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Propaganda and Justice: The “Obornik Murder Trial”, August 25 – September 4, 1941

Introduction

On September 9, 1941, the Breslau (Wrocław) newspaper *Schlesische Zeitung* published an article titled “Violent Polish Criminals Sentenced to Death for Hundreds of Murders” which declared:

In a trial that lasted ten days, a special court in Posen (Poznań) has passed sentence in the case brought against a twenty-eight-member group that had escorted the march of the Obornik internees (*Oborniker Verschleppenzug*). The two primary defendants [...] were convicted for violent murder on each of the 133 counts, and [for] grievous bodily harm inflicted by a public official on 672 counts, and were sentenced to death on each count. Sixteen other defendants were also sentenced to death. Eight were found not guilty due to lack of evidence, while the remaining two were found not guilty because they had not been part of the escort.¹

The defendants in this case were former Polish police officers and auxiliary police officers. According to the formal charges, beginning on September 4, 1939, they had transported 672 interned ethnic German civilians from Gniezno to Mory – a hamlet on the outskirts of Warsaw. Numerous internees died along the way, and according to the charges, the escort even used machine guns to kill as many people as possible. In addition, the prosecutor accused the defendants of abusing and torturing the prisoners. The term “march of the Obornik internees” (*Oborniker Verschleppenzug*) that was used

1 ‘Polnische Gewaltverbrecher wegen Hunderten von Mordtaten zum Tode verurteilt’, *Schlesische Zeitung*, (September 9, 1941).

by German propaganda as well as the term “Obornik Murder Trial”, which referred to the trial held by the special court, refers to the home region of roughly two-thirds of the German internees: they came from the western Polish county of Oborniki, which from 1939 to 1945 belonged to the Reichsgau Wartheland.² This forced relocation, a 260-kilometre trek on foot, went on record in Nazi propaganda as one of the “Polish atrocities” committed against ethnic Germans at the beginning of the war. But it should be added that the Nazi record of Polish atrocities was very extensive; it included other forced marches and assaults on the lives and property of ethnic German citizens in various towns and cities, but above all, it would seem, in Pomerania.³

Initial research into the “September crimes”⁴ first appeared in Germany and Poland in the 1940s and 1950s.⁵ Particular attention was devoted to the reconstruction of events, the role of the German minorities, and the number of German victims. Particular attention was paid to the “Bromberg Bloody Sunday”, the most intensely researched episode in the war against Poland. Much of this attention grew out of a need to explain whether the incident had been a German diversion and whether agents of the SD had participated in it.⁶ Because the forced marches were so relatively unknown, they gener-

- 2 ‘Charge of the Oberstaatsanwalt at the Special Court in Posen’, (June 11, 1941), *Instytut Zachodni* (further referred to as IZ) Dok. I-490; ‘Judgment of the Special Court I in Posen’, (June 16, 1943), *IZ* Dok. I-490.
- 3 Hans Schadewaldt, *Die polnischen Greuelthaten an den Volksdeutschen in Polen* (Berlin, 1940); *Dokumente polnischer Grausamkeit* (Berlin, 1940).
- 4 The term “September crimes” was seldom used by contemporaries, but has, nonetheless, generally appeared in (legal) historical research. In the sources, the terms that are commonly found include “September criminal cases” (*Septemberstrafsachen*), “Polish September murders”, or “Polish September murderers”.
- 5 Theodor Bierschenk, *Die deutsche Volksgruppe in Polen 1934-1939* (Kitzingen, 1954); Ryszard Wojan, *Bydgoszcz: Niedziela 3 września 1939 r.* (Toruń, 1959); Janina Wojciechowska, ‘Przyczynek do udziału mniejszości niemieckiej w hitlerowskiej akcji eksterminacyjnej’, *Przegląd zachodni*, 14 (1958), 99-106; Józef Kołodziejczyk, *Prawda o tzw. krwawej niedzieli bydgoskiej* (Bydgoszcz, 1945).
- 6 Markus Krzoska, ‘Bromberger Blutsonntag: Unklare Fakten, klare Interpretationen’, in Hans-Henning Hahn and Robert Traba (eds), *Deutsch-polnische Erinnerungsorte*, vol. 2: *Geteilt, Gemeinsam* (Paderborn, 2014); Wiesław Trzeciakowski, *Śmierć w Bydgoszczy* (Bydgoszcz, 2013); Markus Krzoska, ‘Der “Bromberger Blutsonntag” 1939’, *Vierteljahrshäfte für Zeitgeschichte*, 60/2 (2012), 237-48; Hans-Erich Volkmann, ‘Der Bromberger Blutsonntag – oder von der Gegenwärtigkeit der Geschichte’, in Bernd Rill (ed), *Nationales Gedächtnis in Deutschland und Polen* (München, 2011), 61-9; Markus Krzoska, ‘Zweierlei Morde: Die Bromberger Ereignisse im September 1939’, *Inter Finitimos*, 7 (2009), 184-93; Przemysław Olstowski, ‘W sprawie tragicznych wydarzeń 3-4.X.1939 roku w Bydgoszczy’, *Zapiski historyczne*, 74 (2009), 115-43; Zbigniew Kaczmarek, Włodzimierz Kałdowski, and Włodzimierz Sobecki (eds), *Bydgoszcz – Bromberg: Wybrane fragmenty wspólnej polsko-niemieckiej historii wg seniorów bydgoskich 1939-2009 w 70. rocznicę wybuchu II wojny światowej* (Bydgoszcz, 2009);

Tomasz Chinciński and Paweł Machcewicz (eds), *Bydgoszcz – 4 września 1939: Studia i dokumenty* (Warszawa, 2008); Robert Grochowski, 'Jeszcze o wojskowych aspektach bydgoskiej "krwawej niedzieli": W odpowiedzi na polemiki Tomasza Chincińskiego i Przemysława Olstowskiego', *Kronika Bydgoska*, 29 (2007), 521-32; Tomasz Chinciński, 'W kwestii "wybranych aspektów" Roberta Grochowskiego w kontekście wydarzeń bydgoskich z 3 i 4 września 1939 r.', *Kronika Bydgoska*, 29 (2007), 573-83; Przemysław Olstowski, 'Garść uwag i refleksji na marginesie artykułu Roberta Grochowskiego', *Kronika Bydgoska* 29 (2007), 585-607; Robert Grochowski, 'Wybrane aspekty działań bojowych jednostek Armii "Pomorze" od 1 do 6 września 1939 roku w kontekście wydarzeń bydgoskiej "krwawej niedzieli": Cz. 2', *Kronika Bydgoska* 28 (2006), 229-44; Robert Grochowski, 'Wybrane aspekty działań bojowych jednostek Armii "Pomorze" od 1 do 6 września 1939 roku w kontekście wydarzeń bydgoskiej "krwawej niedzieli": Cz. 1', *Kronika Bydgoska*, 27 (2005), 171-230; Zbigniew Kołakowski, *Historia walki młodzieży szkolnej i harcerzy z dywersją niemiecką: Bydgoszcz, 3 września 1939 r.* (Bydgoszcz, 2005); Piotr Datkiewicz, 'Franz von Gordon – rzekomy przywódca dywersji 3 września 1939 r. w Bydgoszczy', *Kronika Bydgoska*, 26 (2004), 487-506; Piotr Saja, 'Sabotaż i dywersja niemiecka w rejonie "przedmościa bydgoskiego" w 1939 roku w świetle wojskowych źródeł polskich', *Zimnia Kujańska*, 17 (2004), 193-211; Volker Sinemus, 'Gebrochene Erinnerung: Der so genannte "Bromberger Blutsonntag" in polnischen und deutschen Geschichtsbüchern', *Geschichte lernen*, 17/102 (2004), 52-6; Witold Kulesza, 'Nie zamierzam podejmować żadnej polemiki: Wokół mitu "bydgoskiej krwawej niedzieli"', *Biuletyn Instytutu Pamięci Narodowej*, 12/1 (2003/2004), 4-23; Włodzimierz Jastrzębski, 'Die deutsche Minderheit im September 1939 in Polen, in Sonderheit in Bromberg', *Beiträge zur Geschichte Westpreußens*, 18 (2002), 155-63; Hugo Rasmus, 'Zur Bewertung der September-Ereignisse 1939 in Polen, besonders in Bromberg', *Beiträge zur Geschichte Westpreußens*, 18 (2002), 165-86; Janusz Kutta (ed), *Pierwsze dni września 1939 roku w Bydgoszczy, materiały z sympozjum* (Bydgoszcz, 2001); Günter Schubert, *Das Unternehmen "Bromberger Blutsonntag": Tod einer Legende* (Köln, 1989); Tadeusz Jaszowski, 'Bydgoszcz, 3 września 1939 r. Polska wersja wydarzeń', *Wojskowy Przegląd Historyczny*, 33/2 (1988), 121-32; Tadeusz Jaszowski, 'Dywersja hitlerowska w Bydgoszczy w dniu 3 września 1939 r. w świetle polskich materiałów wojskowych', *Kronika Bydgoska*, 10 (1986-1988), 217-28; Włodzimierz Jastrzębski, 'Polsko-zachodnoniemiecki spór historiograficzny wokół problematyki wydarzeń bydgoskich z września 1939 roku', in Józef Koszek (ed), *Polska a RFN: Aktualność i przyszłość stosunków* (Bydgoszcz, 1986), 11-31; Edward Serwański, *Dywersja niemiecka i zbrodnie hitlerowskie w Bydgoszczy na tle wydarzeń w dniu 3 IX 1939* (Poznań, 1984); Tadeusz Jaszowski, 'Verlauf der nationalsozialistischen Diversion am 3. September 1939 in Bydgoszcz', *Polnische Weststudien*, 2 (1983), 313-27; Karol Marian Pospieszalski, 'Der 3. September 1939 in Bydgoszcz im Spiegel deutscher Quellen', *Polnische Weststudien*, 2 (1983), 329-55; Włodzimierz Jastrzębski, 'Tzw. bydgoska krwawa niedziela w świetle zachodnoniemieckiej literatury historycznej', *Przegląd zachodni*, 39/5-6 (1983), 255-62; Włodzimierz Jastrzębski, *Der Bromberger Blutsonntag: Legende und Wirklichkeit* (Poznań, 1970); Richard Breyer, 'Die Septemberereignisse 1939 in polnischer Sicht', *Jahrbuch Weichsel-Warthe*, 15 (1969), 28-35; Franciszek Bernas and Julitta Mikulska-Bernas, *Bydgoski wrzesień* (Warszawa, 1968); Wiesław Trzeciakowski and Włodzimierz Sobeci, *"Krwawa Niedziela" w Bydgoszczy czyli jedyny pasujący klucz do wydarzeń z 3 i 4 września 1939* (Bydgoszcz, n. d.). Among the books devoted to the Bromberg incidents are a large number that express obvious rightwing extremist tendencies, such as: Bernhard Lindenblatt, *Bromberger Blutsonntag: Todesmärsche, Tage des Hasses, polnische Greuelatzen* (Kiel, 2001); Rudolf Trenkel, *Der Bromberger Blutsonntag im September 1939 oder Die gezielte Provokation zu Beginn des Zweiten Weltkrieges: Wie es damals wirklich war* (Norderstedt, 1981).

ated substantially less interest.⁷ The available source materials leave much to be desired: almost all the documentation relating to German internees or other victims of Polish outrages is of German provenance, and most of it are propaganda pamphlets (*Propagandaschriften*).⁸

- 7 For a general overview of the “September crimes” see: Tomasz Chinciński, *Forpoczta Hitlera. Niemiecka dywersja w Polsce w 1939 roku* (Warszawa, 2010); but also: Grzegorz Bębnik, “Kowalski i towarzysze”: Epizod z dziejów niemieckiej dywersji w sierpniu i wrześniu 1939 roku’, *Szkie Archiwalno-Historyczne*, 6 (2010), 67-78; Piotr Saja, ‘Dywersja niemiecka i walki na Pomorzu we wrześniu 1939 roku’, *Przegląd zachodni*, 65/2 (2009), 176-92; Albert S. Kotowski, ‘Die deutsche “Fünfte Kolonne” in Polen im September 1939: Zur deutschen und polnischen Geschichtsschreibung’, in Susanne Kuß and Heinrich Schwendemann (eds), *Der Zweite Weltkrieg in Europa und Asien: Grenzen. Grenzräume. Grenzüberschreitungen* (Freiburg, 2006), 75-88; Tomasz Chinciński, ‘Niemiecka dywersja w Polsce w 1939 r. w świetle dokumentów policyjnych i wojskowych II Rzeczypospolitej oraz służb specjalnych III Rzeszy, część 2 (sierpień – wrzesień 1939 r.)’, *Pamięć i sprawiedliwość*, 9/1 (2006), 165-97; Tomasz Chinciński, ‘Niemiecka dywersja w Polsce w 1939 r. w świetle dokumentów policyjnych i wojskowych II Rzeczypospolitej oraz służb specjalnych III Rzeszy, część 1 (sierpień – wrzesień 1939 r.)’, *Pamięć i sprawiedliwość*, 8/2 (2005), 159-95; Tomasz Chinciński, ‘Niemiecka dywersja we wrześniu 1939 r. w londyńskich meldunkach’, *Biuletyn Instytutu Pamięci Narodowej*, 8-9 (2004), 31-44; Karol Marian Pospieszalski, ‘Dywersja Niemieckich Służb Specjalnych’, in Janusz Kutta (ed), *Pierwsze dni września 1939 roku w Bydgoszczy materiały z sympozjum* (Bydgoszcz, 2001), 14-36; Włodzimierz Jastrzębski, *Die deutsche Minderheit in Polen: Geschichte und Gegenwart* (Warszawa, 1996); Mieczysław Kozak and Marek Pawłowski, ‘Harcerstwo łódzkie w walce z hitlerowską dywersją w 1939 roku’, *Harcerstwo*, 34/4-5 (1992), 26-35; Karol Marian Pospieszalski, ‘Der Bombenanschlag von Tarnów und andere Nazi-Provokationen vor und nach Kriegsausbruch 1939: Hat Hitler die Verluste der deutschen Minderheit gewollt?’, *Polnische Weststudien*, 5/2 (1986), 285-318; Karol Marian Pospieszalski, *Sprawa 58000 “Volksdeutschów”: Sprostowanie hitlerowskich oszczerstw w sprawie strat niemieckiej mniejszości w Polsce w ostatnich miesiącach przed wybuchem wojny i w toku kampanii wrześniowej* (Poznań, 1981); Przemysław Hauser, ‘Mniejszość niemiecka na Pomorzu we wrześniu 1939 r.: relacje mieszkanców wsi’, *Przegląd zachodni*, 28/5-6 (1972), 76-85; Otto Heike, ‘Die ersten Opfer des Zweiten Weltkrieges: Fälschung und Wahrheit über den Umfang der Gewaltmaßnahmen gegen die Deutschen in Polen im September 1939’, *Zeitschrift für Ostforschung*, 18 (1969), 475-82; Peter Aurich, *Der deutsch-polnische September 1939: Eine Volksgruppe zwischen den Fronten* (Berlin, 1969).
- 8 Gottfried Hein, *Unser letzter Weg in Polen: Rückblick auf die Erlebnisse bei dem Marsch der Posener Internierten im September 1939* (Posen, 1940); Theophil Krawielitzki (ed), *Schreckenstage in Polen: Schwestern-Erleben im September 1939* (Marburg, 1940); Fritz Steuben (ed), *Der Marsch nach Lowitsch: Ein Bericht: Nach den Erzählungen seines Bruders Reinhold Wittek und anderer niedergeschrieben von Erhard Wittek* (Berlin, 1941); Fritz Menn, *Auf den Straßen des Todes: Leidensweg der Volksdeutschen in Polen* (Leipzig, 1940); Hans Hartmann, *Höllensmarsch der Volksdeutschen in Polen, September 1939: Auf Grund ärztlicher Dokumente dargestellt* (Berlin, 1940); Richard Kammel, *Kriegschicksale der deutschen evangelischen Gemeinden in Posen und Westpreußen: Ein Gedenkbuch an die Septembertage 1939* (Berlin, 1941); Richard Kammel, “*Er hilft uns frei aus aller Not*”: *Erlebnisberichte aus den Septembertagen 1939* (Posen, 1940); English

In addition, for the Obornik forced march, there is also a “documented report” (*Dokumentarbericht*) produced by one of the survivors⁹ that appeared in the 1990s; but it is of questionable value.¹⁰ Other sources stem from the investigations and the trials that took place during the Nazi period, though, in the case of the Obornik march, only the charges and verdicts handed down during the “murder trial” by the Special Court in Posen have survived. Witness testimonies produced during the trial no longer exist, given that the documents produced by the special court and the state prosecutor have been lost. That being said, the primary purpose of this study is not to reconstruct the actual events.

Some studies also investigated National Socialist propaganda that picked up on the incidents and, in particular, greatly exaggerated the number of victims.¹¹ Where only a few hundred deaths were initially mentioned, after 1940, the number of murdered Germans rose to 58,000. After September 1941, this number increased to 60,000, and after Hitler’s Reichstag speech, made three months later, it was 62,000. The special courts quoted these figures as *bona fide* in their deliberations. From early on, it was understood that the persecution and murder of ethnic Germans by Poles was to be used as a justification for the German invasion and occupation of Poland.¹² Case studies are available that consider photo journalism and the press.¹³ Less researched, in contrast, were the reports on legal proceedings published in newspapers. In those studies that focused their attention on the special

edition: Richard Kammel, *The Fate of the German Protestant parishes in Posen and West Prussia during the Polish campaign: A book in commemoration of the September days 1939* (Berlin, 1940); Richard Kammel, “The Lord will deliver us from all tribulation”: *September 1939: An Account of personal experiences* (Posen, 1940). Other propaganda reports were published privately and are to some extent very widespread.

- 9 Charlotte Lembke-Arndt, *Ich war verschleppt: Dokumentarbericht über den Verschleppungsmarsch der Gnesener und Oborniker nach Lowitsch im September 1939* (Kelkheim / Taunus, 1993).
- 10 The text was produced more than forty years after the fact and relies in part on Kurt Lück, *Marsch der Deutschen in Polen: Deutsche Volksgenossen im ehemaligen Polen berichten über Erlebnisse in den Septembertagen 1939* (Berlin, 1940).
- 11 Doris L. Bergen, ‘Instrumentalization of ‘Volksdeutschen’ in German propaganda in 1939: Replacing / Erasing Poles, Jews, and Other Victims’, *German Studies Review*, 31 (2008), 447-70; Thomas Kees, “Polnische Greuel”: *Der Propagandafeldzug des Dritten Reiches gegen Polen* (Saarbrücken, 1994); Król, *Polska i Polacy*, 274-77.
- 12 Martin Broszat, *Nationalsozialistische Polenpolitik 1939-1945* (Frankfurt am Main-Hamburg, 1965), 50-1.
- 13 Miriam Y. Arani, *Fotografische Selbst- und Fremdbilder von Deutschen und Polen im Reichsgau Wartheland 1939-45 unter besonderer Berücksichtigung der Region Wielkopolska*, 2 vols., (Hamburg, 2008); Elżbieta Nowiekiewicz, ‘Prasa o wydarzeniach w Bydgoszczy z 3-4 września 1939 roku’, in Tomasz Chinciński and Paweł Machcewicz (eds), *Bydgoszcz 3-4 września 1939: Studia i dokumenty* (Warszawa, 2008), 805-21.

courts, the public perception of the courts' judgments was largely ignored. Only one study, by a Polish historian, discusses newspaper reports devoted to special court proceedings in Litzmannstadt (Łódź),¹⁴ but then again that study does not really focus on the "September Crimes".¹⁵

The purpose of this paper is to explore the role of media coverage devoted to the trials. This will be accomplished by examining newspaper articles pertaining to the "Obornik Murder Trial". The unusual length of this trial – it took the court eight days to hear a total of 119 witnesses – allowed for detailed coverage of the trial to appear in the press, with the *Ostdeutscher Beobachter*, the Nazi *Gauzeitung* for Posen, having devoted the most attention by far to the trial.¹⁶ Eight extensive articles in dense-packed print appeared in this newspaper.¹⁷ A report on the court's final judgment appeared as the leading article for the September 5, 1941 issue.¹⁸ An additional editorial also appeared in the same issue.¹⁹ On September 19, 1941, the completion of the

- 14 Jan Waszczyński, 'Prasa hitlerowska o wyrokach Sondergerichtu (Sądu specjalnego w Łodzi)', *Rocznik Łódzki*, 19 (1972), 67-79.
- 15 Also see: Maximilian Becker, 'Justiz und Propaganda: "Polengreuel"-Prozesse in den eingliederten Ostgebieten in Presse und Publizistik 1939-1945', *Zeitschrift für Ostmitteleuropa-Forschung*, 64/1 (2015), 1-39.
- 16 Die Tagespresse des Großdeutschen Reiches 1944 ([Berlin], [1944]).
- 17 'Die Tragödie der Oborniker Verschleppten: Heute Beginn der Verhandlung vor dem Sondergericht in Posen – Auf den Spuren des Leidensmarsches', *Ostdeutscher Beobachter*, (August 25, 1941), 4; 'Der erste Tag im Oborniker Mordprozeß: Der Beginn der Beweisaufnahme – Die alte Taktik: Die Greuelthaten werden stur geleugnet', *Ostdeutscher Beobachter*, (August 26, 1941), 4; 'Die ersten Zeugen im Oborniker Mordprozeß: Zwei Teilnehmer des Verschlepptenzuges sagen aus – Die ersten Gegenüberstellungen', *Ostdeutscher Beobachter*, (August 27, 1941), 4; 'Mit Kolben, Bajonetten und Gummiknüppeln: Unvorstellbare Martyrien des ersten Oborniker Verschlepptenzuges – Weitere Teilnehmer sagen aus', *Ostdeutscher Beobachter*, (August 28, 1941), 4; "Jetzt habe ich dir polnische Kultur beigebracht": Der vierte Verhandlungstag im Oborniker Mordprozeß – Sogar Leichen wurden in Mory geplündert', *Ostdeutscher Beobachter*, (August 29, 1941), 5; "Solange treiben, bis ihr alle erledigt seid!" Der fünfte Tag im Oborniker Mordprozeß – Abgeschossene deutsche Flieger im Verschlepptenzug', *Ostdeutscher Beobachter*, (August 30, 1941), 4; 'Erstes Geständnis im Oborniker Mordprozeß: Dienstag Plädoyer des Staatsanwalts und der Verteidiger – Am Donnerstag Urteilsverkündung', *Ostdeutscher Beobachter*, (August 31, 1941), 5; 'Zwei 807-fache Todesstrafen beantragt: Die Plädoyers im Oborniker Mordprozeß – Staatsanwalt plädiert für 18 weitere Todesurteile und 10 Freisprüche', *Ostdeutscher Beobachter*, (September 3, 1941), 4.
- 18 '18 Todesurteile für tausendfache Schuld: Die beiden Hauptverbrecher des ersten Oborniker Verschleppten-Zuges je 805mal zum Tode verurteilt – Todesstrafe gegen 16 weitere polnische Mörder verhängt', *Ostdeutscher Beobachter*, (September 5, 1941), 1-2.
- 19 Arthur Reiss, 'Marsch des Grauens: Zum Urteil des Posener Sondergerichts', *Ostdeutscher Beobachter*, (September 5, 1941), 1-2.

trial produced a brief report on the execution of the condemned.²⁰ The reports in the *Ostdeutscher Beobachter* make up the heart of the source material covered in this study. However, other newspapers from other corners of the Reich also reported on this event, including the *Schlesische Zeitung* from Breslau (quoted above in the opening paragraph).²¹ For the media, whose coverage of court trials was typically limited to brief dispatches, the attention that this single trial received was unusual. This underscores the importance of the case for propaganda purposes.

Research into the German legal system and its activities in those areas that were incorporated into Germany's eastern regions has been undertaken by Polish legal historians since the 1960s.²² Only a small amount of research has

20 'Die Todesurteile vollstreckt: Gerechte Sühne für den Oborniker Verschleppenzug', *Ostdeutscher Beobachter*, (September 19, 1941), 4.

21 For court reports under National Socialism, see Anders, *Strafjustiz*, 178-91; Dietmar Gruchmann, *Die Öffentlichkeitsarbeit der Justiz im Wandel der politischen Systeme: Eine Studie am Beispiel des Freistaates Bayern* (Garching, 1994); Joachim Siol, "Justiz und Tagespresse in der NS-Zeit", in *175 Jahre Oberlandesgericht Oldenburg: 1814 Oberappellationsgericht – Oberlandesgericht 1989: Festschrift* (Köln, 1989), 323-36.

22 For an introduction see: Tadeusz Jaszowski, *Hitlerowskie prawo karne na Pomorzu 1939-1945* (Warszawa, 1989); Alfred Konieczny, *Pod rządami wojennego prawa karnego Trzeciej Rzeszy Górny Śląsk 1939-1945* (Warszawa-Wrocław, 1972). For a general overview of the legal system of the "Third Reich": Franciszek Ryszka, *Państwo stanu wyjątkowego. Rzecz o systemie państwa i prawa Trzeciej Rzeszy* (Wrocław, 1985). In addition, see: Alfred Konieczny, 'Organizacja wymiaru sprawiedliwości na Śląsku w latach II wojny światowej', *Studia historycznoprawne*, 249 (1996), 177-205; Alfred Konieczny, 'Dążenia do wyłączenia kompetencji hitlerowskiego trybunału narodowego przy ściganiu Polaków z obszarów włączonych do Rzeszy', *Acta universitatis wratislaviensis – prawo*, 121 (1984), 145-66; Stanisław Godlewski, 'Sądownictwo III Rzeszy na okupowanych terenach polski włączonych do Rzeszy', in Czesław Pili-chowski (ed), *Zbrodnie i sprawy: Ludobójstwo hitlerowskie przed sądem ludzkości i historii* (Warszawa, 1980), 526-43; Tadeusz Martyn, 'Sądownictwo niemieckie na terenie kaliskiej', in Antoni Czubiński (ed), *Zbrodnie hitlerowskie na ziemi kaliskiej w latach 1939-1945* (Kalisz, 1979), 169-97; Karol Jonca, Alfred Konieczny, and Franciszek Połomski, *Działalność Gestapo – sądownictwo specjalne dla Polaków i Żydów obozy i więzienia na Śląsku* (Wrocław, 1964); Leon Teresiński, 'O działalności Sądu Wojennego Rzeszy w okresie II wojny światowej', *Biuletyn Głównej Komisji Badania Zbrodni Hitlerowskich w Polsce*, 24 (1972), 169-221. Important, but only available as "gray literature": Konrad Ciechanowski, 'Sądownictwo i więziennictwo na terenie Pomorza Gdańskiego w latach 1939-1945', in *Symposium: "Hitlerowskie sądownictwo, więziennictwo i obozy w okręgu Rzeszy Gdańsk-Prusy Zachodnie 1939-1945"* (Sztutowo, 1976), unpag. Also: Bogdan Chrzanowski, 'Stan wiedzy o sądownictwie, więziennictwie i obozach na Pomorzu w świetle wydawnictw podziemnych oraz dokumentów Delegatury RP na Kraj', *Referaty i komunikaty na sesję popularno-naukową: Formy i rozmiary eksterminacji ludności polskiej na Pomorzu Gdańskim w latach 1939-1945: Część I* (Gdańsk and Elbląg, 1982), 132-58; Konrad Ciechanowski, 'Sądownictwo i więziennictwo na terenie Pomorza Gdańskiego w latach 1939-1945', in *Symposium: "Hitlerowskie sądownictwo, więziennictwo i obozy w okręgu Rzeszy Gdańsk-Prusy*

been done by Germans.²³ Particular attention has been given to the special court in Bromberg (Bydgoszcz), whose complete records have remained intact.²⁴ The National Socialist judicial body for which the most research has been published has been the court in Bromberg, and this is largely due to the “September crimes”.²⁵ Furthermore, the testimonies that are included among

Zachodnie 1939-1945” (Sztutowo, 1976), unpag.; Tadeusz Olejnik, ‘Sądownictwo niemieckie w powiecie wielunskim i jego rola w walce z polskoscia w latach 1939-1945’, *Sesja Naukowa “Eksterminacyjna polityka okupanta hitlerowskiego w Sieradzkim”: Referaty i komunikaty* (Łask, 1983), unpag.

- 23 Maximilian Becker, *Mistretter im Volkstumskampf: Deutsche Justiz in den eingegliederten Ostgebieten 1939-1945* (München, 2014); Christoph U. Schminck-Gustavus, ‘NS-Justiz und Besatzungsterror: Zur nationalsozialistischen Rechtspolitik im besetzten Polen 1939-1945’, in Norman Paech and Gerhard Stuby (eds), *Wider die “herrschende Meinung”: Beiträge für Wolfgang Abendroth* (Frankfurt am Main-New York, 1982), 13-50; Diemut Majer, ‘*Fremdvölkische*’ im Dritten Reich: Ein Beitrag zur nationalsozialistischen Rechtssetzung und Rechtspraxis in Verwaltung und Justiz unter besonderer Berücksichtigung der eingegliederten Ostgebiete und des Generalgouvernements (Boppard am Rhein, 1981); Ludwig Nestler, ‘Zum Aufbau und zur Tätigkeit der faschistischen Sondergerichte in den zeitweilig okkupierten Gebieten Polens’, *Jahrbuch für Geschichte*, 10 (1974), 579-631; Broszat, *Nationalsozialistische Polenpolitik*, 137-57. Apologetic: Günther Moritz, *Gerichtbarkeit in den von Deutschland besetzten Gebieten 1939-1945* (Tübingen, 1955). Specialized studies devoted to single aspects include Maximilian Becker, ‘Konfrontation oder Kooperation? Polizei und Justiz in den “eingegliederten” Ostgebieten’, in Wolfgang Schulte (ed), *Die Polizei im NS-Staat. Beiträge eines internationalen Symposiums an der Deutschen Hochschule der Polizei in Münster* (Frankfurt am Main, 2009), 371-87; Bernward Dörner, ‘Justiz und Judenmord: Todesurteile gegen Judenhelfer in Polen und der Tschechoslowakei 1942-1944’, in Norbert Frei, Sybille Steinbacher, and Bernd C. Wagner (eds), *Ausbeutung, Vernichtung, Öffentlichkeit: Neue Studien zur nationalsozialistischen Lagerpolitik* (München, 2000), 249-63.
- 24 Edmund Zarzycki, *Działalność hitlerowskiego sądu specjalnego w Bydgoszczy w latach 1939-1945* (Bydgoszcz, 2000); Edmund Zarzycki, *Besatzungsjustiz in Polen: Sondergerichte im Dienste deutscher Unterwerfungsstrategie* (Berlin, 1990); Edmund Zarzycki, *Eksterminacyjna i dyskryminacyjna działalność hitlerowskich sądów okręgu Gdańsk-Prusy Zachodnie w latach 1939-1945* (Bydgoszcz, 1981); Alexandra Chrośniakowski and Kazimierz Chrośniakowski, ‘Z działalność hitlerowskiego sądu specjalnego (Sondergericht) w Bydgoszczy (1939-1945)’, *Bydgoskie towarzystwo naukowe – Prace komisji historii*, 1 (1963), 87-107. – For a detailed analysis of case law by a German legal historian: Gerd Weckbecker, *Zwischen Freispruch und Todesstrafe: Die Rechtsprechung der nationalsozialistischen Sondergerichte Frankfurt/Main und Bromberg* (Baden-Baden, 1998).
- 25 Specialized studies devoted to these trials include: Edmund Zarzycki, ‘Polscy żołnierze przed hitlerowskim sądem specjalnym w Bydgoszczy’, in *Z okupacyjnych dziejów Bydgoszczy* (Warszawa-Poznań, 1977), 3-32; Edmund Zarzycki, *Działalność hitlerowskiego sądu specjalnego w Bydgoszczy w sprawach o wypadki z września 1939 roku* (Warszawa-Poznań, 1976). For a popular historical investigation into a single case, see ‘Proces Stanisławy Koszcząb’, *Biuletyn Instytutu Pamięci Narodowej*, (2003/2004), 76-80. Information on this case can be found in, among others, Trzeciakowski and

the court records are important sources for “Bloody Sunday”,²⁶ even though these should be used with care – Polish defendants and witnesses were often tortured, while many German witnesses apparently lied or used their day in court to settle old scores. Numerous accounts can also be found in the records of the special court in Lodz (Litzmannstadt),²⁷ including those for the trials held for the “September crimes”.²⁸ In contrast to Bromberg, in the eastern parts of Warthegau, these kinds of cases only made up a small part of the court proceedings.²⁹ Other special courts in the incorporated eastern regions, on the other hand, have been hardly researched,³⁰ and this in spite of the fact that a number of them – the special courts in Hohensalza, Kalisch, and Zichenau – left behind large collections of records that have been preserved.

- Sobecki, “*Krwawa Niedziela*” w *Bydgoszczy*, 91-100; Trzeciakowski, *Śmierć w Bydgoszczy*, 430-60; Tadeusz Jaszowski, *Hitlerowskie prawo karne na Pomorzu 1939-1945* (Warszawa, 1989). For more on the “September crimes” that were brought before the district court of Wirsitz, see Edmund Zarzycki, ‘Działalność hitlerowskiego sądu lokalnego w Wyrzysku w latach 1939-1945’, *Rocznik Nadnotecki*, 13-14 (1982/83), 51-67.
- 26 Edmund Zarzycki, ‘Deutsche Diversion am 3. September 1939 in Bydgoszcz aus der Sicht der Akten des Nazisondergerichts in Bydgoszcz’, *Polnische Weststudien*, 2 (1983), 299-312; Tomasz Rabant, ‘Dokumenty sądu specjalnego w Bydgoszczy (Sondergericht Bromberg) z lat 1939-1941’, in Tomasz Chinciński and Paweł Machcewicz (eds), *Bydgoszcz 3-4 września 1939: Studia i dokumenty* (Warszawa, 2008), 422-60.
- 27 The special court was initiated on September 18, 1939 with the special court in Lodz. By the end of November 1939, it was called Lodsche Special Court, and after April 1940, the Litzmannstadt Special Court.
- 28 Holger Schlüter, “... für die Menschlichkeit im Strafmaß bekannt ...”: *Das Sondergericht Litzmannstadt und sein Vorsitzender Richter* (n. p., n. d., [2007]); Jan Waszczyński, ‘Z działalności hitlerowskiego Sądu specjalnego w Łodzi (1939-1945)’, *Biuletyn Głównej Komisji Badania Zbrodni Hitlerowskich w Polsce*, 24 (1972), 14-104; Jan Waszczyński, ‘Działalność hitlerowskiego Sądu specjalnego w Łodzi w latach 1939-1945’, in Czesław Pilichowski (ed), *Zbrodnie i sprawy: Ludobójstwo hitlerowskie przed sądem ludzkości i historii* (Warszawa, 1980), 544-56; ohne Bezug zu “Septemberverbrechen”: Dorota Siepracka, ‘Mordercy Żydów przed nazistowskim Sądem Specjalnym’, *Pamięć i Sprawiedliwość*, 6/2 (2004), 233-46; Ludwik Planer, ‘Sprawa karna przed niemieckim Sądem Specjalnym w Łodzi o pomoc dla jeńców angielskich’, *Biuletyn Głównej Komisji Badania Zbrodni Hitlerowskich w Polsce*, 25 (1978), 97-143.
- 29 Schlüter, “... für die Menschlichkeit im Strafmaß bekannt ...”, 91.
- 30 For the special court in Posen, there is merely one article that deals with a single case, and its focus is not on the “September crimes”: Witold Kulesza, ‘Sprawa ks. Wincentego Harasimowicza przed niemieckim sądem specjalnym – analiza akt procesu’, in Antoni Galiński and Marek Budziarek (eds), *Akcje okupanta hitlerowskiego wobec Kościoła katolickiego w Kraju Warty* (Łódź, 1997). An additional study looks at the special court in Thorn: Kazimierz Przybyszewski, ‘Z działalności hitlerowskiego Sądu Specjalnego (Sondergericht) w Toruniu 1942-1943’, *Rocznik toruński*, 2 (1967), 71-86.

Forced Marches of Internees and “Bromberg Bloody Sunday”: Incidents, German Retribution, and Propaganda

The forced march of internees from Gniezno to Mory was not the only one to have occurred at the beginning of the war. After August 30, 1939, the Polish authorities arrested prominent representatives of the German and Ukrainian minorities or persons otherwise designated as disloyal, to prevent diversionary actions in case of a German attack.³¹ On September 1, the campaign of arrests was expanded, a decision that affected fifteen thousand Germans³² – ten thousand of whom lived in Greater Poland, which had been the Prussian province of Posen until 1919.³³ At the same time, ethnic Germans were removed into the interior. Catastrophic circumstances usually accompanied these movements of people. According to various sources, between 1178 and 2200 of those who were detained died.³⁴ Some were shot by their guards, others died of exhaustion or were victims of German air attacks.³⁵

Following the German occupation, special courts in Posen and Bromberg investigated these marches, shedding light on cases that came to be known collectively as the “September Crimes”. Alongside these were also cases brought before the special courts in Danzig (Gdańsk), Konitz (Chojnice), Graudenz (Greudziądz), Thorn (Toruń), Litzmannstadt (Łódź), and Hohensalza (Inowrocław) for murders and assaults against Germans, and especially those cases that were tried in Bromberg and designated by Nazi propaganda as the “Bromberg Bloody Sunday”.³⁶

On September 3 and 4, 1939, retreating units of the Polish army moved through the city, which served as the exit from the “Polish corridor”. As a result of a road accident and a subsequent traffic jam, a panic broke out. Shots

31 Czesław Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen 1939-1945* (Berlin, 1987), 9-10.

32 Christoph Schutte, ‘Großpolen’, in *Online-Lexikon zur Kultur und Geschichte der Deutschen im östlichen Europa*, 2013. URL: ome-lexikon.uni-oldenburg.de/54146.html [24 September 2015].

33 *Die Verschleppung der Deutschen aus Posen und Pommerellen im September 1939: Eine Dokumentation, im Auftrag der Historisch-Landeskundlichen Kommission für Posen und das Deutschtum in Polen*, compiled and edited by Hans Freiherr von Rosen (Berlin-Bonn, 1990), 18; besides members of the German minority, Ukrainians and Communists were also interned (Czesław Madajczyk, *Die Okkupationspolitik Nazideutschlands in Polen 1939-1945* (Berlin, 1987), 9-10).

34 Catherine Epstein, *Model Nazi: Arthur Greiser and the Occupation of Western Poland* (New York, 2010), 121-2.

35 Jastrzębski, *Der Bromberger Blutsonntag*, 170; Trzeciakowski and Sobecki, “Krwawa Niedziela” w Bydgoszczy, 100.

36 Zarzycki, *Eksterminacyjna i dyskryminacyjna działalność*, 45-71; Schlüter, “... für die Menschlichkeit im Strafmaß bekannt ...”, 91-5.

were fired, but it was never conclusively determined who fired on whom, and whether German saboteurs hadn't engaged Polish soldiers. Similar events also unfolded elsewhere, leading to excesses against the lives and property of ethnic Germans.³⁷ In a number of cities, such as Lissa (Leszno) and Gnesen (Gniezno), German agents who had been planted behind the lines fired on Polish soldiers or carried out premeditated raids on army facilities and police stations.³⁸ Polish soldiers, police, militias, or armed civilians then searched the homes of Germans for weapons, as they did in Bromberg.³⁹ German suspects were arrested, many were subsequently released, but a number were shot or deported on foot further into the hinterland. In some cases, Polish courts had meted out summary justice, but saboteurs who were caught in possession of weapons were shot on the spot, without trial, by the Polish military.⁴⁰ Innocent bystanders also died during attacks against real or suspected saboteurs.⁴¹ A total of four to five thousand people were killed, two hundred and sixty of them in Bromberg.⁴²

The "September crimes" provided the pretext for German acts of retaliation, which, in the following months, probably produced tens of thousands of victims – above all Poles, but also Jews. "Bromberg Bloody Sunday" provided the excuse for the arrest and systematic murder of the Polish intelligentsia in West Prussia, beginning in late September 1939.⁴³ It is difficult to determine the exact number of victims. Wiesław Trzeciakowski believes that 60,000 Poles and Jews were shot in West Prussia between the fall of 1939 and spring 1940, but provides no proof.⁴⁴ Daniel Brewing, relying on more recent research, concludes that 20,000 people were shot in the entire country by the police and Wehrmacht during the war against Poland (September 1

37 Chinciński, *Forpoczta Hitlera*; Mathias Niendorf, *Minderheiten an der Grenze: Deutsche und Polen in den Kreisen Flatow (Złotów) und Zempelburg (Sępólno Krajeńskie) 1900-1939* (Wiesbaden, 1997), 366; Tomasz Łaskiewicz, 'Dywerysja niemiecka w Inowrocławiu we wrześniu 1939 roku', in Tomasz Chinciński and Paweł Machcewicz (eds), *Bydgoszcz 3-4 września 1939: Studia i dokumenty* (Warszawa, 2008), 338-52.

38 Only a small proportion of the German minority – approximately seven hundred – participated in diversions and acts of sabotage. See Chinciński, *Forpoczta Hitlera*, 394.

39 Chinciński, 'Niemiecka dywersja na Pomorzu w 1939 roku', 170-204; Łaskiewicz, 'Dywerysja niemiecka w Inowrocławiu we wrześniu 1939 roku', 338-52; Chinciński, *Forpoczta Hitlera*.

40 Jastrzębski, *Der Bromberger Blutsonntag*; Chinciński, *Forpoczta Hitlera*, 208-211; Trzeciakowski, *Śmierć w Bydgoszczy*, 452.

41 Chinciński, 'Niemiecka dywersja w Polsce, część 2', 179.

42 Krzoska, 'Der "Bromberger Blutsonntag" 1939', 240, 246-7.

43 Klaus-Michael Mallmann, Jochen Böhrer, and Jürgen Matthäus, *Einsatzgruppen in Polen: Darstellung und Dokumentation* (Darmstadt, 2008), 56-66; Madajczyk, *Die Okkupationspolitik Nazideutschlands*, 187.

44 Trzeciakowski, *Śmierć w Bydgoszczy*, 364.

to October 6, 1939), and that more than 47,000 later fell victim to the Germans in the fall of 1939 as a result of the extermination campaigns against the Polish intelligentsia, of which 30,000 came from the Reichsgau Danzig-West Prussia.⁴⁵ In Bromberg alone, units of the Wehrmacht and Einsatzgruppen shot more than one thousand people, all before September 13, 1939.⁴⁶

Furthermore, the “Polish atrocities” were used for propagandist purposes. The first report on the Bromberg incidents appeared in the German press on September 7, 1939. In the coming days and months, the incidents were progressively exaggerated, given that the reports were part of an already long-running propaganda campaign. Beginning in the spring of 1939, reports had appeared in newspapers, especially those in the eastern parts of the German Reich, on attacks against Germans and their property in Poland. Some of these attacks, albeit on a minimal scale, were orchestrated by the SD or German military intelligence (*Abwehr*), but unquestionably, an anti-German mood existed in Poland at the time.⁴⁷ In conjunction with preparations for the invasion of Poland, German propaganda became noticeably sharper in tone after August 1939. After September 1939, media coverage began to focus heavily on the murder of members of the German minority, with Bromberg now taking centre stage.⁴⁸ Beginning on September 14, 1939, reports on the murder of interned ethnic Germans also began to be published.⁴⁹ In the fall of 1939, the reports on the special trials, which made up the most significant part of the coverage dedicated to the “September crimes”, were included as part of this campaign. Reports on the trials appeared above all in the newspapers of the eastern regions that had only been recently integrated into the German Reich, especially in the Bromberg newspaper, *Deutsche Rundschau*, and the *Ostdeutscher Beobachter*, but also in the *Litzmannstädter Zeitung*, the *Danziger Vorposten*, and other newspapers. There were altogether hundreds of reports. The media in the Reich reported on these events as well.⁵⁰ Among

45 Daniel Brewing, *Im Schatten von Auschwitz: Deutsche Massaker an polnischen Zivilisten 1939-1945* (Darmstadt, 2016), 140, 174.

46 Epstein, *Model Nazi*, 128.

47 Madajczyk, *Die Okkupationspolitik Nazideutschlands*, 9.

48 Jürgen Hagemann, *Die Presselenkung im Dritten Reich* (Bonn, 1970), 280, note 614; Jochen Böhrer, *Auftakt zum Vernichtungskrieg: Die Wehrmacht in Polen 1939* (Frankfurt am Main, 2006) 36-41; Walter Hagemann, *Publizistik im Dritten Reich: Ein Beitrag zur Methodik der Massenföhrung* (Hamburg, 1948), 389-412; Aristotle A. Kallis, *Nazi Propaganda and the Second World War* (Basingstoke-New York, 2005), 96-7.

49 Cezary Eugeniusz Król, *Polska i Polacy w propagandzie narodowego socjalizmu w Niemczech 1919-1945* (Warsaw, 2006), 275.

50 Klaus Marxen, ‘Strafjustiz im Nationalsozialismus: Vorschläge für eine Erweiterung der historischen Perspektive’, in Bernhard Diestelkamp and Michael Stolleis (eds), *Justizalltag im Dritten Reich* (Frankfurt am Main, 1988), 101-11, 161, note 35; Freia Anders, *Strafjustiz im Sudetengau 1938-1945* (München, 2008), 196.

these were articles devoted to the “Obornik murder trials”, which ultimately allow one to trace the themes and methods used by propaganda, as well as the role of the judicial system.

The “Obornik Murder Trial”: Coverage of the Trial in the *Ostdeutscher Beobachter*

Coverage of this trial began on the same day that the trial opened with a summary of the investigation put together by the prosecution and criminal police. This report served to prepare readers for coverage that was to follow in the coming days. It describes in broad brush-strokes how the so-called “march of internees” allegedly unfolded, recounting each of the different stages of the march only in general terms, but clearly aiming at reaching the reader at an emotional level. The author claimed to have retraced the route of the march and visited the sites where the crimes had been committed:

[...] [it] is a road of unutterable sorrow that we saw on our journey. In those places where the murdered had been dug up, one still sees the lighter colouring of the earth. In other places, where mindless fire was opened on the Germans, one finds bullet holes. It then begins to weigh again on the mind, how it was even possible in such heat and without drink or food to march so far, while accompanying guards with loaded pistols rode alongside on bicycles or in trucks.⁵¹

At the same time, the article fundamentally conforms to the propaganda image of “Polish atrocities”: innocent, defenceless Germans, who were tortured and killed without reason, are placed in contrast to brutal Poles.

The article published on the following day provided information on the setting and procedure of the trial: because no room in the courthouse was big enough, the trial took place in the great hall used by the Gestapo. Subsequently, the names of the accused were listed, with their cross-examinations taking up nearly two-thirds of the three-columned newspaper article. Most of the focus was placed on two of the defendants: the man in charge of the forced march and his second-in-command. According to the article, both defendants followed the same defence strategy – “which is common with these types of trials” – of denial and dispute, even though this contradicted the statements they made during the preliminary inquiry, that is, before the police.⁵² At one point, while one of the two was being incriminated by a fel-

51 ‘Die Tragödie der Oborniker Verschleppten’.

52 ‘Der erste Tag im Oborniker Mordprozeß’.

low defendant and thus responded by repeatedly declaring that he was not speaking the truth, he found himself being “vigorously reprimanded” by the senior judge, Dr. Robert Schwab,⁵³ with the words “you are lying through your teeth.”⁵⁴

The motive of the supposedly deceitful Polish defendant that was presented did not only occur in the reporting about the “Obornik Murder Trial”: it was not even particularly characteristic of the “September Crimes” alone. It conformed to the typical stereotype: in the press, Polish defendants were

53 Born on September 1, 1898; appointed *Gerichtsassessor* in Darmstadt on October 22, 1926; *Staatsanwalt* at *Landgericht Offenbach*, November 6, 1932 – January 28, 1934; *Amtsgerichtsrat* at *Amtsgericht Offenbach*, January 29, 1934 – March 31, 1941, transferred to Posen in January 1941, at the latest; promoted to *Landgerichtsdirektor* on April 1, 1941; appointed to the administrative staff of the *Oberlandesgericht Breslau* on January 27, 1945 (to carry out the work of the court); a lawyer and notary in Hessen after the war. Hubert Rottleuthner, *Karrieren und Kontinuitäten deutscher Justizjuristen vor und nach 1945: Mit allen Grund- und Karrieredaten auf beiliegender CD-ROM* [Berlin, 2010], CD-ROM, Case-ID: 25098; *Bundesbeauftragter für die Unterlagen des Staatssicherheitsdienstes der ehemaligen DDR* (further *BStU*), ZA RHE 34/86 DDR Bd. 24, Bl. 021; Anruf MinRat Dr. Wittland, 27.1.1945, *Bundesarchiv* (further *BArch*) R 3001 (alt R 22) 56519; *Die Verfolgung von NS-Verbrechen durch westdeutsche Justizbehörden seit 1945: Datenbank aller Strafverfahren und Inventar der Verfahrensakten*, rev. Andreas Eichmüller and Edith Raim (München, 2007). Due to missing personnel records, evidence of membership in National Socialist organizations or the party cannot be established.

The associate judges in this case were *Landgerichtsrat* Dr. Johann Hucklenbroich and *Landgerichtsrat* Heinrich Rasch (born on February 25, 1908 in Neuenkirch (Hannover Province)). On June 30, 1933, Rasch began to serve as the *Gerichtsassessor* in *Oberlandsgerichts-Bezirk Celle*, and at the *Landgericht* in Hannover after August 1, 1939. He was a member of the party from November 1, 1933 to May 30, 1935, and once more with the SA after December 1, 1938, eventually as *Truppführer* and legal advisor; and once more a member of the party after July 1, 1941. He was appointed to Posen in November 1939, where he remained by request after July 1, 1941. A promotion was not tied to this request. He was drafted as a *Fahnenjunker-Feldwebel* in June 1944 and died on August 16, 1944 in a reserve military hospital in Metz (Personalakte Heinrich Rasch, *BArch* R 3001 (alt R 22) 71544).

Hucklenbroich (born on June 12, 1901 in Immigrath (Prussian Rhein Province); died on April 29, 1972 in Wuppertal); joined the NSDAP on June 1, 1937 and served as the *Landgerichtsrat* in Wuppertal after May 31, 1938. Sent to Posen on October 30, 1940, and appointed to *Oberlandesgerichtsrat* on October 1, 1943. Served as *Landgerichtsdirektor* in Wuppertal after the war. Rottleuthner, *Karrieren und Kontinuitäten*, CD-ROM, Case-ID: 11445; Personalakte Dr. Johann Hucklenbroich, *BArch* R 3001 (alt R 22) 61394; Personalakte Dr. Johann Hucklenbroich, in: BA ZC 19954. Hucklenbroich is frequently mentioned in East German publications associated with the “Blutrichter” campaign. In 1968, the “Braunbuch” claimed that he was responsible for 68 death sentences. Norbert Podewin (ed), *Braunbuch: Kriegs- und Naziverbrecher in der Bundesrepublik und in Berlin (West)*, Reprint der Ausgabe von 1968 (3rd edition) (Berlin, ND), 63.

54 ‘Der erste Tag im Oborniker Mordprozeß’.

customarily presented as “inveterate liars” who would categorically deny their crimes.⁵⁵ This was not very different from the anti-Semitic stereotype of “Jewish shiftiness”, now projected onto the Poles.⁵⁶

The testimonies of Polish witnesses or defendants were only accepted as truthful when they supported the case for the prosecution. From the vantage point of propaganda, confessions and Polish witnesses for the prosecution were particularly believable because – and this was how they were seen by the courts as well⁵⁷ – all Poles would normally band together against the German prosecuting authorities. This principle also surfaced in the article covering the interrogation of the defendants: the reason for the argument between the two defendants was the shooting of an old man, which was admitted by one of the defendants.⁵⁸

The descriptions of the crimes grew more detailed and graphic, when, on the third day of the trial, for the first time, participants of the march appeared as witnesses. Their testimonies, which were in part quoted verbatim, were central to the newspaper’s coverage of the trial; in sum, four of the eight articles published by the *Ostdeutscher Beobachter* reported on the testimonies of the German witnesses. Thus, not only did the coverage take on the appearance of greater authenticity, it also more easily stoked up readers’ emotions: sympathy for the German witnesses, disgust for the Polish defendants.

For this reason, the newspaper reports frequently latched onto especially dramatic testimonies, such as the claim that the horrible experience had driven some of the internees to madness, or testimonies on the shooting of women.⁵⁹ The articles also included less believable passages. For instance, one of the women supposedly still found time for the following last words: “My God, what have I done, they have shot me directly in the chest!”⁶⁰ Apparently, such theatrical exaggerations did not moderate the propaganda effect.⁶¹ The reports were largely believed by the Germans. Only isolated court cases

55 ‘Ein Todesurteil des Sondergerichts: Noch einmal die schweren Mißhandlungen in Stenschewo’, *Ostdeutscher Beobachter*, (February 23, 1940), 5; ‘Doppel-Todesurteil gegen Untermenschen: Marodeur der Septembertage trifft das verdiente Schicksal! Posener Sondergericht verhandelt’, *Ostdeutscher Beobachter*, (March 1, 1940), 5.

56 Ulrich Herbert, *Fremdarbeiter: Politik und Praxis des “Ausländer-Einsatzes” in der Kriegswirtschaft des Dritten Reiches* (Bonn, 1999), 85–6.

57 In one case, the special court in Posen decided against summoning a witness for the defence who was requested by the defendant because this witness “would only attempt to cover for the defendant” (‘Judgement of the Special Court I in Posen’, 16 June 1943, *BStU MfS*, HA IX/II, RHE 34/86 DDR, vol. 6, 61–6).

58 ‘Der erste Tag im Oborniker Mordprozeß’.

59 “Jetzt habe ich dir polnische Kultur beigebracht”.

60 *Ibid.*

61 Becker, *Justiz und Propaganda*, 33–4.

regarding “*Heimtücke*” are documented, in which the defendants had voiced doubts about the reports on events that occurred during the fall of 1939.⁶²

The high point of the account of the supposed “atrocities” appeared on August 31, as the newspaper reported that children were among those found in a mass grave.⁶³ There was an even more dramatic testimony of a German witness which was also reproduced in that same article. The man testified that he had read about his brother’s murder in the *Posener Tagblatt* and had set out in search of the body. His brother had been whipped and shot seven times by two Polish policemen. Then one of the policemen hit the dying man in the back of the head with the sharp end of a spade, nearly clipping off the top of his skull. During the autopsy, further injuries were discovered, including bayonet stab wounds.⁶⁴ That an autopsy was even performed is doubtful, given that apparently no forensic report was presented to the court: the act of indictment, which listed the evidence to be presented, only specified witness testimonies.⁶⁵ It is interesting that this testimony was based on hearsay, given that the witness took what he read in a newspaper – the *Posener Tagblatt* – and used that information to reconstruct how the event had unfolded. His testimony was then probably reproduced in the *Ostdeutscher Beobachter* because of its particularly lurid description of the attendant brutality, but it was also included in the court’s judgment.⁶⁶

What is more, the article relied further on other anti-Polish clichés: acts of pillage and plunder were referred to, to illustrate the ostensible tendency of Poles towards criminality.⁶⁷ In the “Obornik Murder Trial”, it was even pointed out that “marauding Polish soldiers [...] had robbed the murdered ethnic Germans”,⁶⁸ in other words, they could not even restrain themselves from plundering corpses, which suggested a particular break with the conduct of civilized people.

This fits into the clichéd image of the supposedly uncivilized Poles that the article assumed as given, though in this case, the stereotype was embellished with a depiction of “Polish cruelty”: when a German asked the leader of the policemen escorting the prisoners what had become of Polish culture, the leader responded by tossing a hand grenade at him and shouting: “Now

62 Weckbecker, *Zwischen Freispruch und Todesstrafe*, 590.

63 ‘Erstes Geständnis im Obornicker Mordprozeß’.

64 Ibid.

65 ‘Charge of the Oberstaatsanwalt at the Special Court in Posen, 11 June 1941, *IZ Dok.* I-490.

66 ‘Judgment of the Special Court I in Posen’, 16 June 1943, *IZ Dok.* I-490.

67 ‘Vier Todesurteile in Hohensalza: Gemeine Verbrechen in den Septembertagen fanden ihre Sühne’, *Ostdeutscher Beobachter*, (February 22, 1940), 2.

68 “Jetzt habe ich dir polnische Kultur beigebracht”.

I have taught you Polish culture.”⁶⁹ This story is also not particularly believable: why should a person throw a hand grenade at someone standing directly in front of him? In the verdict, this story was told differently: it was not the head of the police escort who had been approached by the German, but a different policeman, the distance between the two being considerably greater, and the hand grenade “seriously wounded countless other Germans”.⁷⁰

Because it lasted for several days, the “Obornik Murder Trial” also offered journalists the opportunity to dig deeper into the case, when usually court reports only included whatever background information was necessary for recounting the tale of an alleged atrocity. The *Ostdeutscher Beobachter* devoted two entire articles to the outcome – one to the prosecution’s summing up and one to the court’s verdict.⁷¹ But then, in these reports too, the focus always returned to the content of the case, for instance, when State Attorney Walther Kayser,⁷² the lead prosecutor, summed up the testimony of witnesses, or when the senior presiding judge pronouncing the sentences invoked “the memory of the incidents of the first Obornik march of internees”.⁷³

The Role of the Legal System

To give the impression of a fair trial, mention was made of the summoned defence witnesses, whose statements led to the release of two of the accused,⁷⁴ and the closing statements for the defence were also reported.⁷⁵ Nonetheless,

69 Ibid.

70 ‘Judgement of the Special Court I in Posen’, 16 June 1943, *IZ Dok.* I-490.

71 ‘Zwei 807-fache Todesstrafen beantragt’; ‘18 Todesurteile für tausendfache Schuld’.

72 Born on January 31, 1907 in Heideken (Posen Province), died on February 24, 1971 in Palma / Mallorca; attended law school in Göttingen and Munich; Gerichtsassessor in Celle from January 1935 to May 31, 1939, then, until the end of 1940, Staatsanwalt at Landgericht Braunschweig; thereafter, most likely transferred to Landgericht Posen, where he joined the Waffen-SS on March 2, 1943 (17 Panzer-Grenadier Division), and was assigned to the Hauptamt SS-Gericht from April 20, 1944 to January 30, 1945. Kayser joined the SS on April 1, 1933, and joined the NSDAP on May 1, 1935. (Personalakte Wolfgang Kayser, *BArch* [ehem. BDC] PK, Kayser, Wolfgang, geb. 31. I. 1907; Personalakte Wolfgang Kayser, *BArch* [ehem. BDC] SSO, Kayser, Wolfgang, geb. 31. I. 1907; Personalakte Wolfgang Kayser, *BArch* [ehem. BDC] RS, Kayser, Wolfgang, geb. 31. I. 1907; Rottleuthner, *Karrieren und Kontinuitäten*, CD-ROM, Case-ID: 12575).

73 ‘18 Todesurteile für tausendfache Schuld’.

74 ‘Der erste Tag im Oborniker Mordprozeß’; ‘Erstes Geständnis im Obornicker Mordprozeß’.

75 ‘Mit Kolben, Bajonetten und Gummiknüppeln’; ‘Zwei 807-fache Todesstrafen beantragt’; ‘18 Todesurteile für tausendfache Schuld’. Also see: ‘Erschütternde Erinnerungen an den Bromberger Blutsonntag: Die Sühne für die viehischen polnischen

the role of lawyers was ambiguous: some of them really tried to ensure a fair trial and claimed mitigating circumstances for their clients, but in the case of the two primary defendants, the legal counsel determined that “the defence [...] could not advocate [for the defendants], because the extent of their guilt was gigantic.”⁷⁶ The behaviour was similar in Bromberg, where some of the defence lawyers agreed with the prosecution’s imposition of the death penalty.⁷⁷

Just as they had done in regard of the other “September crimes”, the press reports on the “Obornik murder trial” also treated it in terms of an allegedly fair trial, as though it was a tribunal dedicated to “justice, and the triumph of justice alone and to atonement for a crime”.⁷⁸ This motif of quasi-legality was to appear now and again in reports other than merely on legal proceedings; for example, Gauleiter Arthur Greiser declared before foreign journalists that various German measures, in other words, not just courts, were guided by justice and not by the “spirit of vengeance” called forth by “Polish atrocities”.⁷⁹ At the same time, the thoroughness of the investigation and the gathering of evidence was praised, since it provided the basis for the final verdict. In an editorial written by a certain Arthur Reiss, who, despite the verdict, exhibited reservations about the innocence of ten defendants who had been acquitted, also declared that “German justice has now spoken. In a meticulous trial, as is only common in German courts, eighteen of the twenty-eight accused were found guilty. [...] The remaining accused, whose guilt could not be clearly established, were set free.”⁸⁰ Coverage devoted to the legal process as well as reports on acquittals or – in other trials – prison sentences served as an opportunity to emphasize the supposed objectivity of the courts that dealt with the “September Crimes”. This imputed objectivity lent a high degree of credibility to the courts’ decisions and was, therefore especially important for propaganda purposes.

Mordtaten – Eine Bilanz der Gerechtigkeit – Querschnitt durch die Tätigkeit der Bromberger Sondergerichte’, clipping from the *Danziger Vorposten*, 20. Feb. 1940, *BArch R 3001*, Sign. Film 22917.

76 ‘Zwei 807-fache Todesstrafen beantragt’.

77 For more on the role of the defence lawyer in the “September crimes”, see Edmund Zarzycki, ‘Advokaci niemieccy jako obrońcy Polaków przed hitlerowskim Sądem Specjalnym w Bydgoszczy’, *Palestra*, 5-6 (1975), 59-75.

78 ‘18 Todesurteile für tausendfache Schuld’. Also see: ‘Keine deutsche Racheaktion in Polen: Gauleiter Greiser über den Aufbau im Wartheland’, clipping from the *Deutsche Allgemeine Zeitung*, (May 1, 1940), *BArch R 3001*, Sign. Film 22917.

79 ‘Keine deutsche Racheaktion in Polen: Gauleiter Greiser über den Aufbau im Wartheland’, clipping from the *Deutsche Allgemeine Zeitung*, (Mai 1, 1940), *BArch R 3001*, Sign. Film 22917.

80 Reiss, *Marsch*.

The judiciary in particular contributed to the exploitation of the trial for propaganda purposes. Even though the bill of indictment had been written in June 1941, the court was set to begin at the end of August 1941. This made it possible to set the date of the sentencing for September 4, the second anniversary of the “Bromberg Bloody Sunday” and the beginning of the “march of the Obornik internees”.⁸¹ In this way, the sentencing served a double purpose, as a judicial function and as a memorial service, during which the senior judge not only commemorated the incidents in Bydgoszcz and other “September Crimes”, comparing them with the “march of the Obornik internees”, but also called on the court to remember the dead. At the end of this session, the senior judge stood in tribute to the dead, while one of the lawyers read out the names of the 133 victims of the march.⁸²

In general, it was said that the delivered verdicts were just and fitted the crimes as the law demanded. This also explains why the particulars of the crime were repeatedly mentioned.⁸³ The legal system naturally placed a high value on rendering a just verdict, which is why this theme appeared again on September 19, 1941 in media correspondence from the judicial press office, when it was made known that the death sentences had been carried out. In addition, the monstrousness of the supposed “atrocities” was once more emphasized:

“Atonement for the March of the Obornik Internees

The Attorney General of the Reichsgau Wartheland has informed us that the special court in Posen, after several days of proceedings against the police officers who had escorted the march of the Obornik internees, has carried out the death sentences. Therewith, a just atonement has been made for the crimes which have until now, in this modern legal age, been unknown.”⁸⁴

81 The events that were designated by propaganda as the “Bromberg Bloody Sunday” occurred on Sunday, March 3, and Monday, March 4, 1939. It cannot be verified that the adoption of the regulation calling the special courts into existence one day later was related to these events. Nonetheless, the court in Bromberg was the first special court established in occupied Poland.

82 ‘18 Todesurteile für tausendfache Schuld’. For more on the commemoration of the dead under National Socialism in general, see Sabine Behrenbeck, *Der Kult um die toten Helden: Nationalsozialistische Mythen, Riten und Symbole 1923 bis 1945* (Vierow near Greifswald, 1996).

83 See, for example, “‘Jetzt mußt du dein eigenes Grab schaufeln ...!’ Schwere Ausschreitungen polnischer Soldateska im Kreis Kolmar mit dem Tode gesühnt’, *Ost-deutscher Beobachter*, (July 17, 1940), 5; ‘Neue Einzelheiten vom Blutsontag enthüllen die Verhandlungen des Sondergerichts’, clipping from the *Deutsche Rundschau*, (November 15, 1939), *BArch* R 3001 Sign. Film 22918.

84 ‘Die Todesurteile vollstreckt’.

Conclusion

The “Obornik Murder Trial” was only one of hundreds of such episodes where, between 1939 and 1944, German special courts, in the newly incorporated eastern regions of the Reich, adjudicated on cases concerning the so-called “September Crimes”. The majority of these trials occurred between the fall of 1939 and the end of 1940.⁸⁵ The trial in Posen was therefore conducted relatively late. This is also true for at least two further large trials that concerned the forced evacuation of internees: on December 4, 1941, a group of eight Poles were brought before the special court in Posen, and on June 4, 1942, the special court in Bromberg passed judgment on thirty-eight defendants in the so-called “Thorn Death March” trial.⁸⁶ However, none of these trials generated as much propaganda attention as the “Obornik Murder Trial”.

The newspaper articles were part of a centrally directed anti-Polish propaganda campaign. Short reports covering the criminal proceedings were the most common, in which the National Socialist press described the “atrocities”. Journalistic reports on the “atrocities”, witness testimonies, forensic reports and literary commentaries were also published.⁸⁷ It was not only during the time of the trial that the “march of the Obornik internees” was the popular subject of media attention and an object of propaganda. Already on July 15, 1940, the *Ostdeutscher Beobachter* published a front-page report on the memorial service in the Obornik market square for one hundred and ten alleged victims of the march. The service was orchestrated by the National Socialists; the *Ostdeutscher Beobachter* reported nothing on the participation of a priest. The square was lined with Nazi flags and columns of organizations and affiliated associations of the NSDAP. Kreisleiter Schnitzer

85 Holger Schlüter: “... für die Menschlichkeit im Strafmaß bekannt ...”. *Das Sondergericht Litzmannstadt und sein Vorsitzender Richter*, s. l., s. a., 94.

86 Correspondence with the Reichspropagandaamt in Posen, 20 Nov. 1941, *Archiwum Państwowe w Poznaniu*, 86/22; Strafsache des Sondergerichts Bromberg, 4 June 1942, *BStU*, MfS HA IX/11 RHE-West 348/3; for more on the Bromberg case, see Włodzimierz Jastrzebski, *Terror i zbrodnia: Eksterminacja ludności polskiej i żydowskiej w rejencji bydgoskiej w latach 1939-1945* (Warszawa, 1974), 249-50.

87 Such as Bernd Wehner, *Die polnischen Greuelthaten: Kriminalpolizeiliche Ermittlungsergebnisse* (Berlin, 1942); Gerhart Panning, ‘Der Bromberger Blutsonntag: Ein gerichtsärztlicher Bericht’, *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, 34 (1940), 7-54; Wilhelm Hallermann, ‘Die Todesopfer der Volksdeutschen aus den Geiselnügen im Warthegau’, *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, 34 (1940), 54-90; Bernd Wehner, ‘Kriminalistische Ergebnisse bei der Aufklärung polnischer Greuel an Volksdeutschen’, *Deutsche Zeitschrift für die gesamte gerichtliche Medizin*, 34 (1940), 90-110; Schadewaldt, *Die polnischen Greuelthaten*; Edwin Erich Dwinger, *Der Tod in Polen: Die volksdeutsche Passion* (Jena, 1940).

made a speech commemorating German “martyrdom” after 1918 and the “war of eradication” (*Ausrottungskampf*) waged by the Polish state against the German minority, while placing particular emphasis on the “destructive rage” of the “Polish *Blutknechte*” following the initiation of the war, which resulted in the death of “thousands upon thousands” of German victims. The dead were bid farewell with military honours: not only were flags laid on the coffins, a guard of honour also fired in salute. Musical accompaniment was provided by a Wehrmacht band, which played a funeral march at the beginning of the ceremony. Bringing the ceremony to a close, the song “Ich hatt’ einen Kameraden” was sung, a ritual taken directly from the ceremony of a military burial. Finally, the coffins were then transported to the home towns of the deceased.⁸⁸

The purpose of the propaganda was to justify the German occupation and their discriminatory, anti-Polish policies, such as the segregation of Polish and German people in the Reich’s eastern regions.⁸⁹ Indeed, the military administration banned Polish political parties, and closed Polish newspapers and libraries. Poles had to salute Germans in uniform and step off the pavement to let them pass. In some places, the first cars of city trams were reserved for Germans. Parks, inns, cinemas, theatres, museums, and libraries were closed to Poles, and this was advertised by way of publicly displayed printed announcements. Poles were subjected to marriage restrictions, and discriminated against in shops and with food rations. There were different shopping hours for Germans and Poles. Polish residents were herded into neighbourhoods with worse living standards. They received worse health care. Poles were also discriminated against in the workplace. They received lower pay than Germans, and, in addition, had to pay a special levy.⁹⁰ In this way, a culture of inequality was constructed that not only entrenched itself in the consciousness of the people, but also served as the basis for the entire German occupation policy. The “Obornik Murder Trial” also served as a means for legitimizing these policies, which were most radically imple-

88 ‘110 ermordete Volksdeutsche beigesetzt: Eindrucksvolle Trauerfeier für die Toten des Oborniker Zuges’, *Ostdeutscher Beobachter*, (July 15, 1940), 1.

89 A. d. P. [Aus der Pressekonferenz], 24 Oct. 1939, quoted in Hagemann, *Die Presselenkung*, 271, note 517.

90 Dariusz Matelski, ‘Polityka germanizacji Kraju Warty 1939-1944’, in Hubert Orłowski and Andrzej Sakson (eds), *Utracona ojczyzna: Przymusowe wysiedlenia, deportacje i przesiedlenia jako wspólne doświadczenie* (Poznań, 1996), 129-42; Jerzy Marczewski, ‘Hitlerowska polityka narodowościowa na terenie okręgu Warty 1939-1945’, in Włodzimierz Jastrzębski (ed), *Przymus germanizacyjny na ziemiach polskich wcielonych do Rzeszy niemieckiej w latach 1939-1945: Materiały z konferencji* (Bydgoszcz, 1993), 59-81; Karol Jonca, ‘Nationalsozialistisches Recht im besetzten Polen (1939-1945)’, *Polnische Weststudien*, 3/2 (1984), 239-62.

mented in Warthegau. On September 15, 1941, Kurt Schmalz, the deputy Gauleiter for Warthegau, delivered a speech to the German personnel of the Posen city authorities, in which he detailed his own impressions “of the trial on the march of Obornik internees, which he used as a means for explaining our remorseless attitude. It revealed with striking conviction the terms and conditions of our *Volkstumskampf* in this Gau.”⁹¹

In order to form a negative image of Poland, propaganda relied on a ceaseless repetition of “atrocious reports” – in the case of the Posen trial, the reports on various eyewitness testimonies – and a mixture of truth and fiction which could only be differentiated with some difficulty, as in the Obornik case.

Beginning in the fall of 1939, propaganda was also increasingly racialized. Therefore, the *Ostdeutscher Beobachter* characterized the appearance of one of the accused as having the “typical face of an *Untermensch*,”⁹² and reported that in delivering the sentence, the senior judge had explained “why we are making such a fuss over such Polish *Untermenschen*.”⁹³ The propaganda relied above all on the effectiveness of anti-Polish clichés. The probity of reports and the putative judicial objectivity were, in fact, subordinated to the exigencies of propaganda. This explains why less-compelling scenes were described, or why it was reported that a leading judge said to one of the defendants: “You are lying through your teeth!” All the same, attentive readers of the *Ostdeutscher Beobachter* could see that the number of victims mentioned in the “Obornik Murder Trial” changed: sometimes the press spoke of 135 dead and 54 missing, and sometimes it was 133 dead and 49 missing.⁹⁴ Admittedly, this was not limited to the press alone: the state prosecutor initially began his arguments relying on the higher figure. During the sentencing, these figures were tacitly scaled down.

Obviously, the special court’s aim was, as in later classic cases of transitional justice, to clear up and punish crimes committed by representatives of the previous regime, in accordance with the mores of the time, to “make atonement”. Indeed, one of the purposes of the trials regarding the “September Crimes” was to demonstrate that the “atrocities were linked to official orders”.⁹⁵ In the “Obornik Murder Trial”, the Polish state officials made to stand trial as defendants were without exception former police officers and

91 ‘Forderungen des Oborniker Mordprozesses: Stellvertretender Gauleiter Schmalz an die Gefolgschaft der Posener Stadtverwaltung’, *Ostdeutscher Beobachter*, (September 16, 1941), 4.

92 ‘Der erste Tag im Oborniker Mordprozeß’.

93 ‘18 Todesurteile für tausendfache Schuld’.

94 ‘Erstes Geständnis im Obornicker Mordprozeß’; ‘18 Todesurteile für tausendfache Schuld’.

95 Note on the discussion with the leading judge of the special courts established in the former Polish regions dated 24. 10. 1939, in: *BArb*, R 3001, Sign. Film 22917.

auxiliary police officers. But there was also the testimony of one witness, a motorcycle courier who delivered the order that “as few as possible [of the internees, M. B.] were to remain alive.”⁹⁶ In this way, the Polish state was to be branded as criminal, its legitimacy called into question, and the occupation justified. At the same time, there was an element of political trial on display: the court put its services at the disposal of anti-Polish propaganda and, to some degree, actively participated in its dissemination, when the victims were honoured with a roll call at the end of the summing up. The final judgment also made reference to the “Bromberg Bloody Sunday” and other “September Crimes”, comparing them to the “march of the Obornik internees”, and came to the conclusion that “the number of deaths and the enormous number of Germans who were ill-treated and tormented during this march greatly [exceeded] all other forced relocations of this type”, and “can only be compared to the Bromberg Bloody Sunday”,⁹⁷ which served in propaganda as the ultimate symbol of stereotypical “Polish atrocities”. The court’s written opinion apparently served as the basis for the report in the *Ostdeutscher Beobachter* on the day that the trial ended; it is possible that the article’s author was a judge, possibly the same one who issued the sentence.

The severe sentences that were handed down by the court were meant to send a signal to the German people living in the newly absorbed eastern regions of the German Reich, that the justice system had taken action against Poles who had committed crimes against Germans. This was not just true of the “Obornik Murder Trial”, but also the cases in other courts that fell under the category of “September Crimes”. In Bromberg in particular, the special court’s decision in this case resembled the verdict of “blood justice” (*Blutjustiz*): of the five hundred and fifty-seven defendants, the judges sentenced two hundred and twenty-five to death, the majority on flimsy evidence.⁹⁸ Death sentences were even given to a defendant who verifiably had not participated in the act, but had merely signalled his approval of measures taken against members of the German minority. The conduct of the special court in Litzmannstadt was not as draconian, but even here, of the two hundred and fifty-three defendants, twenty-three were sentenced to death.⁹⁹ For the special court in Posen, whose records have been largely lost, no figures are available. However, in those trials pertaining to the “September Crimes” for which records are available, the usual sentence was death. Considering the

96 Urteil des Sondergerichts I in Posen (wie Anm. 21), 19.

97 Ibid., 5.

98 Weckbecker, *Zwischen Freispruch und Todesstrafe*, 451.

99 Schlüter, “... für die Menschlichkeit im Strafmaß bekannt ...”, 94.

radically anti-Polish attitude of many of the judges and prosecutors,¹⁰⁰ revenge seems to have motivated these decisions.

In the 1970s, West German prosecutors opened several preliminary proceedings against the three “Obornik Murder Trial” judges and State Attorney Kayser, for their involvement in the special court in Posen and with the state attorney’s office there. No trial ever took place though; State Attorney Kayser and both of the associate judges Hucklenbroich and Rasch were already dead, and the case against the presiding judge Schwab, which had already begun in the 1960s, was adjourned and never resumed.¹⁰¹

100 Becker, *Mitstreiter im Volkstumskampf*, 80-2.

101 *Die Verfolgung von NS-Verbrechen durch westdeutsche Justizbehörden seit 1945: Datenbank*.