Based on extensive archival research, this book offers the first historical examination of the arrest, trial, and punishment of the leaders of the SS-Einsatzgruppen – the mobile security and killing units employed by the Nazis in their racial war on the eastern front. Sent to the Soviet Union in the summer of 1941, four units of Einsatzgruppen, along with reinforcements, murdered approximately 1 million Soviet civilians in open air shootings and in gas vans and, in 1947, twenty-four leaders of these units were indicted for crimes against humanity and war crimes for their part in the murders. In addition to describing the legal proceedings that held these men accountable, this book also examines recent historiographical trends and perpetrator paradigms and expounds on such contested issues as the timing and genesis of the Final Solution, the perpetrators’ route to crime, and their motivation for killing, as well as discussing the tensions between law and history.

Hilary Earl is Assistant Professor of History at Nipissing University, North Bay, Ontario, Canada. Her research has been featured in several collections, including Lessons and Legacies IV (2004), Secret Intelligence and the Holocaust (2006), and Biography between Structure and Agency: Central European Lives in International Historiography (2008). Her most recent project, The Genocide Paradox: Prosecuting Genocide from Nuremberg to The Hague, is a historical examination of the legal outcomes of war crimes trials from the post–World War II period through the trials conducted by the International Criminal Tribunals for the former Yugoslavia. She has received fellowships from the Holocaust Educational Foundation, the Center for Advanced Holocaust Studies at the United States Holocaust Memorial Museum, the Leonard and Kathleen O’Brien Humanitarian Trust, and the Joint Initiative for German and European Studies.
For my parents, John and Barbara Earl
# Contents

**Illustrations and Tables**  
page ix  

**Abbreviations**  
xi  

**Acknowledgments**  
xiii  

**Introduction**  
1  

1. The United States and the Origins of the Subsequent Nuremberg Trials  
19  

2. Otto Ohlendorf and the Origins of the Einsatzgruppen Trial  
46  

3. Defendants  
96  

4. Defense  
135  

5. Trial  
179  

6. Judge and Judgment  
217  

7. Aftermath: From Perpetrators of Genocide to Ordinary Germans  
265  

Conclusion  
296  

**Bibliography**  
305  

**Index**  
329
Illustrations and Tables

Illustrations

1. Mass shooting by an unidentified unit of the EGN in the Soviet Union, USHMM photo archive (#89063) \hspace{1cm} \textit{page 73}
2. A map that accompanied a secret undated report on the mass murder of Jews by EG A, used as evidence in the trial, USHMM photo archive (#03550) \hspace{1cm} 74
3. American army staffers organize stacks of German documents collected by war crimes investigators, USHMM photo archive (#03549) \hspace{1cm} 80
4. Defendants receive their indictments from Col. C.W. Mays, Marshal of the Military Tribunal, USHMM photo archive (#81980) \hspace{1cm} 89
5. Defendants, USHMM photo archive: Paul Blobel (#s 09921), Erwin Schulz (09926), Gustav Nosske (09928), Walter Haensch (09931), Werner Braune (09932), Erich Naumann (09935), Heinz Jost (09936), Ernst Biberstein (09938), Walter Blume (09940), Adolf Ott (09941), Otto Rasch (09943), Eduard Strauch (09944), Eugen Steimle (09922), Franz Six (09923), Sandberger (09924), Felix Rühl (09925), Otto Ohlendorf (09929), Matthias Graf (09930), Heinz Schubert (09933), Willy Seibert (09934), Lothar Fendler (09937), Emil Hausmann (09942), Waldemar Klingelhöfer (09939), Waldemar von Radetzky (09945) \hspace{1cm} 98
6. Ohlendorf in court, USHMM photo archive (#43038) \hspace{1cm} 148
7. Defendants in the dock, USHMM photo archive (#16813) \hspace{1cm} 197
8. Chief Prosecutor, Benjamin Ferencz in court, USHMM photo archive (#09918) \hspace{1cm} 210
9. Members of the prosecution team, USHMM photo archive (#16814) \hspace{1cm} 211
Illustrations and Tables

10. The Judges (Speight, Musmanno, and Dixon) of Military Tribunal II-A, USHMM photo archive (#16815) 253

Tables

1. Defendants and Their Rank 82
2. Age of Defendants 104
3. Education of the Defendants 121
4. Joining Date of Defendants 126
5. Joining Dates of the SA, SS, SD, and Gestapo 129
6. Einsatzgruppen Leaders 142
7. Einsatzkommando Leaders 143
8. Judgment and Sentences 259
9. Recommendations of the Advisory Board on Clemency (Peck Panel) 283
10. Recommendations of the Advisory Board on Clemency and John McCloy’s Decisions 287
11. Sentence Modifications of the Einsatzgruppen Leaders between 1948 and 1958 293
### Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCL 10</td>
<td>Control Council Law No. 10</td>
</tr>
<tr>
<td>CIC</td>
<td>Counter Intelligence Corps</td>
</tr>
<tr>
<td>HICOG</td>
<td>The Office of the American High Commissioner for Germany</td>
</tr>
<tr>
<td>IMT</td>
<td>International Military Tribunal</td>
</tr>
<tr>
<td>JA</td>
<td>Judge Advocate</td>
</tr>
<tr>
<td>JAD</td>
<td>Judge Advocate Division</td>
</tr>
<tr>
<td>JAG</td>
<td>Judge Advocate General</td>
</tr>
<tr>
<td>JCS</td>
<td>Joint Chiefs of Staff</td>
</tr>
<tr>
<td>Kripo</td>
<td>Kriminalpolizei or Criminal Police</td>
</tr>
<tr>
<td>NMT</td>
<td>Nuremberg Military Tribunals</td>
</tr>
<tr>
<td>NO</td>
<td>Nazi Organizations</td>
</tr>
<tr>
<td>OCCPAC</td>
<td>Office of the Chief of Counsel for the Prosecution of Axis Criminality</td>
</tr>
<tr>
<td>OCCWC</td>
<td>Office of the Chief of Counsel for War Crimes</td>
</tr>
<tr>
<td>OKW</td>
<td>Oberkommando der Wehrmacht</td>
</tr>
<tr>
<td>OMGUS</td>
<td>The Office of the Military Government, United States</td>
</tr>
<tr>
<td>RSHA</td>
<td>Reichssicherheitspolizei</td>
</tr>
<tr>
<td>RuSHA</td>
<td>Rasse- und Siedlungshauptamt</td>
</tr>
<tr>
<td>SD</td>
<td>Sicherheitsdienst</td>
</tr>
<tr>
<td>Sipo</td>
<td>Sicherheitspolizei</td>
</tr>
<tr>
<td>USHMM</td>
<td>United States Holocaust Memorial Museum</td>
</tr>
<tr>
<td>WCB</td>
<td>War Crimes Branch</td>
</tr>
<tr>
<td>WCR</td>
<td>War Crimes Records</td>
</tr>
</tbody>
</table>
Acknowledgments

Scholarly work is always the result of more than the efforts of the author; my work is no exception. I am profoundly grateful to my family, friends, and colleagues, for their support and encouragement of this project.

This book began as a dissertation at the University of Toronto, under the supervision of Michael Marrus. His guidance and supervision during the early phase of the project was invaluable. My doctoral committee members, Jacques Kornberg, Jim Retallack, and Ron Pruessen, offered useful and timely counsel, and Peter Black, the Chief Historian of the Center for Advanced Holocaust Studies at the USHMM, acted as the outside examiner and continues to offer his expertise and friendship.

The research for this project took me to thirteen different archives in the United States and Germany. I am indebted to each and every staff member, librarian, and archivist who helped in my endeavors. I am particularly grateful to Benjamin Ferencz, who shared his recollections about his experiences at Nuremberg and whose insight added flavor to the narrative, and to Henry Lea, a Nuremberg translator and Professor Emeritus at University of Massachusetts, Amherst, who read the manuscript from cover to cover and then met with me to discuss his recollections of the trial. Mr. Spinelli, the archivist at the Gumberg Library at Duquesne University gave me unlimited access to Michael Musmanno’s papers, and, with Al Lawson’s help, I filled in some of the gaps of Musmanno’s early career.

The research and writing of this book was made possible with the financial assistance of a number of organizations and institutions. Foremost among these was the University of Toronto, the O’Brien Humanitarian Trust, and the Visiting Scholars Program of the Center for Advanced Holocaust Studies at the United States Holocaust Memorial Museum in Washington, DC. I must also thank the Holocaust Educational Foundation, especially Zev Weiss, who has liberally supported my research over the years and allowed me to test my ideas in a variety of settings. The Province of New Brunswick,
Acknowledgments

the Joint Initiative for German/European Studies, and York University have also contributed. Finally, my home institution, Nipissing University, has been exceptionally generous in their support and funding of this project.

I am grateful to my many friends and colleagues for their assistance during the various stages of writing this book. I am especially indebted to Gerhard Weinberg, whose daily talks while I was a Fellow at the CAHS were particularly helpful, for his continuing support of my work. He is a true mentor. I would also like to thank Simone Gigliotti and Alex Rossino for their constant encouragement, critical assessments, and patience, and Richard Steigmann-Gall and Carla Shapiro, who, for more than a decade, have been faithful friends and colleagues. Special thanks go to the organizers and participants of the USHMM workshop on the Subsequent Nuremberg Trials I attended in July 2008, in particular to Robert Ehrenreich and Suzanne Brown-Fleming of the University Programs of the CAHS for funding the workshop and especially to Alexa Stiller and Kim Priemel for organizing and leading it. The expertise of Valerie Hebert, Lawrence Douglas, Jan Schulte, Dirk Poppmann, Jonathan Bush, and Paul Weindling helped me to finalize my ideas for this book. Finally, I must thank Stephen Tyas for freely sharing his knowledge of the Einsatzgruppen and for his willingness to engage in endless transatlantic discussions about Otto Ohlendorf.

Many friends have been unfailingly kind and supportive, especially Mitchell Webster, whose passion for this subject sometimes outweighs my own. Eva Plach, Blaine Chiasson, and Ronda Ward have been with me from the beginning of graduate school, and my friends Joe Savoie, Paul Salsman, Maureen Allain, Niole Vytas, and Alasdair Scott helped make Toronto a great place to live and work. At York University, Myra Rutherdale and Carolyn Podruchny befriended me immediately, as did George Urbaniaik, Steve Connor, and Erich Haberer at Wilfrid Laurier. Various other scholars have helped me along the way by answering questions I couldn’t answer on my own, including Doris Bergen, Christopher Browning, Jürgen Förster, Jeffrey Herf, Michael Kater, Konrad Kweit, Jurgen Matthäus, Devin Pendas, Dan Rogers, Phil Rutherford, Jim Waller, and Herb Ziegler. Special thanks to my family in the United States: Mary Wray and Tony and Pat Kostreba, who always ensured I had a roof over my head. Last, but not at all least, I owe special thanks to my colleagues at Nipissing University: Katrina Srigley, Gordon Morrell, Derek Neal, Gillian McCann, and Anne Clendinning especially are the most supportive friends a person could have.

Most of all, I extend special gratitude and love to my family: to my brother Jack and his family, who have always encouraged me, and to my sister Sarah, who shared her own expertise by reading and commenting on much of this book. She, my brother, and my parents, John and Barbara Earl, have always been my biggest cheerleaders and supported me in ways only a family can. I especially want to thank my father, John Earl, without whose
Acknowledgments

generosity of spirit and time I might never have started this project, let alone finished it. He has always been my inspiration.

Selections from Chapters Two and Four are reprinted in significantly revised form with permission from Northwestern University Press, Enigma Books, and Berghahn Books.