

## INTRODUCTION

The "Einsatzgruppen Case" was officially designated *United States of America vs. Otto Ohlendorf, et al.* (Case No. 9). This trial has become known as the "Einsatzgruppen Case" because all of the defendants were charged with criminal conduct arising out of their functions as members of the Einsatzgruppen. The German term "Einsatzgruppen" may be roughly translated "Special Task Forces". Four such special units were formed in May 1941 just before the German attack on Russia, at the direction of Hitler and Heinrich Himmler, the Reich Leader SS, and Chief of the German Police.

The units were organized by Reinhardt Heydrich, Chief of the Security Police and SD (Sicherheitsdienst or Security Service) and operated under the direct control of the Reich Security Main Office (RSHA). The personnel of the Einsatzgruppen came from the SS, the SD, the Gestapo (Secret State Police), and other police units. The prosecution alleged that the primary purpose of the Einsatzgruppen was to accompany the German Army into the occupied East and to exterminate Jews, gypsies, Soviet officials, and other elements of the civilian population regarded as "racially" inferior or "politically undesirable". It was charged that approximately one million human beings were victims of this program.

The Einsatzgruppen Case was tried at the Palace of Justice in Nuernberg before Military Tribunal II-A. The Tribunal convened 78 times, and the trial lasted approximately eight months, as shown by the following schedule:

Indictment filed	3 July 1947
Amended indictment filed	29 July 1947
Arraignment	15-22 September 1947
Prosecution opening statement	29 September 1947
Defense opening statement	6 October 1947
Prosecution closing statement	13 February 1948
Defense closing statement	4-12 February 1948
Judgment	8, 9 April 1948
Sentence	10 April 1948
Affirmation of sentences by Military Governor of the United States Zone of Occupation	
	4 and 25 March 1949

The English transcript of the Court proceedings runs to 6,895 mimeographed pages. The prosecution introduced into evidence 253 written exhibits (some of which contained several documents), and the defense 731 written exhibits. The Tribunal heard oral testimony of one prosecution witness (Francois Bayle, Commander, Medical Corps of the French Navy) who was called as a handwriting expert during the prosecution's rebuttal case. The Tribunal heard oral testimony of 18 witnesses, not including the

defendants, called by the defense. However, some of the witnesses called by the defense had given affidavits which were introduced as a part of the prosecution's case in chief, and in some cases, these witnesses were examined about these affidavits by the defense. Each of the 23 defendants who stood trial testified in his own behalf, except the defendant Rasch who was unable to complete his testimony for reasons of health and whose case was severed from that of the other defendants. Rasch died in prison on 1 November 1948. Each of the defendants who testified was subject to examination on behalf of other defendants. The exhibits offered by both prosecution and defense contained documents, photographs, affidavits, letters, maps, charts, and other written evidence. The prosecution introduced 48 affidavits, 34 of which were affidavits given by the defendants prior to their indictment. The defense introduced 549 affidavits. The prosecution called 3 of the defense affiants for cross-examination. In addition to examining the defendants who gave affidavits prior to their indictment, the defense called one affiant for cross-examination. The case-in-chief of the prosecution took 2 court days and the case for the 23 defendants took 136 court days. The Tribunal was in recess between 30 September and 6 October 1947 to give the defense additional time to prepare its case.

The members of the Tribunal and prosecution and defense counsel are listed on the ensuing pages. Prosecution counsel were assisted in preparing the case by Walter H. Rapp (Chief of the Evidence Division), Rolf Wartenberg and Alfred Schwarz, interrogators, and Nancy Fenstermacher and Charles E. Ippen, research and documentary analysts.

---

Selection and arrangement of the "Einsatzgruppen Case" material published herein was accomplished principally by Arnost Horlik-Hochwald, working under the general supervision of Drexel A. Sprecher, Deputy Chief Counsel and Director of Publications, Office U. S. Chief of Counsel for War Crimes. Henry Buxbaum, Gertrude Ferencz, Paul H. Gantt, Wolfgang Hildesheimer, Erhard Heinke, Helga Lund, Gwendoline Niebergall, Johanna K. Reischer, and Enid M. Standring assisted in selecting, compiling, editing, and indexing the numerous papers.

John H. E. Fried, Special Legal Consultant to the Tribunals, reviewed and approved the selection and arrangement of the material as the designated representative of the Nuernberg Military Tribunals.

Final compilation and editing of the manuscript for printing was administered by the War Crimes Division, Office of the Judge Advocate General, under the direct supervision of Richard A. Olbeter, Chief, Special Projects Branch, with Alma Soller as editor, Amelia Rivers as assistant editor, and John W. Mosenthal as research analyst.

PURL: <https://www.legal-tools.org/doc/ce5c31/>