

OFFICE OF U.S. CHIEF OF COUNSEL
APO 403 U.S. ARMY

62,01


16 October 1945

MEMORANDUM TO GENERAL DONOVAN

SUBJECT: Superior Orders

1. Cpl. Rudi Weiss, Reference Librarian (Room 308) found the attached reference concerning this subject.

2. Cpl. Weiss is continuing his search for further material along this line. If you wish to brief him further, he can be reached on Ext. 61308.


D. A. Sprecher
Capt., AUS

Attachment (1)

62.01

In "Das Recht der Wehrmacht" (law of the armed forces) by Rehdans, Dombrowski, and Kersten, published by Franz Vahlen, Berlin W 9 in 1936, foreword by Generaloberst von Blomberg it is stated:

page 190-191

If a subordinate violates a penal law by execution of an order the commanding superior alone is punishable. However, also the obeying subordinate is to be punished: 1. if he transgresses the given order or 2. if he knew that the order of the superior concerns an action which intended a civil or military crime or transgression (para 47 Militaerstrafgesetzbuch / military penal code/).