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**H – 1044**

**International Court of Justice**



**H1044 – 0001**

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23 July, 1946.  
Affidavits.



SUBMISSION OF AFFIDAVITS BY THE DEFENSE  
PURSUANT TO THE ORDER OF THE TRIBUNAL  
DATED 5 JULY 1946.

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23 July 1946.

COMMISSIONER:

George R. Taylor.

(THE COMMISSION CONVENED AT 1000 HOURS.)

THE S.D.

THE COMMISSIONER: The commission will convene for the purpose of hearing the affidavits of the SD as submitted by Dr. Gawlik. We are ready to proceed.

DR. GAWLIK: My first aim is to prove the tasks, aims and activities of the SD since its founding up to the establishment of the RSHA, and in connection with this that the SD did not take part in any conspiracy in order to commit crimes according to Article 6 of the statute, nor did it support any such conspiracy.

The affidavits covering this period of time are to support the testimony of Dr. Spaengler, who has been asked for and has not yet appeared for interrogation.

SD AFFIDAVIT NO. 27 SD has been made by Dr. Albert Karl Wilhelm <sup>Albert</sup> and refers first to the time between 1931 and 30 January, 1933. It speaks of first of the tasks and the offices of the leaders and lecturers, the meetings and the offices for the protection of the General SS. Then it goes on to say that the activities were entirely without

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importance. In the entire of Germany, there were about twenty to twenty five persons employed and about twenty to twenty five honorary persons doing this work. They had not been trained, there was no responsible net of confidence men. Every support or condition for an espionage system was lacking. The members did not attempt to support a group of conspirators. The activities were considered by the Republic as legal and referring from the time from January 30, 1933 until the establishment of the RSHA, the task of the SS intelligence organization gradually fell away altogether. In 1933 or in 1934, the SD main office of its own was established. The task was to observe and evaluate the information gleaned for the intellectual disputes of the party. From 1933 until 1936 there were not as yet a sufficient number of men or honorary men for a net of intelligence work or news service. In 1938 the Central Division 11,1 was done away with. This Department concerned itself with information concerning opponents. The central division 11,1 was further built up. The vital news service for the Inlands-SD was combined in Amt 111.

In 1939 there was an end to this development because of the placing of Amt 111 within the RSHA. No work was carried on in secret. Confidence men were not obliged to keep their activities secret. There were no spying activities, there was no close communion between the Gestapo and the SD. No orders were given to supervise election. The persecution of Jews did not belong to the tasks of the SD. The SD or parts of this organization did not take part in the Jewish boycott of 4 April 1933 and in the program of the 9th of November, 1938. There was no support of any conspiracy.

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THE COMMISSIONER: Are there any objections on the part of the prosecution to this affidavit?

CAPTAIN CONKLING: No objection.

THE COMMISSIONER: The affidavit, as submitted, will be marked SD No. 27 for identification.

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DR. GAWLIK: I now submit AFFIDAVIT SD NO. 28 by Dr. Albert Karl Wilhelm.

With this affidavit I want to refute the charge of the prosecution that the SD had the task to gather secret information about actual or probable opponents of the Nazi group so that proper steps for the destruction or for the injury of the opposition could be taken.

I refer here to the trial brief - Gestapo and SD statement of evidence 111 B, page 17 of the English text and page 16 of the German translation.

Dr. Albert Karl Wilhelm in his affidavit said that the SD was given the following task by Heydrich, first, that the carrying on of the intelligence and information service of the SD must be above and beyond individual cases, that the SD had not the task of finding out individual cases in order to have them suffer executively. This was the tasks of the police offices, which were organized for this purpose.

THE COMMISSIONER: Any objections to this affidavit as submitted?

CAPTAIN CONKLING: No objections.

THE COMMISSIONER: The affidavit as submitted will be marked SD AFFIDAVIT NO. 28 for identification.

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DR. GAWLIK: SD Affidavit No. 29 was given by Hans Timmermann.

This affidavit concerns itself with the tasks, aims and activities of the branch offices and the confidential agents, who worked there, and that in connection with this, that the aims, tasks and activities of the branch offices and confidential agents was not one of supporting any conspiracy or taking part in the committing of crimes against/peace, war or crimes against humanity.

In this affidavit, Timmermann says that the task of the confidential agents was to hand in objective reports concerning the general public feeling and thus take part in finding out what were the deeper possibility for any mal developments and irregularities. The confidential agents were not supposed to take part in the impunitive prosecution of individual persons. The names of confidential men were in principle not to be mentioned. These confidential agents did not belong to any secret conspiracy group with the aim of committing crimes against peace, war and humanity. The branch offices were not a link in the chain of an espionage organization for the purpose of keeping the conspirators and criminals in power, or supporting them, or in themselves taking part in crimes against peace, humanity or war.

THE COMMISSIONER: Any objections to the affidavit as submitted?

CAPTAIN CONKLING: No objections.

THE COMMISSIONER: Let the affidavit as submitted be marked

SD AFFIDAVIT NO. 29 for identification.

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DR. GAWLIK: The next is SD AFFIDAVIT NO. 30 given by Theodor Zeller. This affidavit treats with the repudiation of the charge of the prosecution, that the SD carried on its work in secret and refers to the trial brief against the Gestapo and SD, statement of affidavit 3-B, page 17 of the English text and page 16 of the German translation.

In this affidavit Zeller mentions that the activities of the SD were not secret.

THE COMMISSIONER: Are there any objections to the affidavit as submitted?

CAPTAIN CONKLING: No objections.

THE COMMISSIONER: The Affidavit, as submitted, will be marked for identification as SD AFFIDAVIT NO. 30.

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DR. GAWLIK: SD AFFIDAVIT NO. 31 is given by Dr. Laube Horst. It concerns the tasks, aims and activities of the officers employed within the SD as confidence men of the Reich state and community. In connection with this, that the aims, tasks and activities were not such as to support a conspiracy or commit crimes against peace, war or humanity. Dr. Laube Horst says in his affidavit that the employees who were employed within the SD as confidential agents never wanted to promote by means of their work any conspiracy for the preparation of an aggressive war or for the committing of crimes. They honestly endeavored to place their knowledge and experience in the service of peaceful inner and foreign political tasks.

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After the outbreak of war, they believed that they were obliged to support the Government by means of a defensive war by means of their activities within the SD. These officers have shown that their work was apart from any spying, boasting or agency work as far as their reports were concerned and adhered to the principles of law and justice of order, cleanliness and economy.

THE COMMISSIONER: Any objections to the submission of SD Affidavit No. 31?

CAPTAIN CONKLING: No objections.

THE COMMISSIONER: Let the affidavit as submitted be marked SD AFFIDAVIT NO. 31.

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DR. GAWLIK: SD AFFIDAVIT NO. 32 is given by Otto Ohlendorf. It is supposed to refute the charge of the prosecution that the SD was a part of the SS during the entire time from its founding until the end of the war, and introduction to the trial brief against the Gestapo and SD - page 12 of the English text and page 13 of the German Translation - argument and conclusion page 67 of the English text and page 61 of the German translation.

We want to prove that in the year 1934, the SD was an independant organization. In SD Affidavit No. 32 Ohlendorf says that since 1934 the development of the SD took part entirely apart from the tasks originally set by the SS. Only ten percent of the members of the SD inland intelligence service came from the General SS. By far the greatest majority of honorary workers and confidential men - about 90% of the members of the SD Inland were no SS members at all and did not become members. The fulfillment

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of the mission, as developed by the SD Inland itself was not bound to the person of the Reichsfuehrer SS but on the contrary, he restricted the development.

THE COMMISSIONER: Any objections to the affidavit as submitted?

CAPTAIN CONKLING: No objections.

THE COMMISSIONER: The affidavit as submitted will be marked SD AFFIDAVIT NO. 32 for identification.

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DR. GAWLIK: The next AFFIDAVIT SD NO. 33 was also submitted or made by Otto Ohlendorf. It contains the charges of the prosecution that the SD had played a role in the execution of one or more of the missions of the SS. (Indictment of the SS 11, page 8 of the German Translation.)

I wish to prove that this was no longer the case in the period since 1934. Otto Ohlendorf says in his affidavit the individual main offices, under the jurisdiction of Himmler, did not operate jointly or in cooperation automatically. It is not correct that the SD main office carried out a definite special mission within the frame-work of the SS. There was no main office that could in any manner be termed a leadership office. The SD-Inland Amt 111 of the RSHA received its work, aims and general activities not from a high command of the SS. This is also true of the fact that the duties as to work, aims and general activities were directly or indirectly not given as a supplement of the work, aims and general activities of the SS main offices. The SD-Inland was rather in-



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dependant of the tasks of the SS and police. It developed and carried on its activities as an independant organization.

THE COMMISSIONER: Any objections to the affidavit as submitted?

CAPTAIN CONKLING: No objections.

THE COMMISSIONER: Let the affidavit as submitted, be marked SD Affidavit No. 33 for identification.

Let SD Affidavits 32 and 33 be consolidated as one exhibit for the purpose of identification and for the further reason that the two affidavits were made by the same person. Dr. Gawlik do you have any objections?

DR. GAWLIK: No objections.

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DR. GAWLIK: Concerning my next argument, I submit three affidavits. AFFIDAVITS SD 34 - 35 and 36. These three affidavits refer to the fact that the SD and Gestapo have always been independant organizations and were not combined in a uniform police system. (Repudiation of the charge of the Prosecution Statement of Evidence 11 B and 111 B of the Trial Brief 9 and 17 of the English Translation.

SD AFFIDAVIT NO. 34 was made by Richard Hildebrandt and gives proof that by means of the Higher SS and Police Fuehrer a cooperation or a union of such a kind between the SD and the Gestapo did not take place. The higher SS and Police Fuehrer was not head of the SD-Inland. It was not his work to give any instructions concerning work, nor discipline the organization. The personal policy of the SD-Inland was completely independant of him.

THE COMMISSIONER: Are there any objections to this affidavit as submitted?

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COLONEL ORLOV: No objections.

THE COMMISSIONER: The affidavit, as submitted, will be marked  
SD AFFIDAVIT NO. 34 for identification.

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DR. GAWLIK: AFFIDAVIT SD NO. 35 made by Dr. Hoffmann, Karl-Heinz  
says that by means of the establishment of the office of inspectors of the  
Security Police and SD, the Gestapo and the SD were not united into a  
police system and one unified office.

THE COMMISSIONER: Are there any objections to the affidavit  
as submitted?

COLONEL SMIRNOV: No objections.

THE COMMISSIONER: Let the affidavit, as submitted, be marked  
SD AFFIDAVIT NO. 35 for identification.

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DR. GAWLIK: SD AFFIDAVIT NO. 36 submitted by Otto Ohlendorf  
proves that the decree of the Reichsminister of the Interior of November  
11, 1938 - PS 1638 - did not correspond to the actual relationship to  
the SD and Security Police, but only represents an intended regulation  
in the picture and therefore cannot be considered as proof that it belonged  
to the aims and tasks of the SD to support the Security Police.

THE COMMISSIONER: Any objections to the affidavit as submitted?

COLONEL SMIRNOV: We are of the opinion that statements in the  
affidavit are incorrect, but ~~has~~ the affidavit has been properly given and  
made it is impossible to raise an objection now, however, we shall submit  
our own affidavits later to refute them.

THE COMMISSIONER: The Commission grants this privilege to the

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prosecution on all these affidavits, but the record will show the objection to any affidavit as submitted.

I note from the record you have statements from Otto Ohlendorf in SD Affidavits 32, 33, 36, 40, 44 and 46. Is that the same person?

DR. GAWLIK: Yes.

THE COMMISSIONER: In order to clarify the record before the Tribunal, I suggest that we consolidate the six affidavits by Ohlendorf as one exhibit in order that he may get his testimony before the Tribunal in one affidavit rather than in six affidavits. Any objections, Dr. Gawlik?

DR. GAWLIK: No objections.

THE COMMISSIONER: Let the record show that SD AFFIDAVITS NOS. 32, 33, 36, 40, 44 and 46 are consolidated for the purpose of the record in submission to the Tribunal.

Let the affidavits submitted be marked SD AFFIDAVIT NO. 36.

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DR. GAWLIK: I now submit Affidavits Nos. 37 and 38, which are a supplement to the affidavit of DR. Wilhelm Hoettle - PS 2614 of November 5, 1945. Both affidavits refer to the fact that Hoettle was only employed with the SD-Inland in Austria and that he does not have a sufficient knowledge of the tasks, aims and activities of the SD-Inland within the boundaries of December 31, 1937. (The tasks and objectives of the SD III B of the Trial Brief, page 18 of the English text.)

SD AFFIDAVIT by Dr. Wilhelm Hoettle says that he was employed within the SD service sector in Vienna from March, 1938 until the summer of 1939, that later he was only employed in the foreign intelligence service division. He does not know of the activities of the SD-Inland within the



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German Reich proper. He says that the knowledge concerning the tasks, aims and activities of the SD-Inland within the German Reich proper were established in the main on the basis of reports. These reports did not show that the SD-Inland was taking part in a conspiracy for the committing of crimes against peace, war and humanity. The SD did not possess any immediately influence on the selection of the leaders of the party.

COLONEL ORLOV: I have an objection against this affidavit as it is not in accord with the rules concerning the submission of affidavits by the Defense pursuant to the order of the Tribunal dated July 5, 1946.



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COLONEL ORLOV: I have an objection against this affidavit. The Witness, Dr. Hoettl, who himself was employed by the SD is basing his testimony solely on, as I mentioned before, these reports, and these reports are of no importance or interest to this Commission.

DR. GAULIK: I quite agree with the Russian Prosecutor that Dr. Hoettl is not a well enough informed witness, but Dr. Hoettl is a witness for the Prosecution, and this sworn affidavit has been submitted by me in order to prove that the witness is incompetent to testify. I am grateful for the fact that the Russian Prosecutor agrees with me.

COLONEL SMIRNOV: The matter at issue here is to find out whether the affidavit submitted by Dr. Hoettl was used to establish positive or negative facts.

DR. GAULIK: The affidavit by Dr. William Hoettl was submitted by the Prosecution in support of it's indictment of the SD.

MR. TAYLOR: Colonel Orlov, the affidavit as submitted was for the purpose of refuting the statement and affidavit of the affiant as submitted in the Prosecution brief, on page 18 of the Prosecution brief.

DR. GAULIK: I want to disprove what the Russian Prosecutor has just said, that is, that Hoettl has not a sufficient knowledge concerning this topic or this theme.

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COLONEL ORLOV: Could we have a short recess to read this affidavit?

MR. TAYLOR: Yes, the Commission will recess for ten minutes.

(A ten minute recess is taken)

COLONEL SMIRNOV: Mr. Commissioner, I am of the opinion that the ~~supplement~~ supplement of the affidavit by Dr. Hoettl should not be accepted. The affidavit as has been submitted does not only concern the German Reich proper but also the occupied territories, and speaks of the territories within the Reich, as well as in the occupied territories after 1938 and 1938, whereas, the supplement also refers to this and nothing new can be added to what has already been said in the first affidavit. Therefore, the supplement to the first affidavit should not be accepted.

CAPTAIN CONKLIN: I think it is well understood that the SD is pretty much the same in Austria and Germany in their tasks, and as long as the man Hoettl was a qualified member in Austria, I think it is immaterial whether he belonged to the SD in the German Reich and knew their plan.

MR. TAYLOR: I think it is all right. For the purpose of the record let it be noted that the Russian

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Prosecution and the American Prosecution have objected to the affidavit, which is marked SD No. 37 for identification, as being irrelevant, and that the objection will be submitted to the Tribunal for their ruling. The affidavit itself will be ~~marked~~ marked SD #37 for identification.

DR. GAULIK: I should like to add that I do not want to prove with this affidavit anything concerning the activities and objectives of the SD. My sole purpose in submitting this affidavit is to prove that Dr. Hoettl was employed with the SD from March 1938 until the summer of 1939 in Germany.

MR. TAYLOR: Very well, the record will show that. What about affidavit No. 38 now?

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DR. GAULIK: Affidavit No. 38 was submitted by Thee Gahrmann. Thee Gahrmann refutes the statement of Hoettl concerning the activities of Group III B. Group III B did not issue any instructions or directives in writing nor orally, which showed that the SD considered the foreign workers in Germany inferior. The instructions of Ampt III B rather were issued with the purpose of telling about the attitude and opinions of the foreign workers in the different spheres of life.

MR. TAYLOR: Is there any objection to affidavit No. 38?

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COLONEL ORLOV: No objection.

MR. TAYLOR: Let the affidavit submitted be marked SD No. 38 for identification.

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DR. GAULIK: The next affidavit, SD No. 39, was given by Adam Foertsch and ~~concerns~~ ~~concerns~~ the repudiation of the charge of the Prosecution that the SD had an immediate and authoritative influence upon the selection of the Nazi leaders. (See trial brief against the Gestapo and the SD, Statement of Evidence III B, page 18 of the English text) Mr. Foertsch says in his affidavit that in the former gau of upper Bavaria the SD had no material or authoritative influence upon ~~thex~~ the selection of the party leaders.

COLONEL ORLOV: No objection.

MR. TAYLOR: The affidavit submitted will be marked ~~XX~~ SD No. 39 for identification.

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DR. GAULIK: My next affidavit is SD No. 40, by Otto Ohlendorff, and is supposed to replace the testimony of Seibert, whom I asked for and applied for and who has not yet appeared here. This affidavit concerns itself with the aims, tasks and activities of Group III-D of the



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RSHA, and in ~~xxxxx~~ connection with this that Group III D did not support any conspiracy and did not take part in the committing of crimes against peace, war crimes and crimes against humanity. Otto Ohlendorff says in his affidavit that it was the task of Group III D to the office that concerned themselves with economic questions concerning any mal developments which had been worked out by the numerous trained, confidential agents, and thus to observe especially any critical voices within the population and to make positive suggestions.

GROUP III D, Economy of the SD, especially did not take part in the deportation of nationals of the occupied territories for forced labor and in the control of these foreign laborers.

MR. TAYLOR: Any objection to the affidavit as submitted?

COLONEL ORLOV: No objection.

MR. TAYLOR: For the purpose of the record let the affidavit be marked SD No. 40 for identification and reference made to the other affidavit submitted.

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DR. GAWLIK: AFFIDAVIT #41 to #46, inclusive refer to the Einsatzgruppen, Actions Group in the East, and these affidavits refer to war crimes. (See Statement of Evidence # VI A of the Trial Brief, page 25 of the English text). The first affidavit SD #41, submitted by KARL HEINZ BENDT, speaks (a) of the action groups with the Army Groups, A, B, C, D, and that they did not belong to the organization of the inland SD, Amt III, R.S.H.A. (b) The members of the inland SD, Amt III, R.S.H.A. had in general no knowledge of the mass executions in the East.

CAPT. CONKLIN: No objection.

MR. TAYLOR: Let the affidavit be marked SD #42.

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DR. GAWLIK: SD #42, submitted by WALTER SCHELLENBERG says that the Action Groups employed with the Army Groups, A, B, C, D in the East did not belong to the foreign intelligence service, Amt VI, R.S.H.A.

CAPT. CONKLIN: No objection.

MR. TAYLOR: Since there is no objection, let the affidavit be marked SD #42.

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DR. GAWLIK: SD #43, HEINZ WANNINGER says that the Action groups were not composed of volunteers.

MR. TAYLOR: Any objection to the affidavit?

CAPT. CONKLIN: No.

MR. TAYLOR: The affidavit will be marked SD #43.

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DR. GAWLIK: SD #44, also by OTTO OHLENDORF says that with the Action Groups, A,B,C,D, no parts of the organization of the SD offices III, VI and VII were used.

MR. TAYLOR: Let the affidavit be marked SD #44.

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DR. GAWLIK: SD #45 by ERWIN SCHULZ says that the selection of Chiefs of the Actions Groups and of the action commandos did not take place according to their previous capacities, nor according to their activities as Chiefs of Office, Gruppenleiter, or Consultant in the offices of the R.S.H.A. or as an inspector of the Security Police and SD in a definite sector or as a Chief of Office of a group of the Security Police or SD.

MR. TAYLOR: Any objection.

The affidavit will be marked SD #45 for identification.

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DR. GAWLIK: Affidavit #46 also by OTTO OHLENDORF says that the Action Groups with the Army Groups, A,B,C,D were special organizations.

MR. TAYLOR: Any objections to the affidavit?

Let the affidavit be marked SD #46 for identification.

For the purpose of submitting to the Tribunal, reference is made to affidavits #46, 44, 40, 36, 33 and 32, being made by the same affiant, Otto Ohlendorf.

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DR. GAWLIK: My next three affidavits SD #47, 48, and 49 are to prove that the members of the service districts of the branch offices and the confidence men had no knowledge of the activities of the Action Groups employed in the East.

As follows, SD #47 made by WILHELM DYROFF for Gau Sued-Hannover, Braunschweig; SD #48 by KARL HEINZ BENDT, for SD Senior Sector ~~North~~ North, Stettin, Breslau, Duesseldorf; SD #49, ~~OTT~~ ADOLF OTT, for the SD Sector Neustadt, Weinstrasse and Saarbruecken.

MR. TAYLOR: Any objection to the affidavits?

Let the affidavits be marked SD #47, 48, and 49 for identification.

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DR. GAWLIK: My next affidavit, SD #50 by HEINZ WANNINGER, is to prove that Puetz was an official of the Gestapo, and not as mentioned on Page 26 of the

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English Text of the Trial Brief against the Gestapo and SD, a member of the SD.

MR. TAYLOR: Any objections to the affidavit?

Affidavit as submitted will be marked SD #50 for  
identification.

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DR. GAWLIK: The next affidavit SD #51 by WALTER SCHELLENBERG refers  
to crimes against war. Statement of Evidence VI F of the Trial Brief, Page 54 of  
the English Text). Statement of Evidence - the SD had no hand in lynching justice.  
Schellenberg says as a supplement to the affidavit of 18 November 1945, 2990 P.S.:  
"The hostile attitude towards English and American aviators was not to be promoted  
by the SD, but by the Security Police."

CAPT. CONKLIN: No objection.

MR. TAYLOR: Let the affidavit be marked SD #51 for identification.

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DR. GAWLIK: My next affidavit is SD #52 by WILHELM KEITEL, referring to  
the following. In the documents of the indictment, 553 P.S., 498 P.S. and 532 P.S.,  
the Security Police is to be understood by any reference to the SD not the inland  
intelligence service Amt III nor the foreign intelligence service Amt VI or Amt VII.  
In this affidavit Keitel says: "During the ~~trial~~ trial in Nurnberg, I realized that the  
conception which is also prevalent in military circles concerning the ~~tasks~~ tasks and  
work of the SD as a police executive organ is not correct. It is rather the case that  
very often in military language and in regulations, the letters SD are mentioned - if  
on the other hand the competent organ of police with executive power is really meant.  
Therefore, it really should have said Chief of Security Police and SD, instead of just  
the abbreviation SD. As far as the high command of the Army is concerned, I can de-  
clare that in some of the offices, there was a mistaken conception concerning the  
authority of the SD in this respect, and that this has led to a wrong use of the  
abbreviation SD."

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MR. TAYLOR: Any objection to the affidavit?

COL. SMIRNOV: No objection.

MR. TAYLOR: The affidavit submitted will be marked SD #52 for identification.

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DR. GAWLIK: The next affidavit, SD #53 by EMIL PROESCHEL, refers to the persecution of the Jews. (Statement of Evidence VII A, page 60 of the English text of the Trial Brief). Proeschel says that the SD did not have a hand in Anti-Semitic programs of the year 1938.

MR. TAYLOR: Any objection?

The affidavit submitted will be marked SD #53 for identification.

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DR. GAWLIK: The next affidavit #54 refers to the persecution of the Jews in France. The affidavit was submitted by DR. HOERST ~~KAMBEKE~~ LAUBE, and he says that the SD did not have a hand in Jewish persecutions in France.

CAPT. CONKLIN: No objection.

MR. TAYLOR: Affidavit will be marked SD #54 for identification

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of THEO GAHRMANN

DR. GAWLIK: Next affidavit/concerns itself with the persecution of the church. Statement of evidence VII-B, page 63 of the English translation of the Trial Brief. "The activities of the church commission of the SD was not to bring about measures to persecute the church. The reports of the SD only were to give leadership an indication of the religious movement within the various denominations and the result of measures by the leadership groups. The confidence men of the SD did not serve as spies to cooperate with the Gestapo activities against church members. The SD Amt III did not concern itself at all with any church questions. The church committee of the Gestapo was not the successor of ~~Abteilung~~ Abteilung II/13."

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MR. TAYLOR: Any objections?

Affidavit as submitted will be marked SD #55 for identification.

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DR. GAWLIK: The next affidavit is supposed to take the place of

HELMUT FROMM who already ~~xx~~ had been accepted as a witness, but could not be heard any more. I want to prove with this the duties, goals, and activities and methods of the SD in the Government General, and its connection with the fact that the members of the SD which were active in the Government General did not aid in the conspiracies and in the carrying out of crimes, according to article VI of the statute. "In the Government General there was no cooperation between the SD and the Gestapo. The Abteilung III were separated both by organization in their duties and activities from the offices of the Security Police. Persons which had to do nothing were not connected with the SD or Amt III seem to be members of the SD in the Government General. The SD with the Government General only had the intelligence goal. The SD in the Government General did not participate in the conspiracy. The SD did not have a special function in the ~~General~~ Government General to find out and to execute persons that were racially or politically unwanted. The SD in the Government General was not responsible for the erection and the administration of concentration camps or for the extermination camp through forced labor and mass murder. The SD did not carry or did not have to carry out the measures which are mentioned in documents L-37, L-53, and L-63. The Sd did not have any prisons in the Government General. The only prisons ~~of the~~ were of the Gestapo. The SD did not participate in the deportation of citizens of the occupied territories in the Government General."

MR. TAYLOR: Any objections to the affidavit?

CAPT. CONKLIN: No objections.

MR. TAYLOR: Affidavit will be marked SD #56 for identification.

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DR. GAWLIK: I want to prove my next four documents, Nos. 57 to 60 inclusive, that the membership of the SD and Amt III was usually not voluntary but having its basis in the decree of an order.

SD No. 57 being Bernhard Dilger, formerly of Gau Kaernten. Membership of the SD was according to official order 57.2 percent of male, and 53.8 percent of female members; 55.9 percent of all members of the SD belonged to the organization due to result of official decrees.

COLONEL SMIRNOV: I believe that it would be better instead of presenting these affidavits, the defense would present these official decrees according to which these people were joined. I think then we could judge as to the percentage of the people that had to go to the organization.

DR. GAWLIK: I don't know for sure right now, but I believe I do have that decree in my document book. However, if I do not, I, of course, am ready to introduce this document into my document book.

COLONEL SMIRNOV: I believe it is only possible for us to discuss these affidavits, if we have the decrees in front of us, and if we can look at that decree, because I personally do not believe that such a decree does actually exist.

MR. TAYLOR: The defense having stated that it would submit the decree in ~~this~~ <sup>its</sup> document book, with that understanding the affidavits Nos. 57, 58, 59 and 60 will be received and marked for identification.

DR GAWLIK: Yes. SD No. 58, Dr. Hans Ehlich. The composition of Group 3B; the membership of 85 percent of the members of Group 3B was due to official decrees. The 3 Abteilungsleitern section chiefs, two belonged to the SD due to this official order. 82 percent of the experts, and committee members belonged to the SD due to these official orders.

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SD No. 59, Karl-Heins Bendt. SD-Leitabschnitt Duesseldorf. The 31 male members 15 belonged to the SD due to official decrees - individual membership due to official decrees of 3 section chiefs only; of 4 aids three; of 11 liaison chiefs four; of 7 managers of liaison positions three, and of 6 aids four.

SD No. 60. Adolf Ott. SD-Abschnitt Saarbruecken, Gaugebiet Saarpfalz einschliesslich Lothringen. 76 members of which 34 belonged to the SD due to official orders.

The next two affidavits, Nos. 61 and 62, concern themselves with Amt VI, and so far I have not presented any witnesses, or any affidavits concerning Amt VI, and therefore this summary of 61 is a little bit more sensitive.

The duties, goals and activities of Amt VI, especially that it was not one of the duties, activities and goals of Amt VI to aid a conspiracy, or crimes against the peace, war crimes, or crimes against humanity. Also the organization of Amt VI was completely independent<sup>and</sup>/of membership of the organization of Amt VI was in general not voluntary due to official decrees; and, further, that the activity of Group VIS was not generally known, partly not even to the chief of Amt VI.

SD No. 61, Walter Schellenberg. The Foreign Intelligence Service, Amt VI was an independant organization which was in no connection with Amt III, IV, or VII, or the ISHA, and the SS. One can speak of an official connection with Amt III and VII only partially, and with certain limitations. The Amt VI did not participate in a conspiracy to carry out crimes according to Article 6 of the Statute, and which did not aid in such conspiracy in any way. The reasons and activities of Group VIS were not completely open, and partly were known only to a small circle, and partly was not known at all to members of Amt VI.



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Amt IV did not participate in war crimes, as there mentioned in the trial brief against the Gestapo and SD under No. 4A-2L.

DR. GAWLIK: 6A.

THE INTERPRETER: 6A-2L, and it was not used to carry out these crimes. The Amt VI did not give any orders concerning mass executions in the East. The members of Amt VI did not know of the executions which were carried out by special commandos in the East. A large part of the personnel of the Foreign Information, or Foreign Intelligence Service of Amt VI and military were not volunteers, but rather their activity was due to so-called labor crafts law, and in the cases of offices, soldiers, and civil service employees, it was due to official commands, which means transfers without regarding the wishes of the individual. The numbers of those members which were not voluntary in the Foreign Intelligence Service until 1943 was about thirty-five percent; 1944 was far over fifty percent.

MR. TAYLOR: Let the affidavits submitted with no objection be marked SD 61 for identification.

CAPTAIN CONKLIN: There is no objection.

DR. GAWLIK: SD No. 62, Walter Schellenberg, SD-Ausland only existed until 14 February 1944, and at that time was incorporated due to its fusion with the military counter intelligence into a new organization of secret information service.

MR. TAYLOR: There being no objection, let the affidavit be marked SD 62 for identification.

DR. GAWLIK: The next affidavit No. 63 concerned itself with Amt VII. I want to state here especially I did not hand in any affidavits concerning Amt VII; so far I did not question any witness concerning their

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organization.

COLONEL SMIRNOV: If I am not mistaken Amt VII does not belong to the accused criminal organization. If I am not mistaken it was only III, IV and VI that were accused of being in a criminal organization.

DR. GAWLIK: I do agree heartily with the Russian Prosecutor. I myself am not sure whether or not Amt VII is among the accused organization. However, up to now the prosecution has never made this point clear, therefore, it was my duty as defense lawyer to defend Amt VII with all the others

~~COLONEL SMIRNOV~~: I refer when I make this statement to the indictment which accuses Amt III, IV and VI, but which does not mention Amt VII. That is correct only in the indictment where only Amt III, IV and VI are mentioned. However, the indictment also speaks of the SD as a unit. If the prosecution agrees with me, and states that Amt VII is not among the accused organization, then, of course, I will recall the affidavit.

MR. TAYLOR: The objection of the prosecution will be noted by the Tribunal, and for the purpose of the record the affidavit will be marked SD 63 for identification; provided there is no charge against Amt VII, the affidavit, of course, is surplusage, and is of no value, but in order to make the record the Commission is going to receive the affidavit into evidence.

DR. GAWLIK: SD No. 63, Dr. Paul Dittel. Amt VII was completely independent organization aside from the interior intelligence service from Amt III, and Foreign Intelligence Service VI. The members of Amt VII did not know there was a secretive plan to carry out crimes against the peace, of war crimes, and crimes against humanity. It was not the duty of Amt VII to carry out spy duties for the Gestapo. Amt VII did not cooperate in war crimes listed under 6A or L. Amt VII did not have a duty to prosecute the Jews

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and the church.

MR. TAYLOR: Let's go to No. 64.

DR. GAWLIK: SD affidavit No. 64 concerns itself with the Immigration Central Office . This is a repudiation of the statement that the Immigration Central Office had the duties to evacuate certain areas, with a goal of continued colonization of occupied territories, or the destruction of the national existence, and, therefore, to further German influence, (trial brief against the SS 3-G, page 33 and 35 in the German translation )

MR. TAYLOR: Any objections to the affidavit?

CAPTAIN CONKLIN: No objection.

DR. GAWLIK: SD No. 64, Martin Sandberger, Immigration Office, did not have the duty to evacuate people from occupied territories in order to colonize these occupied territories, or to destroy the national existence in order to insure a continual enlargement of the German borders.

MR. TAYLOR: There being no objection, the affidavit will be marked SD No. 64 for identification. Any further affidavits?

DR. GAWLIK: No, that is all. I have no more.

MR. TAYLOR: ~~Then~~ The Commission will adjourn until two o'clock.

(The Commission adjourned for noon recess until 1400 hours)



H1044-0028

The foregoing is a true and correct transcript of the submission  
of Affidavits by DR. GAWLIK, taken on 23 July 1946.

Alice Muehan  
Reporter (pp 1-11)

Rose W. Cook  
Reporter (pp 12-16)

Bernice M. (M.?)  
Reporter (pp 17-21)

Charles Gallagher  
R.F.P. (pp 22-26)

CERTIFIED TO ::

Scott Taylor  
Commissioner



23 July-MH-1



H1044-0029

SUBMISSION OF AFFIDAVITS BY THE  
DEFENSE PURSUANT TO THE ORDER OF THE  
TRIBUNAL DATED 5 JULY 1946.

23 July 1946.

COMMISSIONER :

George R. Taylor.

(THE COMMISSION CONVENED AT 1000 HOURS.)

THE S.D.

THE COMMISSIONER : The commission will convene for the purpose of hearing the affidavits of the SD as submitted by Dr. Gavlik. We are ready to proceed.

DR. GAVLIK : My first aim is to prove the tasks, aims and activities of the SD since its founding up to the establishment of the RSHA, and in connection with this that the SD did not take part in any conspiracy in order to commit crimes according to Article 6 of the statute, nor did it support any such conspiracy.

The affidavits covering this period of time are to support the testimony of Dr. Spaengler, who has been asked for and has not yet appeared for interrogation.

SD AFFIDAVIT NO. 27 SD has been made by Dr. Albert Karl Wilhelm Albert and refers first to the time between 1931 and 30 January, 1933. It speaks of first of the tasks and the offices of the leaders and lecturers, the meetings and the offices for the protection of the General SS. Then it goes on to say that the activities were entirely without importance. In the entire of Germany, there were about twenty to twenty five persons employed and about to twenty five honorary persons

doing this work. They had not been trained, there was no responsible net of confidence men. Every support or condition for an espionage system was lacking. The members did not attempt to support a group of conspirators. The activities were considered by the Republic as legal and referring from the time from January 30, 1933 until the establishment of the RSHA, the task of the SS intelligence organization gradually fell away altogether. In 1933 or in 1934, the SD main office of its own was established. The task was to observe and evaluate the information gleaned for the intellectual disputes of the party. From 1933 until 1936 there were not as yet a sufficient number of men or honorary men for a net of intelligence work or news service. In 1938 the Central Division 11,1 was done away with. This Department concerned itself with information concerning opponents. The central division 11,1 was further built up. The vital news service for the Inlands-SD was combined in Amt 111.

In 1939 there was an end to this development because of the placing of Amt 111 within the RSHA. No work was carried on in secret. Confidence men were not obliged to keep their activities secret. There were no spying activities, there was no close communion between the Gestapo and the SD. No orders were given to supervise election. The persecution of Jews did not belong to the tasks of the SD. The SD or parts of this organization did not take part in the Jewish boycott of 4 April 1933 and in the program of the 9th of November, 1938. there was no support of any conspiracy.

THE COMMISSIONER : Are there any objections on the part of the prosecution to this affidavit?

CAPTAIN CONKLING : No objections.

THE COMMISSIONER : The affidavit, as submitted, will be marked SD No. 27 for identification.

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DR. GANLIK : I now submit AFFIDAVIT SD NO. 28 by  
Dr. Albert Karl Wilhelm.

With this affidavit I want to refute the charge of the prosecution that the SD had the task to gather secret information about actual or probable opponents of the Nazi group so that proper steps for the destruction or for the injury of the opposition could be taken.

I refer here to the trial brief - Gestapo and SD statement of evidence 111 B, page 17 of the English text and page 16 of the German translation.

Dr. Karl Albert Wilhelm in his affidavit said that the SD was given the following task by Heydrich, first, that the carrying on of the intelligence and information service of the SD must be above and beyond individual cases, that the SD had not the task of finding out individual cases in order to have them suffer executively. This was the tasks of the police offices, which were organized for this purpose.

THE COMMISSIONER: Any objections to this affidavit as submitted?

CAPTAIN CONKLING : No objections.

THE COMMISSIONER : The affidavit as submitted will be marked SD AFFIDAVIT No. 28 for identification.

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DR. GANLIK : SD Affidavit No. 29 was given by Hans T. Zimmermann. This affidavit concerns itself with the tasks, aims and activities of the branch offices and the confidential agents, who worked there, and that in connection with this, that the aims, tasks and activities of the branch offices and confidential agents was not one of supporting any conspiracy or taking part in the committing of crimes against peace, war or crimes against humanity.



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In this affidavit, Tirmormann says that the task of the confidential agents was to hand in objective reports concerning the general public feeling and thus take part in finding out what were the deeper possibilities for any mal developments and irregularities. The confidential agents were not supposed to take part in the impulsive prosecution of individual persons. The names of confidential men were in principle not to be mentioned. These confidential agents did not belong to any secret conspiracy group with the aim of committing crimes against peace, war and humanity. The branch offices were not a link in the chain of an espionage organization for the purpose of keeping the conspirators and criminals in power, or supporting them, or in themselves taking part in crimes against peace, humanity or war.

THE COMMISSIONER : Any objections to the affidavit as submitted?

CAPTAIN CONKLING : No objections.

THE COMMISSIONER : Let the affidavit as submitted be marked SD AFFIDAVIT No. 29 for identification.

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DR. GAWLIK : The next is SD AFFIDAVIT NO. 30 given by Theodor Zeller. This affidavit treats with the repudiation of the charge of the prosecution, that the SD carried on its work in secret and refers to the trial brief against the Gestapo and SD, statement of affidavit 5-B, page 17 of the English text and page 16 of the German translation.

In this affidavit Zeller mentions that the activities of the SD were not secret.





THE COMMISSIONER : Are there any objections to the affidavit as submitted ?

CAPTAIN CONKLING : No objections.

THE COMMISSIONER : The Affidavit, as submitted, will be marked for identification as SD AFFIDAVIT NO. 30.

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DR. GAWLIK : SD AFFIDAVIT NO. 31 is given by Dr. Laube Horst. It concerns the tasks, aims and activities of the officers employed within the SD as confidence men of the Reich state and community. In connection with this, that the aims, tasks and activities were not such as to support a conspiracy or commit crimes against peace, war or humanity. Dr. Laube Horst says in his affidavit that the employees who were employed within the SD as confidential agents never wanted to promote by means of their work any conspiracy for the preparation of an aggressive war or for the committing of crimes. They honestly endeavoured to place their knowledge and experience in the service of peaceful inner and foreign political tasks. After the outbreak of the war, they believed that they were obliged to support the Government by means of a defensive war by means of their activities within the SD. These officers have shown that their work was apart from any spying, boasting or agency work as far as their reports were concerned and adhered to the principles of law and justice of order, cleanliness and economy.

THE COMMISSIONER : Any objections to the submission of SD Affidavit No. 31.

CAPTAIN CONKLING : No objections.



THE COMMISSIONER : Let the affidavit as submitted be marked  
SD AFFIDAVIT NO. 31.

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DR. GAYLIK : SD AFFIDAVIT NO. 32 is given by Otto Ohlendorf. It is supposed to refute the charge of the prosecution that the SD was a part of the SS during the entire time from its founding until the end of the war, and introduction to the trial brief against the Gestapo and SD - page 12 of the English text and page 13 of the German Translation - argument and conclusion page 67 of the English text and page 61 of the German translation.

We want to prove that in the year 1934, the SD was an independent organization. In SD Affidavit No. 32 Ohlendorf says that since 1934 the development of the SD took part entirely apart from the tasks originally set by the SS. Only ten percent of the members of the SD inland intelligence service came from the General SS. By far the greatest majority of honorary workers and confidential men - about 90 % of the members of the SD Inland were no SS members at all and did not become members. The fulfillment of the mission, as developed by the SD Inland itself was not bound to the person of the Reichsfuehrer SS but on the contrary, he restricted the development.

THE COMMISSIONER : Any objections to the affidavit as submitted?

CAPTAIN CONKLING : No objections.

THE COMMISSIONER : The affidavit as submitted will be marked SD AFFIDAVIT No. 32 for identification.

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DR. GAWLIK : The next AFFIDAVIT SD NO. 33 was also submitted or made by Otto Ohlendorf. It contains the charges of the prosecution that the SD had played a role in the execution of one or more of the missions of the SS. (Indictment of the SS 11, page 8 of the German Translation.)

I wish to prove that this was no longer the case in the period since 1934. Otto Ohlendorf says in his affidavit the individual main offices, under the jurisdiction of Himmler, did not operate jointly or in cooperation automatically. It is not correct that the SD main office carried out a definite special mission within the frame-work of the SS. There was no main office that could in any manner be termed a leadership office. The SD-Inland Amt III of the RSHA received its work, aims and general activities not from a high command of the SS. This is also true of the fact that the duties as to work, aims and general activities were directly or indirectly not given as a supplement of the work, aims and general activities of the SS main offices. The SD-Inland was rather independent of the tasks of the SS and police. It developed and carried on its activities as an independent organization.

THE COMMISSIONER : Any objections to the affidavit as submitted?

CAPTAIN CONKLING : No objections.

THE COMMISSIONER : Let the affidavit as submitted, be marked SD Affidavit No. 33 for identification.

Let SD Affidavits 32 and 33 be consolidated as one exhibit for the purpose of identification and for the further reason that the two affidavits were made by the same person. Dr. Gawlik do you have any objections?

DR. GAWLIK : No objections.

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DR. GIL LIK : Concerning my next argument, I submit three affidavits. AFFIDAVITS SD 34 - 35 and 36. These three affidavits refer to the fact that the SD and Gestapo have always been independent organizations and were not combined in a uniform police system. (Repudiation of the charge of the Prosecution Statement of Evidence 11 B and 111 B of the trial Brief 9 and 18 of the English Translation.

SD AFFIDAVIT NO. 34 was made by Richard Hildebrandt and gives proof that by means of the Higher SS and Police Fuehrer a cooperation or a union of such a kind between the SD and the Gestapo did not take place. The higher SS and Police Fuehrer was not head of the SD-Inland. It was not his work to give any instructions concerning work, nor discipline the organization. The personal policy of the SD-Inland was completely independent of him.

THE COMMISSIONER : Are there any objections to this affidavit as submitted ?





COLONEL ORLOV: No objections.

THE COMMISSIONER: The affidavit, as submitted, will be marked SD  
AFFIDAVIT NO. 34 for identification.

\* \* \* \* \*

DR. GAWLIK: Affidavit SD No. 35 made by Dr. Karl-Heinz Hoffmann, says that by means of the establishment of the office of inspectors of the Security Police and SD, the Gestapo and the SD were not united into a police system and one unified office.

THE COMMISSIONER: Are there any objections to the affidavit as submitted?

COLONEL SMIRNOV: No objections.

THE COMMISSIONER: Let the affidavit, as submitted, be marked SD Affidavit No. 35 for identification.

\* \* \* \* \*

DR. GAWLIK: SD Affidavit No. 36 submitted by Otto Ohlendorf proves that the decree of the Reichsminister of the Interior of November 11, 1938 -- PS-1638 -- did not correspond to the actual relationship to the SD and Security Police, but only represents an intended regulation in the picture and therefore cannot be considered as proof that it belonged to the aims and tasks of the SD to support the Security Police.

THE COMMISSIONER: Any objections to the affidavit as submitted?

COLONEL SMIRNOV: We are of the opinion that statements in the affidavit are incorrect, but as the affidavit has been properly given and made, it is impossible to raise an objection now, however, we shall submit our own affidavits later to refute them.

THE COMMISSIONER: The Commission grants this privilege to the prosecution on all these affidavits, but the record will show the objection to any affidavit as submitted.

I note from the record you have statements from Otto Ohlendorf in SD Affidavits 32, 33, 36, 40, 44 and 46. Is that the same person?

DR. GAWLIK: Yes

THE COMMISSIONER: In order to clarify the record before the Tribunal, I suggest that we consolidate the six affidavits by Ohlendorf as one exhibit in



order that he may get his testimony before the Tribunal in one affidavit rather than in six affidavits. Any objections, Dr. Gawlik?

DR. GAWLIK: No objections.

THE COMMISSIONER: Let the record show that SD Affidavits Nos. 32, 33, 36, 40, 44 and 46 are consolidated for the purpose of the record in submission to the Tribunal.

Let the affidavit as submitted be marked SD Affidavit No. 36.

\* \* \* \* \*

DR. GAWLIK: I now submit Affidavits Nos. 37 and 38, which are a supplement to the affidavit of Dr. Wilhelm Hoettle -- PS 2614 of November 5, 1945. Both affidavits refer to the fact that Hoettle was only employed with the SD-Inland in Austria and that he does not have a sufficient knowledge of the tasks, aims and activities of the SD-Inland within the boundaries of December 31, 1937. (The tasks and objectives of the SD III B of the Trial Brief, page 18 of the English text.)

SD Affidavit by Dr. Wilhelm Hoettl says that he was employed within the SD service sector in Vienna from March, 1938 until the summer of 1939, that later he was only employed in the foreign intelligence service division. He does not know of the activities of the SD-Inland within the German Reich proper. He says that the knowledge concerning the tasks, aims and activities of the SD-Inland within the German Reich proper were established in the main on the basis of reports. These reports did not show that the SD-Inland was taking part in a conspiracy for the committing of crimes against peace, war, and humanity. The SD did not possess any immediate influence on the selection of the leaders of the party.

COLONEL ORLOV: I have an objection against this affidavit as it is not in accord with the rules concerning the submission of affidavits by the Defense pursuant to the order of the Tribunal dated July 5, 1946.



order that he may get his testimony before the Tribunal in one affidavit rather than in six affidavits. Any objections, Dr. Gawlik?

DR. GAWLIK: No objections.

THE COMMISSIONER: Let the record show that SD Affidavits Nos. 32, 33, 36, 40, 44 and 46 are consolidated for the purpose of the record in submission to the Tribunal.

Let the affidavit as submitted be marked SD Affidavit No. 36.

\* \* \* \* \*

DR. GAWLIK: I now submit Affidavits Nos. 37 and 38, which are a supplement to the affidavit of Dr. Wilhelm Hoettle -- PS 2614 of November 5, 1945. Both affidavits refer to the fact that Hoettle was only employed with the SD-Inland in Austria and that he does not have a sufficient knowledge of the tasks, aims and activities of the SD-Inland within the boundaries of December 31, 1937. (The tasks and objectives of the SD III B of the Trial Brief, page 18 of the English text.)

SD affidavit by Dr. Wilhelm Hoettl says that he was employed within the SD service sector in Vienna from March, 1938 until the summer of 1939, that later he was only employed in the foreign intelligence service division. He does not know of the activities of the SD-Inland within the German Reich proper. He says that the knowledge concerning the tasks, aims and activities of the SD-Inland within the German Reich proper were established in the main on the basis of reports. These reports did not show that the SD-Inland was taking part in a conspiracy for the committing of crimes against peace, war, and humanity. The SD did not possess any immediately influence on the selection of the leaders of the party.

COLONEL ORLOV: I have an objection against this affidavit as it is not in accord with the rules concerning the submission of affidavits by the Defense pursuant to the order of the Tribunal dated July 5, 1946.





COLONEL ORLOV: I have an objection against this affidavit. The Witness, Dr. Hoettl, who himself was employed by the SD is basing his testimony solely on, as I mentioned before, these reports, and these reports are of no importance or interest to this Commission.

DR. GAULIK: I quite agree with the Russian Prosecutor that Dr. Hoettl is not a well enough informed witness, but Dr. Hoettl is a witness for the Prosecution, and this sworn affidavit has been submitted by me in order to prove that the witness is incompetent to testify. I am grateful for the fact that the Russian Prosecutor agrees with me.

COLONEL SMIRNOV: The matter at issue here is to find out whether the affidavit submitted by Dr. Hoettl was used to establish positive or negative facts.

DR. GAULIK: The affidavit by Dr. William Hoettl was submitted by the Prosecution in support of its indictment of the SD.

MR. TAYLOR: Colonel Orlov, the affidavit as submitted was for the purpose of refuting the statement and affidavit of the affiant as submitted in the Prosecution brief, on page 18 of the Prosecution brief.

DR. GAULIK: I want to disprove what the Russian Prosecutor has just said, that is, that Hoettl has not a sufficient knowledge concerning this topic or this theme.

COLONEL ORLOV: Could we have a short recess to read this affidavit?

MR. TAYLOR: Yes, the Commission will recess for ten minutes.

(A ten minute recess is taken.)

COLONEL SMIRNOV: Mr. Commissioner, I am of the opinion that the supplement of the affidavit by Dr. Hoettl should not be accepted. The affidavit as has been submitted does not only concern the German Reich proper but also the occupied territories, and speaks of the territories within the Reich, as well as in the occupied territories after 1938 and 1939, whereas, the supplement also refers to this and nothing new can be added to what has already been said in the first affidavit. Therefore, the supplement to the first affidavit should not be accepted.

CAPTAIN CONKLIN: I think it is well understood that the SD is pretty much the same in Austria and Germany in their tasks, and as long as the man Hoettl





was a qualified member in Austria, I think it is immaterial whether he belonged to the SD in the German Reich and knew their plan.

MR. TAYLOR: I think it is all right. For the purpose of the record let it be noted that the Russian Prosecution and the American Prosecution have objected to the affidavit, which is marked SD No. 37 for identification, as being irrelevant, and that the objection will be submitted to the Tribunal for their ruling. The affidavit itself will be marked SD #37 for identification.

DR. GAULIK: I should like to add that I do not want to prove with this affidavit anything concerning the activities and objectives of the SD. My sole purpose in submitting this affidavit is to prove that Dr. Hoettl was employed with the SD from March 1938 until the summer of 1939 in Germany.

MR. TAYLOR: Very well, the record will show that. What about affidavit No. 38 now?

\* \* \* \* \*

DR. GAULIK: Affidavit No. 38 was submitted by Thee Gahrmann. Thee Gahrmann refutes the statement of Hoettl concerning the activities of Group III B. Group III B did not issue any instructions or directives in writing nor orally, which showed that the SD considered the foreign workers in Germany inferior. The instructions of Amt III B rather were issued with the purpose of telling about the attitude and opinions of the foreign workers in the different spheres of life.

MR. TAYLOR: Is there any objection to affidavit No. 38?

COLONEL ORLOV: No objection.

MR. TAYLOR: Let the affidavit submitted be marked SD No. 38 for identification.

\* \* \* \* \*

DR. GAULIK: The next affidavit, SD No. 39, was given by Adam Foertsch and concerns the repudiation of the charge of the Prosecution that the SD had an immediate and authoritative influence upon the selection of the Nazi leaders. (See trial brief against the Gestapo and the SD, Statement of Evidence III B, page 18 of the English text) Mr. Foertsch says in his affidavit that in the former gau of upper Bavaria the SD had no material or authoritative



influence upon the selection of the party leaders.

COLONEL ORLOV: No objection.

MR. TAYLOR: The affidavit submitted will be marked SD No. 39 for identification.

\* \* \* \* \*

DR. GAULIK: My next affidavit is SD No. 40, by Otto Ohlendorff, and is supposed to replace the testimony of Seibert, whom I asked for and applied for and who has not yet appeared here. This affidavit concerns itself with the aims, tasks and activities of Group III D of the RSHA, and in connection with this that Group III D did not support any conspiracy and did not take part in the committing of crimes against peace, war crimes and crimes against humanity. Otto Ohlendorff says in his affidavit that it was the task of Group III D to the office that concerned themselves with economic questions concerning any maldevelopments which had been worked out by the numerous trained, confidential agents, and thus to observe especially any critical voices within the population and to make positive suggestions.

Group III D, Economy of the SD, especially did not take part in the deportation of nationals of the occupied territories for forced labor and in the control of these foreign laborers.

MR. TAYLOR: Any objection to the affidavit as submitted?

COLONEL ORLOV: No objection.

MR. TAYLOR: For the purpose of the record let the affidavit be marked SD No. 40 for identification and reference made to the other affidavit submitted

\* \* \* \* \*

DR. GAULIK: Affidavit #41 to #46, inclusive refer to the Einsatzgruppen, Actions Group in the East, and these affidavits refer to war crimes. (See Statement of Evidence # VI A of the Trial Brief, page 25 of the English text). The first affidavit SD #41, submitted by Karl Heinz Bondt, speaks (a) of the action groups with the Army Groups A, B, C, D, and that they did not belong to the organization of the inland SD, Amt III, R.S.H.A. (b) The members of the inland SD, Amt III, R.S.H.A. had in general no knowledge of the mass executions in the East.

CAPTAIN CONKLIN: No objection.



MR. TAYLOR: Let the affidavit be marked SD #41.

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DR. GAULIK: SD #42, submitted by Walter Schellenberg says that the Action Groups employed with the Army Groups, A, B, C, D in the East did not belong to the foreign intelligence service, Amt VI, R.S.H.A.

CAPTAIN CONKLIN: No objection.

MR. TAYLOR: Since there is no objection, let the affidavit be marked SD #42.

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DR. GAULIK: SD #43, Heinz Wamminger says that the Action groups were not composed of volunteers.

MR. TAYLOR: Any objection to the affidavit?

CAPTAIN CONKLIN: No.

MR. TAYLOR: The affidavit will be marked SD #43.

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DR. GAULIK: SD #44, also by Otto Ohlendorf says that with the Action Groups, A, B, C, D, no parts of the organization of the SD offices III, VI and VII were used.

MR. TAYLOR: Let the affidavit be marked SD #44.





DR. GAWLIK: SD No. 45 by ERWIN SCHULZ says that the selection of Chiefs of the Action Groups and of the action commandos did not take place according to their previous capacities, nor according to their activities as Chiefs of Office, Gruppenleiter, or Consultant in the offices of the R.S.H.A. or as an inspector of the Security Police and SD in a definite sector or as a Chief of Office of a group of the Security Police or SD.

MR. TAYLOR: Any Objection

The affidavit will be marked SD No. 45 for identification.

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DR. GAWLIK: Affidavit No. 46 also by OTTO OHLENDORF says that the Action Groups with the Army Groups, A. B. C. D. were special organizations.

MR. TAYLOR: Any objections to the affidavit?

Let the affidavit be marked SD No. 46 for identification. For the purpose of submitting to the Tribunal, reference is made to affidavits No. 46, 44, 40, 36, 33 and 32 being made by the same affiant, OTTO OHLENDORF.

\* \* \* \* \*

DR. GAWLIK: My next three affidavits SD. Nos. 47, 48 and 49 are to prove that the members of the service districts of the branch offices and the confidence men had no knowledge of the activities of the Action Groups employed in the East. As follows, SD No. 47 made by WILHELM DYROFF for Gau Sued-Hannover, Braunschweig; SD No. 48 by KARL HEINZ BENDT, for SD Senior Sector North, Stettin, Breslau, Duesseldorf; SD No. 49, ADOLF OTT, for the SD Sector Neustadt, Weinstrasse and Saarbruecken.

MR. TAYLOR: Any objection to the affidavits?

Let the affidavits be marked SD Nos. 47, 48 and 49 for identification.

\* \* \* \* \*

DR. GAWLIK: My next affidavit, SD No. 50 by HEINZ WANNINGER, is to prove that Puetz was an official of the Gestapo, and not as mentioned on Page 26 of the English Text of the Trial Brief against the Gestapo and SD, a member of the SD.

MR. TAYLOR: Any objections to the affidavit?

Affidavit as submitted will be marked SD No. 50 for identification.





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DR. GAWLIK: The next affidavit SD No. 51 by WALTER SCHELLENBERG refers to crimes against war. Statement of Evidence VI F of the Trial Brief, Page 54 of the English Text). Statement of Evidence -- the SD had no hand in lynching justice. Schellenberg says as a supplement to the affidavit of 13 November 1945, 2990-PS: "The hostile attitude towards English and American aviators was not to be promoted by the SD, but by the Security Police."

CAPT. CONKLIN: No objection.

MR. TAYLOR: Let the affidavit be marked SD No. 51 for identification.

\* \* \* \* \*

DR. GAWLIK: My next affidavit is SD No. 52 by WILHELM KEITEL, referring to the following. In the documents of the indictment, 553-PS, 498 PS, and 532-PS., the Security Police is to be understood by any reference to the SD not the inland intelligence service AMT III nor the foreign intelligence service AMT VI or AMT VII. In this affidavit Keitel says: "During the trial in Nurnberg, I realized that the conception which is also prevalent in military circles concerning the tasks and work of the SD as a police executive organ is not correct. It is rather the case that very often in military language and in regulations, the letters SD are mentioned -- if on the other hand the competent organ of police with executive power is really meant. Therefore, it really should have said Chief of Security Police and SD, instead of just the abbreviation SD. As far as the high command of the Army is concerned, I can declare that in some of the offices, there was a mistaken conception concerning the authority of the SD in this respect, and that this has led to a wrong use of the abbreviation SD."

MR. TAYLOR: Any objection to the affidavit?

COL. SMIRNOW: No objection.

MR. TAYLOR: The affidavit submitted will be marked SD No. 52 for identification.

\* \* \* \* \*

DR. GAWLIK: The next affidavit, SD No. 53 by EMIL PROESCHEL, refers to the persecution of the Jews. Statement of Evidence VII A, page 60 of the English text of the Trial Brief). Proeschel says that the SD did not have a



hand in Anti-Semitic programs of the year 1938.

MR. TAYLOR: Any objection?

The affidavit submitted will be marked SD No. 53 for identification.

\* \* \* \* \*

DR. GAWLIK: The next affidavit No. 54 refers to the persecution of the Jews in France. The affidavit was submitted by DR. HOERST LAUBE, and he says that the SD did not have a hand in Jewish persecutions in France.

CAPT. CONKLIN: No objection.

MR. TAYLOR: Affidavit will be marked SD No. 54 for identification.

\* \* \* \* \*

DR. GAWLIK: Next affidavit of THEO. GAHRMANN concerns itself with the persecution of the church. Statement of evidence VII-B, page 63 of the English translation of the Trial Brief. "The activities of the church commission of the SD was not to bring about measures to persecute the church. The reports of the SD only were to give leadership an indication of the religious movement within the various denominations and the result of measures by the leadership groups. The confidence men of the SD did not serve as spies to cooperate with the Gestapo activities against church members. The SD Amt III did not concern itself at all with any church questions. The church committee of the Gestapo was not the successor of Abteilung II/13."



MR. TAYLOR: Any objections?

Affidavit as submitted will be marked SD #55 for identification.

\* \* \* \* \*

DR. GAWLIK: The next affidavit is supposed to take the place of Helmut Fromm who already had been accepted as a witness, but could not be heard any more. I want to prove with this the duties, goals, and activities and methods of the SD in the Government General, and its connection with the fact that the members of the SD which were active in the Government General did not aid in the conspiracies and in the carrying out of crimes, according to article VI of the statute. "In the Government General there was no cooperation between the SD and the Gestapo. The Abteilung III were separated both by organization in their duties and activities from the offices of the Security Police. Persons which had to do nothing were not connected with the SD or Amt III seem to be members of the SD in the Government General. The SD with the Government General only had the intelligence goal. The SD in the Government General did not participate in the conspiracy. The SD did not have a special function in the Government General to find out and to execute persons that were racially or politically unwanted. The SD in the Government General was not responsible for the erection and the administration of concentration camps or for the extermination camp through forced labor and mass murder. The SD did not carry or did not have to carry out the measures which are mentioned in documents L-37, L-53 and L-63. The SD did not have any prisons in the Government General. The only prisons were of the Gestapo. The SD did not participate in the deportation of citizens of the occupied territories in the Government General."

MR. TAYLOR: Any objection to the affidavit?

CAPT. CONKLIN: No objections.

MR. TAYLOR: Affidavit will be marked SD #56 for identification.

DR. GAWLIK: I want to prove my next four documents, Nos. 57 to 60 inclusive, that the membership of the SD and Amt III was usually not voluntary but having its basis in the decree of an order.





SD No. 57 being Bernhard Dilger, formerly of Gau Kaernten. Membership of the SD was according to official order 57.2 percent of male, and 53.8 percent of female members; 55.9 percent of all members of the SD belonged to the organization due to result of official decrees

COLONEL SMIRNOV: I believe that it would be better instead of presenting these affidavits, the defense would present these official decrees according to which these people are joined. I think then we could judge as to the percentage of people that had to go to the organization.

DR. GAWLIK: I don't know for sure right now, but I believe I do have that decree in my document book. However, if I do not, I, of course, am ready to introduce this document into my document book.

COLONEL SMIRNOV: I believe it is only possible for us to discuss these affidavits, if we have the decrees in front of us, and if we can look at that decree, because I personally do not believe that such a decree does actually exist.

MR. TAYLOR: The defense having stated that it would submit the decree in its document book, with that understanding the affidavits Nos. 57, 58, 59 and 60 will be received and marked for identification.

DR. GAWLIK: Yes. SD No. 58, Dr. Hans Ehlich. The composition of Group 3B; the membership of 85 percent of the members of Group 3B was due to official decrees. The 3 Abteilungsleitern section chiefs, two belonged to the SD due to this official order. 82 percent of the experts, and committee members belonged to the SD due to these official orders. SD No. 59, Karl-Heins Bendt, SD-Leitabschnitt Duesseldorf. The 31 male members, 15 belonged to the SD due to official decrees - individual membership due to official decrees of 3 section chiefs only; of 4 aids three; of 11 liaison chiefs, four; of 7 managers of liaison positions, three, and of 6 aid, four.

SD No. 60. Adolf Ott. SD-Abschnitt Saarbruecken, Gaugebiet Saarpfalz einschliesslich Lothringen. 76 members of which 34 belonged to the SD due to official orders.

The next two affidavits, Nos. 61 and 62, concern themselves with Amt VI, and so far I have not presented any witnesses, or any affidavits cor-





cerning Amt VI, and therefore this summary of 61 is a little bit more sensitive. The duties, goals, and activities of Amt VI, especially that it was not one of the duties, activities and goals of Amt VI to aid a conspiracy, or crimes against the peace, war crimes, or crimes against humanity. Also the organization of Amt VI was completely independent and of membership of the organization of Amt VI was generally not voluntary due to official decrees; and, further, that the activity of Group VI was not generally known, partly not even to the chief of Amt VI.

SD No. 61. Walter Schellenberg. The Foreign Intelligence Service, Amt VI was an independent organization which was in no connection with Amt III or IV, or VII, or the ISHA, and the SS. One can speak of an official connection with Amt III and VII only partially and with certain limitations. The Amt VI did not participate in a conspiracy to carry out crimes according to Article 6 of the Statute, and which did not aid in such conspiracy in any way. The reasons and activities of Group VI were not completely open, and partly were known only to a small circle and partly was not known at all to members of Amt VI.

Amt IV did not participate in war crimes, as there mentioned in the trial brief against the Gestapo and SD under No. 4a-2L.

DR. GAWLIK: 6A.

THE INTERPRETER: 6A-2L, and it was not used to carry out these crimes. The Amt VI did not give any orders concerning mass executions in the East. A large part of the personnel of the Foreign Intelligence Service of Amt VI and military were not volunteers, but rather their activity was due to so-called labor crafts law, and in the case of offices, soldiers, and civil service employees, it was due to official commands, which means transfers without regarding the wishes of the individual. The numbers those members which were not voluntary in the Foreign Intelligence Service until 1943 was about thirty-five percent; 1944 was far over fifty percent.

MR. TAYLOR: Let the affidavits submitted with no objection be marked SD 61 for identification.



CAPTAIN CONKLIN: There is no objection.

DR. GAWLIK: SD No. 62, Walter Schellenberg, SD-Ausland only existed until 14 February 1944, and at that time was incorporated due to its fusion with the military counter intelligence into a new organization of secret information service.

MR. TAYLOR: There being no objection, the affidavit will be marked SD 62 for identification.

DR. GAWLIK: The next affidavit No. 63 concerned itself with Amt VII. I want to state here especially I did not hand in any affidavits concerning Amt VII; so far I did not question any witness concerning their



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organization.

COLONEL SMIRNOV: If I am not mistaken, Amt VII does not belong to the accused criminal organization. If I am not mistaken it was only III, IV and VI that were accused of being criminal organization.

DR. GAWLIK: I do agree heartily with the Russian Prosecutor. I myself am not sure whether or not Amt VII is among the accused organization. However, up to now the prosecution has never made this point clear, therefore, it was my duty as defense lawyer to defend Amt VII with all the others. I refer when I make this statement to the indictment which accused Amt III, IV and VI, but which does not mention Amt VII. That is correct only on the indictment where only Amt III, IV and VI are mentioned. However, the indictment also speaks of the SP as a unit. If the prosecution agrees with me, and states that Amt VII is not among the accused organization, then, of course, I will recall the affidavit.

MR. TAYLOR: The objection of the prosecution will be noted by the Tribunal, and for the purpose of the record the affidavit will be marked SD 63 for identification; provided there is no charge against Amt VII, the affidavit, of course, is surplus, and is of no value, but in order to make the record, the Commission is going to receive the affidavit into evidence.

DR. GAWLIK: SD No. 63, Dr. Paul Dittel, Amt VII was completely independent organization aside from the interior intelligence service from Amt III, and Foreign Intelligence Service VI. The members of Amt VII did not know there was a secretive plan to carry out crimes against the peace, of war crimes, and crimes against humanity. It was not the duty of Amt VII to carry out spy duties for the Gestapo. Amt VII did not cooperate in war crimes listed under 6A or L. Amt VII did not have a duty to persecute the Jews and the Church.

MR. TAYLOR: Let's go on to No. 64.

DR. GAWLIK: SD affidavit No. 64 concerns itself with the Immigration Central Office. This is a repudiation of the statement that the Immigration Central Office had the duties to evacuate certain areas, with a



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goal of continued colonization of occupied territories, or the destruction of the national existence, and, therefore, to further German influence, (trial brief against the SS-3-G, page 33 and 35 in the German translation).

MR. TAYLOR: Any objections to the affidavit?

CAPTAIN CONKLIN: No. objection.

DR. GAWLIK: SD No.64, Martin Sandberger, Immigration Officer, did not have to duty to evacuate people from occupied territories in order to colonize these occupied territories, or to destroy the national existence in order to insure a continual enlargement of the German borders.

MR. TAYLOR: There being no objection, the affidavit will be makred SD No.64, for indentification. Any further affidavits?

DR. GAWLIK: No, that is all. I have no more.

MR. TAYLOW: The Commission will adjourn until two o'clock.

(The Commission adjourned for noon recess until 1400 hours).

The foregoing is a true and correct transcript of the submission of Affidavits by Dr. Gawlik, taken on 25 July 1946.

ALICE MEEHAN

Reporter

ROSE W. COOK

Reporter

BERNICE WINKLER

Reporter

CHARLES GALLAGHER

Reporter

CERTIFIED TO:

GEROGE R. TAYLOR

Commissioner.