Vanguard of Genocide: The Einsatzgruppen in the Soviet Union

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This thesis titled

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ABSTRACT

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This thesis examines the involvement of the leaders of the Einsatzgruppen in the development of the Holocaust in the Soviet Union. The Einsatzgruppen participated in the 1941 German invasion of the Soviet Union, executing Communists, Jews, Roma, and mentally handicapped persons behind German lines. Though no plan for the uninhibited annihilation of all Soviet Jews existed at the outset of the war, the Einsatzgruppen continually included more Jews in the groups targeted for execution in response to a perceived threat from the Soviet Jewish community. This thesis approaches the question of the role of the Einsatzgruppen leaders in the radicalization of the Einsatzgruppen task by analyzing the defense strategies employed by twenty-two Einsatzgruppen officers in The United States of America v. Otto Ohlendorf et. al., one of the twelve subsequent trials held at Nuremberg after World War II. It concludes that unclear orders, fear of Soviet Jews, the brutality of the war, and interaction with superiors drove the leaders of the Einsatzgruppen to expand upon their task until it reached the proportions of a genuine genocide.

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INTRODUCTION

On 22 June 1941, the day Germany invaded the Soviet Union, nearly all the Jews living in the German sphere of influence were still alive. Though singled-out from the general population, stripped of their wealth and livelihoods, and concentrated in ghettos or dedicated housing units, the Jews within the Reich and occupied territories had escaped outright destruction. A year later hundreds of thousands of Soviet Jews would be dead and the transportation of western Jews to extermination camps in the East would be underway. The turn from exclusion of Jews from civic and economic life to outright annihilation in the months following the opening of the campaign in the Soviet Union marked the most dramatic transformation of anti-Jewish policy during the Third Reich.

The vanguards of this radical new approach to the “Jewish Question” were the Einsatzgruppen, task forces composed of personnel from the Gestapo, Criminal Police, Waffen-SS, Order Police, and the Sicherheitsdienst (SD or Security Service). Pushing into the Soviet Union on the heels of the Wehrmacht, the German army, the Einsatzgruppen combed newly occupied cities and villages for Communists, Roma, mentally handicapped persons, and Jews. When discovered by the Einsatzgruppen, members of these groups could expect detention and questioning, often followed by summary execution. By the time the Soviets drove the last German forces out of their territory, the Einsatzgruppen had slaughtered approximately one million people¹, nearly as many as died in Auschwitz.

¹ Hans-Heinrich Wilhelm estimates that, during the German occupation of the western reaches of the Soviet Union, 2.2 million of the 4.7 Jews living in the occupied territory perished. One third of these deaths are directly attributable to the Einsatzgruppen, and one quarter occurred during the first year of Einsatzgruppen activity. Helmut Krausnick and Hans-Heinrich Wilhelm, Die Truppe des Weltanschauungskrieges: Die
Leading the *Einsatzgruppen* was a cadre of men who, on the whole, were dedicated members of the Nazi party, well educated, and experienced in working with issues concerning occupied territory. Close inspection of their post-war trial testimonies and the reports they sent to Berlin in the first year of the Soviet campaign reveals that these commanders were integral to the evolution of Jewish policy which occurred in the Soviet Union. Though the *Einsatzgruppen*’s original orders called for the execution of all Jews in party or state positions, they did not proscribe uninhibited destruction of entire Jewish communities. Nonetheless, given the power over life and death, many of the *Einsatzgruppen* leaders chose to incorporate ever more Jews into the executions carried out by their Kommandos. The engine for this process was the widely held anti-Semitic fear of communism personified in the Jew. The Berlin leadership subsequently endorsed and encouraged the expansion of *Einsatzgruppen* killings, adding further pressure to those *Einsatzgruppen* leaders who had not yet radicalized the activity of their units.

The original plan for Operation Barbarossa, the attack on the Soviet Union, did not include provisions for paramilitary police units tasked with subduing the civilian population.2 When Alfred Jodl, Chief of the Operation Staff of the *Oberkommando der Wehrmacht* (OKW or High Command of the Armed Forces), presented Hitler with the

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2 The invasion of the Soviet Union would not be the first campaign to incorporate *Einsatzgruppen*. Reinhard Heydrich originally established *Einsatzkommandos* for the 1938 annexation of Austria, but these *Einsatzkommandos* had little in common with the *Einsatzgruppen* who would terrorize the Soviet Union. The purpose of the Austrian *Einsatzkommandos* was to secure government buildings and documents in the newly annexed territory. *Einsatzgruppen* served a similar function in the 1938 annexation of the Czechoslovakian Sudetenland, as well as the 1939 occupation of the remainder of Czechoslovakia. When the war began, *Einsatzgruppen* accompanied the German military into Poland. It was in Poland that the *Einsatzgruppen* first received a mandate to execute population groups deemed hostile to Germany. After the Polish campaign, *Einsatzgruppen* would participate in German western offensives, but with their original directive to capture government buildings and documents.
original draft of Directive No. 21 for Operation Barbarossa, Hitler directed him to revise
the plan to ensure that the “Jewish-Bolshevik intelligentsia” would be “eliminated.”
Chief of the OKW, Field Marshal Wilhelm Keitel, bent to Hitler’s wish in his 13 March
1941 draft of “Instruction on Special Matters Attached to Directive No. 21 (Barbarossa).”
It read, in part, “In order to prepare the political and administrative organization the
Reichsführer-SS [Heinrich Himmler] has been given by the Führer certain special tasks
within the operations zone of the army; these stem from the necessity finally to settle the
conflict between two opposing political systems....”

Having received the official nod from Keitel’s addendum to Directive No. 21,
Himmler turned to the Reichsicherheitshauptamt (RSHA or Reich Security Main Office)
and its leader Reinhard Heydrich to organize the formations that would be responsible for
carrying Hitler’s world-ideological struggle into the Soviet Union. An order from
Himmler created the RSHA on 27 September 1939 by merging the Main Office Security
Police, comprised of the Kripo (Kriminalpolizei, the Criminal Police) and the Gestapo
(Geheime Staatspolizei or Secret State Police), with the SD, a party intelligence service.
Perched at the top of the RSHA, Heydrich embraced the opportunity to involve his
organization in the war in the East. “This should finally dispel the false impression,”
confided Heydrich to the RSHA director of counterespionage Walter Schellenberg in
March of 1941, “that the staff of the executive departments are cowards who have got
themselves safe posts out of the fighting line. This is extremely important because it will

strengthen our position in relation to the Wehrmacht.” On 26 March 1941, Heydrich met with Major-General Eduard Wagner, the Quartermaster General of the Army, to secure his control over the proposed Einsatzgruppen earmarked for the Soviet Union, and to clarify further exactly what his position would be in relation to the Wehrmacht. Subsequent to their meeting, Wagner drafted an order placing the Einsatzgruppen under Heydrich’s command and permitting them to subject civilians to “executive measures.” The Wehrmacht did, however, retain responsibility for the supply, administration, and movement of Heydrich’s forces.

The assembly of the staff of the Einsatzgruppen began in late May and early June 1941 at the police college at Pretzsch, southeast of Wittenberg. The leadership cadre, proportionally much larger than that designated for a typical Wehrmacht unit, was composed of SD members and officers from the Gestapo and Kripo. The men these officers were to command had more diverse affiliations. Order Police personnel under “long-term emergency service” as well as members of the Waffen-SS, the military branch of the Schutzstaffel (SS), helped to fill out the ranks of the Einsatzgruppen. While the officers were largely dedicated true believers of National Socialism, the men were only lightly ideologically indoctrinated. Most were older, too old for front-line service, and many had families.

At Pretzsch, members of the Einsatzgruppen received a brief and basic training regiment. Throughout these three weeks of preparation, consisting of “terrain exercises,”

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7 Hilberg, *Destruction of the European Jews*, vol. 1, 341.
firearms drills, and ideological training, neither the officers nor the men knew that they would be invading the Soviet Union, nor what their part in the coming *Vernichtungskrieg* (war of annihilation) would be. Nothing about the training at Pretzsch suggested what was in store for the men assembled there. They were not taught how to conduct an execution, or how to discern between Jews and Gentiles or Communists and potential collaborators. All of these techniques would be developed later on in the field.

At Pretzsch on 15 or 16 June 1941, Bruno Streckenbach, then head of the Personnel Office of the RSHA, informed the *Einsatzgruppen* leaders of their task in the East. The exact content of Streckenbach’s briefing is not entirely clear, and whether it was he who identified specific ethnic groups among the Soviet civilian population as targets for extermination is a matter of some debate. He definitely did disclose that an invasion of the Soviet Union was about to begin and that the *Einsatzgruppen* would be responsible for securing rear areas and pacifying the population. On 17 June, these same leaders met with Heydrich at RSHA headquarters in Berlin, where Heydrich delivered a speech outlining the importance and difficulty of the coming assignment.¹⁸

Four *Einsatzgruppen* with a combined strength of about 3,000 men joined in the eastern strike. *Einsatzgruppe* A, under the command of *Brigadeführer* Dr. Franz Walter Stahlecker, advanced behind Field Marshal Wilhelm Ritter von Leeb’s Army Group North into the Baltic region. *Brigadeführer* Artur Nebe’s *Einsatzgruppe* B accompanied Field Marshal Fedor von Bock’s Army Group Centre through Byelorussia and the northern Ukraine. *Einsatzgruppe* C, commanded by Dr. Otto Rasch, followed Field Marshal Karl von Rundstedt’s Army Group South into the Ukraine, and Dr. Otto

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¹⁸ Rhodes, *Masters of Death*, 16.
Ohlendorf’s *Einsatzgruppe* D was attached to the 11th Army of Army Group South for action in the southern Ukraine, Crimea, and later the Caucasus. Each *Einsatzgruppe* was divided into *Sonderkommandos* and *Einsatzkommandos* of one to two hundred men, and these units could be further broken down into temporary *Teilkommandos* for smaller actions. The *Einsatzgruppen* received additional support from Order Police battalions under the command of Kurt Daluege. The *Einsatzgruppen* and the Order Police battalions, though separate entities, were both subordinated to the Higher SS and Police Leaders, the regional commanders of all SS and Police forces. Through the intermediary of the Higher SS and Police Leaders, the forces of Heydrich and Daluege, who sustained something of a rivalry, were able to work together.9

Although the *Einsatzgruppen* began carrying out large-scale executions of Jews and Communists immediately after Heydrich unleashed them upon the Soviet Union, the pace and scale of the murders began slowly compared to what they would later become. Early on, the commanders of the *Einsatzgruppen* favored the tactic of inciting pogroms by the local population. Franz Stahlecker, leader of *Einsatzgruppe* A, explained the rationale behind this policy,

> It was agreeable if, at least in the beginning, the security police would not be publicly associated with the unusually harsh measures that would even attract attention in German circles. It had to be shown to the world that the native population itself implemented the first measures as a natural response to decades of Jewish oppression and to the Communist terror….10

This instigation of pogroms met with the most success in the border territories, which the Soviet government had only controlled since 1939 or 1940. Particularly violent attacks

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10 In Helmut Krausnick, “Correspondence,” *Simon Wiesenthal Center Annual*, vol. 6, (Chappaqua: Rossel Books, 1989), 315.
on Jews by the local population occurred in Lithuania, where civilians killed roughly 4,000 Jews on 25 and 26 June 1941 shortly after the arrival of Einsatzgruppe A.11

Early in the killing campaign, the Einsatzgruppen primarily targeted military aged male Jews and those who it perceived to be members of the ruling class. Operational Situation Report USSR No. 41 of 5 August, 1941, one of the nearly daily reports of Einsatzgruppen activity compiled in Berlin, outlined the primary task of Einsatzgruppe B, “the operational activity in the Byelorussian area is geared to the principle of hitting the Jewish-Bolshevik upper class as efficiently as possible…. The emphasis of operational activity was, therefore, directed, first of all, against the Jewish intelligentsia.”12 The Einsatzgruppen also responded to rumors of atrocities perpetrated by the retreating Soviets with widespread retaliatory executions of Jews, whom they presumed were collectively responsible for attacks on German soldiers and airmen, as well as on civilians. Parallel to provoking pogroms and carrying out executions of their own, the Einsatzgruppen established Jewish ghettos in larger towns and cities to facilitate the exploitation and future deportation or extermination of entire Jewish communities.

The swell of violence reached its crescendo in September 1941 as the shooting of women and children became commonplace and “retaliatory” measures expanded into the thousands or tens of thousands for each incident of resistance. The Einsatzgruppen obliterated entire villages that were too remote to facilitate the concentration of Jews into ghettos. They combed prisoner of war camps, executing those Communists or Jews that they discovered, and shot all of the patients in several mental hospitals. In early 1942,

12 Ibid, 69.
the systematic liquidation of ghetto populations began. Citing the threat of contagion 
or popular resistance emanating from the ghettos, the *Einsatzgruppen* as well as other 
police, SS, and military forces moved in and annihilated its cornered victims to the last 
man, woman, and child.

As the front lines stagnated, first in the north in winter 1941 and later in the south 
in late 1942, the *Einsatzgruppen* transformed from mobile killing units into static 
administrative and security forces. This change did not prompt a cessation of executions. 
On the contrary, personnel under the authority of Higher SS and Police Leaders 
reinforced the *Einsatzgruppen* in conducting what Raul Hilberg dubs the “second sweep.” 
The second sweep ensnared those Jews who had escaped destruction by the marauding 
*Einsatzgruppen* either by fleeing population centers or through confinement in the 
ghettos. A significant contingent of Daluege’s Order Police participated in the second 
sweep, supported by *Wehrmacht* and SS units, as well as the *Einsatzgruppen*.
Throughout, the Higher SS and Police leaders took care to justify their actions by 
fabricating threats from the ghettos and by euphemistically labeling the detachments that 
hunted down Jews in the wilderness “antipartisan formations.”

By summer 1942, rumors of the horrors occurring in the east began to seep out of 
the German sphere of control. Furthermore, the countless mass graves dotting Poland 
and the occupied Soviet Union, baking under the summer sun and boiling over with a 
fetid black liquid, began to contaminate the groundwater. To address these problems, SS-
*Standartenführer* Paul Blobel, the former commander of *Sonderkommando* 4-a of 
*Einsatzgruppe* C, was commissioned to scour the land for the buried victims of the

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Einsatzgruppen and the death camps in order to obliter ate all evidence of the Nazi crimes. He organized Sonderkommando 1004 for this task. Staffed by the SD, Security Police, and Order Police, Sonderkommando 1004 employed Jews to exhume, search, and burn the bodies of massacred civilians. When the Jews of Sonderkommando 1004 finished their work, they themselves fueled the last pyre. Despite Blobel’s efforts, the graves were too numerous, the crimes too appalling, and the record too extensive for such a human catastrophe to be forgotten.

When the Allies closed in on the Reich from east and west they began to uncover documentation of what had occurred in the occupied territories. With the unconditional surrender of Germany, the Allies established the Allied Control Council to administer the defeated Germany. In addition to governing occupied Germany, the Allied Control Council also took up the task of trying German war criminals. The most publicized of these trials was the International Military Tribunal at Nuremberg, a trial of 22 leading Nazi officials representing a broad spectrum of the National Socialist government and military. Judges from the Soviet Union, United States, United Kingdom, and France all sat on the trial.

The International Military Tribunal would not, however, be the only trial of Nazi war criminals. Allied Control Council Law No. 10 permitted each of the four occupying powers to try suspected war criminals within their zones. Taking advantage of this opportunity, the United States held twelve additional trials at Nuremberg aimed at specific Nazi crimes. Case Nine of the subsequent Nuremberg trials was United States v.
Otto Ohlendorf et al., also known as the Einsatzgruppen Case. The trial began on 15 September 1947, and the court rendered its verdict on 10 April 1948.\textsuperscript{14}

What follows is an examination of the role of the leaders of the Einsatzgruppen in the transformation of Nazi Jewish policy from oppression to annihilation. The testimonies and defense strategies of the defendants in the Einsatzgruppen Case, considered alongside wartime sources such as the reports submitted to Berlin by the Einsatzgruppen and directives and guidelines imposed on the Einsatzgruppen from above, shed light not only on the function of the Einsatzgruppen, but also on the motivations of its leaders, their perception of themselves and their task, and their place in the development of a genocide. The defendants adopted three main lines of defense: that they were subject to superior orders which they had to obey, that they were acting in defense of the German people who they were honor-bound to protect, and that what they were doing was a necessary part of a brutal war in which none of the participants were innocent. Though none of the above arguments proved sufficient to excuse the defendants for mass murder, they do provide a fitting context for analyzing the actions and motivations of the Einsatzgruppen commanders.

Paragraph four of Article II in Control Council Law No. 10 states, “The fact that any person acted pursuant to the order of his Government or of a superior does not free him from responsibility for a crime, but may be considered in mitigation.”\textsuperscript{15} Nonetheless, the defendants in Case 9 went to great lengths to show that they had received direct orders from Hitler to execute all Jews they encountered in the Soviet Union. For some time, historians have debated the content of the original orders for the Einsatzgruppen.

\textsuperscript{14} Mendelsohn, ed., Nuremberg War Crimes Trials: Records of Case 9, 1-2.
Helmut Krausnick concurs with the defendants, arguing in *Die Truppe des Weltanschauungskrieges* and *Anatomy of the SS State* that Bruno Streckenbach passed on a Führer order for the destruction of all Soviet Jews prior to the invasion of the Soviet Union. Alfred Streim’s contestation of Krausnick’s argument for a pre-war general Jewish execution order touched off a dispute between the two historians in the *Simon Wiesenthal Center Annual*, in which Streim contended that the Streckenbach order was invented by the defense at Nuremberg. Expanding on the case made by Streim, Ralf Ogorreck argues in *Die Einsatzgruppen und die “Genesis der Endlösung”* that, while no specific orders for the uninhibited murder of all Soviet Jews existed prior to the invasion of the Soviet Union, *Einsatzgruppen* commanders were able to glean from conversations with their superiors what was expected of them.

During Case 9 the *Einsatzgruppen* officers on trial exaggerated the specificity of their orders in order to reduce their culpability for the murders in the Soviet Union. The case made by Streim and Ogorreck, based primarily on the testimonies offered by defendants in trials carried out by the Federal Republic of Germany, is a strong one. Analysis of the *Einsatzgruppen* Reports further bolsters the argument of Streim and Ogorreck. The *Einsatzgruppen* Reports reveal not only that the *Einsatzgruppen* originally only targeted select groups from within Soviet Jewish communities, but also that the scale of executions expanded gradually and steadily. The existence of superior orders was the foundation on which the *Einsatzgruppen* defendants built the rest of their defense. In the absence of specific orders to execute all Jews, the other two prominent defenses of the trial, presumed defense of a third party and the argument that the *Einsatzgruppen* were honorable soldiers pursuing a legitimate war aim, are transformed
from justifications for obeying orders into motivations for interpreting and expanding on existing orders in the harshest way possible.

The second technique used by the defendants in an attempt to exonerate themselves was putative self defense. The defense argued that the leaders of the Einsatzgruppen believed that the Jews, particularly in the Soviet Union, posed a serious threat to the continued existence of Germany. The defendants unabashedly proclaimed that they had every reason to believe that a Jewish conspiracy, manifested in Soviet Bolshevism, sought to overrun and subjugate the German people. The murder of hundreds of thousands of Jews by the Einsatzgruppen could then be re-cast, the defendants hoped, as a misguided effort to protect their nation. Though this defense strategy was unsuccessful, it did lead to the defendants being far more open about their anti-Semitism than might be expected. Their candor on the subject reveals that fear of the Jew, more than anything else, drove the Einsatzgruppen to kill.

Jeffrey Herf has given an excellent treatment of the National Socialist fear of a Jewish conspiracy in The Jewish Enemy, his study of Nazi propaganda. He concludes that the presentation of Jews as a danger to Germany was not simply an attempt to garner support for Germany’s war, but a common and strongly held belief among the Party faithful. Jan Gross’s work Neighbors, a case study of the massacre of Jewish community in Jedwabne, Poland, further shows that the mistaken belief in an association between Jews and Communism held weight not only in Germany but also with the population of Poland, and that it inspired people to kill. The testimonies of the defendants in Case 9 compliment the arguments of Herf and Gross, demonstrating that an anti-Semitic fear of
“Jewish Bolshevism” was both a strongly held belief among the Einsatzgruppen commanders and also a strong motivating force for murder.

Christopher Browning and Daniel Goldhagen have both dealt with the question of the motivation of killing forces in the east in their examinations of Reserve Police Battalion 101. In *Ordinary Men*, Browning concludes that the drive to conform to the group, more than any other factor, enabled the men of Reserve Police Battalion 101 to carry out executions. Goldhagen counters, in *Hitler’s Willing Executioners*, arguing that deeply ingrained and uniquely German “eliminationist” anti-Semitism pervaded German society, and that as a result Germans wanted to kill Jews. The works of Browning and Goldhagen are useful in understanding the Einsatzgruppen men on trial at Nuremberg, but only to an extent. The leaders of the Einsatzgruppen were certainly not ordinary men; they were dedicated Nazis handpicked by Heydrich and Himmler. Moreover, as leaders they were to some extent removed from the forces which acted on the enlisted men who served under them. Instead of being influenced by group conformity, it was the leaders of the Einsatzgruppen who fostered strong group consciousness. Goldhagen’s argument is somewhat more applicable to the Einsatzgruppen leaders. Nonetheless, Goldhagen fails to recognize that the anti-Semitism espoused in wartime Germany, and by the Einsatzgruppen commanders in particular, was something very new. It was a secular anti-Semitism predicated on fear and very much tied into Germans’ perception of their geo-political position.

The final argument made by the defense, sometimes referred to as the “Dresden defense,” was that the men of the Einsatzgruppen were honorable soldiers pursuing a legitimate war aim in an amoral conflict. In a way, this defense was an extension of the
other two defense strategies common to Case 9. The defendants claimed that they behaved honorably because they were following orders and that the orders they followed were legitimate because they sought to protect Germany. The key point of the “Dresden defense,” however, lay in the claim that all participants in the Second World War had behaved brutally. To make their point, the defendants drew a parallel between the face to face shooting of civilians by the Einsatzgruppen and the more impersonal aerial bombardment of German population centers. Like the first two defenses, this too is, of course, nonsense. Strategic bombing attacks were, at least ostensibly, aimed at military or industrial targets, and attacks on German civilians ceased as soon as a city was occupied. The Einsatzgruppen provided no such quarter for Soviet Jews.

The “Dresden defense” does, however, reveal something about how the commanders of the Einsatzgruppen perceived themselves and their task. According to the testimony of the defendants in Case 9, the Einsatzgruppen leaders found themselves in a warped moral space in which honor, that is to say the unquestioning execution of difficult orders for the sake of the German nation, was more valued than human life, which had been cheapened by the brutality of the war. Furthermore, the men of the Einsatzgruppen felt honor-bound to carry out their grueling task to the best of their abilities, utilizing the skills they had developed as professionals, bureaucrats, or police officers to become as efficient and comprehensive as possible in the executions they directed.

Analysis of the three primary defenses utilized in Case 9, along with wartime sources, allows for a better understanding of the place of Einsatzgruppen officers in the evolution of genocide in the Soviet Union. The defendants' exaggeration of their orders
was calculated to obscure from the court a picture of the real situation in the Soviet Union during the first two months of the German offensive. Insinuation from superiors, rather than direct orders, pointed the leaders of the *Einsatzgruppen* towards ever-broader executions, but they were left to take each step of this escalation themselves. The motivations to continue this ongoing radicalization were those the defendants outlined in their trial: a fear of Jews and a sense of duty to execute a difficult “security” mission to the best of their abilities.
THE TRIAL AND THE DEFENDANTS

It is with sorrow and with hope that we here disclose the deliberate slaughter of more than a million innocent and defenseless men, women and children. This was the tragic fulfillment of a program of intolerance and arrogance. Vengeance is not our goal, nor do we seek merely a just retribution. We ask this court to affirm by international penal action man’s right to live in peace and dignity regardless of his race or creed. The case we present is a plea of Humanity to Law.

Opening Statement of Benjamin Ferencz, Chief Prosecutor of the Einsatzgruppen Case

Twenty-four former Einsatzgruppen leaders were indicted in USA v. Ohlendorf et. al., though the suicide of Emil Haussmann and the ill health of Otto Rash owing to Parkinson’s disease reduced that number to twenty-two during the course of the trial.

Benjamin Ferencz, who had served as a war crimes investigator in occupied Germany and participated in the discovery of the Einsatzgruppen reports that made up the bulk of the case against the former Einsatzgruppen officers, led the prosecution. It was his first trial. Each defendant was represented by his own council, some of whom would have themselves been vulnerable to prosecution in German courts were it not for the immunity they received for participating in the trial. Justice Michael Musmanno presided over the entire trial, assisted by judges John Speight and Richard Dixon.

The defendants faced an indictment on three counts. Count one dealt with crimes against humanity, specifically racial, political, or religious persecution up to and including mass murder. The second count, war crimes, addressed the treatment of prisoners of war and the civilian population of the occupied territories during the course of the war. Count three covered membership in an organization deemed to be illegal by

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the International Military Tribunal, namely the SS, SD, and the Gestapo. All of the accused pled not guilty on all three counts.

The men tried in Case 9 were more than simply a band of thugs and butchers, though the evidence submitted by the prosecution revealed that they were capable of extreme savagery. The commanders of the Einsatzgruppen came from the leading circles of German society. Included among the defendants were a professor, an architect, an opera singer, a clergyman, an economist, a dentist, and several police chiefs. Far from being ordinary, they were overwhelmingly well-educated and successful men; the best Germany had to offer. That they could be moved to murder defenseless civilians is a testament to the allure and power of Nazi ideology.

As diverse as the lives and careers of the defendant prior to their assignment to the Einsatzgruppen were, several common threads do run through their biographies. On the whole, the defendants were active in the NSDAP and had joined early, many before Hitler came to power. They were dedicated Nazis who had internalized the National Socialist worldview. Many had participated in propagating this worldview, both through the offices of the SD or as officials charged with establishing German government institutions in newly annexed or occupied territory. The accused came of age in Weimar Germany, under the shadow of a lost war and disillusioned by the divisions within Germany. They had witnessed an upsurge in communist agitation and suffered through a depression. The backgrounds of the accused reveal the source of the convictions they would later espouse on the stand, among them dedication to a new nationalist ideology and its anti-Semitism, fear of communism, and fanatical obedience.
The defendant whose name held the first position on the indictment was Otto Ohlendorf, former chief of Einsatzgruppe D. In his memoirs of the trial, Justice Musmanno recalled that, “as a defendant, Ohlendorf, like Göring, staged a performance which would have stirred theater audiences on either side of the ocean.”\(^{18}\) Even before his trial began, Ohlendorf enjoyed a sort of dark celebrity status, having already testified before the International Military Tribunal that he had personally led his men in the slaughter of 90,000 men, women, and children in the Crimea.\(^{19}\) He did not hesitate to bring his considerable charisma to bear in his defense. Musmanno remembered Ohlendorf as handsome, poised, suave and polite, he carried himself with the bearing of a person endowed with natural dignity and intellect, and, in the course of his testimony, he was to display the narrative talents of a professional raconteur…. Visitors, even before they got seated, craned their necks in the direction of the prisoner’s dock, and, although warned by guards against pointing, invariably thrust an index finger in Otto Ohlendorf’s direction, asking if he was the ninety thousand murderer. Women crowded into the courtroom marveled at him and some even sought to pass him notes offering encouragement and endearment.\(^{20}\)

Born in 1907 to a protestant family in Hoheneggelsen, Saxony, Ohlendorf developed an interest in politics at an early age. After graduating from Gymnasium, Ohlendorf studied law and economy in Leipzig and Göttingen, where he joined the National Socialist party in 1925, and the SS in 1926 with membership number 880. He


\(^{19}\) At his own trial, Ohlendorf would attempt to reduce the number of murders for which he was responsible, explaining that he had arrived at his estimate of 90,000 victims by totaling several reported figures from memory. Because, as Ohlendorf argued, the reports often exaggerated how many people Einsatzgruppe D executed, double counted victims in actions carried out by multiple Einsatz oder Sonderkommandos, and confused which unit carried out any given execution, the total body count under Ohlendorf’s command may have been lower than the figure of 90,000 given at the IMT. Ohlendorf, Case 9, Transcript, Oct. 8, 1947, vol. 2, p. 534-541, M895/2/0554-0561.

quickly took up a post as the director of a party district group in Lower Saxony, endeavoring to engage the community by selling papers, putting up posters, speaking at gatherings and participating in debates, as well as going door to door to discuss National Socialism.\textsuperscript{21} Ohlendorf retreated from party activity in 1928, though he worked on an examination of Fascism and National Socialism at the Institute for World Economics in Kiel during the late fall and winter of 1933-1934. His activity in the Institute for World Economics eventually led to his arrest in February 1934 “at the request of the party” for fighting against what he referred to as “National Bolshevist” elements within the party.\textsuperscript{22}

Two years after his arrest, at the suggestion of Economics Professor Jens Jessen, who had originally attracted Ohlendorf to the Institute of World Economics, Ohlendorf joined the SD. He was to be a specialist in economics, but he quickly took up the post of Chief of Staff of the SD \textit{Inland}, likely owing to his interest in spreading the party ideology to the people. Originally conceived as an internal domestic party news service, during Ohlendorf’s tenure the SD \textit{Inland} reported on public opinion and the reception of the party by the masses. Criticism of the party from the SD \textit{Inland} resulted in Ohlendorf’s relegation to the economics department in 1937, but it did not end his career in the SD. Instead, when Heydrich began looking for personnel to staff his \textit{Einsatzgruppen} in 1941, he selected the strong-willed Ohlendorf to carry the Nazi


\textsuperscript{22} Robert Wolfe suggests that Ohlendorf’s phrase “National Bolshevist” points to “university radicals sympathetic to Ernst Röhm’s Brownshirt street brawlers, the SA.” Robert Wolfe, “Putative Threat to National Security as a Nuremberg Defense for Genocide,” \textit{Annals of the American Academy of Political and Social Science} 450, \textit{Reflections on the Holocaust: Historical, Philosophical, and Educational Dimensions} (July 1980), 52.
ideology to the east as commander of Einsatzgruppe D. He served as an effective
cordinator of executions until 30 July 1942.23

Defendant Heinz Jost was born in 1904 in Holzhausen to a Catholic family. After
studying law at the University at Giessen, he joined the Nazi party in 1928 and the
Sturmabteilung (the SA or Stormtroopers) in 1931. He led the police office in Worms
from 1933 to 1934, and subsequently joined the SD in 1934. In the SD he was tasked
with creating a counter-intelligence organization, which was absorbed into the RSHA in
1939 as office VI, the SD-Ausland. In his work on counter-intelligence, Jost directed the
creation of the Sonderfahndungslisten (wanted persons list) for use by the German
Einsatzgruppen in Poland in 1939.24 Jost had already gained experience in the operation
of a special task force in occupied territory before the Polish campaign, having led
Einsatzgruppe Dresden during the 1938 occupation of the Sudetenland. In March 1942,
Jost was conducting an information tour of the east for the Eastern Administration when
Franz Stahlecker, the commander of Einsatzgruppe A, died in a battle with partisans.
Consequently, Heydrich ordered Jost to take over the decapitated Einsatzgruppe A. Jost
held the position until early September 1942.

Unlike many of his better-educated co-defendants, Erich Naumann, born in 1905
in Meisen (Saxony), only attended school until the age of sixteen. While working for a
commercial firm in the 1920s Naumann became politically active in response to the
pressures of life in Weimar Germany. “The distress of the year 1929,” testified

24 The Sonderfahndungslisten catalogued 61,000 Poles, both Christian and Jew, who the SD had identified
as “anti-German elements.” The lists included politicians, church leaders, and communists, and was the
product of three years of SD observation. During the Polish campaign, the Polish Einsatzgruppen utilized
the lists to target individuals for arrests or execution. Alexander Rossino, Hitler Strikes Poland: Blitzkrieg,
Naumann, “the struggles between the various parties, the collapse of the economy, the unemployment with all its devastating results… caused me to bother my head about political parties.” Naumann joined the National Socialists that November after attending several party gatherings. He became a police officer as well as a member of the SA in 1933. In 1935, he joined the SD and went on to head Department III/2, dealing with industrial plant protection. When the Reich began its expansion, Naumann became increasingly involved in carrying Nazi ideology into newly annexed and occupied territory. After the Anschluss, the 1938 annexation of Austria, Naumann helped build up the SD in Austria. He also accompanied the German invasion of Poland as leader of Einsatzgruppe VI, seeking out and imprisoning or executing Polish intelligentsia, “enemies of the Reich,” and individuals from Jost’s Sonderfahndungslisten. In November 1941, Naumann replaced Arthur Nebe as commander of Einsatzgruppe B, a post he retained until March 1943.

Erwin Schulz was born in Berlin in 1900. In April 1918, at seventeen years old, Schulz volunteered for military service in the First World War, but the November armistice ended the war before he saw combat. After his discharge in 1919, he entered the Friedrich Wilhelm University in Berlin to study law, but he only remained there for two semesters before financial difficulties forced him to abandon his studies. Having laid down his books, Schulz once again turned to the military, serving in the Freikorps Oberland, fighting Polish rebels in Upper Silesia. After leaving the Freikorps he took up the mantle of a police sergeant. Though Schulz freely admitted that he sympathized

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26 The Freikorps Oberland was a paramilitary organization made up primarily of World War I veterans, which functioned as a secret army beyond the restrictions of the Treaty of Versailles.
with the Nazi Party for some time, he did not join until 1933, after Hitler’s seizure of power. As a National Socialist, he continued his police career with the Gestapo in Bremen until he received an assignment to lead an *Einsatzkommando* in the Sudetenland in 1938. In March 1941, Schulz took charge of Department I-B of the RSHA, handling the education of RSHA personnel, but he would not remain there long. Two months later, he was called to Pretzsch to begin preparing *Einsatzkommando* 5, which he would lead into the Soviet Union. He retained this command until early September, 1941.

Dr. Franz Six, born in Mannheim in 1909, was a prime example among the defendants of an intellectual who turned his ideological fervor to the arena of mass killing. He joined the Nazi party in 1930, and carried his Nation Socialist ideals into his education at the University of Heidelberg, where he received a doctorate in philosophy, and to the University of Königsberg, where he earned his Dr. phil. habil., the highest degree attainable in Germany, in 1936. Even before completing his education, Six was a significant participant in the party and state. He became a member of the SA in 1932, and the SD in 1935. After lecturing as a professor of law and political science at the University of Leipzig for a year in 1938, he accepted an appointment at the University of Berlin. In addition to his duties as a professor upon moving to Berlin, Six worked for the RSHA, monitoring “Jews, Churches, and Enemies.” In the run-up to the Polish campaign, Heydrich enlisted Six to head Central Office II P (for Poland) in Security Service Headquarters, which investigated issues related to ethnic Germans in Poland of “ideological-political, cultural, propagandistic, [or] economic nature.”

27 The Main Office Security Police and the SD had not yet merged into the RSHA at this time.

of France. After the defeat of France, Heydrich tasked him with creating six
*Einsatzgruppen* to accompany German forces in Operation Sealion, the planned invasion of the United Kingdom. Although Hitler eventually abandoned Operation Sealion, Six was not yet finished with the *Einsatzgruppen*. Heydrich chose Six to lead *Vorkommando Moskau*, subordinate to *Einsatzgruppe B*, charged with seizing government archives in Moscow when Army Group Center reached the city. Six gave up his command in late August 1941.

In the trial of the *Einsatzgruppen* leaders at Nuremberg, Paul Blobel stood out as a villain amongst villains. Justice Musmanno remembered that, “his eyes glared with the penetrating intensity of a wild animal at bay.”\(^{29}\) Blobel was the oldest of the defendants, born in 1894 in Potsdam. A carpenter before World War I, Blobel joined the army as a pioneer [engineer] at the outset of the First World War, and earned an Iron Cross first class. After the war, he completed his education at the Royal Construction School in Wuppertal, and was certified as an independent architect in 1924. Blobel’s political convictions seem to have been greatly shaken when he became unemployed in 1931. Up to that time, he had been a sympathizer of the SPD (the *Sozialdemokratische Partei Deutschlands* or Social Democratic Party of Germany), but after losing his job he cast his lot with the Nazi party. He subsequently joined the SS in 1932. With the assembly of the Soviet *Einsatzgruppen*, Heydrich gave Blobel command of *Sonderkommando* 4a of *Einsatzgruppe* C. His unit was responsible for the single largest massacre in the east, at the Babi Yar ravine outside of Kiev, where men of *Sonderkommando* 4a shot 33,771

\(^{29}\) Musmanno, *Eichmann Kommandos*, 152.
Jews on September 29-30, 1941. Physical and mental ill health led to his release from command in January 1942.

Dr. Walter Blume was born in Dortmund in 1906 to the schoolmaster of a girl’s school. He studied law in Bonn, Jena, and Muenster, before proceeding to the University of Erlangen, where he passed his exam as a doctor of law in 1933. Upon receiving his degree, he immediately took up a position in the Dortmund police. A month after beginning work for the police he joined the Nazi party as well as the SA. In the next years, Blume climbed his way through the Gestapo, becoming Chief of the Berlin Gestapo in late 1939. His performance with the Gestapo attracted attention from Heydrich, leading to his appointment to Department I of the RSHA, Personnel and Organization, under Bruno Streckenbach in March 1941. In Department I, he helped select the leaders for the Einsatzgruppen detailed for the coming war with the Soviet Union, and he himself secured a position leading one of the units under Einsatzgruppe B, Sonderkommando 7a. Though he claimed during his trial that he only retained his command until mid-August 1941, his co-defendant Eugen Steimle placed his departure in September of the same year.

The son of an I.G. Farben director, Martin Sandberger was born in Berlin in 1911. From 1929 to 1933, he studied law in Munich, Freiburg im Breisgau, Cologne, and Tübingen, where he received his doctorate. He joined the party during his education in 1931 because, as he said, “then in Germany existing class-distinctions and class hate should have to be overcome by creating a community of people. As a student I felt the class distinctions even stronger than other people.”

that same year as well as an active participant in the National Socialist Students
Association, where he served as a Federal College Inspector until he joined the ranks of
the SS and SD in 1936. In October 1939, Himmler appointed Sandberger to head the
Immigration Center Office Northeast, where he managed the movement of ethnic
Germans from newly occupied territories into the Reich. Sandberger subsequently led
\textit{Sonderkommando} 1a from its assembly at Pretzsch until the beginning of August 1943.

Born in 1908 in Hannover, Willi Seibert studied economics at Göttingen
University until 1931. After graduating, he joined the army in Göttingen, where he
served from 1932 to 1935. In 1933, while still in the army, Siebert became a member of
the Nazi party. Seibert entered the SD in 1935 as an economics expert, though he
remained in the army as a reserve officer. In 1939 he was promoted to Chief of
Department III D in the SD \textit{Inland} of the RSHA, dealing with domestic economics
(commerce, transportation, and trade), where he worked under Ohlendorf. Perhaps due to
his established relationship with Ohlendorf, Seibert was assigned to Ohlendorf’s staff in
\textit{Einsatzgruppe} D, where he served from the opening of the campaign until August 1942.

Eugen Steimle was the seventh child of a Black Forest farmer, born in 1909. He
studied German history and French language and literature at the University of Tübingen
and the University of Berlin, passing the state examination for teachers in 1935. During
his studies, Steimle became a National Socialist student activist, and joined the party and
the SA in 1932. During his trial, Steimle explained the problems which drew him to the
Party. “An almost nihilistic realism became evident in my generation. We saw no
absolute values anymore and a pessimistic resignation was very common. A state
without life, an economy without any prospect for recovery, the class struggle within our
people – these are matters which moved us very deeply at that time.”

While working as a student activist, Steimle developed a relationship with Gustav Scheel, then leader of the SD southwest sector. Scheel offered Steimle a position in the SD, which he accepted in 1936 along with membership in the SS. Thereafter, Steimle led the SD Regional Headquarters in Stuttgart, until he replaced Blume as commander of Sonderkommando 7a in September 1941. He left Sonderkommando 7a in December 1941, but later returned to the east and took up Blobel’s former post as commander of Sonderkommando 4a from August 1942 to January 1943.

Ernst Biberstein was born Ernst Szymanowski in 1899 in Westphalia. On his own upbringing Biberstein commented, “I was educated in a Prussian family of officials. I leaned to know and to esteem all the virtues which once made Prussia one of the most orderly and best states in Germany. I learned respect for God, obedience and faithfulness towards the state leadership, decency and honesty and conscientiousness…. After graduating from Gymnasium in 1917 his parents pushed him to become a clergyman, but he was drafted into the infantry that June. Biberstein said that his experience in the First World War strengthened his relationship with God. It also cemented his decision to study theology, which he did at Kiel from 1919 to 1921, producing a “successful work” on “the influences of Egyptian religion on the Jewish race.”

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32 At his trial Biberstein explained the grounds for his name change, “[Szymanowski] is always misspelled. Apart from that, a German could never pronounce the name properly, I always had quite a bit of trouble with it. My family was originally German, and I knew an old German name which goes back to 933. What is more understandable than having the express wish of adopting this old family name? In 1939 there was an order issued by the party that all foreign-sounding names should be changed into German names. This decree was not actually carried out because of the outbreak of the war. In 1941 I used a very favorable opportunity to apply for a change of name, under the pretext that I had received an order to do so.” Ernst Biberstein, Case 9, Transcript, Nov. 20, 1947, vol. 7, p. 2688, M895/4/0348.
Biberstein subscribed to the *Völkischer Beobachter*, the National Socialist party newspaper, in the early 1920s. His father, previously a member of the SPD, turned to the Nazis in 1925. Biberstein followed a year later. “I went through a psychological change under the influence of the NSDAP…,” he explained, “as a veteran in the World War I had to experience the shameful collapse of the Reich in 1919. Therefore, for me as a soldier it was the duty of conscience to do everything in order to have rescinded the Versailles Treaty, which I regarded as very humiliating.”

Biberstein acted as commissary church dean in Münster from October 1933, and nearly secured the post of Bishop of Lübeck before the local Gauleiter interfered. In 1935, he moved to the position of church dean in Segeberg, and subsequently began working for the Reich Ministry for Church Affairs, joining the SS and SD in 1936. As he progressed as a party servant, Biberstein enacted a sweeping career change. He left the church in 1938, served in the Wehrmacht from March to October 1940, and became the Oppeln Gestapo Chief in 1941. In September 1942, Biberstein took over Einsatzkommando 6 from Robert Mohr. He continued to work in that capacity until June 1943.

Dr. Werner Braune was born in 1909 in Meerstadt, Thuringia. He told the court that he formed an impression of Communism early on. “Already when I was a boy of ten or eleven years of age, I saw how the Communists from the neighboring town would come to our village and take cattle from the farmers. I would like to say that the Communists… were already very strong at that time.”

Braune studied law in Bonn, Munich, and Jena, receiving his doctorate in 1933. After attending National Socialist meetings as a student, Braune joined the Party and the SA in 1931. Explaining why

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National Socialism appealed to him and his fellow students, Braune stated, “we
students had mostly national views; we suffered greatly from the political dissention and
weakness in Germany; class struggle and class hatred governed public life. The moral
decay increased. For the first time I came across a movement here which didn’t want to
separate people.”

He furthermore identified the fight against Communism as a major
influence in his activism as a student. “It was decisive for me at the time that I was aware
that Bolshevism was gaining strongly in Germany, and I, as a convinced National
Socialist… wanted to be active in the political happenings.”

In 1934, Braune became a
member of the SD and SS, and in 1940 he took on the position of Gestapo Chief in
Wesermünde. In October 1941, both Werner Braune and his brother Fritz received
assignments as replacement Einsatzgruppen commanders. Werner led Sonderkommando
11b from October 1941 until September 1942.

Born in 1904 in Hirschfelde, Saxony, Dr. Walter Hänsch studied law at the
University of Leipzig. Like many of the other defendants, Hänsch became interested in
Nazism in the course of his education, joining the party in 1931. After completing his
studies in 1934, he entered government as a town administrator in Döbeln. A year later
he began working for the SD in Department I for personnel and organization. In January
1942, Hänsch was ordered to relieve Fritz Braune of command of Sonderkommando 4b.
Hänsch argued during his trial, however, that he did not actually reach the
Sonderkommando and take charge until mid-March 1942. He left his post in July 1942.

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38 Though there was often some delay between the official assignment of a replacement leader to a unit of
the Einsatzgruppen and the arrival of the new commander in the east, the two month gap between
assignment and the actual beginning of command put forth by Hänsch strains credibility. He was probably
Gustav Nosske was born in 1902 in Halle. Educated in banking, economics, and law, he finished his university work in 1934, having joined the Nazi party the year before. After passing his assessor exam, he found employment at the Administration of Justice in Halle. In 1935, Nosske worked briefly for the National Ministry of the Interior at Aachen before taking up a career in the Gestapo. He subsequently became a member of the SS in 1937. With the formation of the Soviet Einsatzgruppen, Nosske was chosen as the first leader of Einsatzkommando 12, a position he would hold until March 1942.

Born in Bavaria in 1904, Adolf Ott joined the National Socialists in 1922, when both he and the Party were still young. He became a member of the SS in 1931. After acting as the manager of a barrel factory, he began work as an administrator for the German Workers Front in Lindau in 1933. In 1935, he made a career change, moving to the SD main office in Württemberg. Thereafter, Ott served as chief of SD Office III, the SD Inland, in Kolín in Bohemia and in Bergen, Norway. In February 1942, Ott took command of Sonderkommando 7b, replacing Max Rausch, and remained in command until January 1943.

Eduard Strauch, born in Essen in 1906, began his higher education with a focus on theology. During the course of his studies at the University of Erlangen and the University of Münster, however, he changed paths to study law. In 1931, he joined both the Nazi party and the SS. 1934 saw Strauch enter service for the SD, and by November 1941 he had risen high enough in standing to be entrusted with Einsatzkommando 2, taking the position occupied until then by Rudolf Batz. Strauch did not remain long with trying to avoid responsibility for the 861 executions credited to Sonderkommando 4b in Operational Situation Report 173 of 25 February 1942 and the further 1,317 executions included in Operational Situation Report 177 from 6 March 1942.
his *Einsatzkommando*, passing on command that same December, less than a month after his arrival.

Waldemar Klingelhöfer was one of two defendants born outside territory that would make up the Third Reich. Born in Moscow in 1900, he nonetheless fought for Germany in the First World War, serving from June 1918 until the armistice. Following his discharge from the military, Klingelhöfer began to train in music and voice, though as a member of the *Freikorps* he never abandoned his martial background. He joined the Nazi party in 1930 and the SS in 1933. During this period of his life, he was also performing and teaching voice across Germany, culminating in his finding work as an opera singer in 1935. In 1937, Klingelhöfer turned to political work, leading SD Department III-C for Culture in Kassel. As the war with the Soviet Union drew near, his position in the SD and his linguistic capabilities made him a prime candidate for the eastern *Einsatz*. For the first month of the campaign, Klingelhöfer acted as an interpreter for *Sonderkommando* 7b. In July 1941, he moved to *Vorkommando Moskau*, which he took command of following Franz Six’s departure in August 1941. Klingelhöfer returned to Germany in October 1941, but he departed for the occupied eastern territories again in December 1941, where he worked on the staff of *Einsatzgruppe* B until December 1943.

Lothar Fendler was born in 1913 in Breslau (now Wroclaw). Though he trained to become a dentist from 1932 to 1934, he was not destined for civilian life. Instead, Fendler enlisted in the Wehrmacht in 1934. Following his release from military service in 1936, Fendler took up employment in the SD. When Heydrich began constructing his *Einsatzgruppen* for the Soviet Union, he selected Fendler to act as Günther Herrmann’s
deputy for *Sonderkommando* 4b. In early October 1941, Fritz Braune relieved Herrmann of command, and Fendler left with him.

Like Klingelhöfer, Waldemar von Radetzky was born in Moscow in 1910. He moved to Riga for his education, and served two years in the Latvian Army from 1932 to 1933. In late 1939, he relocated to newly annexed Posen as one among a mass of ethnic Germans immigrating to the expanding Reich. Upon reaching the Germany, von Radetzky offered his services to the Germans. After joining the Nazi party in 1940, he worked in the Office of Repatriation of Ethnic Germans, where he remained until he was called for emergency service in the RSHA in May 1941. Upon induction to the RSHA, von Radetzky accepted a position as an interpreter in Blobel’s *Sonderkommando* 4a. He stayed on in the east until late 1943.

Born in Westphalia in 1910, Felix Rühl stands out from many of the other defendants for his lack of education. He became a clerk at the age of sixteen, and led a relatively unexceptional life until 1930, when he joined the Nazi Party. Two years later he pledged himself to the SS, and in 1933 he became a member of the Gestapo. Rühl’s long tenure with the Gestapo earned him the opportunity to prove himself in the *Einsatzgruppen* as an officer in *Sonderkommando* 10b under Alois Persterer. In October 1941, Rühl returned to Germany.

Heinz Schubert, born in 1914 in Berlin, was the youngest of the defendants in Case 9 at Nuremberg. Consequently, his first contact with the party was through the Hitler Youth. He joined the Party proper in spring of 1934, and subsequently entered the SS that fall. In October 1941, Schubert was assigned a position in *Einsatzgruppe* D as Ohlendorf’s adjutant. He held the post until June 1942.
Of all those tried at Nuremberg in Case 9, Matthias Graf was the only one to not have held an officer’s commission while in the Einsatzgruppen. Born to a German father and an Italian mother in Saxony in 1903, Graf had a talent for languages. By the age of nineteen he spoke English and Portuguese in addition to his native German and Italian. In 1922 he took his linguistic skills to Brazil, where he acted as an English correspondent for a coffee export firm, but family economic hardship drove him to return to Germany in 1925. In 1933, Graf, a self-proclaimed “enthusiastic motorist,” joined the SS and the Nazi party through the SS motorized unit in Kempten. Though he claimed that he left the SS in 1936, he was drafted into the SD in 1940 on war emergency status. With the assembly of the Einsatzgruppen, Graff, then only an Unterscharführer, equivalent to a corporal, received an assignment to work as assistant to the SD expert of Einsatzkommando 6. With the death of his superior in July 1941, Graf himself assumed the post of SD expert, and held the position until July 1942.

Glancing across this twenty-two man sample, it is clear that the typical Einsatzgruppen officer was well educated, committed to the Nazi party, and had experience with police work or in dealing with issues concerning foreign populations or governments. Of the twenty-two defendants, sixteen had attended university and seven received doctorates, overwhelmingly in the field of law. Thirteen of the defendants joined that National Socialist party in the years before Hitler came to power. Five of the defendants were members of the Gestapo, and six had been involved in counter-intelligence, previous Einsatzgruppen, or were born in the Soviet Union. For the commanders of the Einsatzgruppen, their work in the Soviet Union would be both a continuation and a fulfillment of their previous careers. For the bureaucrat ideologues
like Ohlendorf and Six, a position in the Einsatzgruppen provided them the opportunity to put their vision of National Socialism into practice. The party warriors, such as Naumann and Braune, could finally bring the fight to the doorstep of the Reich’s enemies, and the champions of the German race, like Sandberger, had the chance to realize an eastern “Garden of Eden.”
THE SUPERIOR ORDERS DEFENSE AND THE CREATION OF THE FÜHRER ORDER MYTH

“No subordinate can take it upon himself to examine the authority of the supreme commander and chief of the state. He only faces god and history.”

Otto Ohlendorf, testifying in Case 9 at Nuremberg

The most prominent defense in the Einsatzgruppen Case was that of superior orders. This defense, already played out during the International Military Tribunal, sought to remove the accused from the decision making process which led to his crimes. Those defendants who chose to employ the superior orders defense claimed that they, as a part of the chain of command, had a duty to obey any and all orders they received. It was not the place of a subordinate officer to question an order received from a superior, and had they decided to ignore or disobey such an order they would have expected to be punished. As the Einsatzgruppen operated during wartime and often just behind the front, many of the former Einsatzgruppe and Einsatzkommando leaders protested that, had they neglected the task assigned to them they could have expected swift punishment, even death.

During the trial before the International Military Tribunal, many of the major war criminals attempted to exonerate themselves by appealing to their duty to obey orders. The tribunal, however, declined to acquit any of the former Nazi leaders simply because they had bent to Hitler’s will. Instead, the tribunal ruled that if a subordinate received an order that he knew to be illegal he had a duty not to obey it. The decision of the IMT did, however, establish that the presence of superior orders could be considered as a

mitigating factor in the sentencing of war criminals.\textsuperscript{40} Thus, the superior orders defense, though not sufficient to relieve the former Einsatzgruppen leaders of guilt, was valuable as a means to avoid a protracted prison stay or the death penalty.

The superior orders defense was presented in Case 9 in a variety of ways, and its importance varied from defendant to defendant. Those who were present at the original Einsatzgruppen assembly point at the police school at Pretzsch spoke of a “Führer Order” for the destruction of Soviet Jews that was announced there. Others, who entered service in the Einsatzgruppen later in 1941 or 1942, related how they had received the same Führer Order\textsuperscript{41} from the previous occupants of their posts. Still more defendants who never heard word of an order issued by Hitler and passed on at Pretzsch testified that the Wehrmacht, one of the Higher SS and Police Leaders, or some other higher authority had ordered them to carry out execution of civilians in the Soviet Union.

As the chief defendant and first to testify, Otto Ohlendorf initially outlined the series of events that transpired at Pretzsch shortly before the outbreak of the war with the Soviet Union. His co-defendants, with a few exceptions, echoed and expounded upon his story, and the tribunal accepted it. According to their testimony, the leadership and personnel of the Soviet Einsatzgruppen assembled at the Pretzsch police school and its neighbor in nearby Deuben in late May and early June 1941. A few days before the opening of Operation Barbarossa, the Einsatzgruppen, Einsatzkommando, and Sonderkommando commanders-to-be were summoned to meet with Bruno Streckenbach, head of the personnel department of the RSHA, and Heinrich Müller, head of the

\textsuperscript{40} Wolfe, “Putative Threat,” 54-55.

\textsuperscript{41} When the phrase Führer Order appears here capitalized, it refers to the order supposedly relayed by Streckenbach at Pretzsch.
Gestapo, at the police school. It was there that Streckenbach revealed the purpose of the newly created *Einsatzgruppen*.

Streckenbach announced to the room full of SS officers, some as high ranking as himself, that they would be invading the Soviet Union. Furthermore, he warned them that their assignment in the East would be the most difficult which the Security Police would ever face, cautioning that they should “keep the last bullet for yourself so that you won’t fall alive, into the hands of the enemy.” The *Einsatzgruppen*, by order of Adolf Hitler, would be responsible for breaking the ideological backbone of Bolshevism in the Soviet Union, and to achieve this goal they were “to eliminate the Bolshevist leading circles, and since the European Jews were its most important bearers, they were to be liquidated, including women and children.”

Hitler had given this order, said Streckenbach, because strong partisan opposition was expected and the Jews were “natural helpers” of the partisans, and because “the Eastern Jews were the intellectual supporters of World Bolshevism, and this total destruction was necessary, in order to make the victory over Soviet Russia final.”

Ohlendorf, Blume, and Nosske each stated in their examination that after Streckenbach had finished conveying the *Einsatzgruppen* assignment he was met with strong opposition from the assembled officers. The protest against the order, “not of a former kind, but as among comrades,” came forth in “rough words” from those who shared Streckenbach’s rank. According to Blume, even those holding a lower rank, “in

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spite of the usual strict discipline were very restless.” In response to the opposition he met, Streckenbach repeated to the gathered crowd that there was nothing he could do because this was, after all, a Führer order, and had to be obeyed.

In conjunction with Streckenbach’s revelation at Pretzsch, Heydrich held a conference for the concerned Einsatzgruppen leaders at Prinz-Albrecht-Straße 8, the headquarters of the RSHA in Berlin. The testimony regarding this meeting, which took place on 17 June 1941, two or three days before Streckenbach is supposed to have delivered a Führer order for the indiscriminate slaughter of Soviet Jews, is somewhat contradictory. Naumann claimed that Heydrich explicitly said that by order of Adolf Hitler, all Jews, Gypsies, and Communist officials were to be shot in order to secure the rear army areas. Erwin Schulz remembered Heydrich speaking in a more general tone, implying that the task of the Einsatzgruppen would include violent action against Jews instead of directly ordering the men to engage in such violence. In Schulz’s account, Heydrich began by declaring that the war in the east would not be a conventional war in which two armies clashed for control of the battlefield, but instead a confrontation of two ideologies. “[Heydrich] explained that Bolshevism would not stop from using every means of fighting, as Lenin had already written; emphasizing there in particular the part that partisans were to play…. Everyone should be sure to understand that in this fight Jews would definitely take their part, and that in this fight everything was set at stake.” Here Heydrich directly fingered the Jews as a probable source of ideological resistance. Schulz, however, was careful to indicate that Heydrich’s speech dealt with the

generalities of the coming campaign, stating, “I want to emphasize particularly that any words about extermination or final solution were never mentioned here.”

In contrast to Naumann and Schulz’s testimony, Gustav Nosske recalled that during the 17 June speech Heydrich disclosed the planned invasion of the Soviet Union and cautioned that the Soviet Union was both a military and an ideological threat, but did not address the task of the Einsatzgruppen directly. Heydrich indicated that the Wehrmacht would take a part in combating the ideological threat of Bolshevism, but spoke mostly rhetorically of the job the Einsatzgruppen would do. Instead of laying down orders himself, he told the assembled leaders that specific orders would be issued once the officers joined with their units. Still another Einsatzgruppen leader, the chief of Einsatzkommando 3 Karl Jäger, stated while awaiting trial in 1959 that Heydrich had told “circa fifty SS leaders” in Berlin that, should war erupt between Germany and the Soviet Union, “the Jews” would “have to be shot.” As Jäger remembered it, this prediction was not repeated in the form of an order. Instead, he held that, “in Pretzsch… nothing was said about shooting Jews,” and that, “the speech by Heydrich in Berlin containing the comment that during operations in the East Jews are to be shot… [was] not repeated.” As if to offer complete clarification on the issue, he further asserted that, “it was not stated that this was a strict order to shoot the Jews in the East.”

Many of the defendants entered service in the Einsatzgruppen as replacement officers. Having not been present at Pretzsch, they reported a significantly different

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49 Karl Jäger was not a defendant in the Einsatzgruppen Case. He managed to evade capture, living under a false identity until the discovery in 1959 of extensive reports he had compiled on the activity of Einsatzkommando 3, commonly known as the Jäger Reports, brought his activity during the war to light. He committed suicide in June 1959 while awaiting trial in the Federal Republic of Germany.
50 In Krausnick, “Correspondence,” 318.
experience in receiving their orders. Heinz Jost, who took command of Einsatzgruppe A in late March 1942, testified that though he was aware that Einsatzgruppe A was shooting Jews in the Baltic before the beginning of his assignment, he “did not know about the extent of the order and the great importance of it.” Upon arriving in Riga to replace Franz Stahlecker, the former commander of Einsatzgruppe A who had been killed in battle by partisans, Jost questioned Stahlecker’s adjutant on the operation of his formation, in particular regarding the Jews. The adjutant informed Jost that Hitler had ordered the extermination of the Jews and that, though the order had never been received in writing, it had been passed on to Einsatzgruppen and Einsatzkommando leaders orally.

Adolf Ott, who took up his position as Chief of Sonderkommando 7b in February 1942, also told the tribunal that he was unaware of the purpose of his eastern assignment before he left to take up his command. Ott explained that even when he reached Smolensk to report for duty, Naumann, his immediate superior as leader of Einsatzgruppe B, did not speak of Jewish executions. It was not until he reached Sonderkommando 7b that its outgoing Chief, Max Rausch, informed Ott of what the Sonderkommando had been doing for the last year. Rausch outlined for Ott what he called “the hardest task which I had,” explaining that Heydrich and Streckenbach had passed on an unwritten Führer order at Pretzsch calling for the execution of all Jews. Upon questioning from Ott, Rausch also confirmed that the order concerned all Jews, including women and

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children. When Naumann visited Sonderkommando 7b in mid-March, he confirmed what Rausch had told Ott.  

Not all of the accused in the Einsatzgruppen Case attempted to take advantage of the superior orders defense. Some of the lower ranking officers among the defendants instead claimed that they had never received orders for the extermination of Soviet Jews. They did not deny that they had been aware that the Einsatzgruppen were, in fact, executing Jews, only that they had never personally heard of an order to that effect. This denial of a Führer order was also, of course, part of a defense strategy. Having distanced themselves from the alleged Streckenbach Führer order, they then went on to claim that they themselves had taken no part in the planning or implementation of executions. Nonetheless, the testimony of these defendants is important in that it contradicts the line laid down by many of the higher-ranking defendants.

Walter Hänsch, the replacement commander of Sonderkommando 4b from March 1941 to July 1942, claimed that he first heard talk of the Streckenbach Führer order during his interrogation prior to the trial. Had such an order existed, he would have had ample opportunity to discover it. Upon reporting for his assignment, Hänsch discussed his duties with SS Gruppenführer Dr. Max Thomas, chief of Einsatzgruppe C, but Thomas made no mention of a standing anti-Jewish Führer order. Hänsch also spoke with his subordinate officers, who had been in the Soviet Union for some time without hearing of an order originating from Hitler for the extermination of the Jews. Likewise,

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the replacement commander of Einsatzkommando 6, Ernst Biberstein, testified that he did not learn of the Führer order until the run-up to his trial in Nuremberg.55

Matthias Graf reported an experience similar to that of Hänsch and Biberstein. As the lowest ranking officer tried in Case 9 at Nuremberg56, Graf did not lead a Kommando. Instead, he worked for Department III of Einsatzkommando 6, which dealt with SD reports. He, too, claimed not to have heard about the Streckenbach Führer order until after the war. Once in the Soviet Union, however, he learned from his commanding officer Dr. Ernhard Kröger and from the local population that Jews were being shot, though Graf identified the Higher SS and Police Leaders, not the Einsatzgruppen, as the responsible agent.57

The testimony of Albert Hartl, a witness on the behalf of Biberstein, further expounds upon the question of the existence of the Führer order discussed during the trial. Hartl helped build up the SD Church Information Service in 1940, and traveled to the East during the winter of 1941-1942 in order to, as he put it, “study the spiritual situation in the Soviet Union.” During his time in the Soviet Union, Hartl never heard of a standing order for the execution of Jews. He did, however, state that, “from all the conditions I had to conclude that such an order was in existence…,” because “even before I arrived in the East… I had always taken notice of the Eastern reports.” When asked whether he could have deduced that a Jewish execution order existed based upon his experience in the Soviet Union alone, Hartel responded that he would have been able

55 Ernst Biberstein, Case 9, Transcript, Nov. 21, 1947, vol. 8, p. 2771, M895/4/0433.
56 At the end of the war, Graf held the rank of SS Untersturmführer, equivalent to second lieutenant. When he marched with Einsatzkommando 6 at the beginning of Operation Barbarossa he was only an Unterscharführer, equivalent to a corporal.
to do so.\textsuperscript{58} Hartl’s testimony supports that of Biberstein, Hänsch, and Graf in that Hartl reinforced the apparent lack of a generally known Führer order for the unlimited shooting of Jews. It is also contradicts the testimony of those three defendants, because Hartel called into question the assertion that the function of the \textit{Einsatzgruppen} as execution battalions was not blatantly obvious.

Of all the accused who were present at Pretzsch at the outset of the campaign, only Schulz testified that he did not hear of the Streckenbach Führer order before the opening of the war with the Soviet Union.\textsuperscript{59} Instead, he testified that he first received a specific order to execute all Jews in late July 1941. According to Schulz, it was then that Otto Rasch called all the Kommando leaders of \textit{Einsatzgruppe} C to meet with him at his staff headquarters in Zhitomir. There Rasch revealed that he had spoken with Higher SS and Police Leader Friedrich Jeckeln, who related an order from Himmler to execute all Jews not classified as indispensable workers, including women and children.\textsuperscript{60} The next month, during a trip to Berlin, Schulz confronted Streckenbach with a copy of Rasch’s order, and asked for a release from the \textit{Einsatzgruppen}. Schulz testified that upon hearing the text of the order, Streckenbach responded that, “such an order would just mean plain murder,” and promised to discuss it with Heydrich.\textsuperscript{61}

The order issued by Streckenbach at Pretzsch and reference by both the original and replacement \textit{Einsatz} officers at Nuremberg was referred to throughout the trial simply as the “Führer Order.” As indicated by the testimony of the defendants, Hitler

\textsuperscript{58} Albert Hartel, Case 9, Transcript, Nov. 24, 1947, vol. 8, p. 2867, 2926, M895/4/0530,0589.
\textsuperscript{59} Schulz did not claim that Streckenbach had not passed on such an order, only that he had not been present at the meeting in question and so could not know what transpired there.
\textsuperscript{60} Erwin Schulz, Case 9, Transcript, Oct. 18, 1947, vol. 3, p. 954, M895/3/0985.
\textsuperscript{61} Erwin Schulz, Case 9, Transcript, Oct. 18, 1947, vol. 3, p. 961, M895/3/0992.
never issued any written order concerning the annihilation of the Soviet Jews by the
_Einsatzgruppen_. The tribunal in the _Einsatzgruppen_ Case accepted the Führer Order as
fact, despite the testimony of Schulz and some replacement officers. Nonetheless,
several historians have questioned whether a general Jewish execution order was, in fact,
issued to the _Einsatzgruppen_ at the outset of Operation Barbarossa. Alfred Streim, who
led the Central Office for the Prosecution of Nazi Crimes in Germany from 1984 until his
death in 1996, has instead placed the destruction order in August or September 1941.

Streim contends that Ohlendorf invented the Streckenbach Führer Order because
he believed that, had the _Einsatzgruppen_ not been under orders from the outset to
eliminate the Soviet Jews, they would not be able to take advantage of the mitigating
effect of superior orders and would instead hang as perpetrators. Streim cites a farewell
letter from one of the defendants sentenced to die in the _Einsatzgruppen_ case. Not only
did this letter outline Ohlendorf’s role in fabricating the Führer Order, it also related how
Ohlendorf sought the cooperation of his co-defendants through threats and promises. It
went on to explain that Streckenbach was chosen as the link between Hitler and the
_Einsatzgruppen_ leaders because it was assumed that Streckenbach was dead.

Streckenbach did, however, survive the war. After his release from Soviet captivity, he
claimed that he had never passed on an order from Hitler for the execution of Soviet Jews.  

To bolster his case further, Streim references the testimony of _Einsatzgruppen_
leaders who were later tried by the West German Government. These testimonies locate

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62 Alfred Streim, “Correspondence,” _Simon Wiesenthal Center Annual_, vol. 4, (Chappaqua: Rossel Books, 1987), 312-313. Streckenbach did not publicly refute the story told during the _Einsatzgruppen_ Case because, argues Streim, he did not want those perpetrators who were convicted in Case 9 and released early to returned to prison.
the issuance of the general kill order several weeks after the *Einsatzgruppen* departed for the Soviet Union. Streim also argues that because Heydrich’s Operational Orders No. 1 and 2, issued on 29 June and 1 July 1941 respectively, called for the silent instigation of Pogroms, the *Einsatzgruppen* must not yet have secured permission to execute the Jews themselves without cause.\(^63\) Another document utilized by Streim, the minutes of Heydrich’s 2 July 1941 conversation with the Higher SS and Police Leaders (HSSPL), deserves to be read at length:

**Executions**

The following will be executed:

- All officials of the Comintern (most of these will certainly be career politicians);
- Officials of senior and middle rank and “extremists” in the party, the central committee, and the provincial and district committees;
- The People’s Commissars;
- Jews in the service of the Party or State;
- Other extremist elements (saboteurs, propagandists, snipers, assassins, agitators, etc.)…

No steps will be taken to interfere with any purges that may be initiated by anti-Communist or anti-Jewish elements in the newly occupied territories. On the contrary these are to be secretly encouraged. At the same time every precaution must be taken to ensure that those who engage in “self-defense” actions are not subsequently able to plead that they were acting under orders or had been promised political protection…\(^64\)

If all Jews were already slated for death, asks Streim, why single out Jews working for the Communist Party or State?

The answer to this question posited by Streim is that there was no order in place in June 1941 calling for the execution of all Jews in the East. Only two of the original *Einsatzgruppen* Chiefs survived the war: Ohlendorf and Rasch, and, by 1947, Rasch was too sick to testify. Consequently, the entire story of the Streckenbach Führer Order rests


\(^{64}\) In Krausnick, *Anatomy of an SS State*, 62-63.
on Ohlendorf and his co-defendants. Instead of a pre-eastern-war kill order, Streim
suggests that the Higher SS and Police Leaders transmitted the order in August or
September 1941. He comes to this conclusion because the Higher SS and Police Leaders
conducted many of the Jewish action in the East, because Himmler met with the HSSPLs
in August and September 1941, and because Streckenbach reported that, during their time
in Soviet prisoner of war camp, Higher SS and Police Leader Friedrich Jeckeln told him
that he and the other HSSPLs had, in fact, transmitted the order.  

Ralf Ogorreck’s work *Die Einsatzgruppen und die “Genesis der Endlösung”*
reinforces and expands upon the case originally made by Streim. Ogorreck points out
that after Streckenbach’s unexpected return from captivity, all of the surviving defendants
of Case 9 at Nuremberg who had been present at Pretzsch, with the exception of Schulz,
changed their story regarding what happened there. Sandberger, Blume, and
Klingelhöfer revised their testimony, identifying Heydrich as the individual responsible
for passing on an order for the elimination of Soviet Jews, and Nosske made a complete
about face, claiming that there had never been such an order at all. None of the
_Einsatzgruppen_ leaders tried later in Germany fingered Streckenbach as the bearer of a
Führer order as presented at Nuremberg. Four of these men, Rudolf Batz of
_Einsatzkommando_ 2, Karl Jäger of _Einsatzkommando_ 3, Albert Filbert of
_Einsatzkommando_ 9, and Paul Zapp of _Sonderkommando_ 11a, said that Heydrich
transferred the order to them. Four others, Ernst Ehrlinger of _Sonderkommando_ 1b, Otto
Bradfisch of _Einsatzkommando_ 8, Günther Herrmann of _Sonderkommando_ 4b, and

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65 Streim, “Correspondence,” 316.
Erhard Kröger of *Einsatzkommando* 6, followed Nosske in denying that any party had issued an order for general Jewish executions.\(^{66}\)

Testifying in 1971, Nosske clarified what Streckenbach had actually ordered the *Einsatzgruppen* leaders to do. “He informed us that both Bolshevist functionaries and Jews in leadership positions were to be liquidated…. An explicit Führer order in which all Jews including women and children were to be indiscriminately liquidated was not made known by Streckenbach.”\(^{67}\) Nonetheless, as Sandberger explained in 1964, “after Ohlendorf and some other codefendants in the trial named Streckenbach as the transmitter of the order [before Sandberger’s testimony], my testimony didn’t matter anymore.”\(^{68}\) Thus, the defendants in Case 9 felt pressured to follow Ohlendorf’s lead, and once Ohlendorf decided upon Streckenbach as the man responsible for relaying the Führer Order, the rest of the defendants fell into line. Speaking in his own defense at Hamburg in 1957, Streckenbach admitted that he had been at Pretzsch and had briefed the new *Einsatzgruppen* leaders on their coming assignment, but only in a “general manner.” He further maintained that if a Jewish execution order existed at the time he never knew about it.\(^{69}\)

Though Ogorreck insists that no formal and all-encompassing Jewish execution order existed at the outset of the war in the East, he argues that *Einsatzgruppen* leaders received encouragement to fit a wide spectrum of Jews into the categories of people slated for execution. At his 1962 trial, Günther Herrmann recalled a conversation he had with Otto Rasch, commander of *Einsatzgruppe* C, following their first major action in

\(^{67}\) Ibid, 91-93.
\(^{68}\) Ibid, 53.
\(^{69}\) Ibid, 56.
Lvov. Rasch commented that they had orders in hand to shoot all elements hostile to the Reich, and then pointed out that all Jews could be considered enemies of the Reich. At the end of their discussion, Rasch ordered Hermann to commit his Kommando to combating such Reich enemies. Thus, explained Herrmann, “Dr. Rasch did not thereby emphasize the Jews in particular, he did not say for example that they [the Jews] should be first in line to be shot.” Nonetheless, Rasch imparted the understanding on his subordinate that Jews, though not specifically included in the targeted groups, could still be understood as a dangerous force that needed to be dealt with. If an order for the execution of all Jews already existed at the time, asks Ogorreck, why did Rasch not simply cite that order, instead of attempting to redefine Jews as Reich enemies?

The discussion between Herrmann and Rasch is representative of what Ogorreck sees as the central factor in the development of the Einsatzgruppen mission. He argues that private conversations between Einsatzgruppen leaders and military, RSHA, and Higher SS and Police Leaders could have been as important for determining the activity of the Einsatzgruppen as the genocidal implications of Streckenbach’s briefing at Pretzsch or Heydrich’s 17 June speech in Berlin. Consequently, Ogorreck places the definitive change in the task of the Einsatzgruppen in August 1941. In mid-August, Ohlendorf briefly returned to Berlin. Upon his return, indiscriminate shootings of Jews began. In the same month, Einsatzgruppe C turned from killing military-aged Jewish males to all-encompassing executions after Rasch held a meeting in Zhitomir, and Einsatzgruppe B ramped up its killing as well following a visit by Himmler in August.

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70 Ibid, 81-82.
72 Ibid, 210-214.
Christoph Dieckmann reaches a conclusion similar to that of Streim and Ogorreck in his essay “The War and the Killing of Lithuanian Jews.” In the 1958 trial of Einsatzgruppen leaders in Ulm, Germany, members of the state police station at Tilsit (a town on the eastern border of what was then East Prussia), who were responsible for mass murders in Lithuania, claimed that Franz Stahlecker and Heydrich issued a general Jewish execution order at the outset of the war. Dieckmann argues that the actual developments in Lithuania contradict this defensive line. Instead of indiscriminately targeting Jewish men, women, and children, the members of the Tilsit state police directed the greater part of their zeal towards Communists and male Jews of military age. In fact, when, on 30 June 1941, the Chief of Police of the southern Lithuania town of Alyths suggested that he could employ the 1,050 police and partisans faithful to him in the annihilation of all the regions Jews, the Germans rejected his offer.

In contrast to the three historians above, Helmut Krausnick and Richard Breitman contend that Hitler and Himmler had decided on total destruction of the Soviet Jews before the June invasion. In The Architect of Genocide: Himmler and the Final Solution, Breitman argues that, though direct evidence of a universal Jewish kill order did not survive the war, its existence can be inferred from other sources. Breitman cites an October 1941 report authored by Einsatzgruppe A commander Franz Walter Stahlecker, in which he wrote, “the goal of the cleansing operation of the Security Police, in accordance with the fundamental orders, was the most comprehensive elimination of the Jews possible.” Breitman further draws on a statement made by Rudolf Lange,

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commander of *Einsatzkommando* 2, to the International Military Tribunal. Lange wrote that his objective in the East was, “a radical solution of the Jewish problem through the execution of all Jews.” These sources, however, are both problematic. Stahlecker wrote his report in October, after killing operations had intensified across the occupied Soviet Union. The “fundamental orders” to which Stahlecker referred were not necessarily the same orders the *Einsatzgruppen* held at the outset of the campaign. Lange’s statement, having come after the war, suffers from the same bias present in the testimony of the *Einsatzgruppen* officers in Case 9.

Breitman further argues that regional variations in execution counts and the initial targeting of specific sectors of the Jewish population can be explained by the *Einsatzgruppen*’s dearth of manpower. Because the *Einsatzgruppen* often lacked a sufficient force to eliminate all Jews in a given area, they selected those they felt were most dangerous for immediate execution and interned the remainder. In addition, by not initially shooting women and children the *Einsatzgruppen* were able to minimize friction with the *Wehrmacht*, which had protested some of the most extreme action of the Polish *Einsatzgruppen* two years earlier. Breitman identifies the ghettoization of women and children as a part of a long-term plan for annihilation that followed the same general pattern across Europe. Concentrated Jews could be utilized for their labor until they were no longer needed, and then discretely destroyed.

Along the same line as Breitman, Krausnick argues that Hitler had already decided on a program of annihilating Soviet Jews by March 1941 at the latest, when he

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first indicated that Soviet political commissars should be executed wherever they were found. Krausnick argues that Heydrich conveyed Hitler’s intent to the leadership of the Einsatzgruppen before the beginning of the eastern campaign. While Krausnick acknowledges that Heydrich’s 2 July 1941 letter to the Higher SS and Police Leaders designated only “Jews in the service of the Party or State” as enemies to be destroyed, he believes that Heydrich simply did not wish to further elaborate his intentions in writing. For Krausnick, the testimony of Ohlendorf and his likeminded co-defendants, as well as the content of the Einsatzgruppen Reports, is more than enough to clarify the situation in the occupied territories of the Soviet Union in early summer 1941.

To counter Streim’s argument that the early instigation of pogroms indicate that the Einsatzgruppen did not yet have clear orders to execute entire Jewish populations themselves, Krausnick cites a statement by Stahlecker, whose Einsatzgruppe A was responsible for the Baltic region, where most of the pogroms took place. Stahlecker explained that,

it was to be expected from the outset that the Jewish problem in the Ostland would not be solved by means of pogroms only..., but it was agreeable if, at least in the beginning, the Security Police would not be publicly associated with the unusually harsh measures that would even attract attention in German circles. It had to be shown to the world that the native population itself implemented the first measures as a natural response to decades of Jewish oppression and to the Communist terror of the recent past.

78 In Krausnick, “Correspondence,” 315.
Krausnick interprets Stahlecker’s statements as proof that the encouragement of pogroms was part of a pre-conceived plan to both justify and hasten the elimination of Jews in the East.

Concluding his refutation of Streim, Krausnick points out that the Einsatzgruppen had already shot approximately 44,000 Jews by the end of July 1941. This figure, argues Krausnick, is simply too large to have been the work of a few fanatical Einsatzgruppen leaders acting on their own and without orders. “It is not plausible,” he writes, “that all Einsatzkommando Chiefs should have done so from the outset of an operation in such a horrifying manner without a corresponding order that was issued about the same time as they arrived in the area of operations.”

Krausnick is correct to point out that the notion that the Einsatzgruppen began obliterating Jews spontaneously and without orders is untenable. Nonetheless, the 44,000 killed by the end of July is only a fraction of the roughly one million killed during the course of the eastern war. Though this high total for the first full month of Einsatzgruppen activity indicates that a Jewish execution order existed in one form or another, it is not clear that it was from the beginning a general execution order. Krausnick and Streim both fail to ask the question: which Jews did the Einsatzgruppen target for execution during the opening phase of the eastern offensive, and how did the character and scale of executions change? Dieckmann delves more deeply into this question.

Dieckmann concludes that the first months of killings, though extensive, affected mostly Jewish men of military age and Communists. Jewish women and children,

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instead of being annihilated alongside their fathers, sons, and husbands, were for the most part allowed to live. Dieckmann posits that the leadership of the Nazi party clung to the idea of a quick victory over the Soviets followed by a deportation of the Jewish population to the eastern fringe of the Soviet state. Consequently, the Einsatzgruppen directed their executions against what they perceived to be the Soviet “carrier class:” Communist functionaries, Jewish men of military age, and the Jewish intelligentsia. This targeting of the “carrier class,” which Dieckmann calls a “racist preventive-policy,” sought to decapitate the Soviet system and minimize resistance to the German occupation.

Hitler had elaborated his intentions for the leading Jews of the Soviet Union as early as 3 March 1941, when he responded to Chief of Operation Staff Alfred Jodl’s draft of “Guidelines in Special Fields concerning Directive No. 21 [Barbarossa].” In this letter, Hitler stated, “the impending campaign is more than a clash of arms; it also entails a struggle between two ideologies. To conclude this war it is not enough… to defeat the enemy forces…. The Jewish-Bolshevik intelligentsia, as the oppressor in the past must be liquidated….” He had also previously indicated that in the war against the Soviet Union it was most important “first of all to quickly finish off the Bolshevik leaders.”

The Einsatzgruppen reports bear out both Dieckmann’s hypothesis and the consequences of Hitler’s 3 March 1941 letter to Jodl. In Operational Situation Report 17 of 7 July 1941, Einsatzgruppe B reported that, “the Lithuanian police branches in Vilnius,

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80 Had such a scheme come to fruition, it would not necessarily have meant the salvation of those Jews spared in the first sweep. Engineered starvation, working to death of Jews, and widespread disease already present in Jewish ghettos in Poland would likely have led to the same end as Einsatzgruppen bullets or death camp gas on a long enough timeline had the Red Army quickly folded and made possible the deportation of Soviet Jews further east.
82 Jürgen Förster, “Operation Barbarossa as a War of Conquest and Annihilation,” 482.
subordinate to the Einsatzkommando [9], were given the task of drawing up current
lists of names of Jews in Vilnius; first the intelligentsia, political activists, and wealthy
Jews. Subsequently, searches and arrests were made and 54 Jews were liquidated on July
4, and 94 were liquidated on July 5….83 Again, in Operational Situation Report no. 43
of 3 August 1941, Einsatzgruppe B elaborated on the targeting of the Jewish
intelligentsia:

The operational activity in the Byelorussian area is geared to the principle
of hitting the Jewish-Bolshevik upper class as efficiently as possible…. As
for membership in the Communist Party: experience gathered so far has
taught that the majority of the members inwardly reject Bolshevik ideology…. Jews, as a rule, joined from inner conviction…. The emphasis of the
operation activity was, therefore, directed, first of all, against the Jewish
intelligentsia.84

In Operational Situation Report 46 of 9 August 1941, Einsatzgruppe C expounded
upon the techniques used to capture the targeted Jewish groups:

In Vinnitsa [in central Ukraine] a search of the town for leading Jews was
unsatisfactory. For this reason, the leader of Einsatzkommando 4b
[Günther Herrmann] resorted to new methods. He called the town’s most
prominent Rabbi ordering him to gather within 24 hours all of the Jewish
intelligentsia. He then told the Rabbi that they would be required for work.
When this first group was judged insufficient, the assembled intellectuals
were sent back with the order to collect the remaining intellectuals and to
appear with them the following day. This method was repeated for a third
time. In this manner nearly the entire intelligentsia was trapped and
liquidated.85

As late as 12 October 1941, Einsatzgruppe A was still reporting execution activity
targeted specifically at Jewish males of military age. Operational Situation Report no.
111 explained the execution of Jews in Reval, Estonia, “all male Jews over 16, with the
exception of physicians and the appointed Jewish elders, were executed by the Estonian

83 Arad, The Einsatzgruppen Reports, 15.
84 Ibid, 69.
85 Ibid, 78.
self-defense units under supervision of the Sonderkommando [1a]."86 Taken together, these reports indicate that the actions of the Einsatzgruppen in the first months of the eastern war were directed not at the Jewish population as a whole, but at those segments of the Jewish population that were considered to be the greatest threat to the German occupation.

On 17 July 1941, a report from Einsatzgruppe D complained that Rumanian soldiers87 had committed “considerable excesses… against the Jews.” The report elaborated that, “on the evening of July 10, Rumanian military authorities rounded up some 400 Jews of all ages, including men and women, in order to shoot them in retaliation for attacks on Rumanian military personnel.” In the end, the Rumanian commander “restricted himself in the last moment to the shooting of 15 male Jews.”88 Nonetheless, Einsatzgruppe D saw fit to report the fact that the Rumanians had even considered executing women and children.

A month later, Einsatzgruppe D submitted another report regarding relations between the Rumanian and German forces which further illuminates the orders and priorities of the Einsatzgruppen. Operational Situation Report 67 of 29 August 1941 related an incident in which the Rumanians drove roughly 27,000 Jews from Bessarabia and Bukovina (formerly part of Rumania) into German-controlled territory. In response, Einsatzgruppe D executed 1,265 of these Jews, “partially younger ones,” and sent the

86 Ibid, 184.
87 Rumania fought in the southern Ukraine, initially to recover Bessarabia and Bukovina, territories it had ceded to the Soviet Union after a July 1940 Soviet ultimatum. Following the capture of the former Rumanian territories, the Rumanians fought on through the southern Ukraine and the Crimea and on to the Caucasus.
88 Arad, The Einsatzgruppen Reports, 34.
remainder back to the Rumanians. The fact that the Einsatzgruppe only executed a fraction of the Jews sent by the Rumanians suggests both that Einsatzgruppe D had not yet received orders to execute all Jews, and also that it was targeting some Jews in particular.

The Einsatzgruppen reports further support Dieckmann’s argument that the German leadership envisioned a short war followed by a territorial solution to the Jewish question - the deportation of Jews to occupied territory outside the Reich. A report from Einsatzgruppe B dated 24 July 1941 explained, “a solution of the Jewish question during the war seems impossible in this area because of the tremendous number of Jews. It could only be achieved through deportations….” This report goes on to explain the process of establishing a Jewish ghetto, presumably, given the preamble to the report, to hold the Jews until a feasible solution to the Jewish question could be found after the war. First, the Einsatzgruppe would appoint a chairman of the Judenrat (Jewish Council), which was responsible for registering all Jews living in the area. These Jews would be sequestered into a ghetto and, until their eventual liquidation, utilized as labor.

Two reports that came from Einsatzgruppe A in July 1941 further bear out the argument that there was no preconceived plan to destroy the whole of Soviet Jewry.

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89 Ibid, 119.
91 Arad, The Einsatzgruppen Reports, 43.
during the war. On 3 July 1941, *Einsatzkommando* 2 reported that, “in order to keep the war plants and the plants vital for the population operational, the Wehrmacht is, for the time being, still not in a position to dispose of the Jewish manpower still available and fit for work.” 92 A week later, in Operational Situation Report 19, *Einsatzgruppe* A commented that, “further mass shootings are no longer possible. Therefore, I summoned a Jewish committee and explained that up to now we had no reason to interfere with the internal arrangements between the Lithuanians and the Jews.” 93 This report further outlines how *Einsatzgruppe* A planned to set up Jewish ghettos, what it called the “foundations for a ‘New Order.’” Together, these two reports indicate that, at least in early July 1941, *Einsatzgruppe* A intended to concentrate the Jews of the Baltic states into ghettos after a brief but intense wave of targeted killings. These Jews, once collected, were to serve as labor for the course of what was assumed would be a short war with the Soviet Union.

The statistics given for executions in the Soviet Union in the *Einsatzgruppen* Operational Situation Reports further illustrate that a drastic change in the scope and pace of executions took place between August and September 1941. The following table lists the total number of executions attributed to the *Einsatzgruppen* each month from July 1941 to April 1942, when the series Operational Situation Report USSR ended: 94

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93 *Ibid*, 17-18. The phrase, “internal arrangements between the Lithuanians and the Jews” refers to the murder of Jews by Lithuanian kommandos and through pogroms, estimated by *Einsatzgruppe* A to have been 7,800 persons.
94 This chart does not include statistics directly attributed to the Higher SS and Police Leaders and their formations or to pogroms. If a report included an execution event without naming an agent, it is assumed to have been perpetrated by the *Einsatzgruppen*. Totals for executions are listed under the month in which they were reported, although a delay of as much as two weeks could sometimes separate an actual execution event from its being reported. Consequently, entries for each month contain some executions which actually occurred at the end of the previous month, and may not include executions conducted at the
Table 1

Einsatzgruppen Executions by Month

<table>
<thead>
<tr>
<th>Month</th>
<th>Reported Executions</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1941</td>
<td>20,614</td>
</tr>
<tr>
<td>August 1941</td>
<td>24,075</td>
</tr>
<tr>
<td>September 1941</td>
<td>83,829</td>
</tr>
<tr>
<td>October 1941</td>
<td>95,353</td>
</tr>
<tr>
<td>November 1941</td>
<td>18,162</td>
</tr>
<tr>
<td>December 1941</td>
<td>60,496</td>
</tr>
<tr>
<td>January 1942</td>
<td>45,555</td>
</tr>
<tr>
<td>February 1942</td>
<td>17,403</td>
</tr>
<tr>
<td>March 1942</td>
<td>29,789</td>
</tr>
<tr>
<td>April 1942</td>
<td>8,160</td>
</tr>
</tbody>
</table>

As this table clearly shows, there was a dramatic increase in the number of executions performed by the Einsatzgruppen in the fall of 1941. Three possible explanations for this transformation present themselves. First, because as the German military advanced it trapped an increasing number of Jews behind the front, this new influx of Jews into the Einsatzgruppen sphere of activity could have prompted an increase in executions. Second, the development of more effective techniques for the identification, seizure, and liquidation of Jews could have amplified the killing potential of the Einsatzgruppen as well as ensured that Jews who had previously evaded capture were eventually caught up.

end of the month. The entries for each month should thus be interpreted as a block of executions that share roughly a one-month time span. This peculiarity is particularly important for the Babi Yar massacre, in which 33,771 Jews died, as it occurred on 29-30 September 1941 and was not reported until 2 October 1941. Because the last report is dated 24 April 1942, the entry for the month of April 1942 is incomplete. All executions performed by the Einsatzgruppen, whether directed specifically at Jews or not, are included in the totals. The data is taken from the Operational Situation Reports in Arad, The Einsatzgruppen Reports.
in the *Einsatzgruppen* net. Third, an alteration in the behavior of the *Einsatzgruppen* to target all Jews, instead of just Jewish Communists, intelligentsia, and military aged males, could account for the expansion of executions.

This drastic upsurge in reported executions in September and October 1941 corresponded with a comparable gain in territory only in the Ukraine. By the beginning of August, Army Group North had already occupied most of the territory that it would hold during the war. It completed its conquest of the Baltic states, where *Einsatzgruppe* A would conduct the majority of its executions, during July. Thereafter, it began its slower push to the encircled city of Leningrad, laying siege for 900 days. Army Group Center advanced quickly across Byelorussia, the hub of *Einsatzgruppe* B activity, capturing Minsk by the end of the first week of the war, Mogilev in late July, and Smolensk in early August. During September, Army Group Center moved south to take Kiev in concert with Army Group South, before renewing its drive to Moscow in October. The progress of Army Group South was considerably slower than that of its neighbors. It did not capture the city of Lvov, just east of the Army Group’s jumping-off point, until 30 June. Though it took Zhitomir, where *Einsatzgruppe* C would be headquartered, in July, it did not cross the Dneiper River into eastern Ukraine until August, and failed to break into the Crimea until late October. In addition, Romanian forces in the south encircled Odessa, home to the largest population of Jews in the Soviet Union, but were unable to seize the city until October.

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It was in Army Group South’s area of operations that the most territory was taken in September and October 1941. Unprecedented massacres in and around Kiev, occupied in September, did contribute to the explosion of reported executions. 

_Einsatzgruppe_ D conducted the majority of its early executions in the Crimea, which was still entirely under Soviet Control until October. Most of the Jews living east of the Dnieper River, however, evacuated their homes to the east, escaping the oncoming war of annihilation. 96 Operational Situation Report 80 from _Einsatzgruppe_ C, dated 11 September 1941, commented positively on this tendency.

The rumor that the Germans shoot to kill all the Jews has advantages. This is probably the reason why all the time the EKs [Einsatzkommandos] encounters fewer Jews. Thus, it should be noted that everywhere more than 70-90% of the original local Jews have fled. In contrast to the past, this concerns not only those Jews who once held influential positions. 97

Territorial gains in eastern and southern Ukraine were thus undoubtedly a contributing factor in the rapid expansion of _Einsatzgruppen_ executions in the fall of 1941. Still, the flight of most of the Jews not bottled up in the Crimea or caught behind the pincer of Army Groups Center and South at Kiev suggests that the fall advance in the Ukraine is not sufficient to explain a fourfold increase in executions between July and October.

An increase in the efficiency with which the _Einsatzgruppen_ identified, captured, and executed their victims goes some way in explaining the expansion of killing in September and October. Methods of execution evolved constantly and differed from place to place. In the beginning, executions were not always as well secured as they would later be, and took place closer to population centers. The officer overseeing an execution would read out a verdict to the condemned, and the _Einsatz- or_

96 _Ibid_, 290.
97 Arad, _The Einsatzgruppen Reports_, 128.
Sonderkommando would shoot the victims, still clothed, into a pit. During his testimony, Blobel recounted that for shootings of Soviet civilians, “instead of five rifles per person as was ordered by a military commander for the execution of a German convicted it was lowered to two rifles per person only.”

Under questioning from Justice Musmanno, Blobel further elaborated on his execution procedure,

**Blobel:** After each firing order, when shots were addressed, somebody looked at the victims because the victims were then put into the grave, when they did not fall into the grave themselves…. The edge of the grave had to be cleaned…. Two men who had spades dealt with this. They had to clean it up and then the next group was led there.

**Musmanno:** Since this was all done rapidly, might it not be possible that a victim would be buried, even though not actually dead?

**Blobel:** No…. for the simple reason that if it was ascertained that the shots which had been aimed at the head had not actually hit the head, one of the men in the firing squad was called in, who fired again from a distance of 3 to 4 paces.

Blobel seems to have presented an overly sanitized account of his execution practices. August Häfner, an SS Obersturmführer in Blobel’s Sonderkommando 4a and an eyewitness to the murder of 400 Jews in Zhitomir in August 1941, presented a much more confused picture of an evolving execution policy.

A group of Jews was lined up by the edge of the grave. There were about ten to twelve of them. They were standing facing the marksman. There was one marksman for each Jew…. When it became apparent that many of the victims did not die immediately the method of execution was changed. Then a discussion was held between Blobel, the army judge of the 6th Army, myself and I think, but am not completely sure, the army doctor. The outcome of this discussion was an order to the Waffen-SS platoon to aim at the head for the rest of the execution. The results of this was that if the marksmen hit their target the tops of the victims’ skulls flew into the air and bits of their brains were spattered in the faces of the firing-squad. Kompanie-Führer Grafhorst, who felt responsible for his men, was strongly opposed to this type of execution. And so once again the method of shooting was changed.

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By the end of September, Sonderkommando 4a’s method of execution had completely changed to allow for the quick and efficient shooting of much larger groups of Jews. In order to maximize the number of bodies that would fit in a grave, the Sonderkommando abandoned the practice of shooting victims into the grave from the edge. Instead, it employed a technique known as sardinenpackung, in which the victims, still living, were arranged side by side in the grave atop the still warm bodies of those who came before them. A truck driver, Höfer, who was present at the Babi Yar massacre in September, related how Sonderkommando 4a used this technique. “There were only two marksmen carrying out the executions. One of them was working at one end of the ravine, the other at the other end. I saw these marksmen stand on the layers of corpses and shoot one after another.”

In addition to streamlining the shooting process, the numerically small Einsatzgruppen also enlisted the help of the local population. In the beginning, local help was indirect, taking the form of pogroms incited, facilitated, or permitted by the occupying power. Later, the Einsatzgruppen would increasingly draw on ethnic Latvians, Lithuanians, Ukrainians, and Tartars to assist them in capturing and corralling victims and to secure execution sites or assist in the shooting itself.

Paralleling this development, techniques for expropriating valuables from victims improved. Where during early executions the Einsatzgruppen shot their victims fully clothed, this policy was soon changed to ensure that the victims’ wealth was not buried.

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101 Ibid, 65.
along with their bodies. At Nuremberg, Ohlendorf commented, “the personal property [of executed people] was confiscated. The valuables, according to orders, were given to the Reich Ministry of Finance or rather the Reichsbank. The personal property was at the disposal of the local kommando and the city.”\textsuperscript{103} The Einsatzgruppen distributed apartments and larger items of value locally. Operation Situation Report 103, sent by Einsatzgruppe D from Nikolayev and dated 4 October 1941, explained how the Einsatzgruppe utilized plundered property to assist ethnic Germans in the area. “Some families were very poor so that often, the more important household utensils like beds, etc. are lacking. The most desperate need was eliminated by the Einsatzgruppe D by placing at their disposal flats or furniture of Jews.”\textsuperscript{104}

The streamlining of the execution process and the utilization of the local population in killing operations surely enabled the Einsatzgruppen to expand the campaign of murder in the Soviet Union to some extent. The goal of enlarging the scope of shootings, however, was not necessarily at the root of evolving techniques of execution. On 15 August 1941, Himmler visited Einsatzgruppe B in Minsk along with Higher SS and Police Leader Erich von dem Bach Zelewski in order to witness an execution by Einsatzkommando 8. Following the action, Bach Zelewski confronted a visibly disturbed Himmler, saying, “look at the men, how deeply shaken they are! Such men are finished for the rest of their lives! What kind of followers are we creating? Either neurotics or brutes?”\textsuperscript{105} Responding to Bach Zelewski’s protest, Himmler

\textsuperscript{104} Arad, The Einsatzgruppen Reports, 169.  
\textsuperscript{105} In Rhodes, Masters of Death, 151-152.
authorized Artur Nebe, commander of Einsatzgruppe B, to begin experimenting with dynamite and gas vans as new means of execution.

Dynamiting prisoners or loading them into gas vans for destruction by carbon monoxide aimed at depersonalizing the experience of mass murder in order to prevent the German executioners from becoming “neurotics or brutes.” Earlier developments in the evolution of execution methods in the East, however, had much of the same goal. The move from firing squad executions, in which several shooters fired on each victim, to the Sardinenpackung technique, where one or two men did all of the shooting, reduced the impact of such horrible duty on the psyche of the German men. So long as they did not pull the trigger themselves, they might be able to reason that they were not responsible. The same principle holds for the employment of foreign populations in Jewish actions; so far as German units could be relegated to cordon duty, they could be shielded from the stress of daily murder.

Neither the changing situation of the war, nor technical changes within the Einsatzgruppen can sufficiently explain the acceleration in shootings between August and September 1941. The most sensible, clear, and simple explanation fits best with this dramatic alteration of practice by the Einsatzgruppen. The Einsatzgruppen began killing more people in or after August 1941 because the content of their orders changed at that time.

Taken together, the comparatively low number of executions in the first months, the presence of later specific orders for the execution of women and children, the targeting of specific Jewish groups and the ghettoization of the remainder elaborated in the Einsatzgruppen reports, as well as the evidence compiled by Streim, Ogorreck, and
Dieckmann, all indicate that a plan for the complete annihilation of the Soviet Jews was not in place at the beginning of the war with the Soviet Union, or that such a plan had not been conveyed to the people responsible for making decision for the Einsatzgruppen. Consequently, the testimony of the accused Einsatzgruppen leaders at Nuremberg that Streckenbach passed on an all-encompassing Führer order for the extermination of Soviet Jewry seems to have been an attempt by the defendants to avoid a death sentence by taking advantage of the mitigating factor of superior orders. No Führer Order as such existed.

Nonetheless, the court accepted the existence of a Führer order relayed by Streckenbach at Pretzsch for the untrammeled annihilation of Soviet Jews. Consequently, the subsequent testimony of the defendants dealt primarily with explaining why they obeyed the Führer Order. The actual situation on the ground for the Einsatzgruppen officers, as demonstrated above, was not as simple as following a clear order for genocide. For at least the first two to three months it was left to the commanders in the Soviet Union to determine the scope of the killings in their area of responsibility. The justifications put forth by the defendants for following the Führer Order must, therefore, be reevaluated in the context of an environment free from concrete constraints on who the Einsatzgruppen should and should not execute. The defense’s justifications for the Führer Order should be interpreted as explanations of why the commanders of the Einsatzgruppen themselves expanded the killings to incorporate, eventually, all Jews.
PRESUMED SELF DEFENSE: JUSTIFYING GENOCIDE

“I am of the opinion that when, for years, for decades, the doctrine is preached that the Slav race is an inferior race, and the Jews not even human, that such an outcome is inevitable.”

-Higher SS and Police Leader Erich von dem Bach Zelewski speaking at the International Military Tribunal at Nuremberg

During the Einsatzgruppen Case, one contingent of the accused sought to fashion the peculiarities of their anti-Semitism into a legal defense. These defendants contended that they had cooperated with the Einsatzgruppen because they believed that Jews threatened the safety of Germany. This argument of putative self-defense offered three possible favorable outcomes for the accused. First, in order to be guilty of war crimes or crimes against humanity, the perpetrator had to know that what he was doing was illegal. By presenting the Einsatzgruppen murders as acts of self-defense, the defendants and their lawyers hoped to convince the tribunal that the former Einsatzgruppen leaders believed that their actions were legal or at least justifiable. Second, the putative self-defense argument put forth an image of the Einsatzgruppen officers as soldiers fighting for the goals of the war, instead of butchers contracted by the SS. The accused hoped thereby to show that they behaved as honorable men defending their country. Finally, this defense attempted to draw the Einsatzgruppen activity out of the context of the wider extermination program that followed it throughout Europe.

In “Putative Threat to National Security as a Nuremberg Defense for Genocide,” Robert Wolfe points out that there was precedent in Weimar law for easing the sentence of an Überzeugungstäter, someone who carries out a crime because of his or her

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A prime example of this peculiarity of law during the Weimar Republic was Hitler’s mere eight-month stay in Landsberg prison for his failed 1923 Putsch in Munich. At the trial of the Einsatzgruppen leaders, Ohlendorf’s attorney, Dr. Rudolf Aschenauer, argued that Ohlendorf’s indoctrination by the Nazi party caused him to believe that Jews presented an immediate threat to him and his country. Aschenauer presented this defense in three parts: Putativnotwehr, protecting oneself from a perceived danger, Putativnothilfe, protecting another from a perceived danger, and Putativnotstand, a perceived state of emergency which justified actions that would normally be illegal or immoral in order to quell a presumed threat. Wolfe concludes that in pursuing this line of defense, Ohlendorf was forced to exaggerate his anti-Semitism on the stand, which contributed to his eventual death sentence. There is every indication, however, that Ohlendorf, as well as many of his co-defendants, did see the Jews as a mortal threat to Germany, and that the rubric of putative self-defense simply encouraged them to champion beliefs they may otherwise have hidden when testifying.

In The Jewish Enemy: Nazi Propaganda During World War II and the Holocaust, Jeffrey Herf examines Nazi propaganda and concludes that the Nazi leadership apparatus justified the transition from the mistreatment of subjugated Jewish populations to outright extermination as retaliation for a longstanding, if imagined, Jewish conspiracy for world domination. “Reversing cause and effect,” argues Herf, “Nazi propaganda projected the subjectivity of the regime racing towards war and mass destruction onto its defenseless

108 Judge Georg Neithardt originally sentenced Hitler to five years imprisonment for treason.
victims.” Nazi anti-Semitism, from beginning to end, was based on the idea that “international Jewry,” as a singular force, was bent on the destruction of the German people. In combating world Jewry, National Socialist anti-Semitism contended, Germany was thus engaged in a defensive battle, as opposed to an aggressive conquest.111

On 1 December 1941, propaganda minister Joseph Goebbels made a presentation before the Berlin intelligentsia at the Deutsche Akademie at the Friedrich-Wilhelm University in Berlin. During the course of his presentation, Goebbels portrayed the unfolding genocide of the Jews as a self-defense action against a Jewish population who, if not stopped, were certain to exterminate the Germans.112 Goebbels’s presentation was typical of the phenomenon of projection, which Herf sees peppering Nazi ideology. The Nazis saw in their enemies, democrats, Communists, and Jews, the same destructive desires that they themselves harbored. Nazi anti-Semitism was a particularly evident in the discussion of the Second World War in the propaganda media of the Third Reich. Herf suggests that, for the true believers of Nazi Germany, “the war against the Jews was… synonymous with World War II.” Consequently, propaganda presented every wartime bombing or attack on Germany as a direct attack by the Jewish foe.113

The German invasion of the Soviet Union was accompanied by a propaganda offensive against the Jews. On 27 July, 1941, the Periodical Service recommended the pamphlet “Why War with Stalin,” which presented the war with the Soviet Union as a preemptive action to combat the “half-filled encirclement” of Germany by a “conspiracy

111 Ibid., 37, 43.
112 Ibid., 127.
113 Ibid., 265.
of Jews and democrats, Bolsheviks and reactionaries….” On 21 July, 1941, the Reich Propaganda Directorate distributed the pamphlet “Germany has Entered the Fight to the Finish with the Jewish-Bolshevik System of Murder.” This pamphlet proclaimed that,

this system of chaos, extermination and terror was conceived and led by Jews. It is the action of the Jewish race. Through subversion and propaganda, world Jewry attempts to gather uprooted and racially inferior elements of all peoples together in order to lead an extermination battle against everything positive, against native customs and the nation, against religion and culture, against order and morals. The goal is the introduction of chaos through world revolution and the establishment of a Jewish state under Jewish leadership.  

Jews were, in fact, disproportionately represented in Russian communism during its early development. The Jewish Bund, established in 1897 as the first Russian Social Democratic party, sponsored the 1898 First Congress of the Russian Social Democratic Labor Party, the precursor to the Communist Party of the Soviet Union. At the Second Congress of the Russian Social Democratic Labor Party in 1903, Jews accounted for 37% of the delegates. When, in 1917, the German government facilitated the return of Lenin and other revolutionaries in exile to Russia, 99 of the 159 passengers of the “sealed trains” were Jews. By the time of the Sixth Congress in August 1917, Jewish representation among the delegates had fallen to 16% and in the Central Committee to 23.7%, but Jews accounted for five of the twelve members of the Central Committee who voted on 23 October 1917 to initiate an armed overthrow of the Russian Provisional Government and three of the seven Politburo members who led that uprising, the October

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114 Ibid, 96-97.
Despite their large numbers, Jewish revolutionaries certainly did not see the revolution as a national one, but as a universal class movement into which they could expect to be welcomed. On Jewish participation in the Revolution, historian Yuri Slezkine writes, “Most Jewish rebels did not fight the state in order to become free Jews, they fought the state in order to become free from Jewishness – and thus Free. Their radicalism was not strengthened by their nationality; it was strengthened by their struggle against their nationality.”

Of course, the Jewish world conspiracy presented in Nazi propaganda was pure delusion. Nonetheless, it was a delusion shared by many in the Nazi government apparatus and military. Herf is careful to explain that Goebbels and company did not simply cobble together their myths of a Jewish threat in a calculating manner aimed at mobilizing the public to their cause. On the contrary, the Nazi leadership cast the Jew as a dangerous and organized enemy because they believed it was true. This National Socialist brand of anti-Semitism found adherents even among the highly educated strata of German society, who in turn assimilated it, expanded upon it, and passed it on to others.

Echoes of Nazi anti-Semitic propaganda reverberated in the testimony of the men on trial in Case 9 at Nuremberg. Particularly prominent was the equation of Jews with Bolshevism. Ohlendorf pointed to the behavior of Jews on their way to execution as proof of their Bolshevist character. Recounting his experience witnessing executions, he testified, “every time I found… that the Jews who were executed went to their death

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117 Ibid, 152.
singing the International and hailing Stalin, that the Communist functionaries and active leaders of the Communists in the occupied area of Russia posed an actual continuous danger….”\textsuperscript{119}

Martin Sandberger, who led \textit{Sonderkommando} 1a into Estonia, referred to his experience there to bolster his case for a link between Jews and the Soviet system imposed on Estonia in 1940. He gave a brief history of Estonian racial policies drawing on reports from Estonia during the German occupation, in which he highlighted Estonian legislation giving cultural autonomy to Jewish, German, Russian, and Swedish minorities. This autonomy, argued Sandberger, resulted in the creation of a Jewish “ethnic unit” that differed culturally from other ethnic units. The Jewish ethnic unit, being culturally segregated from the rest of the population, developed differently, and displayed hostility to the German minority population. In addition, “many Estonians,” reported Sandberger, “told us that the Jews in Estonia, during the year of Soviet annexation, had been very active for the Bolshevists.”\textsuperscript{120}

Werner Braune and Walter Blume both referenced investigations before and during the eastern campaign that, they argued, proved the existence of a Jewish danger in Bolshevist form. During the period prior to Hitler’s ascension to power, the German Army sought to circumvent provisions in the Treaty of Versailles limiting the size of Germany’s armed forces by training troops in the Soviet Union. In exchange, Germany provided the Soviets with technical experts and engineers. This exchange broke down with the fall of the Weimar Republic, and the German experts returned home.

\textsuperscript{119} Otto Ohlendorf, Case 9, Transcript, Oct. 8, 1947, vol 2, p. 503-504, M895/2/0522-0523.
\textsuperscript{120} Martin Sandberger, Case 9, Transcript, Nov. 13, 1947, vol 6, p. 2188,2333-2334, M895/3/1051,1200-1201.
According to Blume, when the technical experts returned to Germany, the Gestapo rounded them up and interrogated them on their experience in the Soviet Union. Blume, who worked for the police in Dortmund at the time, maintained that under interrogation the returning Germans reported that the Jews in the Soviet Union were deeply involved in the regime. Blume read these interrogations, leading him to report on the stand, “these interrogations confirmed to me that in Soviet Russia no European standards were applied….” He went on to state, “I knew that in Soviet Russia during the last twenty years many millions of people had been killed in order to materialize the ideology of Communism. I also knew that the Jews in Soviet Russia were one of the main supports of the Soviet dictatorship and the intellectual bearers of the idea of Bolshevism.”

Braune drew a similar conclusion about the character of Eastern Jews, but he cited investigations conducted during the occupation of the Soviet Union as the source of this belief. He testified that “detailed investigations” in the Crimea showed that, though the local Jewish population only accounted for between five and five and a half percent of the total population, their representation in the Communist Party and the administration there ranged from fifty to ninety percent. This broad range itself indicates just how “detailed” any investigations in the Crimea may have been. From this data, Braune concluded that, because the so-called Communist functionaries organized much of the resistance that the rear echelon German forces faced, the Jews took a “decisive part” in anti-German actions behind the front lines. While Braune claimed to have carried out demographic investigations in the Soviet Union, he admitted that his unit did not

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investigate individual Jewish detainees before their execution. He explained this by asserting that, had he conducted extensive interrogations, “certainly the impression one would have gotten was that not a small percentage of these Jews were active in some form or another in resisting….”

In his study of the massacre of the Jews of Jedwabne, perpetrated by the Polish population of the same town, Jan Gross reveals that the perception of a connection between Jews and communism was not unique to German anti-Semitism. It was a common belief among Poles that Jews had collaborated with the 1939 Soviet occupation of eastern Poland in great numbers. Though Gross has uncovered evidence of isolated incidents of Jewish complicity in the Soviet subjugation of Poland, he stresses that collaborators were found “not exclusively among the Jews – and in Jedwabne… not even primarily among the Jews.”123 Furthermore, the Polish population that had suffered under Soviet rule from 1939 to 1941 was initially quite receptive to the new German occupiers. Gross argues that, like Herf’s model of German anti-Semites projecting their own destructive urges onto the Jews, Polish anti-Semites projected their collaboration onto the Jews. Influenced by the popular stereotype of Jewish support for communism, Poles who had collaborated with the Germans found it easy to believe that Jews had collaborated with the Soviets.124 This belief in an intimate relationship between Jews and the Soviets not only inspired the Polish population of Jedwabne to kill its Jewish neighbors, it also likely influenced the way Poles presented the Jews to the German

124 Ibid, 155.
invaders, reinforcing the German conviction that Jews were inherent supporters of Bolshevism.

The leadership of the Einsatzgruppen gave evidence for an affiliation of Jews with Communism not only during their trial, but also in their reports to Berlin during the war. Operational Situation Report 33, filed on 7 July 1941, outlined a disproportionate and expanding representation of Jews in the Communist party, particularly in the higher power structures. The report contended that,

their [the Jews] main ambition… was to occupy the decisive posts in the government…. How fast and with how much success they managed to do so is proven by the fact that in Lenin’s time, the Jews, though constituting 1.77% of the entire population, were represented in the Communist party with 5.2%, in the party’s Central Committee with 25.7% and in the Politburo with 36.8%. At the end of the Lenin period their participation in the Politburo was up to 42.9%. In the area of higher Jewish density, as in Byelorussia, this participation was accordingly higher.125

The numbers offered in this report appear to be accurate. Yuri Slezkine gives the same figure of 5.2% Jewish membership in the Bolshevist party for 1922, near the end of “Lenin’s time.”126 By the time Germany invaded the Soviet Union, however, the Jewish presence in the Communist party had begun to wane. Citing research by Benjamin Pinkus, Jeffrey Herf argues that Nazi assertions that Jews exerted an expanding influence over the Soviet state were not grounded in fact. The best current estimate of Jewish membership in the Communist party in 1940 is 4.3%; lower than the figure in Operational Situation Report 33, but not significantly so. The Central Committee, however, was made up of only 10% Jews.127 Nonetheless, the Einsatzgruppen’s purpose

125 Arad, The Einsatzgruppen Reports, 49.
126 Slezkine, The Jewish Century, 175.
127 Herf, The Jewish Enemy, 95-96.
for reporting such numbers seems clear: to make the case for Jewish control of Soviet politics.

Another report alleged Jewish economic domination of the Soviet Union. 

_Einsatzgruppe C’s_ Operational Situation Report 81 of 12 September 1941, related that,

all experiences confirm the assertion made before that the Soviet state was a Jewish state of the first order. This can be ascertained in every enterprise, authority and even in the Kolkhozes [collective farms]. Take the director, vice-director, the bookkeeper, the cashier, the manager of the depots of each enterprise: they were Jews, and the employees and workers were Ukrainians…. This is found to be the rule in the medium and small enterprises, let alone the big ones.\(^{128}\)

The message of this report, too, is readily apparent. It not only tied the operation of Soviet Union with Jews, but also suggested that the Jews utilized the power of the state to exploit the gentile population economically.

A final report from _Einsatzgruppe C_, Operational Situation Report 127 from 31 October 1941, linked the Jewish population of the Soviet Union to atrocities committed there before the German occupation. The report reads,

Again and again, mainly in the towns, the Jews were named as the actual Soviet rulers, exploiting the people with indescribable brutality and delivering them to the NKVD [the Peoples Commissariat for Internal Affairs, the Soviet secret police]. About 10,000 interrogations have been conducted by the kommandos during these four months. Repeatedly it has become clear that the Jews especially worked for the Soviets, if not in responsible positions, then as agents or informants. The large number of mass graves do not contain Jewish corpses, not even in one instance. It is, however, established that the Jews in particular share maximum responsibility for the slaughter of the Ukrainian population and the ethnic Germans.\(^{129}\)

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\(^{128}\) Arad, _The Einsatzgruppen Reports_, 130.  
\(^{129}\) Ibid, 216.
This report, a prime example of both Gross’s and Herf’s ideas of projection, goes further than the previous two, implicating the Jewish population in not only the Soviet government and economy, but in the savage repression of the Soviet population.

Given that the wartime Operational Situation Reports presented, in an official medium, a strong affiliation between Jews and the Soviet government, economy, and police structure, it is reasonable to conclude that the testimony given by the defendants in United States of America vs. Otto Ohlendorf et. al. regarding their belief in a Jewish danger was based on their real experience with National Socialists anti-Semitism. In introducing the concepts of \textit{Putativnotwehr}, \textit{Putativnothilfe}, and \textit{Putativenotstand} as a position for defense, the defense consul encouraged the men on trial to air their beliefs about a Jewish conspiracy. This raw racism, which they might otherwise have concealed, became a tool by which they attempted to exonerate themselves. Although this tactic failed as a legal defense, it did result in rich documentation of the mentality behind the evolution of genocide in the Soviet Union.

In presenting the actions of the \textit{Einsatzgruppen} as a sincere but misguided effort to protect the German nation, the defendants attempted to recast the mass destruction of Jews as a legitimate part of the war as a whole. Ohlendorf stressed the grave importance of his mission for the security of Germany, explaining, “it was clear to me that in this war against Bolshevism the German Reich found itself in a state of war emergency and self-defense.”\textsuperscript{130} He further expounded on this to incorporate the extermination of Jews into the program of self-defense. He stated, “I… still have no cause today, to think that any other order but the goal of the war was present…,” because, “for us [observing in the

\textsuperscript{130} Otto Ohlendorf, Case 9, Transcript, Oct. 8, 1947, vol. 2, p. 498, M895/2/0518.
Soviet Union] it was obvious that Jewry in Bolshevist Russia actually played a disproportionately important role.”

Here Ohlendorf bridged the gap between portraying Jews as carriers of Bolshevism to justifying their execution on the basis of a perceived threat.

During an exchange with Justice Musmanno, Erich Naumann displayed a shocking level of candor when discussing his opinion on the morality of the Einsatzgruppen executions. He began by couching the discussion within the context of the war in the East, asserting, “I carried out this order in order to win the war against the Bolshevists.” Musmanno countered by questioning, “then you agreed that in order to win the war it was necessary to kill hundreds of thousands of defenseless people, men, women, and children unarmed, did you agree with that?” Naumann answered, simply, “Yes, Your Honor.” When asked whether he felt the shooting of women or children was morally wrong, Naumann responded, “I did not hold that opinion owing to my convictions. It was my conviction that it had to be done.” When pressed as to whether he had any misgivings, or experienced any reluctance or revulsion, Naumann stated that, “one cannot say I did not want to carry it [the Führer Order] out.” He went on to say, “it was obvious to me that the order was right and that it was necessary…. It was part of our aim of the war and therefore it was necessary.”

In attempting to portray their actions as a part of the war as a whole, some of the defendants drew comparisons between the conduct of the Einsatzgruppen and that of the

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132 This discussion, like most discussions of the legality and morality of the execution of Jews in the east during *United States of American v. Otto Ohlendorf et. al.*, took place under the assumption that the defendants had acted under the “Führer Order” passed on by Streckenbach.
Allies. For Schulz, it was not a question of exculpating any of the participating parties. Instead, he condemned all sides in the conflict, declaring, “gruesome war raged through the years – if this whole war was immoral, then the Führer Order as a part of this war, is also immoral….”

Ohlendorf drew a more specific parallel between the strategic bombing of Germany and Einsatzgruppen executions. “The fact that individual men killed civilians face to face is looked upon as terrible and is pictured as specially gruesome…,” testified Ohlendorf, “I cannot morally evaluate a deed any better, a deed which makes it possible, by pushing a button, to kill a much larger number of civilians… than those deeds of individual people who for the same purpose, namely to achieve the goal of the war, must shoot individual persons.”

Ohlendorf elaborated this comparison, which Wolfe refers to as the “Dresden defense,” under cross-examination. When Musmanno requested a moral evaluation of the campaign to destroy Soviet Jews, Ohlendorf declined to give one. He instead maintained that,

I am not in a position, your Honor, to isolate this occurrence from the others…. With my own hands I took children and women out of burning asphalt myself…, and with my own hands I took big blocks of stone from their stomachs, of pregnant women; and with my own eyes I saw 60,000 people die within 24 hours…. These years are for me a unit separate from the rest. Full of ruthlessness to destroy and to be inhuman…. I am not in a position to take one occurrence or rather a small event, of what I experienced and to isolate it, and to value it morally in this connection.

Wolfe identifies two problems in so called the Dresden defense. First, it was the Germans, not the Allies, who first made large scale bombing of population centers a part of the Second World War. The second counter-point came from Chief of Counsel

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Brigadier General Telford Taylor during the prosecution closing argument. “Whatever anyone may think about atom bombs or ordinary bombs,” said Taylor, “they have not been dropping here in Germany since the capitulation. But will any defendant dare to suggest to us that the execution of the Jews in Russia would have stopped if Russian military resistance had collapsed?”

Any comparison strategic bombing and the selective shooting of civilians is inadequate. The defendants not did not, however, limit themselves to a direct equation of these two phenomena in making their case. Their argument instead hinged on presenting their action as one of many brutal tactics common to total war. Under questioning by the prosecution as to whether he considered the killing of civilians to be murder, Willi Seibert responded, “it was no war of man against man. There were only exceptions. Tens of thousands of defenseless people were killed in all countries and by all means. I therefore cannot say whether this is murder or whether this is not murder.”

Braune pushed a similar message, arguing that, since the First World War, war had been fought not only between armies, but also between peoples. “Defenseless people, women and children, sick people and old men are the victims,” explained Braune. “They are sacrificed for one aim in the war, namely the final decision of the war. Those people who believe that these events, starting with the hunger blockade [of Germany in the First World War] down to the event of the atom bomb are unethical should call the events in the East unethical too…”

139 Braune did not confine himself to listing inhumane treatment of Germans. He also included unlimited U-boat warfare among the questionable tactics employed in war against civilians. Werner Braune, Case 9, Transcript, Nov. 25, 1947, vol. 8, p. 3042-3043, M895/4/0706-0707.
The common theme that emerged from the testimony of those who classified the executions performed by the Einsatzgruppen as a part of the war was that the men of the Einsatzgruppen were honorably carrying out a difficult task amid a vicious war. Just as the superior orders defense aimed at portraying the defendants as dutiful soldiers who could not have and should not have question an order, the argument for putative self-defense cast the men of the Einsatzgruppen as honorable men who committed terrible acts because their nation looked to them for protection. None denied that mass shootings were gruesome, and most testified that the idea of shooting women and children disturbed them. Nonetheless, because they believed that world Jewry, stationed at the helm of the Soviet Union, would not hesitate to crush Germany and kill German women and children, it would have been morally wrong, the argument goes, to ignore such a threat, regardless of how barbaric the solution might seem.

In an attempt to redefine the killings of the Einsatzgruppen as a legitimate wartime tactic, the men on trial worked to present the mass execution of civilians as a part of the anti-partisan campaign. In this connection, they justified their actions as the elimination of “partisan helpers,” actual partisans, or as just retribution for partisan attacks. Matching this justification to historical fact, however, is problematic. On 3 July 1941, Stalin made a speech to the Soviet people, calling on them to rise up in the enemy’s rear and form partisan detachments. On 16 July, Hitler met with Herman Göring and several other officials at the Wolfschanze, his headquarters for the eastern front. There Hitler suggested that Stalin’s appeal for partisan war provided the opportunity “to eradicate everyone who opposes us,” and that, in order to pacify the Soviet Union, the
occupiers should “shoot dead anyone who even looks at us sideways.” Despite Stalin’s rhetoric, a real, organized partisan resistance did not come into existence in the Soviet Union until 1942. For the first six months of the German campaign, Soviet partisan units tended to be small and ineffective, particularly in the western Ukraine where the attitude of the local population made for a hostile environment.

In “The Logic of the War of Extermination: The Wehrmacht and the Anti-Partisan War”, Hannes Heer examines reports made out by Wehrmacht commanders regarding prisoners taken behind German lines between July and November 1941. These reports listed the number of prisoners for this time-period at 45,700. In stark contrast, the casualty counts for the Germans were only 638 killed and 1,355 wounded. Heer suggests that this disproportion between the number of prisoners taken and the number of Germans lost indicates that the anti-partisan war during 1941 aimed for the most part at unarmed civilians. It should be emphasized that Heer bases his conclusions on Wehrmacht reports, not those of the Einsatzgruppen. However, these reports should reflect the state of the early partisan war as a whole in the occupied territories.

Perhaps the most ironic aspect of the entire involvement of the Einsatzgruppen in the partisan war is that their horrific treatment of the local population resuscitated the sickly Soviet partisan movement. Historians Matthew Cooper and Leonid Grenkevich agree that, given the initially receptive attitude of occupied Soviet population to the

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142 Heer estimates that two thirds of these prisoners were shot.
German invaders, the partisan movement would have found trouble recruiting and supplying itself had it not been for the harsh occupation policy. Cooper writes, “Ruthless methods, instead of subduing, fueled resistance and created it where none existed; without German barbarity to aid its cause, the Soviet partisan movement might well have been still-born.”

Though in reality the presence of partisans in the Soviet Union during the first half year of the war in the East was negligible, the defendants did not shrink from emphasizing resistance behind the lines as a key factor driving their selection of individuals for execution. Erich Naumann, who took over Einsatzgruppe B in November 1941, testified that “the main task of Einsatzgruppe B was to maintain order and security in the rear of the fighting forces. The activity itself extended mainly to the search for partisans…” He also stated that even before he took up his command, partisan activity in the area of Army Group Center, to which Einsatzgruppe B was attached, had increased to such an extent that it became the main security risk. In this climate, argued Naumann, “the Einsatzgruppen and the Einsatzkommandos, the active parts of them, on principle had to collect intelligence concerning partisan warfare. This activity in time finally took up the time of the Einsatzkommandos more and more.”

To provide a concrete example of partisan combat, Naumann introduced Operational Situation Report USSR No. 186 of March 27, 1942. The report noted the approval expressed by General Max von Schenkendorf, commander of the Rear Army Group Area Center, for Einsatzgruppe B’s security work during a meeting at his

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headquarters.\textsuperscript{146} Naumann stated that during this meeting, Schenkendorf also discussed preparations for a large-scale anti-partisan action. These preparations included provisions for moving men from \textit{Sonderkommando} 7-a and \textit{Einsatzkommando} 9 of \textit{Einsatzgruppe} B to strongpoints and fortifications, and called on the Security Police and the SD to engage in an intelligence campaign against the partisans. \textit{Einsatzgruppe} B, said Naumann, was involved in “regular partisan battles. It was a regular partisan war.”\textsuperscript{147}

Willy Siebert also justified executing civilians as partisans. When the \textit{Wehrmacht} entered a new city or town, it posted notices that anyone “who offended against the security of the German Armed Forces:” those who participated in partisan activity, aided partisans, or possessed weapons, would be subject to execution. Being forewarned, argued Siebert, any civilian who resisted the German occupation “forfeited his life.”\textsuperscript{148} Though he did not say as much, this justification is predicated on the assumption that the civilians executed by the \textit{Einsatzgruppen} had actually engaged in, or intended to engage in, resistance. Consequently, such executions would have to have been accompanied by in-depth investigations. In the East, however, investigations were the exception; quick summary executions were the rule.

Paul Blobel was particularly adamant about the validity of measures against partisans, specifically the use of reprisal executions. He argued that, due to Soviet dismissal of international law and the brutality of their campaign behind German lines, the punishment meted out by the \textit{Einsatzgruppen} to “agents, partisans, saboteurs,

\textsuperscript{146} Operational Situation Report USST No. 186 in Arad, \textit{The Einsatzgruppen Reports}, 319-320.
\textsuperscript{147} Erich Naumann, Case 9, Transcript, Oct. 16, 1947, vol 3, p. 831-832, M895/2/0858-0859.
\textsuperscript{148} Willy Siebert, Case 9, Transcript, Nov. 19, 1947, vol 7, p. 2653-2654, M895/4/0312-0313.
suspicious people, indulging in espionage and sabotage, and those who were of a
detrimental effect to the German army” was justified and “completely in accordance with
the Hague Convention.”

In addition, Blobel claimed that executions of partisans was
not arbitrary, but was always preceded by individual investigations, though the speed and
scope of executions carried out by Blobel’s Sonderkommando 4-a indicate otherwise.

With the exception of his brief reference to the execution of people who were
merely suspicious, Blobel’s justification of executing openly hostile groups was not
entirely unreasonable. However, he went on to justify reprisal killings, in particular those
associated with the massacre at Babi Yar. He began by recounting atrocities allegedly
perpetrated by Soviet civilians, or rather, in Blobel’s view, whole sectors of the civilian
population. These atrocities included mutilation of the bodies of German soldiers, the
boiling alive of pro-German Ukrainians, the dismemberment of downed German pilots
with oxygen welding machines, and the shooting of 2,000 imprisoned Ukrainians. The
last incident, the killing of the 2,000 Ukrainians and the German airmen, prompted the
Einsatzgruppen carried out 1,480 reprisal executions, ordered by Field Marshal Walter
von Reichenau.

The retaliatory measure that rocketed Blobel into infamy was the massacre at
Babi Yar. On September 24, 1941, Blobel’s Sonderkommando 4a entered Kiev shortly
after its capture by the Germans. Bombings by the so-called “destruction battalions,”

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150 Here Blobel spoke about investigations of Soviet civilians in general, he did not specify if an
investigation was required to execute a Jew for being a Jew. Paul Blobel, Case 9, Transcript, Oct. 28,
1947, vol 4, p. 1518, M895/2/0375.
151 Blobel, as well as many of his co-defendants, had a tendency to blame the army for execution orders.
While this is significant as it shows the involvement of the Wehrmacht in executions, any such claim by a
man on trial for his life should not necessarily be taken at face value. Paul Blobel, Case 9, Transcript, Oct.
forces left behind by the retreating Soviets to disrupt the German advance, killed an artillery commander and his chief of staff on 20 September, and on 24 September an explosion in the Feldkommandatur quarters sparked a fire that ripped through the city for days. Operational Situation Report 97 stated that, “as has been proved, Jews played a pre-eminent part…. Execution of at least 50,000 Jews planned.”

According to Blobel, he received an order from Jeckeln and the town commandant to carry out retaliatory measures for the arson, directed at the Jewish population.

This retaliatory measure began with the distribution of posters by the new Ukrainian militia that called for all Jews to appear together on 29 September, ostensibly for resettlement. At six o’clock in the morning on the 29th, Sonderkommando 4-a, aided by the headquarters of Einsatzgruppe C and two Kommandos of the Police Regiment South, led the group of Jews who had responded to the posters away to Babi Yar, a ravine outside the city. For the remainder of that day and the next, Blobel’s unit systematically executed the 33,771 men, women, and children. The executions proceeded in gruesome fashion. The victims were forced to lie down in a closely packed formation atop the bodies of those who had already been shot. Only two men did the actual shooting, pacing back and forth across the ravine and shooting the prone Jews in the back of the neck with a sub-machinegun. This method, though quick and effective, did not cause instant death in all its victims. After the war Anton Heidborn, a member of Sonderkommando 4a, told the story of what happened to him several days after the massacre. “The third day after the execution we were taken back to the execution area.

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152 In Arad, The Einsatzgruppen Reports, 164-165.
153 Ibid, 173.
On our arrival we saw a woman sitting by a bush who had apparently survived the execution unscathed. This woman was shot by the SD man who was accompanying us…. We also saw someone waving their hand from among a pile of bodies.”\(^{155}\)

Certainly many others bleed to death or suffocated under the pile of dirt and bodies.

Regarding the facts of the execution itself, Blobel made two dubious claims. First, that the number 33,771, which appears in both Operational Situation Report No.101 and 106, was “exaggeratedly high,” and second that he himself was not present due to a head wound.\(^{156}\) The figure 33,771 is almost certainly not exact, but the fact that it appears twice in the reports and that even this large sum is less than the 50,000 prescribed by Operational Situation Report No. 97, both indicate that it should be able to stand in as a reasonable approximation. Blobel’s contention that he was not personally involved due to his injury is equally questionable. He himself stated that he received an order for retaliatory measures for the arson of September 24. Preparations must have begun immediately, as the posters had to be distributed, an execution site had to be found, and help had to be secured from Einsatzgruppe C headquarters and the two police Kommandos. Even if Blobel did not actually stare into the grave, he must have helped prepare for the executions. Moreover, it is a bit too much of a coincidence that he received an injury that would remove him from command during the four days between the receipt of the order on the 24\(^{th}\) and the executions on the morning of the 29\(^{th}\). Most damming of all, witness Albert Hartl told a story of how Blobel had shown him a mass grave outside of Kiev.

\(^{155}\) Klee, Good Old Days, 67.
\(^{156}\) Paul Blobel, Case 9, Transcript, Oct. 29, 1947, vol 5a, p. 1573-1574, M895/3/0431-0432.
It was snowy, and on one particular spot we touched the spot, the earth exploded. There were some kind of eruptions, a kind of explosion, and I asked Blobel what that was, and he said, ‘Here my Jews are buried....’ There were so many corpses heaped up that when they disintegrated, the dirt over this ditch, this earth, of course tore on occasions.\textsuperscript{157} 

Thought Blobel denied any personal responsibility for the executions of September 29-30, he did attempt to justify them as correct reprisals. He argued that because the “terrorist attacks” had caused so much damage, and because “the fire in Kiev could be traced back to Jewish origin,” retaliation was not only right but also necessary. Blobel even went so far as to suggest that they were in accordance with military law.\textsuperscript{158} Later on, when pressed by the prosecution to justify such a disproportional response, he asserted that the United States, too, had ordered wildly disproportionate reprisals. “All the German people know,” said Blobel, “that an order was given by General Eisenhower that for every one American who was killed, two hundred Germans are to be shot.” Palpably infuriated, Judge Musmanno challenged anyone present in the courtroom that had seen such an announcement to raise their hand. When no one responded, he demanded that Blobel withdraw his statement and apologize. Blobel grudgingly responded that, “under these circumstances I have to beg your pardon.”\textsuperscript{159} The issue of an American reprisal order seemed to be settled following Blobel’s apology. However, when Braune took the stand later, he repeated Blobel’s claim, backing it up with a sworn statement by a German officer in the Southeast Generals Case (case 7). This prompted Blobel’s council, Dr. Ludwig Kohr, to reassert Blobel’s original claim.\textsuperscript{160}

\textsuperscript{157} Albert Hartel, Case 9, Transcript, Nov. 24, 1947, vol 8a, p. 2899, M895/4/0562. 
\textsuperscript{158} Paul Blobel, Case 9, Transcript, Oct. 29, 1947, vol 5, p. 1572-1573, M895/3/0430-0431. 
\textsuperscript{160} Werner Braune and Ludwig Kohr, Case 9, Transcript, Dec. 1, 1947, vol 9, p. 3181,3184, M895/4/0847,0849.
Even if the justifications of partisan combat and just reprisal within the context of a conflict carried out beyond the confines of international law were acceptable, they still do not justify the killing of children and women not engaged in hostilities. In order to justify the scope of Einsatzgruppen executions in the Soviet Union, Braune attempted to associate women and children with the underground war. When the Red Army withdrew from a city, it often left behind a group of people responsible for sabotaging potential German lodgings and the city infrastructure, referred to as destruction battalions or demolition battalions. While in the Crimea, Braune encountered several of these demolition battalions. He told the court that in these groups, “women and even children of nine, ten and eleven years of age took part. Bolshevism knew no limitation here. They called on the entire population to take part in the fighting in the rear of the enemy area, and this appeal was followed.”

Ohlendorf offered a more callous justification for murdering Jewish children in a statement that stands out as one of the more memorable of the entire trial. The objective of the Einsatzgruppen, testified Ohlendorf, was “not only to try to achieve security but also a permanent security…. For that reason the children were people who would grow up and surely being the children of parents who had been killed they would constitute a danger no smaller than that of the parents.” This claim seems so contrived that it is tempting to write it off as an attempt to fit the execution of children into the legal argument of putative self-defense. Even before his indictment, however, Ohlendorf had already used a similar justification for the execution of children. Psychiatrist Leon Goldensohn interviewed Ohlendorf while he was in U.S. custody as a witness for the

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IMT. Goldensohn asked Ohlendorf, “How do you figure a six-month-old Jewish infant must be killed – was it an enemy?” Ohlendorf replied, “In the child we see the grown-up. I see the problem differently.”\(^{163}\) This idea of snuffing out Jewish children before they could grow into dangerous adults was also promulgated within the Nazi command structure during the war. On 24 May 1944, Himmler gave a speech to an assembly of Generals in Sonthofen. There Himmler declared, “I do not hold it as justifiable – this deals with Jewish women and children – to allow the children to grow into avengers, who will then kill our fathers [Väter]\(^{164}\) and our grandsons. I would hold this to be cowardly.”\(^{165}\)

This justification for the murder of children put forth by Ohlendorf embodies the concept of putative self-defense in its most extreme form. The victims here lay beyond charge of violent opposition to the occupation, beyond suspicion of aiding partisans, and beyond the scope of any justifiable retaliatory measure. The Einsatzgruppen killed them because they would one day grow into adult Jews, for under the National Socialist anti-Semitism of fear, this meant that they were an inevitable danger to the future. That highly educated men could look at an infant and see a dangerous enemy shows just how deep-seated and powerful such anti-Semitism was, and to what extent this anti-Semitism colored their perception of the world.


\(^{164}\) Himmler appears to have misspoken himself here. “Avengers, who will then kill our sons and grandsons” would be more logical.

INITIATIVE AND INTERPRETATION IN THE EVOLUTION FROM SECURITY TO GENOCIDE

“They are not unhappy victims, unwillingly pushed into crimes by the tyranny of the Third Reich; these men, above all others, themselves, spread the Nazi doctrine with fire and sword.”

Telford Taylor in his closing argument for the prosecution 166

The men on trial in *United States of America v. Otto Ohlendorf et. al.* who pled that they believed that they were acting in defense of their nation when they shot Jewish women and children made this claim under the assumption, accepted by the tribunal, that they had received specific orders for such executions from the highest authorities. In the context of a superior order, the belief that Jews posed a dire threat to the Reich acted as a justification for obedience. In reality, however, the directions given to the leaders of the *Einsatzgruppen* at the outset of the campaign in the East were much more nebulous. In such an environment, the peculiar anti-Semitism expressed by the defendants instead functioned as an engine for radicalization. The fear of Jewish power in the Soviet Union drove the *Einsatzgruppen* leadership to interpret their vague orders in such a way as to include as many Jews as possible.

In evaluating the means by which the *Einsatzgruppen* leadership interpreted their task in the Soviet Union, it is important to consider the experience of the German *Einsatzgruppen* that served in Poland in 1939. The behavior of the *Einsatzgruppen* in the first months of the war in the Soviet Union can be viewed a continuation of Operation Tannenberg, the codename for the earlier *Einsatzgruppen*, in both purpose and in method. Many of the men involved in the planning and execution of the *Einsatzgruppen* tasks in

the Soviet Union were veterans of the Polish campaign including Streckenbach, Naumann, and Rasch.

In *Hitler Strikes Poland: Blitzkrieg, Ideology, and Atrocity*, Alexander Rossino argues that the concept of *Vernichtungskrieg* first crystallized during the Polish campaign. Though the word *Vernichtungskrieg* was not used in association with National Socialism’s first campaign, the important elements of a racial war of annihilation were present. In Poland, the *Wehrmacht* and the *Einsatzgruppen* directed violence not only at opposing military forces, but at the civilian population and the Polish leadership strata as well. Moreover, race proved as important as practical political or military concerns in determining which groups would be targeted for pacification.167

The most important parallel, and the greatest continuity, between the actions of the *Einsatzgruppen* in Poland and the *Einsatzgruppen* in the Soviet Union during the first months of that campaign was the implementation of decapitation executions. In both cases, the *Einsatzgruppen* sought to bring about a pacification of newly occupied territory by eliminating the supposedly racially inferior ruling class. The targeted groups differed; mostly Polish Christians in Poland and Jews and Communists in the Soviet Union, but all shared a common trait: they were perceived to be the pillars of strength upon which opposition to National Socialist rule rested. They were the *Weltanschauungsträger*, the bearers of socially and racially unacceptable ideology.168

Despite the similarities between the *Einsatzgruppen* murders in Poland and the Soviet Union, the extent of the killing in the Soviet Union dwarfed that of Operation Tannenberg. Rossino estimates that during the subjugation of Poland the combined

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forces of the Wehrmacht and the Einsatzgruppen executed roughly 16,000 civilians.\textsuperscript{169}

Though brutality on such a scale cannot be trivialized, the figure of 16,000 falls short of the total reported executions for any single month of Einsatzgruppen activity in the Soviet Union. Why did the Einsatzgruppen in the Soviet Union, composed of many of the same men who had served in Poland, prove to be so much more zealous than their predecessors? The answer is twofold. First, the Wehrmacht denied the Einsatzgruppen their full support in Poland. Second, the short war in Poland did not allow for a radicalization of the Einsatzgruppen task as it did in Soviet Union.

When mass executions began in Poland, the leadership of the Wehrmacht objected to, and in some instances refused to facilitate, shootings. A few commanders took issue with the SS treatment of Polish Jews in particular. The basis for such objections, argues Rossino, was that violence against Jews in Poland did not tend to occur in response to alleged Jewish resistance. On the whole, Wehrmacht commanders did not view Polish Jews as a security threat as they later would in the Soviet Union. Consequently, they feared that nettling the Jewish community in Poland would produce resistance where none yet existed.\textsuperscript{170} In addition, widespread violence against civilians promised to be not only impractical, but also potentially damaging to the reputation of the Wehrmacht abroad.

When, in March 1941, Heydrich met with Major-General Eduard Wagner to coordinate Wehrmacht and Einsatzgruppen activity in the Soviet Union, the lessons which both had learned from operation Tannenberg must have factored into their discussion. Krausnick contends that, because of Wehrmacht resistance in Poland, Hitler

\textsuperscript{169} Ibid, 86-87.
\textsuperscript{170} Ibid, 118-119.
was committed to involving the Wehrmacht in his ideological struggle with “Jewish Bolshevism” from the very beginning. Since the conquest of Poland, a string of successes had strengthened the bond between the Party and the military. This new unity, as well as fear of Communism, now commonly associated with the Jews, helped persuade the Wehrmacht leadership to abandon their previous ideas of military propriety. Heydrich alleviated any remaining discomfort with the notion of killing civilians by severing the Wehrmacht from direct involvement in Einsatzgruppen executions. Thus, by accepting the Einsatzgruppen as a force largely independent from the regular army, Wagner was able to divorce the Wehrmacht from responsibility for what was to happen in the east.\(^\text{171}\)

The brevity of the Polish campaign accounts for a further difference between the actions of the two Einsatzgruppen. As Rossino points out, the high level of violence exhibited by the invader at the very outset of the Third Reich’s first war indicates that extended exposure to combat was not a necessary precondition for men to conduct themselves in a brutal manner. Instead, writes Rossino, “the war… provided a fitting context for the explosion of attitudes that had been deeply poisoned by prejudice, racism, and the exaltation of violence towards ‘others’.”\(^\text{172}\) Violent as it was, the killing of civilians in Poland rarely extended beyond the targeted groups of politicians, insurgent groups, the intelligentsia, and individuals on the Sonderfahndungslisten (wanted persons lists). Though the Einsatzgruppen in Poland went about their task without any previous wartime brutalization, the short war did not allow for an accumulation of hatred, fear, and

\(^{172}\) Rossino, *Hitler Strikes Poland*, 226.
desensitization to suffering which may have prompted an expansion of civilian executions.

It was assumed, as with the case in Poland, that the war with the Soviet Union would be a short one. *Einsatzgruppen* officers could reasonably expect that their task in this new war would be similar to that of the previous war in Poland. However, the scope of *Einsatzgruppen* executions in the Soviet Union would only parallel that of Operation Tannenberg for the first two months of the campaign. Thereafter, in the absence of resistance from the *Wehrmacht* and under the strain of continuous executions, the *Einsatzgruppen* leadership and their counterparts in Berlin expanded and radicalized execution activity.

In his contribution to Christopher Browning’s *Origins of the Final Solution*, Jürgen Matthäus argues that Heydrich and Himmler practiced a policy of “controlled escalation” in the Soviet Union. Believing that “Security and Order Police officers were less influenced by the wording of directives than by their own interpretation of what needed to be done,” Heydrich issued intentionally imprecise orders structured to encourage interpretation. Doing so fractured the traditional hierarchy and enabled leaders on the ground to take whatever action they deemed necessary in a given situation, often including extensive executions. Heydrich, Himmler, and the Higher SS and Police Leaders then reinforced the behavior of mid and lower-level leaders when they had been aggressive enough, or called for wider action where they had not.¹⁷³

Matthäus further argues that lower ranking officers in the Soviet Union drew on their own preconceived ideas of who the enemy was when interpreting their orders.

Consequently, significant variations emerged between different regions at different times. These regional differences not only bolster the argument that there was no general Jewish execution order in place in June 1941, they also show that the local Kommando leader was more important than the higher leadership in realizing Jewish policy in the Soviet Union. It was these local leaders who, by transforming Jewish policy from concept to practice, decided how any given population of Jews should be handled.

Because their orders were unclear but provocative, Kommando leaders could choose to ignore all Jews not holding a party or state position, they could round up large groups of them for retaliatory executions, or they could annihilate the entire community in the name of preemptively quelling resistance.\(^\text{174}\)

Given that the leadership corps of the *Einsatzgruppen* were free to interpret their basic order to secure the rear of the fighting forces as they saw fit, why did so many of them choose to pursue the Jews with such zeal? Sociologist Fred Katz has suggested that Nazi bureaucrats involved in the Holocaust enjoyed significant autonomy to “innovate, elaborate, and amplify on the instructions they received,”\(^\text{175}\) while still being able to justify their actions as obedience to orders. Examining Ohlendorf as a case study, Katz concludes that Ohlendorf’s willingness to carry out orders to the best of his ability was a consequence of his respect for his own autonomy. By exceeding expectations instead of simply complying with his literal orders, particularly when this called on Ohlendorf to do something he might normally find repugnant, Ohlendorf was “Making a contribution to

\(^{174}\) Ibid, 256, 294.

his status’ honor, to use Max Weber’s term.” He went beyond orders and anticipated the desires of his superiors because, as a successful bureaucrat, he had always behaved that way, and he believed it was the right thing to do.

Katz is correct in pointing out that habits carried over from civilian life could have affected the way the Einsatzgruppen leaders viewed the purpose of their assignment. These men shared a sense of duty to do their job as best they could. That meant going beyond their orders and employing their own autonomy in interpreting the spirit of the orders they received. Such an obligation to act as a valuable and autonomous expression of the will of the state may explain why the middle and lower ranking officers in the East worked beyond their direct orders, but it does not explain the trajectory of the Einsatzgruppen’s subsequent radicalization. The important question is not why the leadership of the Einsatzgruppen re-interpreted their orders, but how. The key to answering this question is an understanding of the fear of Jews, which lay at the core of National Socialist anti-Semitism.

The importance of anti-Semitism as an enabling force for the men called upon to shoot Jews is central to the debate between Christopher Browning and Daniel Goldhagen. Both use the same source material to examine Reserve Police Battalion 101, a unit of the Order Police deployed to Poland to execute Jews and later employed in deportations to the Treblinka death camp, but they come to different conclusions. Police Battalion 101 drew most of its members from the region around Hamburg, not known for its support of National Socialism, and was composed primarily of working-class and lower-middle class men who averaged 39 years of age. Many had families or were married. A quarter

176 Ibid, 525.
of the rank and file belonged to the Nazi party, and of those only six of the 174 man sample examined by Browning were *Alte Kämpfer*, having joined the party before Hitler’s seizure of power. On the whole, the men of Police Battalion 101 were not an overly Nazified unit.\footnote{Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: Harper Perennial, 1993), 47-48.}

As a centerpiece for his *Ordinary Men: Reserve Police Battalion 101 and the Final Solution*, Browning recounts Police Battalion 101’s first *Judenaktion* in Józefów, in the southeast of present-day Poland, on 12 July 1941. On the morning of the execution, Major Wilhelm Trapp, commander of the battalion, informed his men that they would be shooting Jewish civilians and offered to excuse anyone who did not wish to partake. From a force of about five hundred men, only ten or twelve opted out of the assignment.\footnote{Ibid, 55-57.} Others would later ask to be relieved after participating for a time in executions, but most did not. This option to decline execution work both shatters the myth that perpetrators were coerced into shooting Jews under penalty of death or imprisonment, and prompts Browning to ask the troubling question: why did more men not opt-out?

Browning considers the multiple explanations that have been put forth to answer such questions: “wartime brutalization, racism, segmentation and routinization of the task, special selection of the perpetrators, careerism, obedience to orders, deference to authority, ideological indoctrination, and conformity,” and concludes that, “these factors are applicable in varying degrees, but none without qualification.”\footnote{Ibid, 159.} Browning most favors pressure to conform as an explanation for the behavior of the police battalion men.
He cites experiments performed by psychologist Stanley Milgram, in which a “scientific authority” had volunteers administer what they thought was an electric shock to an actor. As the fictional shock increased in intensity, the actor would express increasing pain, eventually passing out. Many of the subjects would continue to shock the actor when told to, regardless of his agony. Milgram discovered that if he included another actor to perform a subsidiary task, the subject would become more likely to refuse to obey the authority figure if the actor performing the subsidiary task first refused, and more likely to obey if the actor performing the subsidiary task continued to obey.\textsuperscript{180}

In addition to conformity pressure, Browning also argues that division of labor helped police battalion men cope by distancing them from many of the killings. Hiwis, Hilfswillige or “voluntary” helpers recruited from the local population in the Ukraine, Latvia, and Lithuania, did much of the actual shooting. Where Germans were called upon to shoot, they were rotated out rapidly.\textsuperscript{181} Moreover, when assisting with deportations, men of Police Battalion 101 could divorce themselves from guilt entirely because they did not personally witness or participate in the killing. Thus, pressure to conform and a limited exposure to the bloodiest of tasks allowed the police battalion men to continue to play their important part in the destruction of the Jews.

In \textit{Hitler’s Willing Executioners: Ordinary Germans and the Holocaust}, Daniel Goldhagen dismisses the entire myriad of explanations for rank and file cooperation contemplated by Browning and instead focuses on a mono-causal force: “eliminationist” anti-Semitism. Goldhagen contends that anti-Semitism was deeply rooted in German society, stemming from Christian tradition. In fact, the idea of a \textit{Judenfrage}, or Jewish

\textsuperscript{180} \textit{Ibid}, 171-173.
\textsuperscript{181} \textit{Ibid}, 85.
Question, was already prominent in nineteenth-century Germany. National Socialism merely “worked to reinforce the model,” and the war served to intensify anti-Semitic feelings.\(^{182}\)

In considering Police Battalion 101, Goldhagen repeats much of what Browning had already said about its makeup, concurring that the men of Police Battalion 101 were ordinary. For Goldhagen, however, they were not ordinary men but ordinary Germans. His interpretation of why so few took advantage of Major Trapp’s offer differs drastically from that of Browning. These men, Goldhagen argues, killed Jews not because they were pressured or coerced, but because they wanted to kill Jews. To support his thesis that anti-Semitism alone steered the perpetrators, he points to displays of initiative, voluntary participation in firing squads, and the unnecessary brutality of roundups, even during the first execution at Józefów.\(^{183}\)

Goldhagen goes even further, generalizing from the anti-Semitism of the Order Police in the East. If these units were made up of ordinary Germans, then they should have been representative of the German population as a whole; any German would have acted in the same way as those who actually performed shootings, deportations, or death marches. Goldhagen may be correct in this assertion, but he uses circular logic. He argues that deep-seated anti-Semitism motivated the actions of the perpetrators and that the perpetrators were ordinary Germans, and then concludes that the actions of the perpetrators proves his original premise that anti-Semitism was ingrained in German society.


Neither Browning’s ordinary men model, nor that of Goldhagen’s willing executioners sufficiently explains the behavior of the Einsatzgruppen leaders tried at Nuremberg. Both focus on the enlisted, ordinary, men of Reserved Police Battalion 101. The commanders of the Einsatz and Sonderkommandos were not, however, typical Germans plucked from civilian life. As their biographies show, they were committed Nazis with a history in the Party, members of the SS, and most had worked for the SD or Gestapo. Heydrich and Himmler handpicked many of them based on their experience working in occupied territory or in response to an express wish to go to the front. During the selection process, Heydrich and Himmler did not consider commitment to National Socialism when choosing the best leaders for the Einsatzgruppen, but only because they assumed that, as members of the SS or SD, the prospective leaders were politically reliable.184

As commanders, the defendants in Case 9 would have been above many of the forces identified by Browning as having enabled Police Battalion 101 troops. Rather than being influenced by a tendency to conform and numbed by the division of tasks and routinization of killing, the leaders of the Einsatzgruppen actively created an environment with these attributes in order to smooth the process of murder. This development began even before the first execution, when the Kommando leader explained the mission of the Kommando to his men. During Nosske’s cross-examination, prosecutor Peter Walton asked Nosske, “did you ever make a speech to your Kommando… in which you alleged to have said and I quote: ‘The Führer has ordered that all elements who endanger or undermine the fighting troops in the rear must be destroyed,’ or words to this effect?”

184 Helmut Krausnick, *Die Truppe des Weltanschauungskrieges*, 142-143.
Nosske responded, “that is correct…. The essential words which I spoke at the time were that I appealed to their sense of duty and to their comradeship. Apart from that, of course, I pointed out their task and said that we had to do everything in order to safeguard the troops.” By calling on his men to embrace duty and comradeship, Nosske laid the foundation for strong group identification within his Kommando. Furthermore, by directing this sense of duty towards the honorable goal of protecting the troops, he provided his men with a justification for their future actions.

When the shooting began, the Einsatzgruppen leaders ensured the cooperation of their troops by acting as an example to them. Oftentimes, a commander would personally lead the first firing squad, composed of specially selected men. In some cases, they actively participated in the execution, shooting down victims alongside their Kommando. In addition to providing “positive” examples for their troops, the Einsatzgruppen leaders also singled out members of their unit who were unable or unwilling to participate in shootings. To quell dissention, officers would meet objections to the Einsatzgruppen task with threats of court-martial. As leaders, the Nuremberg defendants defined the space in which their troops lived. Each made the purpose of their unit clear, and expected the men of their Kommando to do their job as a part of the whole, nurturing conformity and scorning those who stepped out of bounds.

By carefully engineering execution procedure, the Einsatzgruppen commanders were able to ease the impact of daily killing on their men and to establish a routine. Ohlendorf testified that he put in place strict rules for conducting shootings. He limited

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the number of victims brought to the execution site, proscribed a military manner of
shooting which forbade “individual action,” prohibited looting, and removed any man
who exhibited joy in the killing.\textsuperscript{187} In an affidavit from 5 November 1945, Ohlendorf
explained why he employed more than one shooter per victim. “I never permitted the
shooting by individuals…, but ordered that several of the men should shoot at the same
time in order to avoid direct, personal responsibility.”\textsuperscript{188} By muddying the question of
responsibility, Ohlendorf sought to prevent the brutalization of his men. The same goal
seems to have been at the root of his decision to disallow looting and to take men who
relished shooting off the firing line. The men of the \textit{Einsatzgruppen} were to see their
task as necessary, but not as something to be enjoyed. This attitude was to both ensure
that the executioners could endure a sustained campaign of murder, and preserve their
character as Germans.

Employment of the local population in shooting actions further insulated the
\textit{Einsatzgruppen} members from a feeling of culpability, and responsibility for levying
local forces fell to the heads of each \textit{Einsatzgruppe}. In the Crimea, Ohlendorf was
personally involved in fostering a relationship with the Tartar community. He
transformed the Tartars, initially utilized only as informers, into a valuable source of
additional manpower both for his \textit{Einsatzgruppe} D and for the 11\textsuperscript{th} Army in the
Crimea.\textsuperscript{189}

\textsuperscript{187} Otto Ohlendorf, Case 9, Transcript, Oct. 8, 1947, vol. 2, p. 524, M895/2/0545.
\textsuperscript{188} Otto Ohlendorf, Affidavit, Nov. 5, 1945, Document Book 1, p. 27, M895/11/44.
\textsuperscript{189} Andrej Angrick, “Die Einsatzgruppe D,” in Klein, \textit{Die Einsatzgruppen in der besetzten Sowjetunion
1941/42: Die Tätigkeits- und Lageberichte des Chefs der Sicherheitspolizei und des SD}, (Berlin: Gedenk-
und Bildungsstätte Haus der Wannsee-Konferenz, 1997), 102.
Even with the precautions taken to protect the psyche of *Einsatzgruppen* members, many broke down. When this began to happen, commanders went to great lengths to rehabilitate those who were no longer fit for duty, and to ensure that others would continue to function. Himmler encouraged the *Einsatzgruppen* leaders to provide their Kommandos with quiet time in the evening to talk over what had happened during the day. Food and music also helped to quiet nerves and to remind the troops of home.190 Though Himmler did not endorse the use of alcohol, the *Einsatzgruppen* men drank both during their time of rest and when on duty. In fact, as Helmut Langerbein writes, “alcohol significantly helped to lower the threshold to commit murder and made the gruesome task of killing at close range more bearable.”191

Blume testified that he arranged for a lakeside retreat for his *Sonderkommando* 7a “in order to let myself and my people get over the unworthy impression of the shootings in Minsk and Vitebsk [in August and September, 1941].… No executions would be carried out. They were particularly grateful for this. We started every day with sports. In the evenings I had songs sung at the campfire.”192 By allowing his men a brief respite from execution duty when they seemed most likely to break, Blume hoped to slow the transformation his German soldiers into “neurotics or brutes,” to use Erich von dem Bach-Zelewski’s phrase. Group activities during this period also served to strengthen the bonds between the members of *Sonderkommando* 7a, and to reinforce the drive to conform to the group.

190 Hilberg, *Destruction of the European Jews*, vol. 1, 342.
The influences enumerated by Browning did not compel Einsatzgruppen officers to kill. Rather, the officers themselves utilized the pressures of conformity and routine to keep their forces operating. What then of Goldhagen’s argument? Goldhagen’s focus on anti-Semitism as the base motivation of the perpetrators in the East is valuable, but his characterization of German anti-Semitism is inadequate. Goldhagen’s presents German “eliminationist” anti-Semitism as a unique, society-wide, phenomenon characterized by a hatred of Jews so strong that it would drive the ordinary German to kill. He does not, however, satisfactorily explain what differentiated German anti-Semitism from that of other countries. Other Western nations shared many of the traditions of Germany, including anti-Semitism, but when war broke out the English did not send their Jews to the gas chamber and the French did not line their Jews up in front of a ditch.

The peculiarity of National Socialist anti-Semitism that was that it combined fear of a powerful, if imagined, Jewish world-conspiracy with a real, brutal, and thoroughly destructive war against what was seen as a front for that conspiracy: the Soviet Union. The Nazis did not author the idea of a conspiracy devised by Jews to dominate the globe; the concept was prevalent across the continent before Hitler came to power in Germany. The most famous propaganda piece warning against the danger of a Jewish conspiracy, *The Protocols of the Elders of Zion*, was published in Russia in 1903.¹⁹³ This paranoia led to a genocide conducted by the German nation, and not another, because of the political situation in Germany.

¹⁹³ *The Protocols of the Elders of Zion* was not widely circulated outside of Russia until the 1920s.
Amid rumors of war in the late 1930s, National Socialist leadership and its followers applied their anti-Semitism to their understanding and portrayal of the onrushing conflict. They presented Germany as a nation encircled by communists, capitalists, and reactionaries, tied together by a Jewish plot for world domination. In contrast to the anti-Semitism common to the rest of the west, Nazi anti-Semitism cast the Jew as not only an internal enemy, but also an external enemy directly affiliated with a potentially hostile foreign government. Once the war began, this characterization of Jews as born supporters of Bolshevism legitimized the prospect of targeting Jewish communities as a means towards destroying the threat of the Soviet Union. The key emotion associated with this new anti-Semitism was not so much a society-wide hatred of Jews, as Goldhagen suggests. Instead, National Socialist anti-Semitism was characterized by a fear of Jewish power and influence, particularly when that influence was exerted over a foreign state with the military capacity to destroy Germany.

Hitler, Himmler, and Heydrich placed great trust in the judgment of the individuals assigned to head the Einsatzgruppen and Einsatzkommandos. During an address to two-hundred military officers on 30 March 1941, Hitler highlighted the importance of personal initiative in his fight with Communism. Head of the OKH (Oberkommando des Heeres or Army High Command) General Staff Franz Halder’s notes on the meeting outlined the thrust of the discussion.

Extermination of the Bolshevist Commissars and the Communist intelligentsia… This is no job for the military courts. The individual troop commanders must know the issues at stake. They must be leaders in this fight. The troops must fight back with the methods which they are attacked. Commissars and the GPU [the Soviet political police] men are criminals and must be dealt with as such. This need not mean that the troops shall get out of hand. Rather, the commander must give orders that
express the common feelings of his men.\textsuperscript{194}

Hitler’s call for men on the ground to go beyond general guidelines and to act quickly according to their own assessment of the situation is typical of the attitude expressed towards the \textit{Einsatzgruppen} leadership by Berlin.

Commanders were expected to go beyond the confines of their orders and actively to seek opportunities to hasten the pacification of the Soviet Union. The content of an enclosure to Heydrich’s Operational Order Number 8 of 17 July 1941, under the heading “Guidelines for the Kommandos of the Chief of the Security Police and the SD Stationed in Prisoner of War Camps,” illustrates this expectation well. The guidelines state that, “‘The German Wanted Persons Book,’ ‘The Residence Tracing List,’ and ‘The Special Wanted Persons Book USSR’ have proved valuable in only a few cases; ‘The Special Wanted Persons Book USSR’ is therefore not sufficient, because only a small part of the Soviet Russians classifiable as dangerous are listed there.” Consequently, the guidelines suggested, “the Kommandos must therefore support [stützen] themselves from their knowledge of the subject and their ability to establish [facts] and work out information on their own.”\textsuperscript{195}

It is easy to imagine that, in an environment which offered such freedom of action, some commanders might have become frustrated or ineffective. Blume expressed aggravation with this situation during his trial, lamenting, “we were left to our fate – that is, I want to express by this that the general order was passed on to us, but unfortunately, we were not told how this order was to be carried out in detail.”\textsuperscript{196} Despite Blume’s

\textsuperscript{194} Quoted in Christopher Browning, \textit{The Origins of the Final Solution}, 218.
\textsuperscript{195} in Klein, \textit{Die Einsatzgruppen in der besetzten Sowjetunion}, 336.
\textsuperscript{196} Walter Blume, Case 9, Transcript, Nov. 4, 1947, vol. 5, p. 1869, M895/3/0729.
dissatisfaction with the specificity of his orders, Himmler and Heydrich did provide suggestions as to what they expected from their subordinates. In a 26 March 1941 brief by Heydrich, Heydrich reported to Himmler, “the Reichsmarschall [Hermann Göring] told me that for the action in Russia we should prepare a short, 3-4 page, guide, which the troops could receive, on the danger of… political Commissars, Jews, etc., so that they can know who they in practice will have to put against the wall.”

Once the campaign in the Soviet Union was underway, the RSHA and SS brass continued to provide Einsatzgruppen leadership with indications of what they expected from their subordinates. In a Kommando Special Order released by Himmler on 28 July 1941, which addressed the question of the treatment of villages bordering the Pripet marshes in north-west Ukraine, Himmler clarified what means the Einsatzgruppen should employ to ensure security. The order stated,

> We must be clear that the villages in the swamp area are either bases [Stützpunkte] for us or bases for the enemy…. If the population is seen as national, an enemy, a racial or human inferior, or, as will often be the case in the swamp area, made up of uncivilized criminals, all who are suspected of aiding the partisans are to be shot; women and children are to be removed, valuables and food are to be confiscated and secured. The villages are to be burned to the ground.

By issuing such directives, Himmler set the tone for Einsatzgruppen activity. As was the case in Himmler’s 28 July Kommando Special Order, he left the details of selecting which villages or populations were dangerous to his men in the field.

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197 Heydrich also forwarded the brief to Heinrich Müller, Adolf Eichmann (through Müller), Walther Schellenberg, Bruno Streckenbach, Heinz Jost (through Alfred Filbert), and Otto Ohlendorf. The inclusion of these men, four of whom would be directly involved in the Einsatzgruppen, in the circulation of a document discussing the disposition of the potential invader towards the Soviet civilian population nearly three months before the attack took place indicates that some of the future commanders of the Einsatzgruppen were aware of the pre-war intentions and expectations of the highest levels of SS leadership. In Klein, Die Einsatzgruppen in der besetzten Sowjetunion, 367.

198 In Klein, Die Einsatzgruppen in der besetzten Sowjetunion, 352.
Despite indications from Berlin leadership as to what was expected from *Einsatzgruppen* commanders, those commanders faced a myriad of situations that required them to decide for themselves who should live and who should die. Even direct orders often contradicted each other, leading Ohlendorf to comment during his trial that, “it was more or less left to the skill of the officers in charge… to find an objective solution in case of such competitive orders.”\(^{199}\) Because decisions made by individual commanders were so important in determining the behavior of their units, significant differences in practice developed between the various *Einsatzkommandos* and *Sonderkommandos*.

In Operational Situation Report 94 of 25 September 1941, *Einsatzgruppe C* attempted to explain the variance in its execution numbers. “In the southern region of the operational area, because of the sparseness of the Jewish population, the main effort had to be directed towards individual investigations and search actions. However, particularly in the region of Zhitomir and Berdichev, there was an opportunity for actions on a larger scale.”\(^{200}\) As this report suggests, the location of Jewish communities contributed to the disparity in execution numbers for various *Einsatzgruppen* units. Demographics were not, however, the only factor.

The case of the Krimtschaks and the Karaimians in the Crimea provides and excellent example of how the choices of one *Einsatzgruppe* leadership cadre affected the death toll in their sphere of responsibility. When *Einsatzgruppe D* entered the Crimea in the fall of 1941, they discovered two ethnic groups: the Karaimians, who had adopted the Jewish religion but were not descendants of any other Jewish population, and the

\(^{200}\) Arad, *The Einsatzgruppen Reports*, 158.
Krimtschaks, who descended from first century Jewish colonists of the Crimea but no longer practiced the Jewish religion. As the local commander, Ohlendorf could have easily exempted both groups from execution, as neither was clearly Jewish. He did not. Instead, he elected to annihilate the Krimtschaks and spare the Karaimians. When asked during his trial why he had the Krimtschaks killed, Ohlendorf responded, “it is not on account of their faith, or their religion, but because of their human make-up and character.”

As the Soviet campaign ground into late summer, the *Einsatzgruppen* began to radicalize their program of murder. Several months of war and constant mass execution activity surely desensitized *Einsatzgruppen* members to the suffering that surrounded them. Pressure from higher-ups to increase body counts and to stifle resistance behind the lines drove a gradual broadening of the scope of executions until they reached the proportions of a genuine genocide. Individual leaders initiated this expansion of executions. The remainder followed suit, either of their own accord in order to avoid appearing weak and ineffective compared to their more zealous counterparts in other units, or in response to correspondence with their superiors.

The killing of those Jews originally targeted by the *Einsatzgruppen*, members of the Communist party and military-aged men, could be interpreted as a preventative measure predicated on fear of Jewish influence in and support for the Soviet state. Once in the Soviet Union, *Einsatzgruppen* leaders gradually incorporated more and more Jews into the groups slated for death. Often, the rationale for expanding the killing was a punitive one; the *Einsatzgruppen* punished entire Jewish populations for acts of

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resistance that the Germans assumed individual Jews had perpetrated. This transition from individually targeted preventative executions to collective punishment in response to resistance marked the beginning of the radicalization of Jewish policy in the Soviet Union.

Operational Situation Report 60, submitted by Einsatzgruppe C on August 22, 1941, explained the logic behind the evolution from killing threatening individuals to obliterating entire Jewish villages. The report begins, “it has already been pointed out in previous reports that the Jews no longer show any restraint…. Extensive actions have been launched to fight these Jewish outrages and banditry. The localities concerned are surrounded and first of all cleared of prominent Jews and Jewish Communists.” This had been common practice for all Einsatzgruppen from the very beginning, but Einsatzgruppe C was no longer content with simply knocking out the leaders of Jewish communities. The report continues, “in each case, the ghetto is systematically purged…. In view of these unprecedented Jewish actions it is intended to round up the Jews in certain villages, to liquidate them, and to raze the villages to the ground.”

Einsatzgruppe C would formally adopt a policy of annihilating whole Jewish communities a few weeks later. In Operational Situation Report 106 of October 7, 1941, Einsatzgruppe C reported,

It was possible to get hold of the involved Jews [those who had engaged in resistance] only in the rarest cases, as they had sufficient opportunities to evade arrest. Therefore, a conference was called together with military H.Q. on September 10, 1941. The resulting decision was the final and radical liquidation of the Jews of Zhitomir, since all warnings [threats] and special measures [punishments] had not led to any perceptible change.

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202 Arad, The Einsatzgruppen Reports, 102-103.
As this report shows, the decision to destroy the Jews of Zhitomir originated from the local authorities (Einsatzgruppe C and the military), and was a departure from previous practice. It was not a response to new guidelines from Berlin, quite the opposite in fact. In Operational Situation Report 106, Einsatzgruppe C was informing Berlin of new measures it was trying so that other Einsatzgruppen might implement such measures as well.204 The Einsatzgruppen leaders were not simply following orders; they were actively participating in the evolution of a genocide.

For all the initiative displayed by individual Einsatzgruppen commanders, they did not act independently from Berlin. They interacted frequently with their superiors. RSHA authorities occasionally visited Einsatzgruppen units in the field and regularly updated their guidelines for activity in the occupied territories, while Einsatzgruppen leaders related the results of new policies and made suggestions for further change in their nearly daily reports. Though the Einsatzgruppen continuously expanded the killing in their sphere of responsibility of their own accord, visits from Heydrich or Himmler nearly always corresponded to an immediate increase in executions. This phenomenon was observable from the beginning of the war with the Soviet Union, and continued into the fall of 1941.

204 For a discussion of the escalation of violence against the Jews of Zhitomir, see Wendy Lower, “‘Anticipatory Obedience’ and the Nazi Implementation of the Holocaust in the Ukraine: A Case Study of Central and Peripheral Forces in the Generalbezirk Zhytomyr, 1941-1944,” Holocaust and Genocide Studies, Vol. 16, No. 1, (2002), 1-22. Lower argues that in focusing on the periphery, regional studies lose sight of the importance of the highest levels of Nazi leadership in shaping the Holocaust in the Soviet Union. She recognizes that the initiative of local authorities contributed to the expansion of violence against Jews, but concludes that the extreme radicalization of Nazi Jewish policy in Zhitomir came about as a result of the conjunction of local initiative, the accumulation of killing forces, and the direct involvement of Reich leadership.
On 30 June 1941, both Himmler and Heydrich inspected *Einsatzkommando Tilsit*[^205], a special Kommando of *Einsatzgruppe* A created by Walter Stahlecker to clear a 25 kilometer wide strip of land on the border between Lithuania and the Reich of Jews and Communists. Because of *Einsatzkommando Tilsit*’s proximity to its area of responsibility and due to the perceived high risk of enemies near the border, it was one of the first *Einsatzgruppen* units to begin executions. The chief of Stapostelle Tilsit, Hans-Joachim Böhme, later reported that, “The Reichsführer-SS and the Gruppenführer [Heydrich]… received information from me on the measures initiated by the Stapostelle Tilsit and sanctioned them completely.”[^206] Three days after the visit, *Einsatzkommando Tilsit* executed three hundred people, mostly Jews. This reaction from Himmler and Heydrich, reinforcing and supporting commanders who pursued extreme measures, would be repeated in other visits to other units. Himmler met with Karl von Roques, commander of the rear area for Army Group South, in Lvov on 21 July. While in Lvov, he probably also spoke with members of a detachment of *Einsatzgruppe* C stationed in the city. Several days after Himmler’s departure, from 25 July to 27 July, renewed organized Pogroms occurred in Lvov, claiming several thousand lives.[^207]

Often, Himmler worked through the Higher SS and Police Leaders when transmitting his intentions to the *Einsatzgruppen*. On 31 July 1941, Himmler met with HSSPF Hans-Adolf Prützmann along with Reichskommissar for the Ostland Hinrich

[^207]: Witte, *Der Dienstkalender Heinrich Himmlers*, 186.
Lohse in Riga and Bach Zelewski in Baranowice.\textsuperscript{208} Both of the higher SS and Police Leaders would react quickly to Himmler’s visit. Prützmann forwarded Stahlecker a copy of Lohse’s guidelines for the treatment of Jews. Prützmann suggested that Stahlecker schedule a meeting with Lohse to work out contradictions between Stahlecker’s mission and Lohse’s vision of how the Jewish population should be handled. Stahlecker’s response was to arrange for Karl Jäger, commander of \textit{Einsatzkommando} 3, to deliver a position paper to Lohse. Following this exchange, Jäger’s \textit{Einsatzkommando} began reporting drastically larger execution numbers and incorporated women and children into its program of murder.\textsuperscript{209} Bach Zelewski responded to Himmler’s visit by issuing an order to the Second SS Calvary Regiment to shoot all male Jews and to drive the women into the swamps.

On 12 August 1941, Himmler again met with one of his Higher SS and Police Leaders, this time Friedrich Jeckeln.\textsuperscript{210} Jeckeln subsequently visited Rasch at \textit{Einsatzgruppe} C headquarters in Zhitomir, chastising him for being too soft on the Jews and informing him that Himmler had ordered the liquidation of all nonworking Jews, regardless of age or gender. Fresh orders in hand, Rasch called the leaders of \textit{Einsatzgruppe} C together in order to orchestrate an intensification of Jewish executions. Meanwhile, Jeckeln himself organized and carried out a mass execution at Kamenets Podolsky in western Ukraine, the largest massacre yet in the East.\textsuperscript{211}

Himmler personally visited \textit{Einsatzgruppe} B between 14 August and 16 August 1941. While there, he witnessed an execution near Minsk along with HSSPF Erich von

\textsuperscript{208} Ibid, 189.
\textsuperscript{209} Browning, \textit{The Origins of the Final Solution}, 310-311.
\textsuperscript{210} Witte, \textit{Der Dienstkalender Heinrich Himmlers}, 191.
\textsuperscript{211} Browning, \textit{The Origins of the Final Solution}, 312.
Dem Bach-Zelewski. Disturbed by what he saw there and concerned for the mental health of the men, Himmler authorized experimentation into new methods of execution. In response, Bach-Zelewski brought in an expert consultant on gas van killing from the euthanasia program. Following Himmler’s inspection, Einsatzgruppe B began to utilize gas vans for the execution of women and children, though firing squads remained the method of choice.

Himmler made another tour of the East from 30 September to 6 October 1941. He arrived in Kiev in 2 October, just two days after the massacre of 33,771 people at Babi Yar. The impression of Babi Yar surely stuck with him for the rest of his eastern trip. In the work of Sonderkommando 4a at Babi Yar Himmler had an example of the new scale at which his Einsatzgruppen were capable of operating. The next day, Himmler traveled to Kriwoj-Rog, where Einsatzkommando 6 was stationed. Shortly after his departure Einsatzkommando 6 began shooting women for the first time.

On 5 October Himmler visited Einsatzgruppe D. During a dinner with the leaders of the Einsatzgruppe in Nikolajev, Himmler delivered a lecture on his vision for the occupied territories. In order for his garden of Eden to materialize, continued Himmler, the Jews had to be eradicated and Bolshevism destroyed. He further emphasized that the Einsatzgruppe was doing the will of the Führer. According to Siebert, Ohlendorf approached Himmler following the dinner to discuss the difficulty he and his men had faced.

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212 Richard Breitman has suggested that the Minsk execution witnessed by Himmler may have been directed by Bach Zelewski and not by Artur Nebe of Einsatzgruppe B, because Himmler’s itinerary does not mention Nebe. Breitman, Official Secrets, 61. Einsatzgruppe B’s subsequent change of behavior, however, seems to indicate that Nebe did have some interaction with Himmler.

213 Browning, The Origins of the Final Solution, 312-313.

214 Witte, Der Dienstkalender Heinrich Himmlers, 224.

experienced in coping with their assignment. Himmler’s response was curt and simple; he turned to the man on his right and began discussing something else.\footnote{Willi Seibert, Case 9, Transcript, Nov. 17, 1947, vol. 7, p. 2482, M895/4/0138.}

A renewed effort to protect the secrecy of Einsatzgruppen activity coincided with Himmler’s first tour of occupied Soviet territory. On 15 August 1941, Heydrich issued an order to all the Einsatzgruppen which read,

\begin{quote}
all operational orders [Einsatzbefehle] and special orders to the Einsatzgruppen and Einsatzkommandos must be kept, so that they remain locked away, and so that they do not fall into unauthorized hands or, above all, enemy hands. As far as this guarantee cannot be given, the operational orders and special orders are to be either sent back with the next currier with a ‘read’ note, or in observance of the security regulations… be burned…, or when possible owing to location be taken to the lockbox at the service post of the Sipo and SD in the Reich or General Government.\footnote{Quoted in Klein, \textit{Die Einsatzgruppen in der besetzten Sowjetunion}, 344-345.}
\end{quote}

Two weeks later, Heinrich Müller sent a brief to the Einsatzgruppen, stating that Heydrich did not want any witnesses at executions, including Wehrmacht officials.\footnote{\textit{Ibid}, 349.}

Given Himmler’s intervention, the subsequent increase in execution numbers, and the new emphasis on secrecy, it seems that the task of the Einsatzgruppen changed in a definitive way in August 1941. Whereas in the first months of the campaign the Einsatzgruppen confined their execution activity to military-aged Jewish men and the upper strata of Soviet society, though with some regional variation, by September each Einsatzgruppe was slaughtering men, women, and children. The transformation of the Einsatzgruppen from a violent and racist security force to the vanguard of genocide, initiated by individual commanders and nurtured by Himmler, Heydrich, and the Higher SS and Police Leaders, was complete.
CONCLUSION

The commanders of the Einsatzgruppen, Einsatz and Sonderkommandos were, largely, highly educated professional men. They had served with distinction in the police, party, or civilian sector. Himmler and Heydrich selected them based on their previous successes and on their experience working abroad or with foreign policy. Each of them was a dedicated National Socialist. In their posts as Einsatzgruppen leaders, these men carried Nazi ideology into the Soviet Union. They drew upon the preconceptions of their National Socialist anti-Semitism in interpreting their task there, pushing to ensnare ever more Jews in the developing genocide.

Though most defendants in Case 9 claimed that they had acted upon order which existed prior to the invasion of the Soviet Union, the exact nature of the orders issued by Streckenbach at Pretzsch is unclear. If Streckenbach did convey an order from Hitler for the universal annihilation of Soviet Jewry, then this order was disobeyed by every Einsatzgruppe leader for at least two months. The actual content of the original orders for the Einsatzgruppen was likely much less exact, allowing for interpretation based on local needs and modification through back-channel conversations. The implication that the Einsatzgruppen should kill Jews was quite clear, particularly in Heydrich’s 17 June 1941 address to the Einsatzgruppen commanders. The specifics of which Jews to execute, however, were left to the individual commanders. Those orders that did exist likely resembled those issued to the Polish Einsatzgruppen: decapitation executions aimed at breaking the racial-ideological ruling class.

As dedicated Nazis, the Einsatzgruppen leaders subscribed to the anti-Semitism current in 1940s Germany. They associated Jews directly with communism. They
perceived the Jews to be the bearers of Bolshevism, as the pillar on which the greatest threat to Germany rested. Consequently, the commanders of the Einsatzgruppen could justify, both to themselves and to their men, the destruction of Soviet Jews as a necessary measure for the protection of German troops and civilians. This conviction served not only as an excuse to obey brutal orders, but also as a motivational force driving the Einsatzgruppen men to go beyond their orders and to kill ever more Jews in the pursuit of security.

Thrust into a situation rife with danger, where orders were vague and murder a day-to-day affair, the leaders of the Einsatzgruppen mobilized their anti-Semitism to make sense of their situation and to decide upon the best course of action. Though the Einsatzgruppen initially executed only military-aged Jewish men, Communist Party members, and members of the intelligentsia, they enlarged the targeted group based on local factors. The presence, real or imagined, of partisans, resistance in newly occupied cities, or the desire to exact reprisal for crimes committed against German before or after the outbreak of the war all led to larger executions. Wherever the Einsatzgruppen met resistance, more Jews died.

The function of the Einsatzgruppen in the Soviet Union evolved from that of a harsh security force to the perpetration of genocide due to the interactions between Einsatzgruppen commanders and their superiors. When Einsatzgruppen commanders pursued more extreme measures against Soviet Jews, these measures were approved, encouraged, and used as an example for other Einsatzgruppen units by Himmler, Heydrich, or the Higher SS and Police Leaders. This transformative process began with individual commanders who decided to include women and children in executions,
conduct massive reprisals against Jewish communities, or raze whole Jewish villages to the ground. It culminated in sanctioned genocide in late August 1941, following Himmler’s tour of the east.

In *The Architect of Genocide*, Richard Breitman writes of the Final Solution, “to limit responsibility to the men at the top alone is to provide a convenient excuse for all the others involved. But to emphasize the role of bureaucrats and the men in the field resolving practical problems and to overlook the ideological fanaticism and substantial direction from the top is to ignore historical reality – and to risk drawing the wrong lessons from the past.” Breitman is, of course, right to suggest that men such as Himmler, Heydrich, and Hitler should share the largest portion of blame for the Holocaust. He does not recognize, however, that the problems faced by the men in the field were as much ideological problems as they were practical problems. Particularly among *Einsatzgruppen* commanders, the questions of who to kill and why were as important as questions of how to capture target population groups, conduct executions, and shield them from public view. The lesson to be drawn from a full consideration of both the men in the field and their superiors is that all operated within a structure of engrained anti-Semitic fear, amidst the real danger of a brutal war, and under a code of honor that valued the faithful implementation of difficult and sometimes vague orders over human life. The *Einsatzgruppen* reports to Berlin, as well as meetings between *Einsatzgruppen* officers and Himmler, Heydrich, or the Higher SS and Police Leaders, were part of a larger conversation in which the fate of the Soviet Jews, and all of Europe’s Jews, was decided.

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The tribunal delivered its verdict for United States of America v. Otto Ohlendorf et. al. on 9 April 1948. It found Rühl and Graf guilty only on count III, membership in a criminal organization. The remaining twenty defendants were judged to be guilty on all three counts of the indictment. The following day, the tribunal handed down sentences. Biberstein, Blobel, Blume, Braune, Hänsch, Klingelhöfer, Naumann, Ohlendorf, Ott, Sandberger, Schubert, Seibert, Steimle, and Strauch were to hang. Jost and Nosske received life sentences. Radetzky, Schulz, and Six were each to serve twenty years, while Fendler and Rühl would serve ten. Graf was released on time served.

Although the prosecution had succeeded in securing convictions for all the accused, one act still remained in the drama of the Einsatzgruppen Case defendants. Both inside Germany and out, the post-war trials of Nazi war criminals were met with a great deal of controversy. The judgments of the International Military Tribunal and the subsequent trials at Nuremberg appeared to some to be victor’s justice, or, in a world quickly re-polarizing between East and West, Soviet style ‘political justice.’ In the United States, growing animosity towards the Soviet Union blunted the will to bring Nazi criminals to justice. In the Federal Republic of Germany, individuals from diverse sectors of German society spoke out against the impending executions of convicted war criminals. Konrad Adenauer, the newly elected West German Chancellor, protested that the delay between sentence and execution had been too long, and that, because Article 102 of the German Basic Law had abolished the death penalty, executions of Germans on German soil would violate German sovereignty. Protestant Bishops Hans Meiser of Munich and Theophil Wurm of Stuttgart came out against the executions, and Cardinal Josef Frings of Cologne called for mercy for those slated for death because, “many of the
defendants’ actions did not stem from a criminal disposition.” Adenauer’s chief advisors on rearmament, ex-generals Adolf Heusinger and Hans Speidel, stated, “if the prisoners at Landsberg were hanged, Germany as an armed ally against the East was an illusion.” The execution of war criminals was even opposed by the new SPD leader Kurt Schumacher, who had suffered ten years captivity in concentration camps, and Inge Scholl, sister to two of the leaders of the White Rose whom the Third Reich’s “Peoples Court” had put to death for distributing resistance leaflets.

The man who would have the final say over any reduction in sentences for war criminals was John J. McCloy, U.S. High Commissioner for Germany. His predecessor, Lucius D. Clay, had hoped to expedite the execution of prisoners sentenced to death in order to spare McCloy the burden of having to deal with such a divisive issue during the “constructive” phase of the occupation, but continued appeals by the condemned to the U.S. Supreme Court ensured that McCloy would have to make the decision himself.

Committed to building up the Federal Republic of Germany as a strong ally, McCloy agreed to form a War Clemency Board to review the sentences of Nuremberg convicts. The Board, which held hearings in Munich for six weeks in July and August 1950, recommended reduced sentences in seventy-seven of ninety-three cases and the commutation of seven of fifteen death sentences. In the end, McCloy reduced the sentences for the seventy-nine convicts as per the War Clemency Board’s recommendation. For the defendants of Case 9, this resulted in the shortening of Jost and

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221 Ibid, 165.
222 Ibid, 159-165.
223 Ibid, 158-159.
Nosske’s life sentences to ten years, Schulz’s to fifteen years, Six’s to ten years, and Fendler’s to eight years. Rühl and Radetzky were released on time served. McCloy affirmed only five death sentences, granting clemency to Biberstein, Blume, Klingelhöfer, Hänsch, Ott, Sandberger, Schubert, Seibert, and Steimle. He confirmed the death sentences of Blobel, Braune, Naumann, and Ohlendorf, stating, “the responsibility of the defendants is so clear and direct and the nature of the offenses so shocking that the clemency has no meaning as applied to them.”224 They hung on 7 June 1951. The remainder of the defendants made parole over the next seven years, the last one walking out of Landsberg Prison on 9 May 1958 after only ten years imprisonment.

224 In Mendelsohn, ed., Nuremberg War Crimes Trials: Records of Case 9, 3.
Table 2:

*Defendants in United States of America v. Otto Ohlendorf et al.*

<table>
<thead>
<tr>
<th>Defendant</th>
<th>Assignment</th>
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<tbody>
<tr>
<td>Ernst Biberstein, SS Obersturmbannführer</td>
<td>Commander of Einsatzkommando 6 September 1942 to November 1942</td>
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<tr>
<td>Paul Blobel, SS Standartenführer</td>
<td>Commander of Sonderkommando 4a June 1941 to January 1942</td>
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<td>Dr. Walter Blume, SS Standartenführer</td>
<td>Commander of Sonderkommando 7a June 1941 to September 1941</td>
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<td>Dr. Werner Braune, SS Obersturmbannführer</td>
<td>Commander of Einsatzkommando 11a October 1941 to September 1942</td>
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<td>Lothar Fendler, SS Sturmbannführer</td>
<td>Deputy Chief of Sonderkommando 4b June 1941 to October 1941</td>
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<td>Matthias Graf, SS Untersturmführer</td>
<td>Member of Einsatzkommando 6 June 1941 to July 1942</td>
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<td>Dr. Walter Hänsch, SS Obersturmbannführer</td>
<td>Commander of Sonderkommando 4b March 1942 to July 1942</td>
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<td>Heinz Jost, SS Brigadeführer</td>
<td>Commander of Einsatzgruppe A March 1942 to June 1942</td>
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<td>Woldemar Klingelhöfer, SS Sturmbannführer</td>
<td>Officer in Sonderkommando 7b June 1941 to July 1941 and Commander of Vorkommando Moskau August 1941 to October 1941</td>
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<td>Erich Naumann, SS Brigadeführer</td>
<td>Commander of Einsatzgruppe B November 1941 to March 1943</td>
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<td>Gustav Nosske, SS Obersturmbannführer</td>
<td>Commander of Einsatzkommando 12 December 1941 to March 1942</td>
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<td>Otto Ohlendorf, SS Gruppenführer</td>
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<td>Adolf Ott, SS Obersturmbannführer</td>
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Table 2: Continued

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<td>September 1941 to December 1941 and <em>Sonderkommando 4a</em></td>
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Table 3

Equivalent SS and U.S. Army Ranks\textsuperscript{225}

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### Table 4

**Einsatzgruppen Organization**

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<tr>
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BIBLIOGRAPHY


