

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 407

2 March 1948

UNITED STATES)
))
 v.)
))
Karl EHRENBOECK)

Case No. 000-50-2-108

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA. The accused was tried at Dachau, Germany, during the period 2-7 July 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

FIRST CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Karl Ehrenboeck acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual(s) aiding in the operation of the Dachau Concentration Camp and camps subsidiary thereto, did, at or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately, and wrongfully encourage, aid, abet and participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such civilian nationals being unknown but aggregating many thousands who were then and there in the custody of the German Reich in exercise of belligerent control.

SECOND CHARGE: Violation of the Laws and Usages of War.

Particulars: In that Karl Ehrenboeck acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual(s) aiding in the operation of the Dachau Concentration Camp and camps subsidiary thereto, did at or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately and wrongfully encourage, aid, abet and participate in the subjection of members of the armed forces of nations then at war with the then German Reich, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such prisoners of war being unknown, but aggregating many hundreds.

III. SUMMARY OF EVIDENCE: The accused was, by his own admission, a member of the SS at Dachau Concentration Camp and/or its subcamps for considerable periods of time between the dates alleged and was shown to have participated in the Dachau Concentration Camp mass atrocity.

Prosecution's Exhibit P-Ex 2 (R 7) is a certified copy of the charges,

particulars, findings and sentences in the Parent Dachau Concentration Camp Case (United States v. Weiss, et al., OOO-50-2, opinion DJAWC, March 1946, hereinafter referred to as the "Parent Case"; see Section V, post).

Little weight has been given to the testimony of Karl Kraemer.

IV. EVIDENCE AND RECOMMENDATIONS

Karl EHRENBOECK

Nationality:	German
Age:	26
Civilian Status:	Glass Painter
Party Status:	Member of Hitler Youth
Military Status:	Waffen SS Sergeant
Pleas:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	20 years, commencing 30 April 1945

Evidence for Prosecution: The accused testified that he was a member of the SS at Dachau Concentration Camp from January 1941 to August 1943. He was then assigned to subcamp Allach of Dachau Concentration Camp and remained there until 25 April 1945 (R 57-59). At Dachau Concentration Camp the accused was an assistant block leader from January 1941 until April 1942 when he was transferred to the guard company. He remained with the guard company until August 1942 when he was sent to Munich, Germany, for training as a dog leader. At the end of September 1942, he, with 15 other dog leaders, returned to Dachau Concentration Camp and performed duty as a dog leader with various details. In August 1943, at subcamp Allach, he was assigned as a guard and detail leader in charge of small details consisting of approximately 20 to 30 inmates. At the end of August he was the second detail leader on the Gross Berghofen detail, an outdetail of subcamp Allach, with an SS sergeant in charge (R 58). Later in his testimony the accused testified that he arrived at subcamp Allach in November 1943 (R 60). An SS sergeant had the overall command of this detail and the accused was in charge of 30

inmates. The accused further testified that his detail was assigned to build a butchery at Gross Berghofen (R 58); that he served with this detail until the 28th of April 1945 when subcamp Allach was evacuated; and that he participated for one day in the inmate evacuation march which consisted of 1,000 inmates (R 60).

Schaefer, a former inmate at Dachau Concentration Camp, testified that at Camp Dachau in March 1942 the accused released his dog from a leash and set him on a Polish inmate who was not working fast enough. The dog bit this inmate in the neck, causing him to bleed profusely (R 9). Roemer, a former inmate, testified that at Camp Dachau some time in the winter of 1942 when the accused was a block leader, the accused came to block 2 and beat a Russian inmate in the face with an aluminum cup which had sharp edges. The victim received an open wound and was taken to the dispensary for treatment by another inmate (R 20, 21).

Furrer, a former inmate, testified that at Camp Dachau he saw the accused training dogs in the yard of the crematorium in the late summer or early fall of 1942. Groups of six to eight inmates were selected from the penal block to be used in training the dogs. These inmates were mostly Jews of Polish and Czech nationalities. The dogs were set upon these inmates and attacked all parts of their bodies. The dogs were specially trained to attack the legs, but often they attacked the private parts of the inmates (R 48). Several dog leaders participated in this training in the yard area of the crematory. The inmates who were used for training purposes were lined up in the yard area of the crematory and the dogs were let loose upon the inmates. On these occasions, of course, the inmates were attacked by these dogs and very often severely injured. Sometimes the victims' clothes were torn off by the dogs, and many times they were thrown to the ground. The witness further testified that these inmates wore no protective clothing (R 52); that they bled profusely as a result of the training; that their clothing was often saturated with blood; and that he heard their cries of pain (R 53).

Pluta, a former inmate, testified and stated in his extrajudicial sworn statement that at subcamp Allach in 1944 the accused beat a French inmate with a rubber hose until the victim fell to the ground. This inmate was too weak to push a wagon loaded with sand, and when the victim fell to the ground after being beaten, the accused kicked him between the legs and in the testicles. The witness and another inmate carried the victim to the dispensary where he died two to four days later (R 110-112, 29; P-Ex 5).

Klein, a former inmate, testified that when inmates failed to take off their hats quickly enough when the accused walked by, he would hit them. The accused hit or kicked Polish or French inmates who did not have the proper letter insignia in their triangles. The accused participated in administering the "25" lashes to inmates (this punishment consisted in making an inmate bend over a table or chair while 25 lashes were given him with an oxtail whip or other instrument by SS guards or inmates) at the bath (R 121). The accused was regarded by inmates at Camp Dachau as a beater (R 122). The accused admitted beating inmates with his hand on two to four occasions for stealing from other inmates (R 57, 72).

Karl Kraemer, a former inmate, testified that at Camp Dachau during the first part of 1942 he saw the accused approximately 30 times wearing a steel helmet and leaving by car with other members of the Headquarters Staff for the place where Russian prisoners of war were executed. At this time only guards who participated in executions wore steel helmets (R 30-32, 43, 44). The witness was 150 to 200 meters from the place where the accused left with the execution detail (R 41). In 1942 the accused reported Polish inmates for punishment (R 32, 33). As a result of these reports, inmates were made to stand at attention near the service building without receiving any food for days or their hands tied behind their back with a chain and they were suspended from a stake or they received 25 strokes. At subcamp Allach when inmates of Polish, French, Russian and Belgian nationalities were marching to work, the

accused's dog attacked their private parts, thighs, heels and calves (R 37, 38, 46). The accused, like every other SS man, received the war merit cross for his participation in executions. The witness heard him talk in block 2 and other blocks about the shootings and he used the expression "shooting match" (R 43). Dog leaders were present in Dachau Concentration Camp in 1941 and 1942 (R 45). There were 50 to 60 dogs in camp during that period (R 45).

Evidence for Defense: The accused testified that while at subcamp Allach he permitted civilians to give flour and potatoes to the inmates. The flour was made into bread at a bakery in Erdweg and the 80 to 120 inmates on his detail received between 10 and 15 loaves every day. This was in violation of the orders of the camp commander (R 58, 75, 76). The first time he was assigned a dog was in August 1942 and after training in Munich until the end of September 1942, he became a dog leader at Dachau Concentration Camp (R 60). It was against regulations to take out unmuzzled dogs for duty (R 58). In November 1941 he was ordered by members of the Headquarters Staff to execution square and after some Russian inmates had been executed, he had to help put the coffins containing the corpses in cars. The accused further testified that these bodies were then taken to the crematory (R 61, 86). He participated in two executions of inmates (R 73), but only as a member of the labor detail to load coffins and take them to the crematory (R 86). The execution detail had rifles and steel helmets. The accused never had a rifle or a steel helmet nor did he ever shoot inmates; and his only duty at the executions was to place the bodies in the truck and drive them away (R 61). The accused was not at subcamp Allach in 1943 when a prosecution witness stated that he set a dog on an inmate. All of the inmates wanted to be on his detail because it was one of the best details and there was always enough to eat. He received a prison term of two months for leaving his detail and because very often he did not take his dog along for duty (R 62). A wall surrounded the area where the dogs were trained. Therefore, it would have been impossible for anyone to

observe the training which took place about once every seven to 14 days (R 63). One of the dog leaders, who dressed in inmates' clothes, was always used as a subject for the dogs to attack during training (R 63). The accused further testified that he never struck a Russian inmate with a plate (R 64); that he was relieved as a block leader in April 1942 for failing to report offenses committed by the inmates and was sent to the company as a guard; that, as a guard, he was not permitted to enter the camp and could not have mistreated the Russian inmate as testified to by witness Roemer (R 64, 67, 81); that he never made the report testified to by witness Kraemer (R 66); that he never was a dog leader prior to the time he went to Munich for training (R 66); that he would never have obeyed an order to set a dog on an inmate; and that he was in the line-up about 12 times and no inmate accused him of any offense (R 69).

It was stipulated between the prosecution and the defense that if witnesses Schneider, Frug, Washberger, Eschner and Steinke were to take the stand they would testify to the effect that they were all SS men; that Washberger, Eschner and Steinke would testify that the accused was punished at subcamp Allach in 1944; and that he served part of the punishment in the prison at Camp Dachau. Schneider and Frug would further testify that they were at subcamp Allach in July 1943 and that the accused first arrived at subcamp Allach in November 1943 (R 90, 91).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendations: That the findings and sentence be approved.

V. QUESTIONS OF LAW:

Jurisdiction: It is clear that the Court had jurisdiction of the person of the accused and of the subject matter.

Application of the Parent Case: The Court was required to take cognizance of the decision rendered in the parent Dachau Concentration Camp case, including the findings of the Court therein, that the mass

atrocious operation was criminal in nature and that the participants therein, acting in pursuance of a common design, subjected inmates to killings, beatings, tortures, etc., and was warranted in inferring that those shown to have participated knew of the criminal nature thereof (Letter, Headquarters, United States Forces, European Theater, file AG 000.5 JAG-AGO, subject: "Trial of War Crimes Cases", 14 October 1946, and the Parent Case). The accused was shown to have participated in the mass atrocity and the Court was warranted by the evidence adduced, either in the Parent Case or in this subsequent proceedings, in concluding as to him that he not only participated to a substantial degree but that the nature and extent of his participation were such as to warrant the sentence imposed.

Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused.

VI. CONCLUSIONS:

1. It is recommended that the findings and sentence be approved.
2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

MURRAY J. ANDROVETTE
Attorney
Post Trial Branch

Having examined the record of trial, I concur, this _____ day
of _____ 1946.

C. W. PHIFER
Lieutenant Colonel, USAP
Acting Deputy Judge Advocate
for War Crimes