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**Records of the United States
Nuernberg War Crimes Trials
United States of America v.
Wilhelm Von Leeb et al.
(Case XII)
November 28, 1947-
October 28, 1948**



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War Crimes Records

Record Group 238

RECORDS OF THE UNITED STATES NUERNBERG WAR CRIMES TRIALS
UNITED STATES OF AMERICA V. WILHELM VON LEEB ET AL.
(CASE XII) NOVEMBER 28, 1947-OCTOBER 28, 1948

On the 69 rolls of this microfilm publication are reproduced the records of Case XII, *United States of America v. Wilhelm von Leeb et al.* (High Command Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and memorandums, prosecution and defense opening and closing statements or briefs, and final pleas of the defendants as well as prosecution and defense exhibits and document books in one language or the other. Also included are a minute book, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 24 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution and defense briefs and memorandums are also in both languages but are unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-1,656 and 1-122, are essentially those documents from various Nuernberg record series offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

The minute book, in one bound volume, summarizes the transcripts. The official court file, in three bound volumes, includes the court docket, the indictment, amended indictment and the service thereof; applications and appointments for defense counsel and defense witnesses and prosecution comments thereto; defendants applications for documents; motions; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Clemency petitions of the defendants, in five bound volumes, were directed to the military governor, the U.S. District Court for the District of Columbia, and the U.S. Supreme Court. The finding aids summarize transcripts, exhibits, and the official court file.

Case XII was heard by U.S. Military Tribunal No. V-A from November 28, 1947, to October 28, 1948. Like the records of

other Nuernberg and Far East (IMTFE) war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The von Leeb case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
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3	<i>Josef Altstoetter et al.</i>	Justice Case	16
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7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
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Authority for the proceedings of the IMT against major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances Nos. 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

The prosecution in this case charged a number of German generals either as principal defendants or as unindicted

coconspirators with a variety of crimes, including crimes against the peace, war crimes, crimes against humanity, and a common plan and conspiracy to commit these crimes. The charges specified aggression against Austria, Czechoslovakia, Poland, France, the United Kingdom, Denmark, Norway, Yugoslavia, Greece, the Soviet Union, and the United States. Other specified crimes included murder and ill treatment of belligerents and POW's under such directives as the "Commissar and Commando" orders resulting in the killing of many thousands of soldiers captured by the Germans. POW's were utilized as a source of labor in contradistinction to the provisions of the Geneva Convention. Civilians domiciled in areas occupied by German Armed Forces were deported to the Reich and elsewhere to perform labor for the German war effort. Property in occupied areas was taken or destroyed although such actions were not justified by military necessity. The prosecution alleged further that many thousands of civilians, particularly Jews, Communists, and Gypsies, were killed or tortured by German troops or police units.

The defense, after unsuccessfully questioning the jurisdiction of the tribunal and claiming that as POW's the defendants must be tried before a general courts-martial, asserted that the defendants executed or passed on superior orders and did not originate orders resulting in the crimes charged. It alleged furthermore that since the Soviet Union had not ratified the Geneva Convention of 1929 concerning the treatment of POW's, the employment of Soviet POW's for the German war effort was not illegal. Defendant von Leeb claimed in his final statement for all defendants that none of the defendants had any knowledge of the organized mass murder carried on by the SS murder commandos in the Soviet Union.

The majority opinion of the tribunal agreed with the defense that the defendants were not of the policymaking level and were not guilty of crimes against the peace. The prosecution failed to convince the tribunal that the defendants were party to a common plan and conspiracy to commit the crimes charged. Most defendants, however, were judged guilty of war crimes and crimes against humanity.

The transcripts of the von Leeb case include the indictments of the following 14 general officers of the German Army, Navy, and Air Force:

Johannes Blaskowitz: Generaloberst (General); November 1938-August 1939, Commander in Chief Army Group Command (Heeresgruppenkommando) 3; September and October 1939, Commander in Chief 8th Army; October 1939, Commander in Chief 2d Army; October 1939-May 1940, Commander in Chief East (Oberbefehlshaber Ost); May 1940, Commander in Chief 9th Army; June 1940, Military Commander (Militaerbefehlshaber) Northern France; October 1940-May 1944, Commander in Chief 1st Army; May-September 1944, Acting Commander in Chief Army Group G; January-April 1945, Commander in Chief Army

Group H; April 1945, Commander in Chief Netherlands and 25th Army. (Committed suicide before the end of the trial.)

Karl Hollidt: Generaloberst (General); November 1938-August 1939, Commander of Infantry (Infanteriefuehrer) in District 9; September 1939, Commander 52d Infantry Division; September and October 1939, Chief of Staff 5th Army; October 1939-May 1940, Chief of Staff to the Commander in Chief East; May-October 1940, Chief of Staff 9th Army; October 1940-January 1942, Commander 50th Infantry Division; January-December 1942, Commanding General XVII Corps; December 1942-March 1943, Commander Army (Armeeabteilung) Hollidt; March 1943-April 1944, Commander in Chief 6th Army.

Hermann Hoth: Generaloberst (General); November 1938-November 1940, Commanding General XV Corps; November 1940-October 1941, Commander Panzer Group 3; October 1941-April 1942, Commander in Chief 17th Army; May 1942-December 1943, Commander in Chief 4th Panzer Army.

Rudolf Lehmann: Generaloberstabsrichter (Lieutenant General, Judge Advocate); July 1938-May 1944, Ministerial Director in the High Command of the Armed Forces (Oberkommando der Wehrmacht (OKW)) and Chief of the Legal Division (Wehrmachtrechtswesen--"WR"); May 1944-May 1945, Judge Advocate General of the OKW (Generaloberstabsrichter).

Hermann Reinecke: General der Infanterie (Lieutenant General, infantry); January-December 1939, Chief of the Department "Armed Forces General Affairs" (Amtsgruppe Allgemeine Wehrmachtangelegenheiten) in the OKW; 1939-45, Chief of the General Office of the OKW (Allgemeines Wehrmachtamt); 1943-45, Chief of the National Socialist Guidance Staff of the OKW (N.S. Fuehrungsstab im OKW).

Hans Reinhardt: Generaloberst (General); October 1938-February 1940, Commander 4th Panzer Division; February 1940-October 1941, Commanding General XLI Corps; October 1941-August 1944, Commander of Panzer Group 3 (later 3d Panzer Army); August 1944-January 1945, Acting Commander in Chief Army Group Center.

Otto Schniewind: Generaladmiral (Admiral); November 1937-November 1938, Chief of Navy Armament Office (Marine-Wehr-Amt); November 1938-May 1941, Chief of the Navy Command Office (Marinekommando Amt) and Chief of Staff of the Naval War Staff (Seekriegsleitung); June 1941-July 1944, Commander of the Fleet (Flottenchef); March-August 1942, Commander of Naval Battle Forces (Flottenstreitkraefte) in Norway; March 1943-May 1944, Commander of Naval Group North (Marinegruppe Nord).

Hugo Sperrle: Generalfeldmarschall (General of the Army); November 1936-October 1937, Commander of the "Condor Legion" in Spain; February 1938-January 1939, Commanding General of Air Group (Luftgruppe) 3; February 1939-August 1944, Commander in Chief Air Fleet (Luftflotte) 3.

Georg Karl Friedrich-Wilhelm von Kuechler: Generalfeldmarschall (General of the Army); September 1939, Commander in Chief 3d Army; October and November 1939, Commander of East Prussian Defense Zone; November 1939-January 1942, Commander in Chief 18th Army; January 1942-January 1944, Commander in Chief Army Group North.

Wilhelm von Leeb: Generalfeldmarschall (General of the Army); October 1935-February 1938, Commander in Chief Army Group Command (Heeresgruppenkommando) 2; October and November 1938, Commander in Chief 12th Army; September 1939-May 1941, Commander in Chief Army Group C; June 1941-January 1942, Commander in Chief Army Group North.

Karl von Roques: General der Infanterie (Lieutenant General, infantry); April 1940-March 1941, Commander of a Division in the Zone of the Interior; March 1941-June 1942, Commander Rear Area, Army Group (rueckwaertiges Heeresgebiet) South; September and October 1941, Commanding General of Group (Armeegruppe) von Roques; July-December 1942, Commander Rear Area, Army Group A.

Hans von Salmuth: Generaloberst (General); 1937-August 1939, Chief of Staff Army Group Command (Heeresgruppenkommando) 1; September and October 1939, Chief of Staff Army Group North; October 1939-May 1941, Chief of Staff Army Group B; May 1941-February 1942, Commanding General XXX Corps; April and May 1942, Acting Commander in Chief 17th Army; July 1942-February 1943, Commander in Chief 2d Army; August 1943-August 1944, Commander in Chief 15th Army.

Walter Warlimont: General der Artillerie (Lieutenant General, artillery); August-November 1936, Military Envoy to General Franco in Spain and Leader of the German Volunteer Corps; November 1938-September 1944, Chief of Department National Defense (Landesverteidigung (L)) in the Armed Forces Operations Staff (Wehrmachtfuehrungsstab "WFSt") of the OKW; January 1942-September 1944, Deputy Chief "WFSt."

Otto Woehler: General der Infanterie (Lieutenant General, infantry); April 1938, Operations Officer (Ia) Army Group 5 (later changed to AOK 14); October 1939-October 1940, Chief of Staff XVII Corps; October 1940-May 1942, Chief of Staff 11th Army; May 1942-February 1943, Chief of Staff Army Group Center; February-July 1943, Commanding General I Corps; July and August 1943, Acting Commander XXVI Corps; August 1943-December 1944, Commander in Chief 8th Army; December 1944-April 1945, Commander in Chief Army Group South.

As unindicted coconspirators the following seven general officers were named:

Erich Raeder: Grossadmiral (Admiral of the Fleet); 1928-1945, Commander in Chief of the German Navy and member of the Secret Cabinet Council. Sentenced to life imprisonment before the IMT.

Gerd von Rundstedt: Generalfeldmarschall (General of the Army); Commander Cavalry Division and Army District (Wehrkreis) III; October 1932-October 1938, Commanding General I Corps; September 1939, Commander in Chief Army Group South; October 1939-October 1940, Commander in Chief Army Group A; October 1930-April 1941, Commander in Chief West; June-December 1941, Commander in Chief Army Group South; March 1942-July 1944, Commander in Chief West (Army Group D); September 1944-March 1945, Commander in Chief West.

Walther von Brauchitsch: Generalfeldmarschall (General of the Army); Department Chief in the Ministry of National Defense; March 1932-January 1933, Inspector of Artillery; February 1933-June 1935, Commander 1st Division and Army District (Wehrkreis) I; June 1935-March 1937, Commanding General I Corps; April 1937-February 1938, Commander in Chief Army Group Command (Heeresgruppenkommando) 4; February 1938-December 1941, Commander in Chief of the German Army.

Fedor von Bock: Generalfeldmarschall (General of the Army); September 1939, Commander in Chief Army Group North; October 1939-April 1941, Commander in Chief Army Group B; May 1941-January 1942, Commander in Chief Army Group Center; January-July 1942, Commander in Chief Army Group South.

Wilhelm Keitel: Generalfeldmarschall (General of the Army); 1938-45, Chief of the High Command of the German Armed Forces and member of the Secret Cabinet Council. Sentenced to death by hanging before the IMT and executed.

Erich von Manstein (formerly von Lewinski): Generalfeldmarschall (General of the Army); First Quartermaster (Oberquartiermeister I) in the General Staff of the Army; February 1938-August 1939, Commander of the 18th Division; October 1939-February 1940, Chief of Staff of Army Group A; February 1940-March 1941, Commanding General XXXVIII Corps; March-September 1941, Commanding General LVI Corps; September 1941-November 1942, Commander in Chief 11th Army; November 1942-March 1944, Commander in Chief Army Group South. Sentenced to 18 years of imprisonment by a British military tribunal.

Alfred Jodl: Generaloberst (General); 1932-45, Chief of the Operations Department (WFSt) in the OKW (1932-35, Section T-1 Reich Defense Ministry; 1935-38, Chief of Dept. L [Interior], Reich War Ministry). Sentenced to death by hanging before the IMT and executed.

Defendants Schniewind and Sperrle were acquitted of all crimes charged. After the tribunal had acquitted all defendants of counts I (crimes against the peace) and IV (common plan and conspiracy), the following defendants were found guilty of counts II (war crimes and crimes against humanity committed against belligerents and POW's) and III (crimes committed against civilians):

<u>Name of Defendant</u>	<u>Count II</u>	<u>Count III</u>	<u>Sentence of Imprisonment</u>
Hollidt	X	X	5 years
Hoth	X	X	15 years
Lehmann	X	X	7 years
Reinecke	X	X	life
Reinhardt	X	X	15 years
von Kuechler	X	X	20 years
von Leeb		X	3 years
von Roques	X	X	20 years
von Salmuth	X	X	20 years
Warlimont	X	X	life
Woehler	X	X	8 years

The transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty), opening and closing statements of defense and prosecution, and the judgment and sentences.

The English-language transcript volumes are arranged numerically, 1-24; pagination is continuous, 1-10,316. The German-language transcript volumes are numbered 1a-24a and are paginated 1-10,167. Letters at the top of each page indicate morning, afternoon, and evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). A number of pages were added to the transcript volumes and given number and letter designations, such as page number 1041a. Several lines are illegible and sometimes the first line is partially or entirely cut off, as for example on pages 3368, 3619, 6457 (English) and pages 817, 907, and 1889 (German).

Of the documents assembled for possible prosecution use, 1,775 were chosen for presentation as evidence before the tribunal. These included affidavits of defendants and witnesses, service records, field manuals, handbooks, directives, orders, decrees, orders of battle, correspondence, memos, conference minutes, war diaries, activity reports, periodic reports, teletype messages, notes, photographs, statistics, texts of speeches, appointments, announcements, circulars, articles and newspaper excerpts, a motion picture, and other items.

The first item in the arrangement of the prosecution exhibits is usually a certificate listing the document number, a short

description of the exhibit, and a statement about the location of the original document of the exhibit. The certificate is followed by the document, the actual prosecution exhibit (most of which are photostats), and a few mimeographed articles. In rare cases the exhibits are followed by translations or additional certificates. The following exhibits are original documents:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
734	NO 5848	737	NO 5847
735	NO 5849	1478	NOKW 3146
736	NOKW 2824-5		

No certificate is attached to a number of exhibits. Not filmed were exhibits 1480-1503, 1577, and rebuttal documents 27-29. These are photostatic copies of oversized, annotated, colored operational maps used by the German High Command in the Soviet campaign, known as Lage Ost. The exhibits are numbered consecutively 1-1,656, but numbers 1154, 1155, and 1180 were not used. Exhibits introduced during rebuttal are filmed following exhibit 1656 and are numbered 1-122.

In addition to affidavits, the defense exhibits consist of articles and newspaper excerpts, texts of speeches, war diaries and annexes thereto, periodical reports, activity reports, decrees, correspondence, memorandums, and other items.

The 2,101 exhibits for the defense are arranged by name of defendant and thereunder by exhibit number. Like the prosecution exhibits, the defense exhibits are preceded by a certificate if available. Some of the exhibits, particularly the affidavits, are original documents.

Translations in the prosecution document books normally contain an index listing document numbers, biased descriptions, and page numbers of each translation. They are generally listed in the order in which the prosecution exhibits were introduced into evidence before the trial. Document books of the prosecution are preceded by exhibit and document number indexes. Document books consist largely of mimeographed pages.

Defense document books are similarly arranged. Each book is preceded by an index giving document number, biased description, and page number for each exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Missing are pages 6-9, 13-15, and 17 in the supplement to the document books for defendant Reinhardt. Defense opening and closing statements and final pleas are arranged alphabetically by surname of defendant.

At the beginning of roll 1, key documents are filmed from which the tribunal derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement,

the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents is a list of the names and functions of the members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index, which notes the type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is indexed in the court docket, which is followed by a list of witnesses.

Not filmed in this publication are such records as German-language document books because they largely duplicate court exhibits.

The records of the von Leeb case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M936; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (Undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the records of the IMT at Nuernberg have been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington, 1950-53). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of many sessions of the IMT and of the 12 U.S. proceedings; also sound recordings of the IMT proceedings.

William J. Walsh arranged the records and John Mendelsohn wrote these introductory remarks.

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