verified again and again by neutral foreigners and even by Estonians (i.e. the Metropolitan of Estonia), who then were able to observe him. Recently this was stated once more by the Swedish Major Carl M o t h a n d e r and the personal intervention of Mrs. Margareta O l s s o n, Stockholm. That this attitude was the genuine and fundamental one of my husband was made evident furthermore when -- Dr. P f i f f e n's testimonial enclosed shows it -- immediately after his entrance in the office for foreign affairs (Auslandsamt), he systematically and actively aspired to a fundamental change of the conditions within Germany and to a conclusion of peace with the Western Powers. The testimonial enclosed (Nr.2) evinces his same attitude also before the war.

The military superiors of my husband were the generals von K u e h l e r and Ritter von L e e b (Case XII, Nuremberg). Though these men, in their sentences, were more strongly incriminated by irrefutable facts

and documents than my husband, they were only punished by imprisonment. In their sentences the position of constraint created by Hitler's orders was taken into consideration as an extenuating reason. Moreover, my husband, at that time in the inferior position of a major, was in a much more inevitable situation of constraint, supposing him to be personally incriminated at all. The leading personality in the indictment in both cases, General Telford Taylor, expressed this fact in his pleading in Case XII very appropriately: "How much grater were the power and Responsibility of Fieldmarshal von Leeb, his commanders of the 16th and 18th army, the fourth armoured group and the backward army-territory North, than those of the insignificant SS-colonel SANDBERGER. In the same way, one might try to compare the radiant luster of the midday-sun with the tiny spark of the glow-worm!" General von Leeb was sentenced to three years' imprisonment and has been set free already. General von Kuchler was sentenced to 20 years' imprisonment. The two commanders of the backward territory North (above mentioned), strongly incriminated by documents, were not indicted at all though living within the US-zone, whereas my husband was sent^{en}ced to death. Not even any extenuating circumstances were granted to him by the Court, and your decree, Sir, up to now did not make use of this possibility.

As a further enclosure, I add a third testimonial of an eye-witness being a further evidence for the fact that in the sentence upon my husband not all discharging points were sufficiently made clear.

Sir, I have three children, from seven to ten years old; we had to flee from Berlin and have lost goods and chattels. I myself am working hard to earn a living for my children. The grief and sorrow about the fate of my children's father heavily weighs down upon all of us. I supplicate you to consider what a deep misfortune the refusal of our petition for pardon would mean for me, and how hard my children's destiny would be thereby. Once more I entreat you from the bottom of my heart, based on the discharging facts made evident, to pronounce my husband's pardon or at least to change that heaviest punishment into imprisonment, so granting to him, too, the same extenuating circumstances which

General Lucius D. Clay,

Berlin.

caused the High Court, concerning his superiors, the generals von
K u c h l e r and Ritter von L e e b, to desist from the sentence of
death and to pass a sentence of imprisonment.

My children and myself will be grateful with all our hearts for
this act of grace and know how to appreciate this magnanimity of yours.

L. D. Clay