

7 Oct 47-A-MB-20 & 21-4-Arminger (Int. Lea)
Court No. II-A, Case No. 9.

conditions in Russia. It goes without saying that he was also serving as an interpreter during his entire term of duty in Russia. In spite of these facts, KLINGELHOEFER took part in two executions. The circumstances [sic] leading up to and the part he himself played in these events require detailed explanations by himself in the witness stand.

Apart from that, when submitting operational reports in evidence, Prosecution and Defense will have to screen them very carefully for their real probative value as far as it concerns the Defendant. For it is obvious that owing to the nature of these reports which covered a wide area and were a summary of a multitude of individual reports, errors occurred. They are not alone down to human inadequacy, but can and probably did originate from the generous tendencies of the report-ing [sic] officers themselves. I know myself to be in concord with the Tribunal, that the Defendant shall only be charged with such acts, in which he actually participated in person and exercised decisive influence.

THE PRESIDENT: Counsel for the Defendant Strauch.

DR. GICK (ATTORNEY FOR THE DEFENDANT STRAUCH): Your Honors, in order to facilitate a better understanding of my defense for defendant STRAUCH, it is necessary to make the following definitions which are of fundamental significance:

Generally speaking, the Einsatzgruppen and Einsatzkommandos were created in order to protect the territorial gains of the Armies advancing [sic] in the East.

They could fulfill their task only in direct collaboration with the Army units.

Consequently, it follows that:

- 1.) The Einsatzgruppen were placed under the Chiefs of the Army Groups and the Einsatzkommandos under the commanders of the Armies.
- 2.) Einsatzgruppen and Einsatzkommandos received their orders regarding

7 Oct 47-A-MB-20 & 21-5-Arminger (Int. Lea)
Court No. II-A, Case No. 9.

the executions of their orders directly from their respective superiors in the Army.

3.) Einsatzgruppen and Einsatzkommandos existed only in areas under military command, either at the front or directly behind the lines.

When an area passed from the military into the hands of the civil administration, the activities of the Einsatzgruppen and Einsatzkommandos ceased to exist in this area.

They were replaced by:

1.) The chief commanders (Befehlshaber) of the Security Police and SD in the case of the Einsatzgruppen and

2.) the commandants (kommandeure) of the Security Police and SD in the case of the Einsatzkommandos and the SD.

These two agencies were no longer military organizations but merely agencies of the Civil Administration. They had nothing to do with army units. They were agencies of the civil administration system which had been instituted in the East and which were headed by Reichcommissioners and higher ranking officers of the SS and Police for "Ostland".

In accordance with their functions, the tasks of the Sipo and SD chief commanders lay within the civil administrative sphere. Their activities were exactly the same as those of the corresponding administrative [sic] authorities and police offices in the Reich, for example the observation and enforcement of laws and ordinances issued in the respective [sic] area under civil administration, such as the collection of political news, the prosecution of criminal offenses etc.

In order to facilitate their work they had an administrative structure consisting of six different sections.

The commandants of the Sipo and SD no longer had anything to do with the Einsatzkommandos. They operated, as described above, in the advanced army areas. Entirely different persons were used there as leaders who were with their units at the front.

The situation regarding the chief-commanders of the Sipo and SD was similar. Only in so far did a certain connection of personnel

7 Oct 47-A-MB-20 & 21-6-Arminger (Int. Lea)
Court No. II-A, Case No. 9.

exist here, as the chief commanders of the Sipo and SD combined their positions with those of the chiefs of the Einsatzgruppen through a personal [sic] union. But as far as their work was concerned, they had nothing to do with each other, a fact which becomes clear through the following example: the chief-commander of the Sipo and SD Ostland had his headquarters in Riga, that is in the area of the civil administration [sic], although his headquarters as Chief of Einsatzgruppe A was in Krasnowardeisk, that is directly within the Army area.

I shall prove the correctness of these representations through the hearing of witnesses and the presentations of documents.

The defendant Strauch is being held responsible for being chief of Einsatzkommando 2 of Einsatzgruppe A.

Through the hearing of witnesses and by the presentation of documents I shall establish proof that defendant STRAUCH came to Latvia and White-Ruthenia on March 22, 1942, that is at a time during which these territories [sic] already were under civil administration.

STRAUCH therefore could not have been in any case the chief of Einsatzkommando 2, as, in fact, he was not.

The chief of Einsatzkommando 2, however, was already in November 1941 in the area around Leningrad. It seems that at that time this was Sturmbannfuehrer PLOETZ. Einsatzkommando 2 merely had a school in Riga for training purposes of the kommando. Their teaching staff comprised [sic] one leading and five subaltern officers who instructed one to two Latvian companies. Both, teaching staff and trainees, were exclusively [sic] under the command of the Chief of Einsatzkommando 2.

Accordingly, STRAUCH was placed in command of the Sipo and SD in Latvia, only for a few days. However, as I shall prove later he was transferred to White-Ruthenia as commandant of the Sipo and SD.

Therefore the assumption of the prosecution that he was Chief of Einsatzkommando 2 is erroneous.

Consequently STRAUCH cannot be brought into connection with the activities for which Einsatzkommando 2 must be blamed.

7 Oct 47-A-MB-20 & 21-7-Arminger (Int. Lea)
Court No. II-A, Case No. 9.

In addition to this chief objection of the defense, there is the fact that Strauch for the period in which he is charged with the res-ponsibility [sic] for the incidents as defined in the indictment, cannot even be considered the responsible commander of the Security Police and the SD. Although in the indictment Strauch is mentioned on November 4, 1941 as Commander of the Security Police and the SD: he only arrived in Latvia on November 10, 1941, and assumed his duties only from that date on.

Approximately one week after this date, however, i.e. around November 18, 1941, he became incapacitated due to a complicated fracture of his arm. He was replaced by a deputy commandant, a certain Dr. LANGE, who from this point on conducted all affairs entirely indep-ependently [sic] and without any possibility of interference from the side of STRAUCH, - and who remained in this position until he was formally appointed commander.

STRAUCH was used in an auxiliary capacity in Section III of the chief commander [sic] of the Sipo and SD.

He remained in this capacity inspite [sic] of the fact that he had been appointed commandant of the Sipo and SD in White-Ruthenia in the mean-time [sic].

HOFFMANN was appointed his deputy commander in White-Ruthenia, who had the same independent position as commander there as Dr. LANGE in Latvia.

Only after his complete recovery in March 1942 could STRAUCH/ take over the command in White-Ruthenia. He arrived in Minsk on March 22, 1942. Before that he never had been in White Ruthenia.

Since the position of this department commander was an entirely independent and responsible one and is therefore not comparable with a mere substitution during an absence, STRAUCH cannot be made responsible for the events which occurred during the regime of his deputies, not considering the fact that these deputies were never in charge of the Einsatzkommando 2.

7 Oct 47-A-MB-20 & 21-8-Arminger (Int. Lea)
Court No. II-A, Case No. 9.

I shall also prove the above facts through the hearing of witnesses and presentation of documents.

Furthermore I offer proof that certain localities which have been mentioned in the documents as lying within the area of the commandant of Sipo and S[?] of White Ruthenia, actually were not situated in that area. Consequently, a connection of defendant STRAUCH with the events that took place in these localities, cannot be considered.

Finally the defense will enter into a critical examination of the Kube-letter of July 31, 1942, submitted by the prosecution – Document 2829, Exhibit 111 – and through hearing of witnesses and presentation of documents prove this letter to be objectively incorrect.

THE PRESIDENT: Counsel for Defendant Fendler.

DR. LEHMANN (ATTORNEY FOR THE DEFENDANT FENDLER): May it please the Tribunal, in the case of the defendant FENDLER the prosecution has referred in all to six of the documents which it introduced into the proceedings. From these documents may be seen, according to the state-ments [sic] of the prosecution, that FENDLER belonged to Sonderkommando 4 b as an officer and during his membership in this Kommando he learned unofficially that executions had been carried out. According to the statements of the prosecution, such executions were carried out by Sonderkommando 4b at places where FENDLER was stationed at that time with this Sonderkommando.

Finally the prosecution produced documentary proof that FENDLER was a member of the SS and also of the SD and thus considers as proven his membership in an organization declared to be criminal by the Interna-tional [sic] Military Tribunal.

The prosecution considers the defendant FENDLER to be convicted of guilt under counts 1, 2 and 3 of the indictment.

However, the defense for the defendant FENDLER will show in the course of the introduction of its evidence that during his membership in the SD the defendant FENDLER performed only duties connected with intelligence and information. This, for instance, during the time when