

## The 1951 Verdict Against Rudolf Seck, Kommandant of SS-Gut Jungfernhof

*The 1951 trial and conviction of Rudolf Seck was a precociously early case of West German justice meted out, and it was complete with many of the telltale shortcomings of that judiciary familiar to observers from later cases.*

Rudolf Joachim Seck was born on 15 July 1908 in a tiny town called Bunsöh, home to only several hundred people, in the state of Schleswig-Holstein, north of the city of Hamburg, Germany, and quite near the Danish border.<sup>1</sup> Rudolf's father owned a farm of 15 hectares (about 38 acres), which is where Rudolf grew up. Like most of Germany's other rural areas, this northern German locale voted disproportionately for the Nazis.

Rudolf Seck joined the Nazi Party and the SS in 1931 – two years before Hitler became Chancellor. In 1933 he became a member of the special, newly-created Leibstandarte Adolf Hitler unit with the rank of SS-Unterscharführer (Sergeant). This unit, which was based on elements of Hitler's SS bodyguard detail, was the main instrument with which Hitler murdered his enemies within the Nazi Party during the June-July 1934 purge of the SA and others called "the Night of the Long Knives" during which between 85 and 170 people were killed. There is no evidence that Seck participated in the nationwide series of state-directed assassinations, and he explicitly denied involvement after the war.<sup>2</sup> On 1 August 1934 – several weeks after the purge had concluded – Seck left the Leibstandarte and returned home to the farm. He married in 1935. His wife died in 1937 giving birth to their only child, a daughter. The same year, Seck took over the management of the farm from his father.

When the war began in September 1939, Seck was called back to his SS service. He participated in the 1940 invasion of France working in logistics. After the successful conclusion of that campaign, he was released from service by dint of his importance to Germany's war economy as an agriculturalist in August 1940 and again returned home.

On 20 January 1941 Seck was ordered by the SS to take part in a monthslong agricultural training program in Schmiedeberg, south of Dresden in Saxony. After the first dramatically successful weeks that followed the German invasion of the Soviet Union, which began on 22 June 1941, Seck, having completed the agriculture course, was sent to Nazi-occupied Latvia, arriving in early August. There, he was subordinated to SS-Obersturmbannführer Dr. Rudolf Lange, the leader of the Einsatzkommando 2 death squad and Commander of the Security Police (KdS) in Latvia. Seck was placed in charge of the newly-conceptualized SS enterprise ["Gut"] Jungfernhof near Riga, where as an agricultural specialist, he would oversee its function of supplying food to the SS using Jewish slave labor deported from the Third Reich. He would be the Kommandant, and the sole German overseer.

For his activities in this place he was subsequently investigated, tried, convicted, and imprisoned.

Seck lived on site and oversaw operations at Jungfernhof as Kommandant from the arrival of Jewish deportee transports from the Reich in late 1941 and early 1942 until, on 30 July 1944, he

was injured there by a bull. He spent the rest of the war recuperating in a series of hospitals in Germany, finding himself released from care in May 1945 in Neumünster, a town a mere 70 kilometers driving distance from his family home. This could have been no coincidence. It is tempting to infer from this information that Seck used his injury to evade combat service in a hopelessly lost war, and contrived to ride it out until Germany's defeat, safely close to home.

The British, in whose Occupation Zone of Germany Seck found himself after the capitulation of the Third Reich, arrested him on 27 May 1945, weeks after the end of the war in Europe. He became one of the many figures implicated in the crimes of the Holocaust in Latvia who were the targets of the Riga Ghetto Case that the British had begun putting together. Evidence was offered in the form of sworn testimony by numerous survivors, while survivor groups lobbied for the case to go forward. The case was to establish the breadth of the crimes committed by the Nazis and their Latvian collaborators in that occupied country while punishing all of the available perpetrators and establishing the record for contemporary society and for posterity. More than seventy accused German and Latvian perpetrators – including Rudolf Seck – were in British custody, but the whole process was halted in 1949.<sup>3</sup> Instead of prosecuting the case as a complex that would tie the complete story together, the British washed their hands of it and instead turned over their documentary materials and in some, but notoriously not all, cases, their prisoners, to the newly-created Federal Republic of Germany where the accused would be tried individually to no greater educational benefit to the public.

Seck was actually released by the British on 28 January 1949 and returned home. In May of that same year, he was arrested again, this time by West German authorities. The denazification court ["Spruchgericht"] in Bergedorf, a suburb in the southeast of Hamburg, convicted Seck of SS membership on 8 July 1949 and sentenced him to ten years in prison. His farm was confiscated by the state of Schleswig-Holstein, and his father and daughter continued to live there as leaseholders.

But this conviction turned out to only be preliminary: while Seck was serving his sentence, new charges were being prepared by the West German judiciary concerning his activities at Jungfernhof. On the basis of evidence amassed during the abortive Riga Ghetto Case, which was handed over to the State Court ["Landgericht"] of Hamburg, and in view of the tireless survivors who were ready to continue giving their testimony as witnesses, Seck was charged.

The charges were murder and accessory to murder.

By West German judicial convention, Seck was charged with violating the German Criminal Code that was in effect at the time the crimes were allegedly committed. Unlike the courts of the Allied nations, West Germany did not try Nazi defendants for Crimes Against Humanity, because that category of crime did not exist at the time of the acts in question and could not be applied *ex post facto* according to long-standing legal principle. The very idea of Crimes Against Humanity, of course, had only been contemplated precisely in response to the crimes committed by people like Seck and their superiors.

The consensus view among academics who study the West German courts' treatment of men accused of violent Nazi crimes is that, while prosecutors performed excellent investigative work

from which historians continue to benefit in the 21st century, defendants were permitted all manner of delaying motions and opportunities to invoke technicalities and afforded too much leniency at sentencing, while the judges were punctilious to a fault in setting aside damning evidence provided by surviving victims while crediting obviously disingenuous and self-exculpatory testimony from the accused. Nor was the judiciary's conduct in the case of Seck without its blemishes.

The verdict was handed down on 29 December 1951.

On the largest charge – accessory to the murder of approximately 3,500 Jews as part of the Dünamünde Aktion – Rudolf Seck was acquitted.<sup>4</sup>

At issue was the “selection” from among the nearly 4,000 Jewish inmates who had been deported to Jungfernhof and were still alive by March 1942, of those who would be unable to contribute slave labor to the installation by dint of age or infirmity: all inmates twelve years of age or younger were unneeded, as were the elderly, people suffering from chronic health conditions, and so on. Seck himself estimated that he would need 440 able-bodied laborers to manage the farm and its planned craft workshops. Those who departed the camp, the Jews were told, would be given lighter work in an indoor working environment: a fish cannery in a distant suburb of Riga called Dünamünde. On 26 March 1942, Seck supervised the transfer by motor vehicle out of the camp of those who had volunteered or been selected. They were all, in fact, immediately shot in the Bikernieki Forest by men of the Arajs Kommando.

Here was an early example – in fact, a classical manifestation – of West German judges' noted propensity, when reluctantly facing the reality of Nazi crimes, to affect as much naiveté as possible. For his own part, Seck had claimed to have never heard the word “Dünamünde” before his postwar arrest.<sup>5</sup> He maintained that he had believed that those Jews who left Jungfernhof that day were taken to the Riga Ghetto, and the court chose to credit this representation as plausible:

According to the result of the taking of evidence, the accused cannot be considered convicted. Even from an objective point of view, it is not certain that, where, and at what time the approximately 3,500 Jews who left Jungfernhof on March 26, 1942 were killed. None of the witnesses questioned was able to provide positive information on this. What they found out about this is based on rumors later told by Latvians to the Jews who had stayed behind at Jungfernhof. It is conceivable that the Jews were first taken to the Riga Ghetto and shot much later, and that there is no connection at all between the transport from Jungfernhof and the shooting.<sup>6</sup>

Since the fate of the victims only became known to the inmates – their family members – later, from rumors, then perhaps the camp Kommandant did not know either.

The court also used Nazi efforts to conceal and deny the Holocaust that they were committing to speculate without evidence that Seck may have been kept out of the loop by his superiors, while explicitly downplaying the significance of his role as Kommandant:

First of all, it is unlikely that the commander [KdS Lettland SS-Obersturmbannführer Dr. Rudolf Lange] would have informed the accused, even if the shooting of the Jews to be deported was intended from the outset. Because such extermination actions were kept secret as far as possible, and the commander had no reason to inform the accused, who did not even belong to the executive police organs, but was only a farmer with the rank of SS-Unterscharführer in the service of the security police.<sup>7</sup>

Since his arrest by the British, Seck had been describing himself as “agricultural supervisor” at Jungfernhof.<sup>8</sup> The court further reasoned that

If the total number of Jews, which was around 4,000 in March 1942, had remained at Jungfernhof, which was around 200 hectares in size, it would not have been possible to manage it properly. The purpose of transporting away the Jews who were not needed as workers may have been to first of all free Jungfernhof from the majority of the people who were housed there. If the transport was carried out for this purpose and not for the purpose of exterminating the Jews, there is objectively no connection between the activity of the accused – [the selection] carried out with regard to the transport – and the death of the Jews.<sup>9</sup>

It was rational from a practical and economic standpoint for the deportees to be removed from Jungfernhof, in the court’s view. The court did not exert its imagination when contemplating the removal of those selected by the same organization that sent almost 4,000 people of all ages to this desolate frozen landscape in the first place and had already subjected them to decimation by the conditions for four months while making little to no effort to care for them.

Yet five witnesses testified that on that day, while the vehicles were taking people away, one inmate, who Seck had determined would remain at the camp, begged to be allowed to leave the site with her father. Seck refused, saying: “If you go, you will regret it this very day.” Here, the court evinced a shamefully credulous attitude towards the accused:

Furthermore, the taking of evidence did not show that the accused had known in any other way that the Jews were to be killed or that he had even expected such a possibility. However, as he admitted, and the witnesses K., C., I., L. and Le. testified, on the day of the transport Seck said to Lore Kleemann – who begged him to be allowed to go with her old father, who had been chosen for the transport – that it would be better if she stayed at Jungfernhof: if she goes, she will regret it. Such a statement, which was also the only one heard by the witnesses, does not force us to assume that the accused knew or suspected what threatened the Jews. It may also have had the meaning that the defendant claims to have associated with it, namely that Kleemann would regret leaving, since after the removal of most of the Jews the whole situation at Jungfernhof would improve quickly and significantly, and she would have exchanged the relative freedom of movement on the estate for life in the Riga Ghetto, which was closed off from the outside world.<sup>10</sup>

It is remarkable that the same court that found itself crediting Seck’s confected excuse on this matter – believing that he was, perhaps, looking out for the best interests of one of the Jews

(while in fact he was sending this woman's father to his immediate death) – elsewhere condemns him as a multiple murderer motivated by racial hatred.

One further episode of objectionable reasoning by the court in the case of Rudolf Seck can be adduced. The court did not find a witness who claimed that Seck shot a blind and ill prisoner he found resting in a barracks in early 1942 credible because of a discrepancy between two of that witness's depositions: in the first one, given on 13 February 1949, witness S. said that he had personally seen the murder take place, while in the later deposition on 17 October 1949 the witness said that he heard the shot after Seck took the victim behind the barracks and only saw the body later. According to the court:

His memory has declined since he received a rifle buttstroke to the back of the head in Bochum in 1944.<sup>11</sup>

It should still be pointed out that here the court may have merely been being, as it were, judicious: only the most unimpeachable evidence should form the basis of the court's verdict, the better for it to resist appeals. Seck was acquitted of that charge. But he was not acquitted of eight further counts of murder.

“Base motives” were essential to prove the charge of murder, as distinct from, for example, mere manslaughter. Here the judges in West German courts frequently extended Nazi defendants a wholly undeserved benefit of the doubt, but not in the case of Rudolf Seck. Under West German law, manifestations of cruelty implied that base motives were at work:

He carried out the killings intentionally; because he knew and wanted that the pistol shots he fired at the eight people would have a fatal effect. However, the accused not only killed intentionally, but also cruelly and for base motives. As for the base motive, first, the defendant knew that the people he killed were completely innocent. He only wanted to kill them because these people belonged to a race whose members, in his opinion, could not claim to be respected in their right to life in the same way as other people.<sup>12</sup>

“Racial hatred” was regarded as a base motive under West German law and the Hamburg court found that Seck's actions sprang from it.

[T]he defendant claimed that he did not share the SS position towards the Jews and that up to that point in his life he had never met Jews and therefore did not concern himself with them. This testimony of the defendant is completely unbelievable. As an old party member and SS man, the defendant was well aware of the attitude of National Socialism towards the Jews. He knew quite naturally that National Socialism had stamped the Jews as people with inferior rights and that the National Socialist system of government aimed at the complete removal of the Jews from the social fabric of the German people.<sup>13</sup>

The court convicted Seck on one count of murder committed at the Salaspils concentration camp on the basis of the testimony of two witnesses. The Kommandant of Salaspils, SS-Oberscharführer Nickel, was on leave, so Seck was covering for him. On 16 January 1942, prisoners too ill to work were going to be driven to the Ghetto, and Seck was rousing them from

the barracks to tell them to hurry to the buses. Witness M.'s father was too ill to do so under his own power. Witness D. with one other carried him under his arms out of the barracks and to the vehicle. When Seck, who was waiting by the bus, saw the sick man, he decided to shoot him. The man's son was retrieving his father's clothes from the barracks when he heard the shot and was prevented by other prisoners from rushing to the scene of the crime.<sup>14</sup>

Multiple witness testified – believably in the eyes of the court – that Seck also once shot the last man who arrived at roll-call:

One day in January 1942, when the accused ordered the prisoners to leave the barracks and line up in the courtyard in front of Barrack 5, one prisoner was late and was the last to approach those who had lined up. When the prisoner got close to the accused, the accused ordered him to turn around. The defendant then drew his pistol and shot the prisoner in the neck. The prisoner died, sagging forward.<sup>15</sup>

In this episode, the court found that Seck acted with a callousness that demonstrated base motives:

The prisoner knew that he had not committed a crime worthy of death and, realizing that the accused was going to kill him, lived through a period of intense mental distress, knowing his innocence. The defendant was aware of these circumstances. In this case, too, he acted out of an insensitive and pitiless attitude.<sup>16</sup>

In another murderous episode, the court considered it proven based on eye-witness accounts that Seck shot a man who was holding up his loose pants by his hands, not having any suspenders:

Another time, in January 1942, when the accused was in the courtyard, a Jew walked across the courtyard who, because he didn't have suspenders, was holding up his trousers with his hands. This sight irritated the accused. He drew his pistol and shot the detainee at close range, about 1 meter away.<sup>17</sup>

Three witness testimonies were found credible by the judges that accused Seck of shooting five older men whom he had discovered warming themselves in the barracks during a snowstorm in January or February 1942. They were supposed to be elsewhere and he ordered them outside and shot them one-by-one behind the barracks.

Furthermore, the defendant treated his victims cruelly through the insults he committed against them. By doing so, he expressed his contempt for Judaism, humiliated his victims and made them feel that he did not value them as human beings. Finally, the defendant deliberately prolonged and tormented his victims' fear of death. Because he deliberately took breaks between firing the individual shots and during the breaks talked to the witness Le., who was forced to attend the execution. In this respect, too, the accused carried out the killings in a cruel manner. As for the inner side of the crime, the defendant was aware of all these circumstances through which he inflicted further suffering on his victims beyond the destruction of life. That the actions of the defendant arose from an

insensitive and ruthless disposition requires no further justification in the circumstances discussed.<sup>18</sup>

The court observed that

This event, which the witness experienced as a direct eye- and ear-witness, made such a terrible impression on her and was so firmly engraved in her memory that the image of the shootings haunted the witness for years to come.<sup>19</sup>

The allegations leveled by surviving witnesses far exceeded the counts with which Seck was eventually charged, let alone the eight counts of murder of which Seck was ultimately convicted. Still, the outcome was the best that could be hoped for from the West German judicial process: life imprisonment for Rudolf Seck and the loss of his civil rights for life. In fact, he was sentenced to life in prison for each of the eight counts of murder of which he was convicted. West Germany did not have the death penalty.

In the case of Rudolf Joachim Seck, SS-Unterscharführer and Kommandant of Jungfernhof, justice at least arrived swiftly. Most of those ultimately tried in West Germany only faced arrest after the pathbreaking Ulm Einsatzgruppen Trial in 1958. For the most part, the 1950s were quiet for the perpetrators of Nazi crimes. But Seck had been, as it were, grandfathered into the process of justice earlier than most because of the Riga Ghetto Case that the British began and then dropped. The West German judges' reasoning, however, was sometimes marred by the telltales that became familiar to observers of later West German trials after 1958: a readiness to unjustifiably credit the self-exculpations of the accused and specious dismissals of testimony from Jewish witnesses. And while the sentence was ultimately the most severe that could be meted out in West Germany – confiscation of property, loss of civil rights, and life imprisonment – Seck died a free man.

Having served only about fifteen years' worth of eight life sentences – and a total of about nineteen years in postwar custody if one includes his original time with the British and his initial conviction for SS membership by the Spruchgericht – Seck was granted his appeal and was released from the Hamburg-Fuhlsbüttel prison on 7 July 1964. He moved to Flensburg, not far from his birthplace and right near the Danish border, where he died in 1974 after a final decade of freedom.

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<sup>1</sup> Seck's biographical information, unless otherwise noted, comes from "Lfd.Nr.307. NS-Gewaltverbrechen in Lagern: Ghetto Riga, AEL Salaspils, Abkdo. Olai, Abkdo. Schlock, AL Gut Jungfernhof (Lettland). Anfang 1942-Sommer 1943. LG Hamburg, 29.12.1951 (50) 14/51," in *Justiz und NS-Verbrechen. Sammlung deutscher Strafurteile wegen Nationalsozialistischer Tötungsverbrechen, 1945-1966*. Band IX. Amsterdam: University Press Amsterdam, 1972, pp. 179-180. The document, which is quoted extensively elsewhere in this essay, may be found here: <https://junsv.nl/westdeutsche-gerichtsentscheidungen>.

<sup>2</sup> Staatsarchiv Hamburg, 213-12. Staatsanwaltschaft Landgericht - NSG. 0041. Band 1, p. 312. "Vernehmung des Angeschuldigten Seck." 17 December 1949.

<sup>3</sup> A recent article about the political conflicts behind the scenes that undermined the prospects of the British completing the case can be found here: Samuel Miner. "'Appeasement Gone Mad': The Riga Ghetto Case and the

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Politics of British War Crimes Trials,” in *The Journal of Contemporary History*, Vol.57, Issue 3. April 2022. <https://journals.sagepub.com/doi/10.1177/00220094221087856?icid=int.sj-abstract.similar-articles.2>

<sup>4</sup> The number given by the court was 3,500. Subsequent research reveals that the number of Jews taken from Jungfernhof at this time was actually about 1,800, in addition to about 3,000 taken from the Riga Ghetto on 15 March as part of the same culling operation. The court was also uncertain about the number of Jewish deportees who died of exposure, illness, and maltreatment during the winter of 1941-42 at Jungfernhof. “Lfd.Nr.307. NS-Gewaltverbrechen in Lagern: Ghetto Riga, AEL Salaspils, Abkdo. Olai, Abkdo. Schlock, AL Gut Jungfernhof (Lettland). Anfang 1942-Sommer 1943. LG Hamburg, 29.12.1951 (50) 14/51,” in *Justiz und NS-Verbrechen. Sammlung deutscher Strafurteil wegen Nationalsozialistischer Tötungsverbrechen, 1945-1966*. Band IX. Amsterdam: University Press Amsterdam, 1972, p. 183.

<sup>5</sup> Staatsarchiv Hamburg. 213-12. Staatsanwaltschaft Landgericht - NSG. 0041. Band 1, p. 315. “Vernehmung des Angeschuldigten Seck.” 17 December 1949.

<sup>6</sup> “Lfd.Nr.307. NS-Gewaltverbrechen in Lagern: Ghetto Riga, AEL Salaspils, Abkdo. Olai, Abkdo. Schlock, AL Gut Jungfernhof (Lettland). Anfang 1942-Sommer 1943. LG Hamburg, 29.12.1951 (50) 14/51,” in *Justiz und NS-Verbrechen. Sammlung deutscher Strafurteil wegen Nationalsozialistischer Tötungsverbrechen, 1945-1966*. Band IX. Amsterdam: University Press Amsterdam, 1972, p. 183.

<sup>7</sup> Ibid., p. 184.

<sup>8</sup> British National Archives in London - Kew. WO 309/1825, p. 186. Field Investigation Section, War Crimes Group. “Deposition of Rudolf Joachim Seck.” 21 November 1947.

<sup>9</sup> “Lfd.Nr.307. NS-Gewaltverbrechen in Lagern: Ghetto Riga, AEL Salaspils, Abkdo. Olai, Abkdo. Schlock, AL Gut Jungfernhof (Lettland). Anfang 1942-Sommer 1943. LG Hamburg, 29.12.1951 (50) 14/51,” in *Justiz und NS-Verbrechen. Sammlung deutscher Strafurteil wegen Nationalsozialistischer Tötungsverbrechen, 1945-1966*. Band IX. Amsterdam: University Press Amsterdam, 1972, p. 184.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid., p. 185.

<sup>12</sup> Ibid., p. 189.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid., p. 187.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid., p. 190.

<sup>17</sup> Ibid., p. 187.

<sup>18</sup> Ibid., p. 190.

<sup>19</sup> Ibid., p. 186.