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A I merely know what Noske [sic] told me personally. I did not see the teletype message. I wasn't present when Noske [sic] talked with the officials in Berlin. Therefore I don't know what the reasons were.

Q Proceed, Dr. Hoffmann.
BY DR. HOFFMANN:

Q Your Honor, I have no longer any questions.

THE PRESIDENT: All right, Dr. Hoffmann.

Any other defense counsel desire to examine? Apparently not.

CROSS EXAMINATION

BY MR. WALTON:

Q Witness, I believe you stated on direct examination that you were an SS Major?

A I was an SS-Sturmbannufuehrer [sic].

Q And the regularly employed member of the Gestapo at the period about which you testified?

A No, I was a member of the SD and had only been detailed to the State Police on temporary duty. I was paid by the DS and my personal files were with the SD.

Q And your duties with the Stapo office in Duesseldorf were reporter on church questions, is that correct?

A Yes, that's correct.

What qualifications did you have that would cause them to appoint you as a reporter on church questions? Were you a member of the Ministry?

A No I was a correspondent for church questions in the SD from SD Sector Duesseldorf No, [sic] I was not a member of the ministry.

Q Were you an expert in the theological questions from your studies and practice in life prior to the time you were in Duesseldrof [sic]?

A Not as a result of a study but because of a personal inclination. Before I started working for the SD Sector Dusseldorf? [sic] I was active in church affairs. And, because I am an expert on Catholic and protestant matters the SD Sector employed me as a correspondent on

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church questions on a full time basis.

Q You say you were an expert both on Protestant and Catholic matters. Were you a member of any church prior to the time you joined SD?

A By birth I belong to the Protestant church but through a sister of my Mother whose sons were Catholic clergymen I was also familiar with the doctrines and teachings of the Catholic church.

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Q Did you withdraw your membership in the church before you were active in Duesseldorf as an expert on church matters?

A No.

Q Now, I believe that you stated that the first order concerning these Jews or people married to Jewish spouses and their children came through some time in September of 1944, did it not?

A Yes.

Q As a member of the Gestapo Office in Duesseldorf, is it not a fact that all the Gestapo members knew approximately where the German troops were defending the borders of the Reich at that particular time?

A At this time the Allied troops had already occupied Aachen and the push from the area of Aachen into the territory left of the Rhine was imminent.

Q And that was generally known in Duesseldorf?

A Yes, that was known.

Q And you also knew in Duesseldorf, particularly in the Stapo Office, that if this pusch [sic] came it would be very rapid, didn't you?

A I can't pass any judgment on this.

Q You knew that if the push came, there was a possibility that within a very few days, if not hours, Allied troops would be in Duessel-dorf [sic], didn't you?

A We did not believe that.

Q But it was a possibility, wasn't it?

A But we didn't believe it.

Q You also knew and Nosske also knew that if the troops came to Duesseldorf very rapidly there would be little if any time to act on this code word if it came through, didn't you?

A We didn't even think about that. We only had one thought in mind and Nosske too – to prevent the carrying out of this order.

Q Well, you will agree with me that two days after Nosske voiced his objection, according to your own testimony, a break-through of the Allied troops occurred, didn't it?

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A I cannot remember what time passed until the Allied troops broke through from Aachen. I do not remember.

Q According to the way I heard your testimony on direct examination [sic], the reason that you fixed the time when Nosske filed his objection to this order was that on the Sunday following—which was the 19th of September 1944—the break-through of Allied troops occurred. Didn't you say that on direct examination?

A I said—and that was not the 19th, it was the 17th of September—that the Allied parachute jump, took place near Arnheim, and on the Lower Rhine.

Q And that happened two days after Nosske sent his objection back to Berlin?

A After the objection, after the flash-teletype which Nosske sent to Berlin, the reply came from Mueller, which I have already given twice.

Q Now, isn't it a fact, Witness, that at this time it actually was more dangerous to carry out an order of this nature than to disobey it? Isn't that true?

A I didn't understand the meaning of this question.

Q You were there, so you certainly have formed an opinion, and I ask you whether or not, at this particular time about which you are testifying now—the 15th, the 16th, or the 17th of September—was it not more dangerous to carry out an order of this nature than it was to disobey it.

A Why should the carrying out of such an order have been dangerous at such a time?

Q That is exactly what I asked you.

A I wouldn't know any reason why the carrying out of this order should have been dangerous. Dusseldorf was only occupied on the 27th of April 1945.

Q About how far from Duesseldorf, in September, in the matter of kilometers, were the Allied troops?

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A The troops were in the Aachen area, that is in the city area of Aachen, and then came the area on the left of the Rhine, then came the Rhine which we still considered an impregnable frontier.

Q How far was that, in kilometers, from Duesseldorf?

A From Duesseldorf to Cologne was forty kilometers and from Cologne to Aachen I think there are forty or fifty kilometers, so that altogether approximately one hundred kilometers.

Q You say that Nosske was quite excited about the receipt of this order at first. Did he give any reasons why he was excited?

A Nosske considered this order so impossible, so inhuman, that he was very excited.

Q Was there any military necessity for the execution of these Jews present at this time?

A The inspector asked me this question. He asked me whether the Jews represented a danger in the area near the front and I answered this question with "no" to the inspector. And the inspector then asked me, "What should we do with these people?" and I told him we should leave them in their homes.

Q Then you don't believe that it is right to kill Jews if no military necessity exists, do you?

A I always considered the killing of innocent people as impossible.

Q You stated that Nosske one day was no longer there. What was the name of his successor?

A Haenschke. Senior Government Councillor[~~sic~~] Haenschke was his successor.

Q And you say that you learned of the contents of these telegrams when Nosske came and asked you to get copies of them; is that correct?

A Nosske asked me for copies, first of all of the top secret matter which came from the inspector, then of the teletype which Nosske himself sent to Berlin, and then of the reply message which Mueller sent. Nosske asked me for copies of these matters, pointing out that he needed these for a proceeding which the investigating officer of the SS and

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Police Court had started against him.

Q During your time that you were in Duesseldorf, did you handle any other secret or top secret telegrams?

A Only in so far as it concerned the church question.

Q About how many of those secret or top secret telegrams did you get?

A Very few. Perhaps three or four.

Q Do you remember the exact contents of each one of those telegrams?

A No.

Q Then how is it that you remember so specifically, including the words that were underlined, in these particular telegrams that came to Nosske?

A When Nosske said to me that a proceeding had been started against him because he was to [sic] lax in his handling of the Jewish question, I feared that I would become involved myself in this proceeding and therefore I was so interested in this matter; and why I kept the text of these teletype [sic] in mind. Furthermore, the content of the teletype was so extraordinary, something so unprecedented and so important, that no man who has read it could ever forget it.

Q Did you have to make an entry in the letter registry of the Stapo Office in Duesseldorf, of these telegrams?

A In the book for top secret matters I entered the first order from the inspector as well as all these teletype messages. Yes, I registered them.

Q Why were you dealing with these matters when you said that your activities were confined to the church matters?

A As I have already said, I belonged to the Department 2-B. This department 2-B included, among other things, the Jewish Department. The Jewish Department, as such, however no longer existed after the middle of 1944, and the expert for this department had been given other jobs. I personally was still there with three officers and one

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auxiliary employee. And, looking at it objectively thus, 2-B was competent for this question.

Q Who was the chief of Office 1 of RSHA when Nosske was recalled? Do you know this name?

A I think that was Erlinger, but I cannot be sure. I don't know whether it is true, but that is my opinion.

Q Did you have many conversations with Nosske during his tenure of office in Duesseldorf?

A I frequently discussed official matters with Nosske.

Q Did you ever talk about any personal matters that concerned either one of you two?

A No.

Q Did Nosske ever tell you any of his experiences in the east?

A I did not know that Nosske had been in the east.

Q What rank was Nosske when he was dismissed from the office in Duesseldorf?

A Obersturmbannfuehrer – Lieutenant Colonel.

Q Was he promoted during the time that he was in Duesseldorf from one rank to another?

A As far as I know – well, I don't remember. I hardly think so.

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Q. And during the time in Duesseldorf, during your official and personal connections with Nosske, you grew to like him very much, didn't you?

A. Yes, I liked Nosske as my superior very much.

Q. And you are still friendly toward him, are you not?

A. He never gave me cause to feel anything else. And furthermore, I am personally grateful to him that at the time he did what he could in order to prevent the carrying out of this order; because I must admit today that if Nosske hadn't developed such initiative at the time and had taken upon himself to handle this matter, then no one in the State Police Agency in Duesseldorf area would be alive any more today.

Q. You state, then, that you like Nosske very much from your personal and official contacts with him and you further state that you still are friendly toward him, do you not?

A. Yes.

THE PRESIDENT: I didn't quite understand the witness' answer to your immediately preceding question – that if Nosske hadn't done a certain thing, that of a certain group no one would be alive today.

MR. WALTON: He stated, Your Honor, as I got it, that was very grateful to him and one of the reasons that he was very grateful to him was that in his opinion in the way that he acted in the matter of these Jews being the correct way; otherwise there would be no one alive in that Staop [sic] Stelle today. That is the way I understood the translation.

THE PRESIDENT: Who would not be alive?

MR. WALTON: No one in that office would be alive today.

THE PRESIDENT: Of his office?

MR. WALTON: Yes, of Nosske's and his office.

THE PRESIDENT: Well, I don't understand the sequence there. They weren't half-Jews in his office?

DR. HOFFMAN: Your Honor, I agree with Mr. Walton the witness is of the opinion that he is grateful to him that he showed the correct way, because otherwise—as the witness says—no one of the State Police

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Agency would be alive any more because probably today they would have been convicted in Dachau.

THE PRESIDENT: Well, then, is your gratitude only because it saved you and not the lives of these innocent people?

THE WITNESS: If he had not saved the lives of these innocent people, then our lives would have been forfeited.

THE PRESIDENT: You weren't concerned so much with saving the lives of these innocent people as with protecting yourself from some possible later conviction.

THE WITNESS: No. I now speak of today's situation, from the prospective today. At the time when this order was imminent, the prospective was quite different from the one today.

THE PRESIDENT: Proceed, Mr. Walton.
BY MR. WALTON:

Q. Well, since you have a chance to reflect on it, do you not think that was the entire motive behind Nosske's attitude there in Duesseldorf in connection with these Jews—in order that he might later save his own life?

A. No, neither Nosske nor I had these thoughts. That was completely out of the question. At that time we still did not entertain [sic] such thoughts and the considerations which Nosske had were merely directed toward the innocence of these people, and they were purely human feelings which caused him to do this.

Q. How do you know what Nosske thought?

A. Nosske discussed it with me. He said it was impossible to carry out such an order.

Q. But you said on direct examination that you never discussed Jewish question with the exception of this one.

A. Yes.

Q. Now you are testifying as to Nosske's attitude in general toward Jews.

A. You just came to talk about this special case and what caused

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Nosske to conduct himself in this way at that time, and his conduct after the order is what I was talking about.

THE PRESIDENT: Mr. Walton, we will take our recess. Recess for fifteen minutes.

(A recess was taken.)

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THE MARSHAL: The Tribunal is again in session.

MR. WALTON: May it please the Tribunal, I have only one or two further question for this witness, and I would like to call to the Tribunal's attention that the attorney for the defendant Felix Ruehl, Dr. Link, to my certain knowledge was ready to present his document books as of Monday. He properly served me with copies of all documents which had not been mimeographed, that is, translations, and he and I have both been ready since that time. Now information has come to me that Dr. Link was in the Krupp trial and is finding some difficulty in attending both courts at the same time. Both the Prosecution and Defense would like to get this matter settled, and I think that I can speak for Dr. Link and ask for the offices of the Tribunal in giving him an opportunity to present his documents.

THE PRESIDENT: Yes. The Marshal will please go to the Krupp trial Courtroom and if Dr. Link is not actually engaged in the presentation of the case of his client, is not on the witness stand and is not in jail, he will invite him to come immediately to our court so that he may present the document books which he has now been trying to present for several days.

PAUL BURKHOFF – Resumed
CROSS EXAMINATION – Continued

BY MR. WALTON:

Q Witness, I understood you to say just prior to the afternoon recess that you considered Nosske your friend. Now as a friend you would like to help him out as best as you could, would you not?

A I have only one thing to do here, that is to say the truth and I have to leave my feeling for Nosske out of this. I have said the pure truth, and I will say the pure truth.

Q I didn't say that you said otherwise. I merely asked you the question: You are a friend of Nosske and you would like to help him all you could in your testimony, isn't that correct?

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A In how far and what exactly you mean by a friendly relationship I do not know. Nosske was my boss. A relationship of friendship in the way that you might mean did not exist between us. Of course, we were both SS officers and in a sense, of course, we were comrades, but Nosske was my superior and, of course, in this relationship there was a certain separation between us.

EXAMINATION

BY THE PRESIDENT:

Q Witness, is it possible in the German Army to object to an order and still not forfeit one's life for that objection?

A I was not a soldier, and therefore, I am unable to give an answer to this question. I was an SS officer and so was Nosske.

Q Well, I didn't mean soldier in the technical sense of being a member of the Wehrmacht because this would apply as well to a sailor. Let us put the question in another way. Was the SS part of the armed forces of Germany during the war?

A No. As far as it is known to me, this is not the case. We, as members of the SD and the State Police, were subordinate to the Chief of the Reich Security Main Office in all factual questions, and as SS officers –

Q Well, who was the Chief of the Reich Security Main Office?

A The Chief of the RSHA was Heydrich.

Q Yes.

A His successor was Kaltenbrunner.

Q And they came under Hitler.

A As SS officers we came under Himmler.

Q And Himmler came under Hitler.

A Hitler was the leader of the whole German people.

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Q and he was the Commander-in-Chief?

A Yes.

Q Or in any other armed force of Germany no matter where located?

A Yes.

Q Did you take an oath of allegiance to Hitler?

A Yes.

Q Did Nosske take an oath of allegiance to Hitler?

A I should assume that this is so. But I do not know.

Q Well, I think that could be assumed.

A Yes.

Q At any rate, he was in the same category as yourself?

A Yes.

Q Yes. Now, in that part of the armed forces of Germany which eventually led to the top who was Hitler himself, was it possible for one to object to an order and not be summarily shot for it?

A No. Whoever refused to carry out an order was disobedient and, of course, had to bear the consequences. We, as members of the SD or the Security Police, in this particular respect were subordinated to the SS jurisdiction.

Q Well, the SS was subordinate to Hitler, wasn't it?

A Yes.

Q All right. Could anyone refuse to carry out an order or object to the carrying out of an order of Hitler and still not be shot for it?

A I cannot give an exhaustive answer to this question because it exceeds my knowledge.

Q Well, Nosske objected to the order, didn't he?

A Yes.

Q And he was not shot, was he?

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A No.

THE PRESIDENT: Do you have any further questions, Dr. Hoffman?

DR. HOFFMAN: I have no further questions, Your Honor.

THE PRESIDENT: The witness will be excused.

Do we have any word from the front as to whether Dr. Link is free or not?

DR. ULMER: Dr. Ulmer for the defendant Six.

Your Honor, I can now say once and for all that my witness has weathered the storm and that she will be able to come to the witness stand on Thursday, as I said this morning. I only wanted to say so now because this morning it was not clear. She has finally arrived in Hamburg, and I think she will arrive here during the day tomorrow, and I want herewith to announce her.

THE PRESIDENT: Yes.

DR. ULMER: And I want the gentlemen of the Prosecution to take note of this.

THE PRESIDENT: Certainly. Immediately upon arrival you will hold her in readiness for summoning to the witness stand.

DR. ULMER: Yes, Your Honor.

THE PRESIDENT: Very well.

DR. STEIN: Dr. Stein for Sandberger.

Your Honor, I made up my mind to offer Book 1 which is translated. Book 2 which was to have been presented with Book No. 1, is trans-lated [sic] but is has not been mimeographed yet. For this reason I have switched over my presentation and I shall now submit Book No. 1.

THE PRESIDENT: Very well. Proceed. You may begin, Dr. Stein.

DR. STEIN: I submit and I offer as Exhibit Sandberger No. 1, Document Sandberger 1. It is on page 40. It is an affidavit of the architect, Lambert von Malsen-Ponichau. This gentleman was Sanberger's deputy in 1941 in the direction of the Immigration Central Office, and in this affidavit he states that Sandberger, against his wish, received

the order to take up an assignment in the East with the Security Police and the SD.

THE PRESIDENT: I see that Dr. Link, battle-scarred and quite a veteran, has returned.

DR. STEIN: He confirms the following facts which Sandberger testified to in his direct examination, first, that Sandberger in 1940 and in 1941 had the urgent wish to be released from his activity in the Reich Security Main Office and to be allowed to go to join a Wehrmacht unit as a soldier; secondly, that since 1939 Sandberger suffered from a rheuma-tic [sic] disease and that in February or March, 1941, he had to take health baths in order to cure this disease; thirdly, that Sandberger reported to the Chief of Office I, Streckenbach, and asked him to be released in order to join the Wehrmacht, and when this was refused, he repeated his application; fourth, that Sandberger expressed to the affiant his disappointment that this application was not approved; fifth, that Sandberger before he was assigned to the East had no knowledge concern-ing [sic] the tasks of an Einsatzgruppe, especially considering that he had never had anything to do with Office IV of the RSHA nor had he ever been active in any police service whatsoever.

The following affidavits which I am about to submit concern the activity of Sandberger in Estonia. In these affidavits it is said that Sandberger during the second half of the month of September and in the beginning of October, 1941, was not in Estonia but in the sector in the vicinity of Leningrad. I may point out in this connection, and I may remind the Tribunal first, that the Chief of the Estonian self-government, Dr. Hjalmar Mae, has given testimony concerning this question when he was on the witness stand to the effect that Sandberger was not present in Estonia at this time and that he could not be reached from Reval; secondly, that the defendant Sandberger himself stated when he was on the witness stand that the execution of Jewish men in Estonia, which is mentioned in Document 1180 and in the Prosecution Document

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NO-3155, Report of Events of No. 111, happened during the last days of September while he was absent from Estonia without his knowledge, by order of the Einsatzgruppe Chief Stahlecker to a deputy of Sandberger's by the name of Carstens, and owing to the passing on of Sandberger's orders to this effect by a report from Carstens to the Estonian Home Guard.

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I submit and I offer as Exhibit Number 2, Sandberger Document Number 13, and it is in Document Book I, page 35. It is affidavit by Alma Klenke, who states that at the end of October 1941 she re-ceived [sic] a letter from Sandberger from which it became evident that Sandberger was at the Leningrad front on the 23rd of September 1941 as well as on the 3rd of October 1941.

The next document I offer is Sandberger Exhibit Number 3, Sandberger Document Number 12, Document Book I, page 33, affidavit of Miss Magda Kirschstein who likewise confirms that Sandberger at the end of September 1941 was at the Leningrad front, that in March 1942 Sandberger was in Berlin and after that in a field hospital in Pernaau.

As Sandberger Exhibit Number 4, I offer Sandberger Document Number 7, which is also in Document Book Number I on page 17, affidavit of farmer Otto von Haldenwang. Haldenwang was chief of the Department I of the German general commissariat for Estonia. He was, therefore, responsible to the chief of the German civilian administration in Estonia. He was together with Sandberger from the beginning of September 1941 until the autumn 1942 in Reval. He also confirms that Sandberger, during the time in question here, that is, autumn 1941, was not present in Reval and could not be reached by this affiant during the time. Furthermore, he confirms the absence of Sandberger from Reval during spring 1942 owing to illness, as well as the fact that the synagogue in Reval was not destroyed. Then he confirms that Sandbergers' interest was taken up by political matters and that Sandberger, therefore, did not deal very much with police matters. Herr Haldenwang furthermore speaks about the dif-ferent [sic] fields of activities with which Sandeberger, he says, had from the very beginning advised the Estonian civil administration with word and deed, that he was sympathetic towards the Estonian people and had always supported and been kind to the Estonians at any time.

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Furthermore, Sandberger had advocated a greater independence of the Estonian people and had supported this request with the German civil administration. He also saw to it that the Estonians would be well-treated and that in cultural and economic questions they should be supported as far as possible. A number of individual examples are given by the affiant confirming this. He characterizes the defendant Sandberger as a quiet, very correct person, who was able to strike a happy medium between particularly strong contrasts.

The next document is Sandberger Document Number 3, Document Book I, page 6, which I offer as Sandberger Exhibit Number 5, affidavit [sic] by Georg Buchner, the Kriminalsekretär. In 1941 Buchner was police expert in the special commando IA, the chief of which was Sand-berger [sic]. Buchner likewise confirms from his own knowledge that Sand-berger [sic] during the second half of September and at the beginning of October 1941 was stationed at the Leningrad front. During the time in question, the affiant was assigned to this special. The following paragraphs of the affidavit of Buchner confirm those statements which Sandberger testified to when he was in the witness stand, when he was asked by the prosecutor concerning the competence of the subcommando Krasnoje-Selo. From the beginning of October this subcommando Krasnoje-Selo was only subordinated to Sandberger as far as supply and administration [sic] were concerned, therefore, the spheres of activity of departments I and II, but the subcommando Krasnoje-Selo in all operational matters, that is, the work of the departments III, IV, and V, from October 1941 on, was exclusively under the Kommando Kranogwardeisk of the Einsatz-gruppe [sic] A. That is, therefore, to the staff of the Einsatzgruppe in Kranogwardeisk. Buchner describes in detail these channels of command. This confirms everything that Sandberger said concerning this question when he was on the witness stand on page 2,399 of the English transcript [sic].

Next I offer, as Sandberger Exhibit Number 6, Sandberger Document Number 5, page 11 affidavit of the Kriminalkommissar Johannes

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Feder. Feder was a member of the Special Commando 1A from the begin-ning [sic] of the Russian campaign until the 25th of September 1941. From the middle of August on, he was the chief of the branch office in Narva of SK 1-A. Narva is situated on the Road Reval-Leningrad about half way. Feder confirms that Sandberger, approximately during the period from the 10th of September 1941, went to the front with a sub-commando [sic] via Narva in the direction of Leningrad, that he did not return to Estonia as long as Feder was in Narva, and that in the meantime no contact existed between Sandberger and Feder. Apart from this fact, Feder confirms a number of other circumstances which agree with the statements that Sandberger made when he was on the wit-ness [sic] stand. First, he, Feder, had not been informed as a subcommando chief about the fact that it was part of his tasks to shoot Jews, Gypsies, and Communist functionaries. On the contrary, Sandberger had expressly said that no collective measures were to be carried out. Secondly, he, Feder, during the time of his service in Sonder-kommando [sic] 1A, from July 1941 up to and inclusive of 25 September 1941, had never heard either from Sanderberger [sic] or from any other place about the existence of a Fuehrer order concerning elimination of all Jews, Gypsies, and Communist functionaries.

Third, he Feder, as Sub-Kommando Chief, had received the following directions from Sandberger: All measure were to be taken as were necessary to protect the rear of the fighting units. Directives concern-ing [sic] confinements to camps or prisons and death sentences were only to be passed after an individual guilt had been established, and only if the person charged had had the opportunity to defend himself and orally. In this executions were to carried only in exceptional cases. The heavy guilt according to these principles was only active guilt of measures taken against the German Wehrmacht. Those were the offenses which were to punished with death or, of course, crimes against life and property of indigenous citizens during the time of the Russian occupa-tion [sic] which had preceded. Also, it had to be proven that the person concerned would endanger seriously the security of the area in question.

Fourth, concerning the marching through of the Kommando 1 A through Lithuania and Latvia, Sandberger had informed his Sub-Kommando Leader that the Kommando IA had no authorities as far as Lithuania and Latvia were concerned, but only for Estonia, and that for that reason, while the Kommando I A marched through Lithuania and Latvia, security measures on the part of the Security Police should only be taken if it was considered absolutely necessary to secure the Army immediately.

Fifth, Feder confirms that during his period as Sub-Kommando Chief in Narva, he had never received from anybody or from Sandberger an order concerning anti-Jewish actions and that he himself had never taken any measure against Jews. These statements confirm the testimony of the witness Sandberger when he was on the witness stand. It is on Page 2212 of the English record: "The territory in the Northeast of Estonia between Kapsk and Narva - -"

THE PRESIDENT: Dr. von Stein, at the rate at which you are proceeding, which is not a very rapid one, I am afraid that we won't reach Dr. Link before adjournment time, and I am very sorry about that because we - sort

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of had Dr. Link going back and forth, and I am just wondering now, do you think you can complete the presentation of this book before 4:30?

DR. VON STEIN: (Inaudible) Well, I suppose so, Your Honor.

THE PRESIDENT: We didn't catch that.

DR. VON STEIN: I think that there are only another 20 minutes, as far as that is concerned.

THE PRESIDENT: Well, there are 25, to begin with, and then you are moving very slowly and giving a lot of detail which is unnecessary. The only purpose of presenting a document in this way is to generally give the picture of what is presents, but to give it in detail is unnecessary because the affidavit must be read in its entirety, and I am afraid that you don't get as much out of it as if you just told in a few brief, tell-ing [sic] words what the affidavit says.

DR. VON STEIN: Your Honor, only a few individual documents needed an explicit explanation. All the other documents are very much shorter and only – therefore, they only give the content as you, Your Honor, wish it to be.

THE PRESIDENT: I see, very well. Yes. Well, Dr. Link, it seems quite clear that we couldn't reach you before 4:30 anyway. Now, the only thing we want to decide is whether you would want to go on immediately at 9:30 tomorrow morning or whether we should go on with rebuttal. Now just a moment now.

Dr. Link, can you give us any estimate of the length of time you would require to present your documents?

DR. LINK: It is difficult to give an estimate, your Honor, but I am almost certain that in about 40 minutes I could finish.

THE PRESIDENT: Yes. Can you be here tomorrow morning at 9:30?

DR. LINK: If it is absolutely necessary, your Honor, I shall excuse myself and I shall withdraw in the correct manner from the other trial, but, of course, it would be most welcome to me if I should be permitted to arrive at only 10 o'clock, because at 9:30 the decision is expected which the Tribunal was discussing during these last two days.

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THE PRESIDENT: Yes. Yes, well, I can see the importance of that, naturally; so perhaps what we will do then is, just as soon as Dr. von Stein finishes, to go on with rebuttal, because we ought to get that in, and then when you are free, completely free, then you report to the Tri-bunal [sic] and we will see when you will present your documents. But you need not feel under any constraint to report here at any particular time tomorrow morning, and I am very sorry that we had you called and then you couldn't go on anyway.

DR. LINK: Thank you, Your Honor.

THE PRESIDENT: You are welcome. Proceed, Dr. von Stein, please.

DR. VON STEIN: I now continue with the affidavit – of Feder's.

The territory in the Northeast of Estonia, between Kapsk and Narva, which is spoken about on this page of the transcript by Sandberger is the same sector which was part of the territory of Feder's Kommando.

Sixth, Feder furthermore confirms the statements of Sandberger on the witness stand, on page 2212 – 13, 2397, 2437, of the English trans-cript [sic], to the effect that the Estonian homeguard and the Estonian police authorities were subordinated to the Kommando of the Army in Estonia at the time.

Seven. Furthermore, Feder confirms Sandberger's statements in the witness stand, page 2197 of the English transcript, to the effect that in July 1941, in Pleskau, -- no agency of the Sonderkommando I was Instituted, but that the Sub-Kommando was subordinated to the 58th Infantry Division of the Army and only marched through Pleskau – at that time.

Eight. He furthermore confirms that he received the order from Sandberger to deal with any GII auxiliary task that might come up for the Army.

I now submit Sandberger Document Number 19, Sandberger Document Book Number 1 on page 58, Affidavit Strauch, Exhibit Number 7. Strauch makes in this affidavit, from his own knowledge, statements which refer to end of 1941 till March 1942. In those days Strauch was in charge of all tasks of Department Chief III with the Commander of the Security Police

And the SD in Riga. Strauch confirms that a certain Dr. Lange, who was responsible for all Jewish questions in the territory of the Einsatzgruppe A at that time and the Commander of the Security Police and the SD in Riga, that in this time that was just mentioned at least two Staff members in the presence of Stahlecker it had stated that the order, the Fuehrer order concerning the elimination of Jews in the territory of Special Kommando 1a, therefore in the territory of which Sandberger was in charge, had not been carried out, and that this fact was the more inconceivable as the number of Jews there was a very low one and that, therefore, it had been concluded that Sandberger had not the wish to deal with these matters. Furthermore, Strauch says that Stahlecker thereupon said that he had told Sandberger on various occasions that this order must now be carried out and at this next meeting with Sandberger he would draw his attention to this again. Strauch furthermore talks about a discussion which he had in Winter 1941-1942 in the presence of Stahlecker with the SS Obergruppen-fuehrer Jeckeln in Riga. During this discussion Jeckeln told Strauch, amongst other things, that he, Jeckeln, had discovered a number of Jews on an official trip in one of the localities and ordered their execution immediately personally. Strauch claims that he does not remember the name of this locality in question, especially as he had nothing to do with these matters at the time; but he remembers that it is a locality in the territory of the Sandberger assignment. "I think it is possible that it was Pleskau." In this connection, I may draw the attention of the Tri-bunal [sic] to the fact that in an affidavit of the, Ambassador Winnecker, which I shall submit at a later point, it becomes evident that Winnecker, not from his own knowledge admittedly, but from hearsay, had found out that Sandberger, contrary to orders which he had received, had taken Estonian Jews to Pleskau, where they were living in a camp up to that time when Obergruppenfuehrer Jeckeln got hold of them.

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I offer Sandberger Prosecution Exhibit No. 8, on page 53 of Document [sic] Book 1, Sandberger Document 18, an affidavit by Dr. Gustav Adolf Scheel. Scheel has known Sandberger since 1933. He was Sandberger's chief of the SD during the years 1935 until 1939. He confirms Sandberger's [sic] statements on the witness stand, pages 2143, - 44, -

THE PRESIDENT: Dr. von Stein, it isn't necessary to refer to the transcript, it confirms that. All we need now is a general idea of what each document contains and if you only read what you have in the index under the heading "content," that would be just about what we would want. Where you have a very particularly important document and you would want to be a little more specific, I think that it would be in order to dwell a little longer on it; but for you to be referring constantly to the transcript [sic] and giving us the page numbers, that is not part of the presentation of documents.

DR. VON STEIN: I only wanted to explain to the Tribunal the reason why I submitted the documents because sometimes, without any oral comment, it does not become evident what the document is meant to represent and what it signifies. For this reason I believe that a few documents have to have a comment in order that the Tribunal might see the reason why it is submitted.

THE PRESIDENT: Well, yes, but it isn't necessary to refer to the page number in the transcript.

DR. VON STEIN: I shall limit myself, Your Honor, as far as is possible [sic]. Dr. Scheel furthermore confirms, in his capacity as the former Reich Students Leader, that Sandberger from November 1936 up to the time he fell ill in 1939 interested himself in matters of the German Students Association and that in a more extensive way than in matters of the SD. Dr. Scheel says furthermore that through the beginning of the war Sandberger [sic] could not possibly [sic] leave the SD service. As Dr. Scheel, from 1935 until 1941, held high position in the SD, he must be regarded as an expert [sic] in these questions and certainly somebody whose testimony carries

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some weight. Dr. Scheel confirms, furthermore, that Sandberger in 1941 applied to him with the urgent request that he might ask for him in the RSHA in a capacity dealing with matters of the German Students Association [sic].

Next I offer Sandberger Exhibit No. 9, from Sandberger document Book 1, Document No. 1, affidavit of Dr. Reinhold Baessler. Dr. Baessler confirms the statements of Dr. Scheel and of the defendant Sandberger concerning [sic] Sandberger's activity for the Students Association, 1936 to 1939.

Next I offer as Exhibit No. 10, from Sandberger Book I, Document No. 4, affidavit of Eiseler, who from 1936 to 1939 was in the subdepartment [sic] of the SD of Stuttgart, in the security service administration district [sic] southwest. He confirms Sandberger's statements on various points, especially [sic] the impossibility of leaving the SD service after the war had broken out.

Next I offer Exhibit No. 11 from Document Book Sandberger 1, Document [sic] No. 11, page 30, affidavit of Dr. Klaus Huegel, who in 1938 was in the Foreign Department of the SD Stuttgart and in 1944 he was in Office 6 of the RSHA in Berlin. He expresses himself about the character and activities of Office 6 of the RSHA and about the nature, which has nothing to do with police matters, of Sandberger's job.

Next, from Document Book Sandberger No. 1, I offer Document No. 14, Exhibit No. 12, affidavit by the architect Lambert von Malsen-Ponickau, concerning the nature of the immigration office. Furthermore, I submit from Document Book I, Document No. 10, on page 27, and I offer it as Sandberger [sic] Exhibit No. 13, affidavit of Rudolf Hotzel, who in 1940-1941 was in Office 1 of the RSHA and was an immediate colleague of the defendant Sandberger [sic] and in 1942 was Chief of the Training Group in Office 1 of the RSHA. He confirms that this secrecy between individual departments of the RSHA was particularly strict in those days and he confirms: "In the group in which Sandberger and I served, Group 1-B of the RSHA, we certainly never found out about any matters of other departments of the RSHA. Decrees and directives of Office 4, we were never enlightened about and we never even

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heard rumors about them.”

The same facts are confirmed by Governor Councillor [sic] Reinhard Bro-der [sic], whose affidavit is contained in Document Book I as Document No. 2 on page 3, and, which I offer as Sandberger Exhibit No. 14 concerning Sandberger’s activity in Department No. 3 of the BDS, Verona.

I offer from Sandberger’s Document Book I, Document No. 20, page 61, affidavit of Julius Wilbertz, which I offer as Sandberger Exhibit No. 15, Wilbertz informs us that extensive reports of Sandberger’s were against matters which were of detrimental effects to the Italian population and that the SD reports pursued the aim to satisfy the needs of the Italian people under any circumstances. Wilbertz furthermore confirms that Sand-berger’s [sic] tasks in Verona had nothing to do with the field of activity of the State Police.

The next five affidavits which I shall refer to the human attitude of the defendant Sandberger. All five confirm that it is cor-rect [sic] if Sandberger explains to the questions of the President and also in cross examination the other questions of the Prosecution that some measures, directives, of the Government or the Party, he did not agree with.

The next three affidavits confirm that Sandberger most obviously did not have the usual Party attitude toward the Jewish question. I submit and I offer as Sandberger’s Exhibit No. 16 the affidavit of the lawyer, Dr. Wolfgang Heintzeler who is at the moment assistant [sic] defense counsel in Nurnberg, in Case 6. It is Document No. 9, affidavit by Dr. Wolfgang Heintzeler. The affidavit refers to the years 1931 to 1934. Dr. Heint-zeler [sic] mentions two examples which confirm, as he says, the fact that Sandberger, in spite of his National Socialist attitude, had a very liberal view concerning the Jewish question and did not agree with the usual Party attitude toward the Jewish question.

Next I offer as Sandberger Exhibit No. 17, affidavit of High School teacher Johanna Haist, Sandberger Document Book 1, Document No. 6, refer-ring [sic] to the year 1933, which confirms the fact that Sandberger had no anti-

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Jewish attitude.

I offer as Exhibit Sandberger No. 18, from Document Book 1, Document [sic] No. 8, affidavit by Karl Heinz Hederich, an engineer, referring to the year 1944 and describing successful attempts of the witness Hederich and the defendant Sandberger concerning the improvement of the situation of the Jewish personalities in Budapest and in Berlin.

The next two affidavits describe in conformity the fact that Sandberger [sic] in 1938 supported agencies of the Protestant Party in Wurtemberg to improve the situation and the work of the church and to eliminate any obstacles which might be caused by other agencies. Sandberger acted in this, within the sphere of his Protestant activities, for the German Students [sic] Associations and in agreement with his chief, Dr. Gustav Adolf Scheel. The affidavit of Parson Dr. Eberhard Mueller refers to the same incident. It is Sandberger Book I, Document No. 16, which I offer as Sandberger Exhibit No. 19. The Parson, Dr. Eberhard Mueller, who was at that time General Secretary of the German Christian Students' Associations [sic], representing the German Branch of the Christian student World Union. He is today the chief of all Protestant Christian academies in Germany.

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Dr. VON STEIN: (Continued) Parson Dr. Mueller established among other things that the motive for Sandberger's conduct was that he agreed with opinion of his chief, Dr. Scheel, that a prohibition of church work did not agree with the idealistic attitude of the National Social-ists [sic]. Parson Dr. Mueller furthermore confirms that Sandberger through his conduct endangered himself and his position considerably because ob-viously [sic] in the circles of the German Christian Students Association it was again and again discussed that the Reich Students leadership had made it possible for this work to be carried on. These statements on the part of Parson Dr. Eberhard Mueller confirm the next affidavit which goes be-yond [sic] these borders. I offer it as Exhibit 20. It is Sandberger Book I, Document 17, on page 47. This is the affidavit of Oberkirchenrat "Senior Church Councillor) [sic] Wilhelm Pressel in Stuttgart. He was the students' Parson of the Protestant church in Tuebingen and has known Sandberger since 1931. Since 1933 Oberkirchenrat Pressel, up to this very day, is a close collaborator of District Bishop Wurm in Stuttgart. Bishop Wurm during this time was the leader of the Protestant Church in Wuerttemberg. Since 1945 he is President of the Protestant Church in Germany. Concern-ing [sic] the friendly attitude that Sandberger took toward the church in 1938, as stated by Parson Dr. Mueller Oberkirchenrat Pressel says, literally, "that Dr. Sandberger conducted these discussion in so loyal and proper manner although my political - - -

THE PRESIDENT: Just a moment Dr. von Stein, the interpreter wants to confirm a certain word.

DR. VON STEIN: I shall repeat what I have just been reading. Ober-kirchenrat [sic] Pressel says literally, that Dr. Sandberger conducted these discussions with the said result in such a loyal and decent manner al-though [sic] Sandberger knew about the fact that I was politically persecuted in this case. Oberkirchenrat Pressel was known to him and I think it is very laudible [sic] of him and I shall never forget this. Sandberger's behave-iour [sic] and conduct in 1938 is described by Oberkirchenrat Pressel and he says that this group in public were representatives of the idealistic and

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decent group of the NSDAP who attempted to suppress any forced measures within the party or make them impossible.

Concerning Sandberger's attitude in the years 1931 and 1932 Ober-kirchenrat [sic] Pressel says from his own knowledge: "I met him in those days as a man of idealistic and decent character. For idealistic reasons he joined the NSDAP and he was convinced that the leading men of the DSDAP wanted the very best for the German people, that their rules and their basic principles in the fight against dirt and misery and against public corruption and growing demoralization as well as the promises of politi-cal [sic] socialistic revolution based on law and orderliness and positive Christianity were meant seriously and honestly."

This concludes, your Honor, my presentation of documents today. I have a few further documents which have already been translated and have been here since the 15th of the month but I have not received copies. Furthermore there is a supplement to this document book I-A which I have submitted. I have not heard about this document book up to this date whether translated or not. I now ask your Honor whether he would be able to tell me whether I shall be in a position to submit, to offer these documents.

THE PRESIDENT: You will certainly be allowed to submit these doc-uments [sic]. No one will be denied the fullest opportunity to present all relevant documents. We are only saying that the schedule for tomorrow is that we will proceed with the rebuttal testimony to be submitted by the Prosecution. Then we will take up the matter of what is still left to be heard.

DR. VON STEIN: My question, your Honor, was not to the effect whe-ther [sic] I would be able to submit my documents but I was going to ask you whether I might personally admit them here in court after the rebuttal.

THE PRESIDENT: Well yes, that was the intention of our reply, that you will be permitted to present whatever documents you have, in court.

DR. VON STEIN: Thank you. Another request, your Honor. Your Honor, there has come to my knowledge that there are a number of translation

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mistakes, differences in the German and English text. I have already had a list made of such mistakes and I would like to know whether these mis-takes [sic] should be presented in court here or whether I should go through with them with Mr. Glancy and have these mistakes corrected in the trans-cript [sic] officially.

THE PRESIDENT: Yes, if you and Mr. Glancy can agree upon the cor-rection [sic] then it would be enough if you prepare an errata sheet and submit it to the person in charge of the transcript.

DR. VON STEIN: In case there should be any misunderstanding, your Honor, will I be permitted to present these matters in court here so that the Tribunal may make a ruling about these?

THE PRESIDENT: By all means, Dr. von Stein. The Tribunal will now be in recess until tomorrow morning at 9:30.