



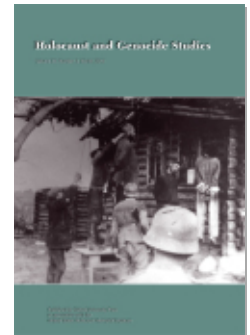
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Transition to Genocide, July 1941: Einsatzkommando 9 and the Annihilation of Soviet Jewry

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In the wake of the German attack on the Soviet Union, the expansion of the mass killing of Soviet Jews to include women and children in effect signaled a transition to genocide. The timing of this transition remains one of the most hotly debated questions in Holocaust historiography. Alex J. Kay outlines the activities of the Einsatzgruppen during the first five weeks of Operation Barbarossa, and describes the military and security context of the decision to expand the mass murder. On the basis of hitherto neglected postwar testimony, he establishes when, how, and from whom the first of the commandos received the order to institute genocide, and how this commando implemented the order in practice.

In the historiography on the Germans' mass murder of Soviet Jewry during World War II, the escalation of the killing to include women and children—which in effect signaled the transition to genocide—has been for years a subject of intense debate among historians.¹ While the increase in the number of victims can be largely reconstructed from documentation the perpetrators left behind, only limited consensus has been reached regarding the questions of when the orders were issued, who precisely issued them and who received them, and by what route they reached their destination. Testimony given during legal proceedings against Holocaust perpetrators between the late 1940s and the early 1970s is contradictory. Typically, historians have been interested in the testimony of the chiefs of the individual units and commandos that carried out the massacres. Far less attention, by contrast, has been paid to those further down the hierarchy who also provided testimony either as defendants or as witnesses.

The legal proceedings against SS-Obersturmbannführer Dr. Alfred Filbert, the first chief of Einsatzkommando 9 (EK 9, one of the sub-commandos of Einsatzgruppe B [EG B]), provide us with congruent and persuasive testimony relating directly to the questions at hand here. In the end, Filbert was sentenced in June 1962 to life imprisonment.² Not one but two former officers of EK 9, co-defendants of Filbert, provided testimony to the effect that Filbert received an order to include Jewish women and children in the massacres at the end of July 1941, and that Filbert in turn

promptly passed it on to the members of his commando. Between June 1959 and September 1961, Gerhard Schneider provided such testimony on four separate occasions and Wilhelm Greiffenberger on three. Schneider had been head of sections IV and V in the commando, and as such had supervised the tasks of the Gestapo and the Criminal Police.³ As the second highest-ranking officer in the commando, Greiffenberger had been Filbert's deputy, as well as head of sections I (personnel) and II (household and financial matters).⁴ Significantly for our purposes, Schneider and Greiffenberger were at odds both in their conduct in the field in 1941,⁵ and in their approach to testifying in court.⁶

Testimony given in legal proceedings against Nazi perpetrators must be handled with great care—particularly that of defendants, from whom self-serving statements are to be expected.⁷ What makes Greiffenberger unusual in this regard, however, is that he admitted everything before the court. In considering the evidence, the court concluded: “The accused Greiffenberger has confessed. The high court is convinced that from his first hearing he has honestly endeavored to openly convey what he still recalled from past events and to correct lapses of memory.”⁸ Greiffenberger even requested hearings in addition to those already scheduled, and submitted written statements to the public prosecutor in order to correct or augment testimony he had given during the scheduled hearings.⁹ This was, again, unusual for a defendant in legal proceedings against Holocaust perpetrators. The fact that Schneider—who by contrast claimed to have participated in the mass killings only “because he would have had to fear injury or death in the event of a refusal to obey orders”¹⁰—gave testimony congruent with Greiffenberger's on the subject of the orders to kill women and children considerably strengthens the credibility of their testimony on this issue. In light of their differing attitudes towards the court, as well as their contrasting conduct in the field in 1941, it is difficult to see how or why Greiffenberger and Schneider might have calibrated their testimony in advance on this one particular issue.

The First Five Weeks: Orders and Practice of the Einsatzgruppen

Although the Einsatzgruppen had been deployed in previous military campaigns, they first used the official title “Einsatzgruppen of the Security Police and the SD [Sicherheitsdienst]” during the invasion of the Soviet Union in June 1941.¹¹ The first three Einsatzgruppen, A to C, were assigned respectively to the three Army Groups, North (for the Baltic), Center (for Belorussia), and South (for northern and central Ukraine). Einsatzgruppe D was assigned to the German Eleventh Army, which was set to advance together with the two Romanian armies through southern Ukraine, the Crimea, and the Caucasus.

EG B, with an initial strength of 655 men,¹² was assigned to Army Group Center.¹³ In accordance with the agreement reached in the spring by the High Command of the Army (Oberkommando des Heeres, OKH) and the Reich Security Main Office (Reichssicherheitshauptamt, RSHA), its two Sonderkommandos (SK), 7a

and 7b, would operate in the field army rear areas (*rückwärtige Armeegebiete*), where they would be responsible for securing specific materials and card indexes as well as important individuals (“leading emigrants, saboteurs, terrorists, etc.”). Its two Einsatzkommandos, 8 and 9, would be deployed farther back in the army group rear areas (*rückwärtige Heeresgebiete*), where they would investigate and combat movements hostile to Germany (other than those that constituted part of the enemy’s armed forces) and provide information to the Wehrmacht on political developments in the area.¹⁴ An Advance Commando Moscow (Vorkommando Moskau), which was to fulfill special tasks in the Soviet capital, was also part of EG B.

Einsatzkommando 9 originally was comprised of 144 people. Of these, 15 were SS officers. A further 83 were officials of other ranks in the Gestapo, the Criminal Police, the SD, or the Waffen-SS; among these 83, 51 were non-commissioned officers. As many as 46 drivers and baggage personnel also belonged to the commando. This contingent of 144 included a platoon of Waffen-SS reservists. A platoon of the Order Police (Ordnungspolizei)—the 3rd platoon of the 2nd company of Reserve Police Battalion 9—joined the commando in Warsaw. Both the Waffen-SS reservists and the Order Police platoon functioned as “protection forces” (*Sicherungskräfte*). In actuality, this meant that they were to be used above all for carrying out arrests and executions.¹⁵ Like the other groups and commandos, EK 9 was fully motorized and had initially at its disposal (in Warsaw) 10 to 15 cars.¹⁶ This number increased by mid-July at the latest to 35 cars, 4 trucks and 3 motorcycles.¹⁷

At the end of June 1941, EK 9 was to advance through southern Lithuania and northern Belorussia. While it was in the East Prussian border town of Treuburg, Filbert assembled the entire commando and informed them that among the tasks of the Einsatzkommandos in the rear areas would be the shooting of Soviet Jews and other “subversive elements.”¹⁸ Greiffenberger later testified that he interpreted the order at the time as referring only to Jewish men.¹⁹ This interpretation of the order appears to have been accurate, for reasons to be discussed. During the planning phase for Operation Barbarossa, Hitler, Himmler, and Heydrich could not have been certain how the Wehrmacht would react to large-scale massacres of Soviet Jews—i.e., non-combatants—within its own area of operations. It seems reasonable to assume, therefore, that the pre-invasion orders issued *in writing* to the Einsatzgruppen were roughly compatible with the instructions issued by the High Command of the Wehrmacht (Oberkommando der Wehrmacht, OKW) to the regular troops.²⁰ These instructions, later referred to as “the criminal orders,” called for the execution of political functionaries (Red Army commissars) and those offering any kind of resistance.²¹ Indeed, the instructions contained in Heydrich’s oft-cited July 2 written communication to Himmler’s most senior representatives in the occupied Soviet territories, the higher SS and police leaders (Höhere SS- und Polizeiführer, HSSPF)—which claimed to summarize the instructions Heydrich had already issued verbally to the

Einsatzgruppen on June 17—called for the execution specifically of “Jews in Party and state positions.”²²

At the same time, the wording of Heydrich’s written instructions left the group and commando chiefs considerable discretion of interpretation. Since Communist Party functionaries had already been mentioned at the top of the list of those to be executed, the additional reference to “Jews in Party and state positions” placed particular emphasis on Jews. Furthermore, the instructions included in the list of those to be executed “all . . . other radical elements (saboteurs, propagandists, snipers, assassins, agitators, etc.).”²³ Thus it appears that Heydrich expected, and indeed intended, that his instructions be interpreted broadly; how, for example, were the terms “propagandists” and “agitators” to be defined? Even the last word on the list, “etc.,” demonstrates that those who came under the heading “other radical elements” were by no means clearly specified. The key point here is that although Heydrich specified *in writing* only that Jews in Party and state positions were to be killed, by emphasizing Jews *at all* here (when such Jews were already subsumed under Communist Party functionaries), and by making other entries in the list very vague, he was—between the lines—leaving significant leeway for his subordinates to go beyond his written instructions.

Further evidence that the commandos were expected to be proactive can be found in Heydrich’s July 17, 1941 guidelines on prisoner-of-war camps. These guidelines, which had been coordinated with the OKW department responsible for POWs,²⁴ stipulated that “all Jews” in the POW camps on former Soviet territory be separated out and executed.²⁵ Significantly, this applied not only to Jewish soldiers but also, explicitly, to Jewish civilians interned in the POW camps.²⁶ In many Soviet cities, civilian internment camps were set up shortly after the arrival of the Wehrmacht and all men of military service age (between 15 and 45 or 60 years)—both Jewish and non-Jewish—were interned in them.²⁷ The selection of Jews and other “politically intolerable elements” was to be carried out by “Einsatzkommandos of the Security Police and the Security Service” in accordance with guidelines issued to them by the Chief of the Security Police and the SD, i.e., Heydrich.²⁸

Did the July 17 guidelines constitute an expansion of the killing orders against Soviet Jews? On the basis of the written evidence available to us, we must answer in the affirmative.²⁹ On the other hand, the issuing of these guidelines on July 17 effectively confirmed and endorsed—now *in writing*—the practice already pursued by the Einsatzgruppen over the previous four weeks: namely that of killing male Jews of military service age. Were the commandos merely exploiting the leeway afforded them by Heydrich’s loosely formulated July 2 guidelines? Or had Heydrich issued *verbal* orders to the Einsatzgruppen before the invasion, according to which as many adult male Jews of military service age as possible should be killed from the outset?³⁰

The fact that Heydrich’s July 2 instructions reached the Einsatzgruppen³¹ and that they complied with them can be seen from the activity report submitted by EG B

chief SS-Brigadeführer Arthur Nebe for the period June 23 to July 13, 1941. Nebe reported “large-scale liquidations and complete capture of functionaries, political commissars, saboteurs, agitators, snipers, etc.”³² These were precisely the groups that Heydrich had targeted for execution, even down to the concluding “etc.” The documentary evidence for the shooting operations of EK 9 during the month of July, however, tells us two things: first, the commando exceeded the remit of Heydrich’s July 2 guidelines *from the outset* by shooting not only Communist functionaries but also male Jews of military service age in large numbers; second, Greiffenberger’s impression of the limits set on the pre-invasion orders, i.e., their confinement to male Jews, was correct. During the first days of July, a total of 90 male Jews were shot in Lida by a sub-commando of EK 9,³³ while six political commissars of the Red Army were shot in Grodno.³⁴ Between July 4 and July 8, a total of 321 Vilnius Jews were killed in a forest outside the city.³⁵ On July 13, 408 Jewish men from Vilnius were shot at another location, and a further 219 Jews were shot on July 15. Around the same time, six Soviet prisoners were also shot.³⁶ For nine consecutive days, from July 11 to July 19, around 500 Jewish residents of Vilnius were shot each day in the nearby Paneriai Forest.³⁷

Thus, by the time EK 9 departed from Vilnius on July 20, it had shot at least 5,000 Jews, all of them men.³⁸ At least 527 male Jews were also killed by the unit in the Belorussian town of Ashmiany at some point in July.³⁹ In this respect, the conduct of EK 9 during the first five weeks of the campaign was not exceptional: an examination of the evidence for the operations of the other commandos of the four



Two Jewish men wearing yellow star badges stand before being shot by Lithuanian collaborators commanded by members of a German Einsatzgruppe in Paneriai (Ponary), Lithuania, 1941. United States Holocaust Memorial Museum, courtesy of the YIVO Institute for Jewish Research.

Einsatzgruppen yields similar results. Thus, during the first five weeks of the campaign, the Einsatzgruppen targeted primarily Jewish men of military service age.⁴⁰

As Klaus-Michael Mallmann has convincingly argued, if there had been a pre-invasion order to kill *all* Soviet Jews,⁴¹ the course of action taken by all the commandos during the first five weeks of the campaign would have amounted to insubordination. Second, the failure to follow such an order strictly, and the limiting of the shooting operations to Jewish men of military service age, would have presented an ideal defense strategy during the postwar trials of commando and group chiefs. Not one of the defendants, however, made use of this defense in court.⁴² The evidence clearly shows that the order to kill *all* Soviet Jews, regardless of age or gender, was not issued until the campaign was well under way.

Instead, the first four to five weeks of the campaign witnessed a dual-tracked approach on the part of the SS: *officially*, i.e., according to *written* orders known also to the Wehrmacht, the Einsatzgruppen were instructed to kill leading Communist functionaries (though they were not explicitly told to limit their operations to this group). *Unofficially*, however, the Einsatzgruppen had evidently been supplied with verbal orders to include all male Jews of military service age—or as many as possible—in the shooting operations. The discrepancy between the content of those written instructions known to us—and known to the Wehrmacht—and the actual course of events during the first five weeks (as evidenced by the perpetrators' own documentation), strongly supports this conclusion.

A further indication that the Wehrmacht's compliance was not taken for granted is reflected in the Einsatzgruppen chiefs' repeated references in their post-invasion



Groups of Jewish men walk with their hands behind their heads to a site in the Paneriai (Ponary) forest, where they will be shot by Lithuanian collaborators commanded by members of a German Einsatzgruppe (1941). United States Holocaust Memorial Museum, courtesy of the YIVO Institute for Jewish Research.

reports to the effective cooperation between the two organizations and to the positive attitude of the Wehrmacht towards the activities of the Einsatzgruppen, i.e., towards the massacre of Jewish non-combatants.⁴³ The Einsatzgruppen reports contain many such references. In a report dated July 6, EG B remarked on the Wehrmacht's "gratifyingly good attitude towards the Jews."⁴⁴ Two weeks later, on July 19, the same EG reported that "complete agreement regarding our further activity" had been reached following a discussion with the commander of the rear area for Army Group Center (Max von Schenckendorff) and the relevant higher SS and police leader (Erich von dem Bach-Zelewski). The Wehrmacht's security divisions, furthermore, attached "the greatest importance to cooperation with the Security Police."⁴⁵ EK 8, stationed in Baranovich, collaborated "particularly successfully with the relevant departments of the Wehrmacht."⁴⁶ The relationship between SS-Brigadeführer Dr. Walter Stahlecker, chief of EG A, and his contacts in the Wehrmacht, was considered "so good that [his proposed] removal would definitely bring about setbacks."⁴⁷ Stahlecker remained head of EG A. According to a report dated July 26, the Wehrmacht's security divisions made "urgent requests" for the systematic capture by the EKs of partisans, saboteurs, and Communist functionaries in the rear areas, and "appreciate[d] exceptionally" the presence of the Security Police there.⁴⁸ In Nebe's estimation, cooperation in the rear areas—where, for Nebe, "the most important executive security police task" was centered—relations between the Einsatzkommandos and the security divisions, field headquarters, and local headquarters of the Wehrmacht had been "excellent" during the first three weeks of the campaign. During the same period, cooperation with the Wehrmacht's Secret Field Police (Geheime Feldpolizei, GFP) and the Wehrmacht's counterintelligence troops (Abwehr III) in the operations area of Army Group Center had been "the best imaginable." Nebe wrote: "The activity of my Einsatzgruppe is acknowledged and promoted by all Wehrmacht departments in every way." Nebe's "measures" had been met with "the most complete understanding" by the leadership of Army Group Center. The Secret Field Police had even provided troops to support the "liquidations."⁴⁹ Thus, after less than four weeks of the campaign, the response of the Wehrmacht to the mass shootings was considered so favorable that concrete *written* instructions were issued on July 17 for the killing not only of all captured Jewish soldiers, but of *all* male Jews interned in camps. As we shall see, after five weeks of the military campaign, the SS leadership evidently felt ready to begin directing their commando chiefs to expand the killing to include Jewish women and children.

The Military and Security Context in Mid-July, 1941

This harmonious cooperation between the Wehrmacht and the SS-Einsatzgruppen⁵⁰ was a key factor in the decision to expand the killing of Soviet Jewry to include women and children, and thus in the transition to genocide. In what kind of atmosphere was the transition to genocide made? Certainly, the cooperation between the Wehrmacht

and the SS was very encouraging for the German leadership. While the Wehrmacht was making considerable headway in its advance into the Soviet Union, however, some doubt must be cast on the idea that the German high command was “euphoric” over what it saw as an impending military victory.⁵¹ As David Stahel has convincingly demonstrated for the largest section of the front, Army Group Center’s area of operations, by early July the military advance was in fact already beginning to lose momentum. Leading figures in the military command both in Berlin and in the field were expressing concerns regarding unexpectedly tough enemy resistance, high casualty rates, and, especially, the security of the rear areas and their “pacification.” They went so far as to contemplate the possibility of leaving combat units in the rear areas to support the insufficient security divisions there.⁵² On July 10, Army Group Center was forced to go on the defensive.⁵³ Army Group North was experiencing similar difficulties in its area of operations, as Christoph Dieckmann has made clear.⁵⁴ That army group’s commander-in-chief, Wilhelm von Leeb, had the impression on July 12 that losses were so high in Panzer Group 4 that “a state of exhaustion [would] soon be reached.”⁵⁵ Chief of the Army General Staff Franz Halder had written in his diary on July 3: “It is thus not saying too much when I claim that the campaign against Russia has been won within 14 days.”⁵⁶ Yet, a mere two days later, Chief of the OKW Wilhelm Keitel wrote to Chief of Army Armaments and Commander of the Reserve Army Fritz Fromm:

The war waged behind the front by gangs and snipers is a very considerable strain on the lines at the rear and for the pacification of the conquered territory. If very brutal measures must be taken this time, the Führer sees in the vast expanses of the enormous occupied territory with its huge forests considerable dangers in the hinterland as a result of the malicious Bolshevik populace. The Führer has now once more obliged me to arrange for the equipping of the occupation troops, territorial defense formations and police, who must pacify and secure the territory *in the long run* (that could last the whole winter), with *captured combat vehicles*.⁵⁷

If any part of the Soviet population was regarded by the German High Command as particularly “Bolshevized,” it was certainly the Jewish population.

Concerns were growing within the political leadership as well. In a diary entry dated July 12, Goebbels noted that things had come to “something of a standstill” on all fronts.⁵⁸ On July 24, Goebbels’ assessment of the situation only a month into the campaign was downright pessimistic: “The mood in the Reich has become somewhat graver. It is gradually becoming clear that the eastern campaign is no stroll to Moscow.”⁵⁹ With Directive no. 34, issued on July 30, Hitler officially acknowledged what had been the case in practice for almost three weeks by instructing Army Group Center to go on the defensive.⁶⁰ By mid-July the Blitzkrieg had failed; the commanders in the field knew this and so did the leadership in Berlin. Fear of failure⁶¹ seems to be a more appropriate description than “euphoria” for the mood among Germany’s military and political elites at this time. Christoph Dieckmann has

argued persuasively that the weakness of the security forces deployed between the main transit routes was met by the German leadership with “pure terror.”⁶² This weakness left supply lines and economic infrastructure vulnerable in the rear areas, and created a power vacuum in which irregular Soviet resistance could potentially jeopardize the ultimate success of the military campaign. The army leaders considered the Einsatzgruppen to be “worth their weight in gold” precisely because they secured the troops’ rear lines of communication.⁶³

The escalation of the violence was not long in coming. During a high-level meeting at his headquarters on July 16, Hitler stated: “The vast region must of course be pacified as quickly as possible; this is best done by ‘shooting anyone who even looks askance.’”⁶⁴ A week later, a presentation to Hitler by Commander-in-Chief of the Army Walther von Brauchitsch resulted in the issuing of a supplement to an OKW directive stipulating: “The troops available for securing the conquered eastern territories are sufficient, given the vastness of this area, . . . only if the occupying power spreads that terror which alone is capable of eliminating any appetite for defiance on the part of the population.”⁶⁵ Precisely what form this terror would take was spelled out two days later, on July 25, in an OKH directive signed by Brauchitsch’s General for Special Purposes (General zur besonderen Verwendung), Eugen Müller. The directive drew attention to the “intended deployment of partisan sections in our own rear area” as well as to “the inflammatory impact in general of the pillars of the Jewish-Bolshevik system.” It then stated that “attacks and acts of violence of every description” against German personnel and property, as well as any attempts to carry out such attacks, were to be “ruthlessly put down by force of arms to the point of annihilating the enemy.” In the event that German personnel met passive resistance, or were unable to apprehend the perpetrator(s) of acts of sabotage, so-called “collective violent measures” were to be carried out immediately against towns and villages. “Suspicious elements,” the OKH directive continued, were to be handed over to the Einsatzgruppen purely on the basis of their “disposition and attitude,” even where it could not be established that a serious offense had been committed. Fleeing prisoners of war were to be shot immediately; it was not necessary to first call to them to stop.⁶⁶ All forms of actual or supposed defiance were to be put down brutally and without hesitation. At around the time when the OKH issued this new directive, Arthur Nebe reported back to Berlin that partisan squads were causing “systematic destruction” behind German lines. He thus emphasized that one of EG B’s main tasks was: “The seizure of partisans, saboteurs [and] Communist functionaries in the army rear areas, as they dare to emerge and become active only after the frontline troops have marched through. The Einsatzkommandos must remain deployed for the systematic seizure of the enemy.”⁶⁷

The radicalization of occupation and security policy during the second half of July⁶⁸ was accompanied by an increase in SS and police manpower. Although Himmler did not attend the aforementioned July 16 meeting, his presence at Führer

Headquarters (FHQ) in East Prussia from July 15 to 20 made it possible for him to lunch with two of its participants the following day;⁶⁹ he subsequently received a copy of the minutes of the July 16 meeting.⁷⁰ More important, the July 17 “Decree of the Führer regarding the Securing by the Police of the Newly Occupied Eastern Territories” made it clear that any and all “policing measures” in the occupied East were “a matter for the Reichsführer-SS and Chief of the German Police,” i.e., Himmler.⁷¹ This official confirmation of his jurisdiction in the occupied East—combined with appeals by Keitel—prompted Himmler to carry out the deployment of further SS and police forces.⁷² While the deployment had been planned for many weeks, the *timing* of its implementation is important here.⁷³ On July 19 and 22, respectively, two SS brigades (the SS Cavalry Brigade, consisting of SS Cavalry Regiments 1 and 2, and the 1st SS Infantry Brigade), with a combined force of more than 11,000 men, were attached to the HSSPF for Russia-Center and Russia-South. Around July 23, 1941, a further eleven battalions of Order Police, each of approximately 500 men, were reassigned from various military commanders in the rear areas to the HSSPF in the north, center and south of the Soviet territories. By the final week of July—when, as will be shown below, the order to kill women and children was issued to Filbert—5,500 to 6,000 members of the Order Police and 11,000 SS men had within a matter of days reinforced the 3,000 members of the Einsatzgruppen to provide a total of almost 20,000 troops.⁷⁴

Thus, it is likely that in mid-July the decision was taken to expand the scope of the killing operations to include the whole of Soviet Jewry, and that approval was granted for the deployment of the increased manpower necessary to achieve this goal. The imminent escalation in killing could only have occurred after Himmler massively increased the number of SS troops and policemen operating behind the advancing German army. According to the original plans, the designated limit for the German military advance was a theoretical line connecting Arkhangelsk on the White Sea in the North with Astrakhan on the Caspian Sea in the South—a line some 300 miles (over 480 km) *east* of Moscow. According to this projection, the Einsatzgruppen, with around 3,000 men, would have been expected to kill all Soviet Jews in an area three times the size of the territory that was actually conquered by the German army in 1941. The mass murder was to be completed within twelve weeks, at which point, the German planners expected, the war would have been won.⁷⁵ As of the second half of July 1941, SS troops, policemen, and regular soldiers were called upon to expand and intensify the killing in the occupied East, first and foremost in the vulnerable rear areas. Soviet Jews, as the “pillars of the Jewish-Bolshevik system” and thus the “main enemy,” would be first in line in this frenzy of destruction.

Einsatzkommando 9 and the Transition to Genocide

At the end of July, EK 9 stopped for several days in the northern Belorussian town of Vileyka. Here, according to both Schneider and Greiffenberger, Filbert met with the

officers of the commando and explained to them that—on the orders of higher authorities—Jewish women and children were to be included in future shootings. The seven relevant statements made by Schneider or Greiffenberger during the postwar legal proceedings against officers of EK 9, looked at in chronological order, shed significant light on the origins and timing of the order. On June 12, 1959, Schneider—who had been indicted himself by this time—made the following statement:

From Vileyka I recall that Dr. Filbert one day held a meeting of the officers, at which he himself—very earnestly—informed us that he was returning from the issuing of orders (location unknown), at which either Heydrich himself was present or at which a direct order of Heydrich’s was conveyed. He in any case made it known to us that EK 9 had attracted the negative attention of Heydrich because the implementation reports for shootings of Jews had failed to materialize (*die Vollzugsmeldungen über Judenerschießungen ausgeblieben seien*). He, Filbert, had accordingly been given a dressing down. He could now no longer avoid having the order carried out to shoot Jewish men and women. Pointing to me and two other officers he said: “You start tomorrow!”⁷⁶

Schneider’s statement is unclear in more than one respect. First, it leaves the impression that an order to kill Jewish women existed prior to this incident, but that Filbert had merely avoided implementing it. Second, there is no reference here to the inclusion of children in the shooting order.

On February 10, 1960 Schneider referred to children for the first time:

Later, an additional order came, which was announced to us by Filbert as a higher order (*höherer Befehl*). According to this [order], Jewish women and children should also be included in the shooting operations. The subsequent shooting operations were carried out accordingly.⁷⁷

A month later, on March 11, Schneider—still unable to name the location at which the order had been issued to Filbert—testified as follows:

Coming from Vilnius, we had just arrived in Vileyka when Dr. Filbert, returning from a meeting of commando heads at another location, called a meeting of the officers. One could sense that he was himself agitated, bitter, and very serious. He informed us that he was returning from a meeting of commando heads, at which either Heydrich himself must have been present or new orders of Heydrich’s were announced. In any case, he was given a dressing down. EK 9 had attracted the negative attention of Heydrich in particular because its activity in fulfilling the shooting order had been far too limited. Furthermore, as the inclusion of women and children in the shooting operations had been ordered, he could now simply no longer avoid mandating the intensified deployment of his commando. Pointing at me, he then ruled: “You assume command tomorrow.” He likewise ordered one or two other officers to participate.⁷⁸

Here Schneider repeated what he had said nine months earlier about the new orders coming from Heydrich, as well as his statement of February 10 to the effect that “the inclusion of women and children in the shooting operations” had been ordered.

He also specified that Filbert had passed the order on to his officers just after the commando had arrived in Vileyka.

On June 30, 1960, Greiffenberger, who like Schneider had himself been indicted by this time, testified for the first time on the subject:

I now recall that during our stay in Vilnius or Vileyka the order was issued that women and children were now also to be included in the measures against Jewish residents. Allegedly, Filbert had been rebuked because the shooting figures of the commando allegedly had been too low. During the subsequent shootings, women and children were then indeed killed.⁷⁹

Though Greiffenberger was unable to recall precisely at what location Filbert had informed his officers of the change of orders, his testimony on the inclusion of women and children corroborates Schneider's. Four months later, on October 24, 1960, Greiffenberger added:

We had radio contact with Einsatzgruppe B. On several occasions Filbert was ordered to attend meetings with the group staff. . . . To my knowledge, the RSHA [in] Berlin intervened in the matter of the shootings of Jews at a later date, when we were situated in Vileyka, on one single occasion, regarding the matter of also shooting women and children in the future.⁸⁰

At this point, Greiffenberger was able to recall that Filbert relayed the order while the group was in Vileyka.

The next day, on October 25, 1960, Greiffenberger noted more specifically—as Schneider had done in March of the same year—that the meeting of the officers of EK 9 had taken place shortly after the arrival of the commando in Vileyka:

As far as I recall, the commando remained in Vileyka for about 2 weeks. We had been in Vileyka only a few days when Filbert held a staff meeting with a small group of officers. I believe that, aside from Filbert and me, Schneider and Klein⁸¹ were present at this meeting. During the course of this staff meeting, Filbert disclosed to us that he had received the order from a higher authority to shoot Jewish women and children as well in the future. Furthermore, Filbert took this opportunity to point out that the reported shooting figures had been criticized in high places as too low.⁸²

Greiffenberger confirmed that the order involved the inclusion of Jewish women and children as targets, but he did not specify that the order had come from Heydrich. Instead he merely noted that Filbert had received the order from a "higher authority" (*von höherer Stelle*).⁸³

Finally, on September 26, 1961, Schneider repeated his statement that in Vileyka Filbert had relayed to the commando an order to shoot women and children:

To my knowledge, Dr. Filbert returned from a face-to-face meeting at which he had allegedly been reproached for insufficient shooting quotas and had furthermore received the order to also shoot women and children from now on.⁸⁴

What can we derive from these seven statements? Six of the seven statements make it clear that the new order related to the expansion of the killing to women *and* children. Only Schneider's first statement, which referred to "Jewish men and women," without reference to children, diverged from this pattern. Five of the seven statements also contain a reference to Vileyka as the location at which Filbert conveyed the new order to his officers. Only in his first statement was Greiffenberger unable to recall whether this had taken place in Vilnius or Vileyka, though he asserted with certainty in both of his subsequent statements that it had indeed been Vileyka. Schneider, in his second statement, made no mention of the location of the commando at the time of the order being conveyed to its members. With regard to the identity of the issuer of the order, Schneider cited in his first and third statements that the order came from Heydrich, though he was unable to say whether Heydrich himself had been present or a direct order from Heydrich had been conveyed. In his second statement, Greiffenberger—while not mentioning Heydrich by name—stated that the order came from the RSHA in Berlin. As Heydrich was the head of the RSHA and, in this capacity, in charge of the Einsatzgruppen, there is a high probability that the order had indeed come from him. In his third statement, Greiffenberger stated only that Filbert had received the order from an unspecified "higher authority." Three of the statements—Schneider's second and fourth, and Greiffenberger's first—provide no information regarding the identity of the issuer of the order (other than Schneider's characterization of the command, in his second statement, as a "higher order"). Given that neither Schneider nor Greiffenberger were present when Filbert received the new orders, and were only reporting what Filbert had told them in Vileyka, their agreement and consistency on the source of the order—Heydrich/RSHA—is rather striking.

It remains unclear *where* Filbert was when he received the new order. If Heydrich issued the order directly, as seems likely, then Filbert must have travelled to Berlin to receive it. On July 20, 1941, the same day as EK 9's departure from Vilnius, Heydrich had begun a three-day trip to the southern part of the Soviet front near Yampol' in the Ukraine. There he re-joined Fighter Squadron 77, with which he had already flown in air raids over Norway the previous year. He then returned to Berlin.⁸⁵ His next trip to the occupied Soviet territories does not appear to have taken place until the beginning of September, when he visited Himmler's eastern headquarters at Hegewald near Zhytomyr, Ukraine.⁸⁶ It was not unusual for members of a commando to travel back to the Reich during the course of their deployment in the occupied Soviet territories. Greiffenberger, for example, travelled back to Germany in mid-July in order to send parcels with furs to the families of commando personnel.⁸⁷

Postwar statements to the effect that Filbert received the new orders from Nebe in Smolensk⁸⁸ seem incorrect: the staff of EG B—and Nebe along with it—reached Smolensk only on August 5.⁸⁹ By this time, however, EK 9 had already left Vileyka and had been in the city of Vitebsk for no fewer than three days.⁹⁰ More important, EK 9 began killing women and children at the end of July, while the

commando was still stationed in Vileyka.⁹¹ According to testimony given by one member of the Order Police platoon assigned to EK 9:

I can say only that the situation in commando 9 was a different one as of Vileyka than beforehand. From our stay in Vileyka onwards, small sub-commandos under the command of different SS and SD officers were pulled off Filbert's main commando with increasing frequency for special tasks unknown to me, so that [the size of] the regular commando diminished ever further.⁹²

The documentary evidence tracing the escalation of the killing indeed supports Schneider's and Greiffenberger's testimonies discussed above: subsequent shooting operations by EK 9 also targeted women and children. On July 30, evidently the day after the new orders had been transmitted by Filbert to his commando, EK 9 shot at least 350 Jews in Vileyka, including—for the first time—women.⁹³ In a second shooting operation against Vileyka's Jews, at least 100 Jewish men, women, and—again for the first time—children as young as age 15 were killed.⁹⁴ A member of the Order Police platoon assigned to EK 9 later estimated the total number of victims of the two shooting operations in Vileyka at between 300 and 500.⁹⁵ Greiffenberger also subsequently put the total number of Jews murdered in Vileyka at 500 and believed that "all Jews who had resided in Vileyka" had been shot by EK 9.⁹⁶ The officers of EG B felt sufficiently certain of this to report back to Berlin: "In Vileyka, the entire Jewish community had to be liquidated."⁹⁷ If all remaining Vileyka Jews *were* indeed killed by EK 9, it stands to reason—particularly as Sonderkommando 7a of EG B had already "combed" the town prior to EK 9's arrival and shot between 130 and 150 Jewish men there on July 12⁹⁸—that a substantial proportion of EK 9's victims in Vileyka—a larger proportion in fact than the available sources and testimony indicate—must have been women and children.

In the next shooting operation, at least 100 Jews—some 70 men and 30 women—were shot in the nearby town of Maladzyechna.⁹⁹ A further shooting operation in the vicinity of Vileyka cost the lives of around 70 Jewish men and 10 or 12 female Jewish teachers.¹⁰⁰ During the first ten days after arriving in Vitebsk—no later than August 2—EK 9 carried out at least two shooting operations with no fewer than 100 victims apiece, women among them.¹⁰¹ Around August 12, *all* Jews in Surazh—between 500 and 600 people—were rounded up and then shot outside the town. A third of them were men and two-thirds women and children of all ages.¹⁰² Following the shooting of around 100 Jewish men in August in a small town, possibly Lepel,¹⁰³ on the road between Vileyka and Vitebsk,¹⁰⁴ 397 male Jews from the civilian internment camp in Vitebsk were shot the same month.¹⁰⁵ At the beginning of September, 19 Jews, male and female, were shot as "arsonists" in Vitebsk.¹⁰⁶ Seventy-four Jews had also been shot in the Russian town of Nevel' at the beginning of September,¹⁰⁷ and as many as 640 Jewish men, women, and children aged as young as five years were shot at the end of the month during the dissolution of the ghetto there.¹⁰⁸ In an

operation similar to the one in Nevel', 1,025 people were murdered in the course of the dissolution of the ghetto in the Belorussian village of Yanavichy the same month.¹⁰⁹ This mass killing had been preceded in Yanavichy by the shooting of 149 Jews as "NKGB informers and political functionaries."¹¹⁰ On October 1, 52 Jews who had fled from the Russian village of Gorodok to Vitebsk were killed by EK 9.¹¹¹ In October the inhabitants of the ghetto in Vitebsk were wiped out during a series of shooting operations. The first shooting claimed at least 250 victims: men, women, and around 40 boys and girls aged between two and eight years.¹¹² The next operation cost the lives of at least 750 people, women among them;¹¹³ one week later, at least 800 people—including mothers carrying infants and a group of ten- to twelve-year-old children—were shot.¹¹⁴ During the final phase of the dissolution of the Vitebsk ghetto, EK 9 shot a total of between 4,000 and 8,000 Jews. On the basis of the surviving documentation, it appears that not a single Jewish person survived the liquidation of the ghetto.¹¹⁵ Filbert was replaced as commander of Einsatzkommando 9 on October 20, and he returned to Berlin.¹¹⁶

What can be discerned from these statistics? Immediately after the new orders had been transmitted and while EK 9 was still in Vileyka, two shooting operations were carried out, both of which targeted women and the second of which also targeted children. According to Greiffenberger's subsequent testimony, by the time the commando left Vileyka at the beginning of August, it had indeed killed—for the first time—*all* Jews living in a particular locality. The next four shooting operations (one in Maladzyechna, one in the vicinity of Vileyka, and two in Vitebsk), carried out during the first half of August, all targeted women. The entire Jewish population of the border town of Surazh fell victim to the next shooting operation on or around August 12. Two-thirds of those shot were women and children. Subsequently, during September and October, EK 9 wiped out in their entirety the inhabitants of the Jewish ghettos in Nevel', Yanavichy, and Vitebsk.

Christian Gerlach has noted that EK 9 was known within EG B as the first of EG B's commandos to kill women and children.¹¹⁷ In fact, EK 9 was not only the first commando within EG B to begin killing women and children, but in fact the first commando of *any* of the Einsatzgruppen to do so. As shown above, EK 9 began systematically killing not only women but also children at the end of July.¹¹⁸ Although EK 3 of EG A had killed Jewish women in small but increasing numbers from the first half of July onwards (reaching triple figures for the first time on August 13), the commando did not include any children in their massacres until August 15–16 in Rokiškis,¹¹⁹ at a time when EK 9 had already carried out no fewer than two shooting operations targeting children.¹²⁰ In light of recent research, it now appears that EK 2 of EG A may have been the first commando in Lithuania to begin the systematic murder of children, in Biržai on August 8.¹²¹ The first commando in EG C to murder women and children was Sonderkommando 4a, which began killing larger numbers of women at the beginning of August and, soon thereafter, children as well.¹²² All other commandos

of the four Einsatzgruppen began killing women and children only at a later stage.¹²³ This delay may have resulted from the time required for the new orders to be passed orally down the chain of command, from Himmler and Heydrich, often via the HSSPF and/or the EG chiefs, to the individual commandos in the field. Another factor in the divergent timing of the transition to genocide was the varying interpretative will of the individual commanders.¹²⁴

Other SS formations deployed in the Soviet Union also began their systematic slaughter of Jewish women and children in August. The first massacre carried out by the aforementioned SS Cavalry Regiment 1 took place on August 3 in the southwestern Belorussian town of Chomsk, which had a Jewish population of about 2,000. The unit shot as many of them as they could lay their hands on—men, women, and children. Only a very few members of the Jewish population of Chomsk managed to flee or otherwise survived the massacre.¹²⁵ On August 6 in the southern Belorussian city of Pinsk, SS Cavalry Regiment 2 shot at least 6,500 Jewish men aged between 16 and 60 years and, the next day, around 2,400 more Pinsk Jews, this time including men aged over 60 years and boys aged 6 and older. Women and girls were spared, at least temporarily.¹²⁶ Beginning on August 7 and ending on August 9, the 10th Regiment of the 1st SS Infantry Brigade murdered all the Jews living in the Ukrainian town of Chernyakhov—a total of more than 300 men, women, and children.¹²⁷

Given that some doubt remains as to whether *all* Jews were indeed killed in Vileyka at the end of July,¹²⁸ it may be that the first time EK 9 killed the *entire* Jewish population of a village or town, was in Surazh around August 12. This possible two-week delay between the receipt of the orders on July 29 and the wiping out of an entire Jewish community on August 12 is likely to be explained less by the assumption that two sets of orders were issued within the space of two or three weeks (a first to include *some* women and *some* teenagers, and a second to include *all* women and *all* children) than by a brief period of acclimatization within the commando. The members of the commandos had never killed women and children in large numbers before. Even under the prevailing circumstances, this must have taken some getting used to. Had a commando received the green light to kill women and children, however, the Rubicon would have been crossed. A further order for the escalation of the killing was then no longer necessary from the German leadership's point of view. As soon as Heydrich instructed his commandos to include women and children in the shooting operations, he could no longer control whether they shot two or 200 of them. Once Heydrich had issued the order, there was no turning back. Having received the new orders at the end of July, EK 9 evidently began to tentatively feel its way by including first women and then children aged 15 and older in the next two shooting operations. Within two weeks, however, both women and children, with no exceptions for age, were being killed by EK 9 in triple figures.

Based on the testimony of Schneider and Greiffenberger cited above, what can we conclude about the reason(s) for the issuance of the new order? On June 12, 1959,

Schneider stated that EK 9 had attracted the negative attention of Heydrich because the implementation reports for shootings of Jews had “failed to materialize” (*ausgeblieben seien*). This is a particularly interesting formulation because it was Schneider himself who had been responsible for compiling and submitting the execution reports.¹²⁹ One might conclude that Schneider cited this “failure” so as to make it appear that he himself had refused to submit the execution reports. Without being explicit, Schneider implies in his statement that the order amounted to an admonishment for an alleged failure to file execution reports. The result of the admonishment was that Filbert “could now no longer avoid having the order carried out to shoot Jewish men and women.” In fact, despite Schneider’s testimony, we know that the execution reports *were* submitted.¹³⁰

On March 11, 1960, Schneider stated that EK 9 had attracted Heydrich’s attention because its activity in fulfilling the shooting order had been far too limited. On this occasion, however, when talking about the new orders he used the word “furthermore” (*außerdem*), thus suggesting that Heydrich’s criticism of EK 9’s limited activity was *not* directly connected with—and thus not the reason for—the issuing of new orders. During a hearing on June 30, 1960 Greiffenberger stated that Filbert had been rebuked because the shooting figures of the commando had been too low, though Greiffenberger also did not specify that this had been the reason for the issuing of the new orders. On October 25, 1960, Greiffenberger repeated that people “in high places” (*höheren Ortes*) had expressed displeasure over the low execution figures reported, though he did not explicitly link this observation to the order to shoot Jewish women and children. He introduced the topic of the higher-ups’ critical stance by using the same word—“furthermore” (*außerdem*)—that Schneider had used. During a hearing on September 26, 1961, Schneider stated once more that Filbert had been reprimanded for his low execution numbers. He then added that Filbert had—“furthermore”—received the order to also shoot women and children from now on.¹³¹

All five of these statements—three by Schneider and two by Greiffenberger—indicate that Filbert told his officers that he had been rebuked for his tardiness in fulfilling and/or reporting his execution quotas. This much appears to be true. None of the five remarks states explicitly, however, that this tardiness was the actual reason for the issuing of the orders to include women and children in the mass murders. Schneider’s first statement seems to imply that it was, yet three of the statements—Schneider’s second and third and Greiffenberger’s first—indicate that the two issues were unrelated. In any case, it is doubtful that low execution figures were the real reason for the new orders: at this point, EK 9 had shot and killed more people than any of the other commandos belonging to EG B.¹³²

We must also keep in mind that neither Schneider nor Greiffenberger was present when the new orders were issued to Filbert; in their testimony, they were simply relaying what Filbert had told them in Vileyka (hence their repeated use of the

word “allegedly” [*angeblich*] in this context). Thus, we know only that Filbert told Schneider and Greiffenberger (and the other officers present) that he had been reprimanded for low execution figures. This was not necessarily the truth; and there is certainly little reason to believe that this was the real reason for the issuing of the new orders. Perhaps anticipating misgivings on the part of some of his officers regarding the murder of women and children—misgivings that were indeed voiced¹³³—Filbert may have presented the new orders less as a conscious expansion of an ideological/racial program of mass murder and more as an inescapable chastisement for EK 9’s (supposed) tardiness hitherto.

It is probable that Filbert had been reprimanded once before, namely at the beginning of July. Nebe had been rebuked—in a written order from Heydrich issued not just to Nebe but to all four Einsatzgruppen chiefs—because during a visit to Grodno on July 1, Himmler and Heydrich had found “no member of the SP [Security Police] and the SD in this locality.”¹³⁴ As Nebe himself put it in a subsequent report to Berlin, “only 96 Jews” (*nur 96 Juden*) had been executed in Grodno and nearby Lida during the first days of the presence of a sub-commando of EK 9 there. Nebe announced that he had accordingly issued the order “to considerably intensify” (*erheblich zu intensivieren*) shootings in the area.¹³⁵ Nevertheless, this incident, for which Filbert can be assumed to have received a rebuke in turn from Nebe, cannot feasibly be the same as the one that prompted the alleged admonishment of Filbert by Heydrich at the end of July. Not only had four weeks elapsed between these two incidents, but EK 9 had in the meantime demonstrated the kind of conduct Heydrich expected during its stay in Vilnius (at least 5,000 dead in less than three weeks). Perhaps, however, Heydrich had reminded Filbert during their meeting in Berlin of the latter’s “sloppy” conduct in Grodno and used it to spur Filbert on to even more radical measures. Filbert’s need to gain favor with Heydrich may help explain why EK 9 was the first commando to begin shooting women and children. Heydrich’s order to Filbert and the massacres in Vileyka could even be perceived as a test run for the other commanders.¹³⁶

What did Filbert himself have to say on the question of orders? During a hearing on June 9, 1959, he stated that shortly before the Einsatzgruppen departed from the border police academy in Pretzsch, Heydrich had informed them of Hitler’s order “to liquidate the Eastern Jewish population” (*die jüdische Ostbevölkerung zu liquidieren*).¹³⁷ During a hearing on January 14, 1960, Filbert repeated that Heydrich had conveyed the order prior to June 22, 1941, and specified that “all Jews in the area of operations” should be shot.¹³⁸ The assertion that an order to kill *all* Soviet Jews had been issued *before* the German invasion began was naturally part of Filbert’s defense strategy; the statement was aimed at persuading the court that, in carrying out all those massacres between June and October 1941, he had merely been obeying superior orders.

At least once, however—on March 17, 1960, during the preliminary proceedings prior to his trial—Filbert strayed from his established line of defense.¹³⁹ He admitted that he *had* received an additional order concerning the inclusion of women and children in the massacres: “I do recall that during the course of the further advance from Vileyka of the commando led by me the order was issued to me that in future not only Jewish men but also Jewish women and children were to be shot.”¹⁴⁰ Although Filbert placed the issuing of the order at a slightly later point—namely during EK 9’s departure *from* Vileyka (*ab Wilejka*), as opposed to shortly after the commando’s arrival *in* Vileyka, as Greiffenberger and Schneider had recalled—it is clear that the same order is meant.

At a much later date, on September 23, 1971, Filbert attempted to explain how it was possible to have received both an initial order to kill *all* Jews as well as a subsequent order to expand the killing to include women and children:

It was very clear that the [pre-invasion] Führer Order announced by Heydrich to shoot all Jews also extended to women and children. Initially, however, in general the shooting was restricted to the male Jews. Then the enquiry came from Berlin as to why the shooting of women and children was not reported. Immediately afterwards the hint came from Berlin that the Führer Order of course extended also to women and children.¹⁴¹

In September 1971, more than nine years after his trial and sentencing to life imprisonment, Filbert was still not willing to depart from his insistence that the order to kill *all* Soviet Jews had already been issued before the invasion. Yet he *was* prepared (as in his earlier testimony of March 17, 1960) to modify his claim sufficiently to allow for a later order—or rather, as he termed it, a “hint” (*Hinweis*)—instructing the commando to expand the killing to include women and children. He also specified on this occasion (as Greiffenberger had done in his testimony of October 24, 1960) that this order came from Berlin, which very probably meant Heydrich.

Concluding Remarks

Ultimately, the postwar testimony of Greiffenberger, Schneider, and even Filbert is of little use in determining the precise reasons for the transition to genocide against Soviet Jewry at the end of July 1941, as the decision was taken by higher authorities. Based on the above, however, we can establish that the immediate reasons for expanding the killing at this particular point in time were twofold. First, the harmonious cooperation between the SS-Einsatzgruppen and the Wehrmacht during the first five weeks of the campaign demonstrated that the Wehrmacht would not resist such a transition. Second, the German leadership appeared to believe that military victory was acutely endangered by the threat posed to the security of the rear areas and the German supply lines; they therefore felt it necessary to intensify measures of terror against the civilian population and, especially, the alleged “pillars of the Jewish-Bolshevik system,” Soviet Jews. With respect to the actual issuing of the new

orders, we can draw the following conclusions: first, Alfred Filbert, the commander of EK 9, was likely the first of the commando chiefs to receive the order to expand the murder of Soviet Jews to incorporate women and children—i.e., to institute genocide. Second, the bearer of the order to Filbert was Heydrich himself. Third, Heydrich issued this order to the commander of EK 9 in person in Berlin between July 23, when Heydrich returned to the German capital from his trip to Ukraine, and July 29, the day before EK 9 commenced massacring the Jews of Vileyka. Fourth, EK 9 was the first commando to put the order into practice.

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Notes

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1. See especially (in chronological order) the essays by Helmut Krausnick, “Hitler und die Befehle an die Einsatzgruppen im Sommer 1941,” and Alfred Streim, “Zur Eröffnung des allgemeinen Judenvernichtungsbefehls gegenüber den Einsatzgruppen,” in *Der Mord an den Juden im Zweiten Weltkrieg: Entschlußbildung und Verwirklichung*, ed. Eberhard Jäckel and Jürgen Rohwer (Stuttgart: Deutsche Verlags-Anstalt, 1985); Christopher R. Browning, *Fateful Months: Essays on the Emergence of the Final Solution* (New York/London: Holmes & Meier, 1985), 8–38; Ronald Headland, “The *Einsatzgruppen*: The Question of Their Initial Operations,” *Holocaust and Genocide Studies* 4, no. 4 (1989): 401–12; Ralf Ogorreck, *Die Einsatzgruppen und die “Genesis der Endlösung”* (Berlin: Metropol, 1996); Christian Gerlach, *Kalkulierte Morde: Die deutsche Wirtschafts- und Vernichtungspolitik in Weißrußland 1941 bis 1944* (Hamburg: Hamburger Edition, 1999), 628–46; Peter Longerich, *Der ungeschriebene Befehl: Hitler und der Weg zur “Endlösung”* (Munich: Piper, 2001), 97–109; Michael Wildt, *Generation des Unbedingten: Das Führungskorps des Reichssicherheitshauptamtes*, rev. ed. (Hamburg: Hamburger Edition, 2003 [2002]), 553–61; Wolfgang Curilla, *Die deutsche Ordnungspolizei und der Holocaust im Baltikum und in Weißrußland 1941–1944* (Paderborn: Ferdinand Schöningh, 2006), 86–123; Christoph Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941–1944*, vol. 1 (Göttingen: Wallstein, 2011), 391–401.

2. See “Urteil des Schwurgerichts beim Landgericht Berlin 3 P (K) Ks 1/62, vom 22. Juni 1962” in Universitätsarchiv Gießen, Promotionen und Dissertationen an der Universität Gießen von 1894 bis 1945, Jur[istische]. Prom[otionsakte]. Nr. 775, fols. 36–159 (hereafter “Urteil Landgericht Berlin”).
3. Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Alfred Filbert et al., Landgericht Berlin, October 24, 1960, Landesarchiv Berlin (hereafter LArch Berlin), B Rep. 058 (record group Staatsanwaltschaft beim Landgericht Berlin), Nr. 7178, fol. 91; “Urteil Landgericht Berlin,” fols. 47–48.
4. Hearing of the accused Wilhelm Greiffenberger, Polizeipräsident in Berlin, June 29 and 30, 1960, LArch Berlin, B Rep. 058, Nr. 7174, fols. 91–94 and 100–101; Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Alfred Filbert et al. for murder, October 21, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fols. 84–85 (reverse).
5. See “Urteil Landgericht Berlin,” fols. 134–39, 141–42, 148–50 and 152–53; “Urteil und Urteilsbegründung im SS-Prozeß Filbert u.a. Vorsitzender: Kammergerichtsrat Meyer,” n.d. [June 22, 1962], Bundesarchiv Außenstelle Ludwigsburg (hereafter BArch Ludwigsburg), B 162/2401, fol. 30.
6. See “Urteil Landgericht Berlin,” fols. 106–13 and 116; “Angeklagter: Damit werde ich mein Leben lang nicht fertig,” *Augsburger Allgemeine*, May 23, 1962.
7. On the advantages and disadvantages to the historian of using documents from legal proceedings against Nazi perpetrators, see Gerlach, *Kalkulierte Morde*, 28–33.
8. “Urteil Landgericht Berlin,” fol. 116. See also “Angeklagter.”
9. See, for example, written statement from Wilhelm Greiffenberger to the Generalstaatsanwaltschaft beim Landgericht Berlin, “Betr. Akt.Z. 3 P (K) JS 82/60,” July 4, 1960, LArch Berlin, B Rep. 058, Nr. 7174, fols. 131–35. See also “Urteil Landgericht Berlin,” fol. 116.
10. “Urteil Landgericht Berlin,” fol. 106. To this day, however, after decades of legal proceedings, not a single case is known in which a person who refused to partake in a killing or an execution was actually punished by death. See “Hohe Zuchthausstrafen im Einsatzkommando-Prozeß,” *Augsburger Allgemeine*, June 23, 1962; Gerlach, *Kalkulierte Morde*, 31n82.
11. Klaus-Michael Mallmann, “Menschenjagd und Massenmord: Das neue Instrument der Einsatzgruppen und –kommandos, 1938–1945,” in *Die Gestapo im Zweiten Weltkrieg: “Heimatfront” und besetztes Europa*, ed. Gerhard Paul and Klaus-Michael Mallmann (Darmstadt: Wissenschaftliche Buchgesellschaft, 2000), 304.
12. “Tätigkeitsbericht für die Zeit vom 23.6.1941 bis 13.7.1941,” Einsatzgruppe B, July 14, 1941, Der Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik, Archiv der Zentralstelle, Berlin (hereafter BStU), MfS, HA IX/11 ZUV, Nr. 9, Bd. 31, fol. 11. I am grateful to Martin Holler for providing me with a copy of this document. A comprehensive study of Einsatzgruppe B remains to be written. For a brief overview see Christian Gerlach, “Die Einsatzgruppe B 1941/42,” in *Die Einsatzgruppen in der besetzten Sowjetunion 1941/42: Die Tätigkeits- und Lageberichte des Chefs der Sicherheitspolizei und des SD*, ed. Peter Klein (Berlin: Edition Hentrich, 1997).
13. See Helmut Krausnick, “Die Einsatzgruppen vom Anschluß Österreichs bis zum Feldzug gegen die Sowjetunion: Entwicklung und Verhältnis zur Wehrmacht,” in Helmut Krausnick

and Hans-Heinrich Wilhelm, *Die Truppe des Weltanschauungskrieges: Die Einsatzgruppen der Sicherheitspolizei und des SD 1938—1942* (Stuttgart: Deutsche Verlags-Anstalt, 1981), 145.

14. See “Betr.: Regelung des Einsatzes der Sicherheitspolizei und des SD im Verbands des Heeres,” Oberkommando des Heeres, Gen. St. d. H./Gen. Qu., Az. Abt. Kriegsverwaltung, Nr. II/2101/41 geh., signed [Walther] von Brauchitsch, 28 April 1941, Bundesarchiv-Militärarchiv, Freiburg im Breisgau (hereafter BArch-MA), RH 22/12, fol. 37b.

15. “Tätigkeitsbericht für die Zeit vom 23.6.1941 bis 13.7.1941,” Einsatzgruppe B, 14 July 1941, BStU, MfS, HA IX/11 ZUV, Nr. 9, Bd. 31, fol. 11; “Urteil Landgericht Berlin,” fols. 65 and 68. The drivers had been conscripted and then assigned by the employment office to the Gestapo or the SD. See Mallmann, “Menschenjagd und Massenmord,” 304. For a brief overview of the activities of EK 9 between June 1941 and autumn 1943, though with the main focus on the police platoon assigned to it, see Curilla, *Die deutsche Ordnungspolizei und der Holocaust*, 410–25.

16. Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Alfred Filbert et al., Landgericht Berlin, October 24, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fol. 88.

17. “Tätigkeitsbericht für die Zeit vom 23.6.1941 bis 13.7.1941,” Einsatzgruppe B, July 14, 1941, BStU, MfS, HA IX/11 ZUV, Nr. 9, Bd. 31, fol. 12. For similar figures see Hearing of Dr. Alfred Filbert, May 11, 1959, BArch Ludwigsburg, B 162/2400, fol. 12.

18. Hearing of the accused Wilhelm Greiffenberger, Polizeipräsident in Berlin, June 29, 1960, LArch Berlin, B Rep. 058, Nr. 7174, fol. 98; Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Alfred Filbert et al., Landgericht Berlin, October 24, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fol. 88 (reverse); Notes by the Chief Public Prosecutor on testimony given by Gustav Wolters on June 5, 1962, 3 P (K) Ks 1/62, May 28, 1964, BArch Ludwigsburg, B 162/20862, fol. 2. See also “Urteil Landgericht Berlin,” fol. 68.

19. Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Alfred Filbert et al., Landgericht Berlin, October 24, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fol. 88 (reverse). Heinrich Tunnat, Greiffenberger’s co-defendant and a former officer in EK 9, also understood these orders to refer to male Jews. See Hearing of the accused Heinrich Tunnat in the criminal case against Dr. Filbert et al. for murder, Landgericht Berlin, July 3, 1961, BArch Ludwigsburg, B 162/20580, fol. 88.

20. Christian Streit, “Ostkrieg. Antibolschewismus und ‘Endlösung,’” *Geschichte und Gesellschaft* 19 (1991): 244–45; Peter Longerich, *Politik der Vernichtung: Eine Gesamtdarstellung der nationalsozialistischen Judenverfolgung* (Munich: Piper, 1998), 315; Wolfram Wette, *Karl Jäger: Mörder der litauischen Juden* (Frankfurt am Main: Fischer Taschenbuch, 2011), 49. For a contrasting view, to the effect that the SS directives, “both written and verbal . . . were likely more extreme in substance” than those of the Wehrmacht, see Headland, “The *Einsatzgruppen*,” 402.

21. For the text of the so-called Commissar Order see “Richtlinien für die Behandlung politischer Kommissare,” June 6, 1941, BArch-MA, RW 4/v. 578, fols. 41–44. For the text of the so-called Jurisdiction Decree Barbarossa, see Nuremberg document (hereafter Nbg. doc.) 050–C, “Erlass über die Ausübung der Kriegsgerichtsbarkeit im Gebiet ‘Barbarossa’ und über besondere Massnahmen der Truppe,” May 13, 1941, reproduced in: International Military

Tribunal, ed., *Der Prozess gegen die Hauptkriegsverbrecher vor dem Internationalen Militärgerichtshof, Nürnberg, 14. November 1945—1. Oktober 1946* (hereafter IMG), vol. 34 (Nuremberg: Sekretariat des Gerichtshofs, 1949), 249–55. For the text of the Guidelines for the Conduct of the Troops in Russia see “Richtlinien für das Verhalten der Truppe in Rußland,” n.d. [May 19, 1941], BArch-MA, RH 22/12, fols. 114–15.

22. “Als Geheime Reichssache,” signed [Reinhard] Heydrich, July 2, 1941, Bundesarchiv Berlin-Lichterfelde (hereafter BArch Berlin), R 70 Sowjetunion/32, fols. 6–7.

23. Ibid.

24. Prisoners of War Department, General Wehrmacht Office, OKW (Abteilung Kriegsgefangene im Allgemeinen Wehrmachtsamt im OKW).

25. “Einsatzbefehl Nr. 8, Betr. Richtlinien für die in die Stalags und Dulags abzustellenden Kommandos des Chefs der Sicherheitspolizei und des SD,” 21 B/41 g Rs. IVA 1 c, Der Chef der Sicherheitspolizei und des SD, July 17, 1941, second enclosure: “Anlage 2. Richtlinien für die in die Stalags abzustellenden Kommandos des Chefs der Sicherheitspolizei und des SD,” BArch Berlin, R 58/272, fol. 56.

26. “Einsatzbefehl Nr. 8, Betr. Richtlinien für die in die Stalags und Dulags abzustellenden Kommandos des Chefs der Sicherheitspolizei und des SD,” 21 B/41 g Rs. IVA 1 c, Der Chef der Sicherheitspolizei und des SD, July 17, 1941, first enclosure: “Anlage 1. Richtlinien für die Aussonderung von Zivilpersonen und verdächtigen Kriegsgefangenen des Ostfeldzuges in den Kriegsgefangenenlagern im besetzten Gebiet, im Operationsgebiet, im Generalgouvernement und in den Lagern im Reichsgebiet,” BArch Berlin, R 58/272, fols. 51–53. See also Gerlach, *Kalkulierte Morde*, 504–505 and 553. The draft guidelines from June 28 had envisaged the murder of all Jewish *prisoners of war*, though not yet of all Jewish civilians in the camps. For the draft guidelines see “Richtlinien für die in die Stalags abzustellenden Kommandos des Chefs der Sipo und des SD,” BArch Berlin, R 58/272, fols. 38–40. On the background to the July 17 guidelines see Christian Streit, *Keine Kameraden: Die Wehrmacht und die sowjetischen Kriegsgefangenen, 1941–1945*, 4th rev. ed. (Bonn: Dietz, 1997 [1978]), 91–92.

27. Gerlach, *Kalkulierte Morde*, 504–505. On civilian internment camps in the operations area of the 403rd Security Division, to which area EK 9 was deployed, see *ibid.*, p. 512.

28. “Einsatzbefehl Nr. 8, Betr. Richtlinien für die in die Stalags und Dulags abzustellenden Kommandos des Chefs der Sicherheitspolizei und des SD,” 21 B/41 g Rs. IVA 1 c, Der Chef der Sicherheitspolizei und des SD, July 17, 1941, first enclosure: “Anlage 1. Richtlinien für die Aussonderung von Zivilpersonen und verdächtigen Kriegsgefangenen des Ostfeldzuges in den Kriegsgefangenenlagern im besetzten Gebiet, im Operationsgebiet, im Generalgouvernement und in den Lagern im Reichsgebiet,” BArch Berlin, R 58/272, fols. 51–52.

29. As argued by Gerlach, *Kalkulierte Morde*, 505.

30. As argued by Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941–1944*, 1:394–401.

31. In contradiction to the assumption in Krausnick, “Hitler und die Befehle an die Einsatzgruppen,” 102.

32. “Tätigkeitsbericht für die Zeit vom 23.6.1941 bis 13.7.1941,” Einsatzgruppe B, 14 July 1941, BStU, MfS, HA IX/11 ZUV, Nr. 9, Bd. 31, fol. 10.

33. "Anklageschrift," Indictment against Kurt Schulz-Isenbeck for acting as an accessory to the murder of at least 90 people on July 5, 1941 in Lida, Staatsanwaltschaft Dortmund, 45 Js 15/62, June 30, 1970, BArch Ludwigsburg, B 162/3922, fols. 460–61; Hearing of the witness Felix U., 45 Js 15/62, August 25, 1966, BArch Ludwigsburg, B 162/3921, fols. 352–53. See also BArch Berlin, R 58/214, "Ereignismeldung UdSSR Nr. 21," July 13, 1941, fol. 151.
34. "Anklageschrift," Indictment against Kurt Schulz-Isenbeck, Staatsanwaltschaft Dortmund, 45 Js 15/62, June 30, 1970, BArch Ludwigsburg, B 162/3922, fol. 460; Hearing of the witness Felix U., 45 Js 15/62, August 25, 1966, BArch Ludwigsburg, B 162/3921, fol. 350.
35. "Ereignismeldung UdSSR Nr. 21," July 13, 1941, BArch Berlin, R 58/214, fol. 147.
36. "Polizeilicher Tätigkeitsbericht der Einsatzgruppe B für das Heeresgruppenkommando Mitte für die Zeit von ca. 9. bis 16. Juli 1941," reproduced as doc. 1, pp. 552–556, in: Johannes Hürter, "Auf dem Weg zur Militäropposition: Tresckow, Gersdorff, der Vernichtungskrieg und der Judenmord," *Vierteljahrshefte für Zeitgeschichte* 52, no. 3 (2004): 554.
37. "Ereignismeldung UdSSR Nr. 21," July 13, 1941, BArch Berlin, R 58/214, fol. 147; Kazimierz Sakowicz, *Ponary Diary, 1941–1943: A Bystander's Account of a Mass Murder*, ed. Yitzhak Arad (New Haven: Yale University Press, 2005), 11–14 (entries for July 11 and 23).
38. "Urteil Landgericht Berlin," fol. 77; "Filbert schwer belastet," *Augsburger Allgemeine*, May 18, 1962 (testimony by Greiffenberger).
39. "Tätigkeits- und Lagebericht Nr. 2 der Einsatzgruppen der Sicherheitspolizei und des SD in der UdSSR (Berichtszeit v. 29.7.–14.8.1941)," reproduced in Klein, ed., *Die Einsatzgruppen in der besetzten Sowjetunion 1941/42*, 137; "Ereignismeldung UdSSR Nr. 50," August 12, 1941, BArch Berlin, R 58/215; "AKT," report of a Soviet commission in Ashmyany, May 24, 1945, BArch Ludwigsburg, B 162/30134, fol. 259.
40. See Longerich, *Politik der Vernichtung*, 321–51. On events in Lithuania see also Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941–1944* 1:313–79; and Dieckmann, "Der Krieg und die Ermordung der litauischen Juden," in *Nationalsozialistische Vernichtungspolitik 1939–1945: Neue Forschungen und Kontroversen*, ed. Ulrich Herbert (Frankfurt am Main: Fischer Taschenbuch, 1998), 295–300. On Belorussia see also Gerlach, *Kalkulierte Morde*, 536–555.
41. As posited by Krausnick, "Hitler und die Befehle an die Einsatzgruppen"; and Headland, "The *Einsatzgruppen*." Also, more recently: Curilla, *Die deutsche Ordnungspolizei und der Holocaust*, 86–123, esp. 107 and 123.
42. Klaus-Michael Mallmann, "Die Türöffner der 'Endlösung': Zur Genesis des Genozids," in Paul and Mallmann, eds., *Die Gestapo im Zweiten Weltkrieg*, 448–49.
43. A point made by Streit, "Ostkrieg, Antibolschewismus und 'Endlösung,'" 245.
44. "Ereignismeldung UdSSR Nr. 14," July 6, 1941, BArch Berlin, R 58/214, fol. 86.
45. "Ereignismeldung UdSSR Nr. 27," July 19, 1941, BArch Berlin, R 58/214, fol. 221.
46. "Ereignismeldung UdSSR Nr. 32," July 24, 1941, BArch Berlin, R 58/215, fol. 20.
47. Teletype message from Chief of the Order Police Kurt Daluege to Heydrich, quoted in Klaus-Michael Mallmann, Andrej Angrick, Jürgen Matthäus, and Martin Cüppers, eds.,

Die "Ereignismeldungen UdSSR" 1941: Dokumente der Einsatzgruppen in der Sowjetunion (Darmstadt: Wissenschaftliche Buchgesellschaft, 2011), 178n3.

48. "Ereignismeldung UdSSR Nr. 34," July 26, 1941, BArch Berlin, R 58/215, fol. 59.
49. "Tätigkeitsbericht für die Zeit vom 23.6.1941 bis 13.7.1941," Einsatzgruppe B, July 14, 1941, BStU, MfS, HA IX/11 ZUV, Nr. 9, Bd. 31, fols. 8–10. It is striking that the majority of positive remarks on Wehrmacht-SS cooperation during this period stem from EG B. Either cooperation was indeed best in the central area of operations or Nebe was simply particularly diligent in reporting it.
50. For more on Wehrmacht-SS cooperation during the Soviet campaign see Krausnick, "Die Einsatzgruppen," 173–278; Dieter Pohl, *Die Herrschaft der Wehrmacht: Deutsche Militärbesatzung und einheimische Bevölkerung in der Sowjetunion, 1941–1944* (Munich: Oldenbourg, 2008), 153–58; Jörn Hasenclever, *Wehrmacht und Besatzungspolitik: Die Befehlshaber der rückwärtigen Heeresgebiete 1941–1943* (Paderborn: Ferdinand Schöningh, 2010), 167–81.
51. As posited by Streit, "Ostkrieg, Antibolschewismus und 'Endlösung,'" 253–54 ("Siegesgewißheit"); Christopher R. Browning, with contributions by Jürgen Matthäus, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939–March 1942* (Lincoln: University of Nebraska Press, 2004), 309–14 ("victory euphoria"); Martin Cüppers, *Wegbereiter der Shoah: Die Waffen-SS, der Kommandostab Reichsführer-SS und die Judenvernichtung 1939–1945* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2005), 132–35 ("Siegeszuversicht"). For a different view of the "victory euphoria" thesis, see my *Exploitation, Resettlement, Mass Murder: Political and Economic Planning for German Occupation Policy in the Soviet Union, 1940–1941* (New York: Berghahn, 2006), 108.
52. David Stahel, *Operation Barbarossa and Hitler's Defeat in the East* (Cambridge: Cambridge University Press, 2009), esp. 211–12 and 246–48; Stahel, "Radicalizing Warfare: The German Command and the Failure of Operation Barbarossa," in *Nazi Policy on the Eastern Front, 1941: Total War, Genocide, and Radicalization*, ed. Alex J. Kay, Jeff Rutherford and David Stahel (Rochester, NY: University of Rochester Press, 2012), 19–44, esp. 25–29. On the nine undermanned and insufficient security divisions, see Hasenclever, *Wehrmacht und Besatzungspolitik*, 143–49. See also Ben Shepherd, *War in the Wild East: The German Army and Soviet Partisans* (Cambridge, MA: Harvard University Press, 2004).
53. Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941–1944*, 1:271.
54. "Der Blitzkrieg und sein rasches Scheitern," chap. 1 in *ibid.*, 267–79.
55. *Ibid.*, 271.
56. Franz Halder, *Kriegstagebuch*, vol. 3, *Der Rußlandfeldzug bis zum Marsch auf Stalingrad* (Stuttgart: W. Kohlhammer, 1964), 38 (entry for July 3, 1941).
57. Letter from Keitel to Fromm, OKW/WFSt/Abt. L Nr. 441158/41 g. Kdos. Chfcs., signed [Wilhelm] Keitel, July 5, 1941, BArch-MA, RW 4/v. 578, fol. 105. Italics in original. I am grateful to Christian Streit for bringing this document to my attention.
58. Elke Fröhlich, ed., *Die Tagebücher von Joseph Goebbels*. Part 2, *Diktate 1941–1945*, vol. 1: *Juli—September 1941* (Munich: K. G. Saur, 1996), 53 (entry for July 12, 1941).

59. *Ibid.*, 118 (entry for July 24, 1941).
60. “Weisung Nr. 34 für die Kriegführung,” July 30, 1941, signed Adolf Hitler, reproduced in Walther Hubatsch, ed., *Hitlers Weisungen für die Kriegführung, 1939–1945*, 2nd expanded ed. (Koblenz: Bernard & Graefe, 1983 [1962]), 168–71.
61. This term (*Angst vor dem Scheitern*) is used by Christoph Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941–1944*, vol. 2 (Göttingen: Wallstein, 2011), 924. Dieckmann also pinpoints the transition in security and occupation policy in the territory of the Reich Commissariat Ostland to the end of July. See Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941–1944*, 1:401–407 and 2:923–26.
62. *Ibid.*, 1:405.
63. Cited in Krausnick, “Die Einsatzgruppen,” 267. I am grateful to Christian Streit for bringing this reference to my attention.
64. Nbg. doc. 221–L, “Aktenvermerk” [Martin Bormann], July 16, 1941, reproduced in: IMG, 38:92. Here Bormann was quoting Hitler.
65. Nbg. doc. 052-C, “Ergänzung zur Weisung Nr. 33,” July 23, 1941, reproduced in: IMG, 34:259.
66. “Betr. Behandlung feindlicher Zivilpersonen und russischer Kriegsgefangener im rückwärtigen Heeresgebiet,” Az. 453 Gr. R Wes, Nr 1332/41 geh., General z.b.V. beim Befehlshaber des Heeres, July 25, 1941 BArch-MA, RH 26-403/4a. It is worth noting that the reference to “passive resistance” had been absent from a similar passage on collective measures in the earlier Jurisdiction Decree Barbarossa, mentioned above.
67. “Ereignismeldung UdSSR Nr. 34,” July 26, 1941, BArch Berlin, R 58/215, fol. 59.
68. On the radicalization of occupation policy in the wake of the July 16 meeting see Alex J. Kay, “A ‘War in a Region beyond State Control’? The German-Soviet War, 1941–1944,” *War in History* 18, no. 1 (2011): 114–15. On the radicalization of Nazi policy vis-à-vis the Soviet Union during 1941, see Kay et al., eds., *Nazi Policy on the Eastern Front, 1941*.
69. Peter Witte, Michael Wildt, Martina Voigt, Dieter Pohl, Peter Klein, Christian Gerlach, Christoph Dieckmann, and Andrej Angrick, eds., *Der Dienstkalender Heinrich Himmlers 1941/42* (Hamburg: Christians, 1999), 184–86 (entries for July 15–20, 1941). Himmler lunched with Reich Minister for the Occupied Eastern Territories Alfred Rosenberg and Head of the Reich Chancellery Hans-Heinrich Lammers on July 17. *Ibid.*, 185 (entry for July 17, 1941).
70. Letter from Himmler to Head of the Party Chancellery Martin Bormann, July 22, 1941, BArch Berlin, NS 19/3873, fol. 10.
71. “Erlaß des Führers über die polizeiliche Sicherung der neu besetzten Ostgebiete vom 17. Juli 1941,” reproduced in Martin Moll, ed., *“Führer-Erlasse” 1939–1945* (Stuttgart: Franz Steiner, 1997), 188.
72. See Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941–1944* 1:403–405; Bert Hoppe and Hildrun Glass, eds., *Die Verfolgung und Ermordung der europäischen Juden durch das nationalsozialistische Deutschland 1933–1945*, vol. 7, *Sowjetunion mit annektierten Gebieten I: Besetzte sowjetische Gebiete unter deutscher Militärverwaltung, Baltikum und Transnistrien* (Munich: Oldenbourg, 2011), 35.

73. See Nbg. doc. NOKW-2079, “Betr. Sonderauftrag des Führers,” signed H[einrich] Himmler, May 21, 1941, reproduced in Hans-Adolf Jacobsen, “Kommissarbefehl und Massenerschießungen sowjetischer Kriegsgefangener,” in *Anatomie des SS-Staates*, ed. Hans Buchheim, Martin Broszat, Hans-Adolf Jacobsen, and Helmut Krausnick (Olten: Walter-Verlag, 1965), 2: 219–20. See also Cüppers, *Wegbereiter der Shoah*, 70–73.
74. Christopher R. Browning, “Beyond ‘Intentionalism’ and ‘Functionalism’: The Decision for the Final Solution Reconsidered,” in Browning, *The Path to Genocide: Essays on Launching the Final Solution* (Cambridge: Cambridge University Press, 1992), 105–106; Cüppers, *Wegbereiter der Shoah*, 135; Witte et al., eds., *Der Dienstkalender Heinrich Himmlers 1941/42*, 185n16, and 186n18.
75. Streit, “Ostkrieg, Antibolschewismus und ‘Endlösung,’” 105–106. See also Kay, *Exploitation, Resettlement, Mass Murder*, 107.
76. Hearing of Gerhard Schneider, June 12, 1959, LArch Berlin, B Rep. 058, Nr. 7166, fol. 306.
77. “Stenogramm-Übertragung des Vernehmungsprotokolls vom 10. Februar 1960,” Oberstaatsanwalt beim Landgericht Bremen, signed [Gerhard] Schneider, 10 February 1960, LArch Berlin, B Rep. 058, Nr. 7171, fol. 71.
78. Hearing of the accused Gerhard Schneider in the criminal case against Dr. Alfred Filbert et al. for murder, Landgericht Berlin, March 11, 1960, LArch Berlin, B Rep. 058, Nr. 7171, fols. 25–25 (reverse).
79. Hearing of the accused Wilhelm Greiffenberger, Polizeipräsident in Berlin, June 30, 1960, LArch Berlin, B Rep. 058, Nr. 7174, fol. 105.
80. Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Filbert et al. for murder, Landgericht Berlin, October 24, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fol. 90 (reverse).
81. SS-Obersturmführer Friedrich Klein was head of the SD section of EK 9.
82. Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Filbert et al. for murder, Landgericht Berlin, October 25, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fol. 95.
83. Christoph Dieckmann interprets the term “höhere Stelle” as referring to Himmler or Heydrich. See Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941–1944*, 1:394. See also Alex J. Kay, “‘The Purpose of the Russian Campaign Is the Decimation of the Slavic Population by Thirty Million’: The Radicalization of German Food Policy in Early 1941,” in Kay et al., eds., *Nazi Policy on the Eastern Front, 1941*, 111, 124n59.
84. Hearing of the accused Gerhard Schneider in the criminal case against Dr. Filbert et al. for murder, Landgericht Berlin, September 26, 1961, LArch Berlin, B Rep. 058, Nr. 7189, fol. 131 (reverse). This statement was made in the context of testimony on the arrival of EK 9 in Vileyka.
85. Robert Gerwarth, *Hitler’s Hangman: The Life of Heydrich* (New Haven: Yale University Press, 2011), 196–97. The assumption that Filbert had travelled back to Berlin to see Heydrich can be found in Gerlach, *Kalkulierte Morde*, 546.

86. See Witte et al., eds., *Der Dienstkalender Heinrich Himmlers*, 200, 203 (entries for September 1 and 2, 1941).

87. “Urteil Landgericht Berlin,” fol. 76.

88. See Ogorreck, *Die Einsatzgruppen und die “Genesis der Endlösung,”* 188–90. Nebe’s biographer accepts Ogorreck’s conclusions without further examination. See Ronald Rathert, *Verbrechen und Verschwörung: Arthur Nebe. Der Kripochef des Dritten Reiches* (Münster: LIT, 2001), 119.

89. “Tätigkeits- und Lagebericht Nr. 2 der Einsatzgruppen der Sicherheitspolizei und des SD in der UdSSR (Berichtszeit v. 29.7.–14.8.1941),” Chef der Sicherheitspolizei und des SD, n.d., reproduced in: Klein, ed., *Die Einsatzgruppen in der besetzten Sowjetunion*, 135; “Ereignismeldung UdSSR Nr. 43,” August 5, 1941, BArch Berlin, R 58/215, fol. 162. We should of course allow for the possibility that the new orders were repeated by or discussed with Nebe in Smolensk. It is likely that Nebe had also been informed of the new orders by August 5 at the latest. In a report dated August 5, Nebe made reference to the Jewish population and noted “the police security sweeps, which have become more comprehensive of late.” See “Ereignismeldung UdSSR Nr. 43,” August 5, 1941, BArch Berlin, R 58/215. Greiffenberger testified that Filbert visited the group staff in Smolensk on multiple occasions, though without saying precisely when. See Hearing of the witness Wilhelm Greiffenberger, StA Flensburg, 2 Js 467/65, April 19, 1966, BArch Ludwigsburg, B 162/4113, fol. 1601.

90. “Urteil Landgericht Berlin,” fol. 83. In contradiction to the evidence he himself presents, Peter Longerich states that Filbert announced the order to the other members of the commando “in August.” See Longerich, *Politik der Vernichtung*, 374.

91. See Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Filbert et al. for murder, Landgericht Berlin, October 25, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fols. 96 (reverse)–97 (reverse); “Urteil Landgericht Berlin,” fols. 78–81.

92. Transcript of hearing of Alfred Weitenhagen in the criminal case against Dr. Alfred Filbert and Gerhard Schneider for murder, Landgericht Berlin, May 13, 1960, LArch Berlin, B Rep. 058, Nr. 7171, fol. 244.

93. “Protokol oprosa,” handwritten transcript of hearing of the witness Mark Moeyseevich Ya., March 30, 1945, BArch Ludwigsburg, B 162/30135, fol. 450 (“circa 350 people”); Gerlach, *Kalkulierte Morde*, 545–46 (“400 people”); I.E. Elenskaia and E.S. Rozenblat, ‘Vileika’, in I.A. Al’tman, ed., *Kholokost na territorii SSSR: Entsiklopediia* (Moscow: ROSSPEN, 2009), 155 (“ca. 400 Jews, incl. women and children”). The court in Berlin put the number of victims at 40, including three women. See “Urteil Landgericht Berlin,” fols. 78–79. Postwar judgments against Holocaust perpetrators tended to cite a figure for the number of victims that was much too low. By doing so, the courts made the sentence less susceptible to revision following an appeal. Thus, the figure cited often was one that could be proven, even if there was a strong probability that the actual figure was considerably higher. See Harald Welzer, *Täter: Wie aus ganz normalen Menschen Massenmörder werden* (Frankfurt am Main: S. Fischer, 2005), 288n304.

94. Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Filbert et al. for murder, Landgericht Berlin, 25 October 25, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fols. 96 (reverse)–97 (reverse); “Urteil Landgericht Berlin,” fols. 79–81.

95. Transcript of hearing of Alfred Weitenhagen, April 16, 1959, LArch Berlin, B Rep. 058, Nr. 7166, fol. 156 (reverse).
96. Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Filbert et al. for murder, Landgericht Berlin, October 27, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fol. 99. Before the Second World War there had been 710 Jewish inhabitants of Vileyka. See Leonid Smilovitskii [Smilovitsky], *Katastrofa evreev v Belorussii, 1941–1944 gg.* (Tel Aviv: Biblioteka Matveia Chernogo, 2000), 167.
97. “Tätigkeits- und Lagebericht Nr. 2 der Einsatzgruppen der Sicherheitspolizei und des SD in der UdSSR (Berichtszeit v. 29.7.–14.8.1941),” Chef der Sicherheitspolizei und des SD, n.d., reproduced in: Klein, *Die Einsatzgruppen in der besetzten Sowjetunion*, 136.
98. “Tätigkeitsbericht für die Zeit vom 23.6.1941 bis 13.7.1941,” Einsatzgruppe B, July 14, 1941, BStU, MfS, HA IX/11 ZUV, Nr. 9, Bd. 31, fol. 5; “Protokol oprosa,” handwritten transcript of hearing of the witness Mark Moeyseevich Ya., March 30, 1945, BArch Ludwigsburg, B 162/30135, fol. 451; Gerlach, *Kalkulierte Morde*, 545–46; Elenskaia and Rozenblat, “Vileika,” 155. The victims were between the ages of 15 and 60.
99. “Urteil Landgericht Berlin,” fols. 81–82. Maladzyechna had also been “combed” earlier by SK 7a. See “Tätigkeitsbericht für die Zeit vom 23.6.1941 bis 13.7.1941,” Einsatzgruppe B, July 14, 1941, BStU, MfS, HA IX/11 ZUV, Nr. 9, Bd. 31, fol. 5.
100. “Urteil Landgericht Berlin,” fols. 82–83.
101. Ibid., fols. 83–84. See also “Tätigkeits- und Lagebericht Nr. 2 der Einsatzgruppen der Sicherheitspolizei und des SD in der UdSSR (Berichtszeit v. 29.7.–14.8.1941),” reproduced in: Klein, *Die Einsatzgruppen in der besetzten Sowjetunion*, 137.
102. Transcript of hearing of Alfred Weitenhagen, April 16, 1959, LArch Berlin, B Rep. 058, Nr. 7166, fol. 157. For the date of the massacre see “Urteil Landgericht Berlin,” fols. 84–85.
103. The town of Lepel’ is located on the road directly to the east of Vileyka, roughly halfway to Vitebsk. The timing would fit, as the advance of EK 9 from Vileyka to Vitebsk took place at the beginning of August. Lepel’ was not mentioned explicitly during Filbert’s trial, perhaps because no one was able to recall the name of the town. According to other sources, EK 9 murdered 23 Roma in Lepel’ the following month, in September. On the murder of the Roma in Lepel’ see “Ereignismeldung UdSSR Nr. 92,” September 23, 1941, BArch Berlin, R 58/217, fol. 292; “Tätigkeits- und Lagebericht Nr. 5 der Einsatzgruppen der Sicherheitspolizei und des SD in der UdSSR (Berichtszeit vom 15.–30.9.1941),” n.d., BArch Berlin, R 70 Sowjetunion/31, fol. 12; Klein, ed., *Die Einsatzgruppen in der besetzten Sowjetunion*, 221n2.
104. “Urteil Landgericht Berlin,” fols. 86–87.
105. “Polizeilicher Tätigkeitsbericht für die Zeit vom 17. bis 23. August 1941 zum Vortrag bei der Heeresgruppe Mitte,” Einsatzgruppe B, August 25, 1941, BStU, MfS, HA IX/11 ZUV, Nr. 9, Bd. 31, fol. 43; “Ereignismeldung UdSSR Nr. 73,” September 4, 1941, BArch Berlin, R 58/216, fol. 306.
106. “Ereignismeldung UdSSR Nr. 73,” September 4, 1941, BArch Berlin, R 58/216, fol. 306; “Tätigkeits- und Lagebericht Nr. 4 der Einsatzgruppen der Sicherheitspolizei und des SD in der UdSSR (Berichtszeit v. 1.9.–15.9.1941),” Chef der Sicherheitspolizei und des SD, n.d., reproduced in Klein, ed., *Die Einsatzgruppen in der besetzten Sowjetunion*, 184.

107. "Tätigkeits- und Lagebericht Nr. 4 der Einsatzgruppen der Sicherheitspolizei und des SD in der UdSSR (Berichtszeit v. 1.9.–15.9.1941)," Chef der Sicherheitspolizei und des SD, n.d., reproduced in Klein, ed., *Die Einsatzgruppen in der besetzten Sowjetunion*, 184.

108. "Ereignismeldung UdSSR Nr. 92," September 23, 1941, BArch Berlin, R 58/217, fol. 291; "Tätigkeits- und Lagebericht Nr. 5 der Einsatzgruppen der Sicherheitspolizei und des SD in der UdSSR (Berichtszeit vom 15.–30.9.1941)," n.d., BArch Berlin, R 70 Sowjetunion/31, fol. 13; "Urteil Landgericht Berlin," fols. 88–90.

109. "Ereignismeldung UdSSR Nr. 92," September 23, 1941 BArch Berlin, R 58/217; "Tätigkeits- und Lagebericht Nr. 5 der Einsatzgruppen der Sicherheitspolizei und des SD in der UdSSR. (Berichtszeit vom 15.–30.9.1941)," n.d., BArch Berlin, R 70 Sowjetunion/31, fol. 13.

110. "Ereignismeldung UdSSR Nr. 73," September 4, 1941, BArch Berlin, R 58/216, fol. 306. NKGB = *Narodnyi komissariat Gosudarstvennoi Bezopasnosti* (People's Commissariat for State Security).

111. "Ereignismeldung UdSSR Nr. 124," October 25, 1941, BArch Berlin, R 58/218, fol. 305.

112. Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Filbert et al. for murder, Landgericht Berlin, October 31, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fols. 105–108; "Urteil Landgericht Berlin," fols. 91–93.

113. "Urteil Landgericht Berlin," fols. 92–94.

114. Hearing of the witness Hugo G., May 30, 1960, LArch Berlin, B Rep. 058, Nr. 7174, fols. 31–32; Written statement by Wilhelm Greiffenberger to the Generalstaatsanwaltschaft beim Landgericht Berlin, "Betr. Akt.Z. 3 P (K) JS 82/60," July 4, 1960, LArch Berlin, B Rep. 058, Nr. 7174, fol. 132.

115. "Ereignismeldung UdSSR Nr. 124," October 25, 1941, BArch Berlin, R 58/218, fol. 304; Gerlach, *Kalkulierte Morde*, 569, 595, 597.

116. Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Filbert et al. for murder, Landgericht Berlin, November 3, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fol. 113 (reverse); "Urteil Landgericht Berlin," fol. 95.

117. Gerlach, *Kalkulierte Morde*, 546. Evidence to this effect is found in: Copy of a report by Andreas von Amburger dated December 27, 1945, LArch Berlin, B Rep. 058, Nr. 7169, fol. 11 (reverse); Hearing of Andreas von Amburger, April 1, 1959, LArch Berlin, B Rep. 058, Nr. 7166, fol. 74; Hearing of the witness Andreas von Amburger in the criminal case against Dr. Alfred Filbert and Gerhard Schneider for murder, Landgericht Berlin, May 11, 1960, LArch Berlin, B Rep. 058, Nr. 7171, fol. 232 (reverse).

118. As noted by Gerlach, *Kalkulierte Morde*, 553. As early as 1984, Helmut Krausnick intimated that EK 9 had begun especially early to include women and children in the murders—"in fact as early as four weeks after crossing the Reich frontier"—though he did not state explicitly that it was the first commando to do so. See Krausnick, "Hitler und die Befehle an die Einsatzgruppen," 100. In 2011, Robert Gerwarth, citing Gerlach (*Kalkulierte Morde*, 546), stated that EK 9 "was the first [commando] to murder Jewish women and children systematically, in Belorussia from the end of July onwards, apparently on explicit orders from Heydrich." Gerwarth, *Hitler's Hangman*, 198.

119. "Gesamtaufstellung der im Bereich des EK. 3 bis zum 1. Dez. 1941 durchgeführten Exekutionen" [*Jäger-Bericht*], signed [Karl] Jäger, December 1, 1941, reproduced in Wette,

Karl Jäger, 237–45. Alfred Streim noted as early as 1984 the fact that EK 3 did not include any children in their massacres until August 15–16. See Streim, “Zur Eröffnung des allgemeinen Judenvernichtungsbefehls gegenüber den Einsatzgruppen,” 113–14.

120. In light of the fact that EK 9 had already carried out no fewer than two shooting operations targeting children by the time EK 3 began killing children, it is difficult to concur with Jürgen Matthäus that the massacres in Rokiškis on August 15 marked “a caesura in the history of the Holocaust,” as opposed to the massacres in Vileyka on July 30 or in Surazh on August 12. See Browning, with contributions by Matthäus, *The Origins of the Final Solution*, 283.

121. See Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941–1944*, 2:813, 820.

122. See Longerich, *Der ungeschriebene Befehl*, 106 (incorrectly referred to here as “Einsatzkommando 4a”). Dieter Pohl mentions the existence of “indications” for the murder of Jewish women and children in the area of Berdychiv by SK 4a at the end of July, but the evidence itself and its source are unclear. See Dieter Pohl, “Die Einsatzgruppe C,” in Klein, ed., *Die Einsatzgruppen in der besetzten Sowjetunion*, 74.

123. See Longerich, *Politik der Vernichtung*, 352–410.

124. A point made by Cüppers, *Wegbereiter der Shoah*, 177.

125. *Ibid.*, 144, 154. Christian Gerlach dates this massacre to August 1: *Kalkulierte Morde*, 560n359.

126. Cüppers, *Wegbereiter der Shoah*, 155–60, 177. See also Gerlach, *Kalkulierte Morde*, 563–64, with different dates and details regarding the gender of those killed. The SS (cavalry and infantry) regiments were considerably bigger than individual EKs and SKs and, therefore, capable from the outset of killing much larger numbers of people in one operation.

127. Cüppers, *Wegbereiter der Shoah*, 172–73.

128. See my discussion herein and Gerlach, *Kalkulierte Morde*, 545.

129. Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Filbert et al. for murder, Landgericht Berlin, October 24, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fol. 91 (reverse).

130. See Hearing of the witness Eduard Holste in the criminal case against Dr. Alfred Filbert and Gerhard Schneider for murder, Landgericht Berlin, May 19, 1960, LArch Berlin, B Rep. 058, Nr. 7171, fol. 262.

131. Transcripts of hearings were composed not by the defendants/witnesses themselves but by transcript writers on the basis of oral statements. Thus, the language used in the written transcripts is, strictly speaking, that of the transcript writers. See Gerlach, *Kalkulierte Morde*, 30n76. However, the defendants/witnesses had the opportunity to check and, if need be, to alter the text of the transcripts, which they often did. Thus, the final version (and wording) of the transcripts was approved by the defendants/witnesses.

132. Hearing of the witness Andreas von Amburger in the criminal case against Dr. Alfred Filbert and Gerhard Schneider for murder, Landgericht Berlin, May 11, 1960, LArch Berlin, B Rep. 058, Nr. 7171, fol. 232–232 (reverse); “Ereignismeldung UdSSR Nr. 73,” September 4, 1941, BArch Berlin, R 58/216, fols. 309–310 [as of August 20]. The fact that EK 9 had shot and killed more people than any of the other commandos belonging to EG B as of the end of July

was already noted at Filbert's trial in 1962. See "Urteil Landgericht Berlin," fol. 78. During the first eight weeks of the campaign, EG B murdered more Jewish people than any other Einsatzgruppe (16,964 as of August 20). See Gerlach, *Kalkulierte Morde*, 567; "Ereignismeldung UdSSR Nr. 73," September 4, 1941, BArch Berlin, R 58/216, fols. 309–310.

133. On Heinrich Tunnat's misgivings in respect of the youth of some of the Waffen SS-men under his command, see Hearing of the witness Heinrich Tunnat in the criminal case against Dr. Alfred Filbert and Gerhard Schneider for murder, Landgericht Berlin, May 17, 1960, LArch Berlin, B Rep. 058, Nr. 7171, fol. 258 (reverse). On Schneider's objections to the inclusion of women and children in the shooting operations, see Hearing of the accused Wilhelm Greiffenberger in the criminal case against Dr. Filbert et al., Landgericht Berlin, October 25, 1960, LArch Berlin, B Rep. 058, Nr. 7178, fol. 95.

134. "Befehl Nr. 3," Chef der Sicherheitspolizei und des SD, July 1, 1941, reproduced in Klein, ed., *Die Einsatzgruppen in der besetzten Sowjetunion*, 321. Both Gerlach (*Kalkulierte Morde*, 544), and Longerich (*Der ungeschriebene Befehl*, 101), date Himmler and Heydrich's presence in Grodno to June 30, although Heydrich explicitly states in his order that he accompanied Himmler there on July 1. According to Himmler's appointments diary, he visited Grodno on June 30 and returned the same evening; no mention is made of Heydrich. See Witte et al., eds., *Der Dienstkalender Heinrich Himmlers*, 181 (entry for June 30, 1941).

135. "Ereignismeldung UdSSR Nr. 21," July 13, 1941, BArch Berlin, R 58/214, fol. 151. In a subsequent report Nebe also emphasized—presumably in response to Heydrich's rebuke—that a sub-commando had been sent to Grodno and Lida for June 30. See "Tätigkeitsbericht für die Zeit vom 23.6.1941 bis 13.7.1941," Einsatzgruppe B, July 14, 1941, BStU, MfS, HA IX/11 ZUV, Nr. 9, Bd. 31, fol. 6.

136. In this context, it is worth citing a statement by a witness (later co-defendant) in the legal proceedings against Filbert and former officer in EK 9, Bodo Struck: Struck recalled that Filbert "occasionally boasted about his good relations with Heydrich." See Hearing of the witness Bodo Struck in the criminal case against Dr. Alfred Filbert and Gerhard Schneider for murder, Landgericht Berlin, June 9, 1960, LArch Berlin, B Rep. 058, Nr. 7171, fol. 300 (reverse).

137. Transcript of hearing of Dr. Alfred Filbert, June 9, 1959, Staatsarchiv München, Staatsanwaltschaften, 32970/5, fol. 967.

138. Hearing of the accused Dr. Alfred Filbert in the criminal case against Dr. Alfred Filbert for murder, Landgericht Berlin, January 14, 1960, LArch Berlin, B Rep. 058, Nr. 7168, fol. 44 (reverse).

139. Ralf Ogorreck regards Filbert, of all those tried after the war, as the most consistent in his portrayal of events. He concludes that Filbert's testimony regarding the issuing of orders was untruthful. See Ogorreck, *Die Einsatzgruppen und die "Genesis der Endlösung"*, 75, 187–88.

140. Hearing of the accused Dr. Alfred Filbert in the criminal case against Dr. Alfred Filbert for murder, Landgericht Berlin, March 17, 1960, LArch Berlin, B Rep. 058, Nr. 7171, fol. 44.

141. "Protokoll in der gerichtlichen Voruntersuchung gegen Bruno Streckenbach," signed Alfred Filbert, September 23, 1971, Staatsarchiv Hamburg, 213–12, Nr. 33, Bd. 16, fols. 7571–72. This hearing took place during preliminary proceedings against Bruno Streckenbach, who—as Chief of Office I (Personnel) within the RSHA—had been responsible for assembling the Einsatzgruppen.