

INTRODUCTION

The "High Command Case" was officially designated *United States of America vs. Wilhelm von Leeb, et al.* (Case No. 12.) The defendants held various leading command or staff positions in the German Armed Forces. They were charged with having committed, together with other leaders of the Third Reich, crimes against peace, war crimes, and crimes against humanity, and with having participated in a common plan or conspiracy to commit crimes against peace.

Count one of the indictment charged that the defendants committed crimes against peace by participating in wars and invasions aggressive in character and violative of international treaties, agreements, and assurances. Under count four the defendants were charged with participation in the formulation and execution of a common plan and conspiracy to commit crimes against peace. Count two dealt chiefly with prisoners of war, alleging that war crimes and crimes against humanity were committed by the murder and ill-treatment of prisoners of war, including murders committed in the execution of the so-called "Commando," and "Terror Flyer," orders. Under count three the defendants were charged with crimes involving the conduct of the German Army in occupied countries, and including the execution of thousands of hostages, the killing of partisans and the killing of civilians on suspicion in execution of the "Barbarossa Jurisdiction Order," the plunder and spoliation of property not justified by military necessity, the commitment of civilians to slave labor, the persecution and extermination of "racially," or "politically inferior" people in execution of the "Commissar" order and other orders. The defendant Blaskowitz committed suicide on the morning of 5 February 1948, the day of the opening statement of the prosecution, and hence only 13 defendants stood trial. The Tribunal found none of the defendants guilty of crimes against peace. Findings of guilt were as to 11 defendants under the charges of war crimes and crimes against humanity in counts two and three of the indictment.

The High Command Case was tried at the Palace of Justice in Nuernberg before Military Tribunal VA. The Tribunal convened 233 times, and the trial lasted approximately ten months, as shown by the following schedule:

Indictment filed	28 November 1947
Arraignment	30 December 1947
Prosecution opening statement	5 February 1948
Defense opening statements	12 April 1948
Prosecution closing statement	10 August 1948
Defense closing statements	10-13 August 1948
Judgment	27, 28 October 1948
Sentences	28 October 1948
Affirmation of sentences by the Military Governor of the United States Zone of Occupation	10 March 1949
Order of the Supreme Court of the United States denying Writs of Habeas Corpus	2 May 1949

The English transcript of the Court proceedings including the judgment and sentences runs to 10,316 mimeographed pages. The prosecution introduced into evidence 1,778 written exhibits (some of which contained several documents), and the defense 2,130 written exhibits. Counsel for the defendants requested that they be supplied with captured German documents which had been sent to archives of the Department of the Army in Washington, D. C. To this end the Tribunal ordered the Secretary General to procure a large amount of captured documents from Washington, which resulted in the shipment of approximately 1,500 document folders filling 37 footlockers. Defense counsel and the defendants were permitted to examine these documents and to make such use thereof in the presentation of their case as they deemed necessary. The Tribunal heard oral testimony of 32 witnesses called by the prosecution and of 65 witnesses, excluding the defendants, called by the defense. Defendant Sperrle did not take the witness stand. Each of the other defendants standing trial testified on his own behalf, and each was subject to examination on behalf of the other defendants. The exhibits offered by both the prosecution and defense contained documents, photographs, affidavits, interrogatories, letters, maps, charts, and other written evidence. The case in chief of the prosecution began on 5 February 1948, and was completed on 5 March 1948, and the case for the defense began on 12 April 1948, and lasted until 10 August 1948. The Tribunal was in recess between 5 March 1948 and 12 April 1948, 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); Peter Beauvais, Fred Kaufman, Guillaume Koch, Curt Ponger, and Benno Selcke, interrogators; and Margit

L. Braid, Elizabeth Hardy, Charles E. Ippen, Otto A. Newman, Frank W. Young, and Marshal Webster, research and documentary analysts.

Much of the documentary evidence of the prosecution as well as the defense material ordered by the Tribunal was supplied by the Washington Screening Team.

Selection and arrangement of the High Command Case material published herein was accomplished principally by George B. Fulkerson, Paul Horecky, and Arnost Horlick-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. Catherine W. Bedford, Henry Buxbaum, Emilie Evand, Gertrude Ferencz, Paul H. Gantt, Helga Lund, Gwendoline Niebergall, 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 materials 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 Amelia Rivers as editor and John W. Mosenthal as research analyst.