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

16 April 1948

UNITED STATES)
)
v.) Case No. 000-50-2-110
)
Josef REMMELE)

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 9-15 September 1947, before a General Military Government Court. /Lieutenant Colonel Edward F.B. Walker was a legally trained member./

II. CHARGES AND PARTICULARS:

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

Particulars: In that Josef REMMELE, a German national acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual 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 name 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 Josef REMMELE, a German national acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual 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.

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

Particulars: In that Josef REMMELE, a German national did at or in the vicinity of DACHAU, Germany in or about October 1939, wrongfully encourage, aid, abet and participate in the killing of three unknown Czechoslovakian nationals, inmates of the Dachau Concentration Camp, who were then in the custody of the

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

Particulars: In that Josef REMMELE, a German national did at or in the vicinity of Dachau, Germany, in or about October 1941, wrongfully encourage, aid, abet and participate in the killing of approximately forty unknown members of the armed forces of the Soviet Union, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich.

III. SUMMARY OF EVIDENCE:

Offenses alleged under Charges I and II: The accused served at Dachau Concentration Camp as an SS master sergeant for a period of eight years ending in August 1942. He was shown to have participated to a substantial degree in that mass atrocity. There is evidence that he participated in the mistreatment and the execution of inmates and directed, or was responsible for the commission of acts of cruelty by others. Prosecution Exhibit, P-Ex 2 (R 6), is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp Case (United States v. Weiss, et al., Case No. 000-50-2, opinion DJAWC, March 1946, hereinafter referred to as the "Parent Case"; see Section V, post). The offenses alleged under Charges I and II are hereinafter referred to as "Common Design". Unless otherwise indicated, that hereinafter referred to as a "Statement" is in the form of extrajudicial sworn testimony.

Offense Alleged under Charge III: There is uncorroborated testimony of doubtful credibility that in September 1939 the accused ordered three Czech Jewish inmates to work next to the electric fence in a corner of the enclosure where they were shot and killed by guards. The offense alleged under Charge III is hereinafter referred to as Incident No. 3.

Offense Alleged under Charge IV: The accused admitted in his testimony that in October or November 1941 he was in command of an execution detail and gave the order to fire at an execution of about 40 Russians. The offense alleged under Charge IV is hereinafter referred to as Incident No. 4.

Not much weight has been given to the testimony of witnesses Karl Kraemer and Karl Geiger.

IV. EVIDENCE AND RECOMMENDATIONS:

Josef REMMELE

Nationality:	German
Age:	44
Civilian Status:	Farmer
Party Status:	Member of Nazi Party since 1934
Military Status:	Waffen SS, Master Sergeant
Plea:	NG, Charge I; NG, Charge II; NG, Charge III; NG, Charge IV
Findings:	G, Charge I; G, Charge II; G, Charge III; G, Charge IV
Sentence:	Death by hanging

Evidence for Prosecution:

Common Design. The accused both testified and stated in a Statement that he served at the Dachau Concentration Camp from 1934 to August 1942. He served in the guard company from 1934 to 1936, after which he was transferred to camp headquarters. He was a block leader from 1936 to 1937; labor service leader from 1937 to 1941; and roll call leader from the spring of 1941 until he left Dachau in August 1942. He further testified that he returned briefly to Dachau in the summer of 1943 to attend an officer's training course which had no connection with the administration of the camp. He joined the Nazi Party in 1934 and was a Waffen SS master sergeant (R 7, 199-207, 234; P-Ex 3A pp. 1-3, P-Ex 8). A witness testified that the accused was third protective custody camp leader in 1942, but the accused denied this in his testimony (R 33, 202).

One witness, a former German inmate in Dachau Concentration Camp from 1936 to April 1943, testified that the accused in his capacity of roll call leader supervised the mistreatment of inmates by a form of cruelty known in the camp as "tree hanging." An inmate's hands were bound behind him with a chain, and the chain was then attached to an overhead bar. The victim was raised so that he hung by his bound hands with his feet off the ground. The accused was present when the witness and some French and Polish inmates were hanged in this manner in 1938. The witness testified

that he saw the accused beat inmates with an oxtail whip while they were hanging. He further testified that the accused participated in about a hundred of these "tree hangings" which took place in the camp prison yard and in the bath house. This mistreatment of inmates was practiced both before and after 1 January 1942, although the witness could not say with certainty that the accused participated after this date (R 14, 15, 28-31). A second witness, a former German inmate, testified that he received the "tree hanging" treatment two or three times in 1942, and the accused was present and participated in the mistreatment (R 101, 102). A third and fourth witness testified that they often saw the accused at "tree hangings" in the bath. The fourth witness testified that he saw the accused beat the victims with an oxtail whip while they were hanging and that some of these "tree hangings" were in 1942 (R 43, 44, 76, 77).

The first witness further testified that he frequently saw the accused at formations where inmates were selected for "invalid transports." The accused helped select inmates, and on one occasion he selected the entire transport. It was common knowledge in Dachau that inmates sent on invalid transports were to be exterminated. The accused often remarked to inmates that he did not like them and then sent them away on a transport. Subsequently, the clothing of the inmates sent away was returned to the inmate clothing supply in Dachau where the third witness worked (R 11-13, 20, 21, 23, 39, 40). The third witness and a fifth and sixth witness testified that they were among a group of inmates who were required to strip to the waist and to march in front of the accused and another SS man in May or June 1942. The accused separated them into two groups according to whether they were in good or poor physical condition. Those inmates selected as being in poor physical condition left Dachau about August 1942 in two "invalid transports" of 100 and 80 inmates respectively (R 36, 37, 47, 48, 56, 57, 92, 93).

The first witness testified that he frequently saw the accused and other SS men wearing helmets and carrying rifles which meant, (1) a parade; (2) an execution in the camp prison; or (3) the shooting of Russian

prisoners of war at the camp rifle range. The accused was in charge of such details and marched them off. The witness heard shooting and saw corpses being carried from the camp prison by inmates. It was common knowledge among the inmates that an execution had taken place, even though they could not see it (R 11, 18-20, 29). The third and fourth witnesses and a seventh witness testified that from late 1939 to the spring of 1942 the accused came to the clothing supply room on many occasions to order a special issue of clothing. Later, this clothing was returned spotted with blood and required laundering (R 34, 45, 67, 79). The third and seventh witnesses testified that a few days after these occasions Russian uniforms were brought in to the supply room (R 34, 68, 70). The third witness testified that by the spring of 1942 the clothing warehouse had received and counted clothing from Russian prisoners of war as follows: about 4,000 pairs of shoes, about 6,000 shirts and the same number of trousers (R 36). The fourth witness and an eighth and ninth witness testified that they saw the accused on several occasions in 1942 among a group of helmeted SS men carrying rifles, and he was the ranking member and apparently in charge of the detail. It was generally known in Dachau that Russian prisoners of war were being shot on these occasions (R 35, 46, 80, 129, 130, 139, 140).

The fourth witness, a former inmate of Dachau, now stateless, testified that in the spring of 1940 he saw the accused beat and kick several Polish priests on the roll call square. Three of them remained lying there and died as a result (R 78, 82-84). In a Statement, a witness stated that he saw the accused beat a Polish priest inmate into unconsciousness in May 1942. The next day the priest was reported to be dead (R 109; P-Ex 6A). A fifth witness, a former German inmate, testified that after 1 January 1942 he saw the accused beat inmates with his

[illegible] He kicked those who fell to the ground, and the

an oxtail whip near the guardhouse while they were awaiting interrogation. The accused kicked some so severely they were not able to get up from the ground (R 91, 92, 94-96).

A seventh witness, a former German inmate, testified that when a transport arrived from Gross Rosen in the spring of 1942 the accused came to the bath house where the inmates were being issued clothing and beat right and left with his fists, kicking those who fell down (R 69, 70). An eighth witness, a German inmate of Dachau, testified that in January 1942 the accused hit him in the face and kicked him down a stairway, causing fractured ribs (R 126-128). In 1942 the accused slapped, beat and kicked inmates when they reported for sick call (R 128, 130).

A ninth witness, a former German inmate, testified that in January or February 1942 he saw the accused beat and kick two Russians so severely that one of them who was kicked in the stomach had to be taken to the hospital (R 141, 142). A tenth witness, also a German inmate at Dachau, saw the accused in 1942 beat inmates and kick them so severely that some were left lying on the ground and had to be picked up and carried to the hospital (R 134, 135).

A defense witness testified, and the accused both testified and stated in a Statement, that he was present at the hanging of two Poles, the first hanging taking place in a small woods near Augsburg, Germany, in late spring of 1941 and the second hanging taking place near Wildenburg, Germany, in the summer of 1942. The accused was present acting as a guard of two inmates from Dachau, one of whom acted as hangman (R 8, 168-170, 217-219). The accused admitted in his testimony that he served at Dachau Concentration Camp from 1934 to July 1942, except for a few absences of short duration (R 199, 200-205). He admitted that he slapped and kicked a few inmates (R 219).

when the three Czechs were assigned this detail by the accused who was labor service leader at the time. It appeared to the witness to be a pre-arranged plan to do away with the three victims (R 113-117).

The accused admitted that he was present in Dachau during the time alleged in the particulars under Charge III (R 201, 202).

Incident No. 4. The accused both testified and stated in his Statements that he gave the order to fire at two executions, the first in October or November 1941 and the second later in the winter of 1941-1942. Forty Russians were shot on the first occasion and 97 on the second. The Russians were brought to the shooting place in cars (apparently railway cars) by Gestapo (State Secret Police) or Criminal Police (KRIPO). Something was read to the victims, but the accused did not know whether it was an order or sentence, as the language used was Russian (R 7, 8, 220-222; P-Ex 3 p. 5, P-Ex 4A p. 1).

Evidence for Defense:

Common Design. One witness, a German inmate of Dachau in 1939-1940, testified that he saw the accused slap and beat inmates, but he did so rather than report them to higher headquarters where a more severe punishment would have been adjudged (R 184). The accused made roll calls as short as possible and arranged for sick inmates to report directly to the dispensary, doing away with sick calls on the roll call square (R 185). A second witness, a former German inmate from 1934 to 1945, testified that he saw the accused slap and kick inmates but not so severely as to seriously injure them (R 151, 152, 154). A third witness, a former inmate, testified that he was present at the hanging of a Polish inmate in the summer of 1942. The Pole was said to have committed rape. The accused was present as a guard of the inmate from Dachau who performed the hanging and the accused took no other part in the hanging (R 166-170). He further testified that he worked in the dispensary and had personal knowledge that a doctor was always present and selected the inmates for "invalid transports" (R 170, 171, 175). The first prosecution witness admitted that he never actually saw the accused at an execution (R 20).

The accused took the stand and testified that he never selected inmates for an "invalid transport," although he was present on one occasion when a doctor made the selection; that he never kicked inmates so severely that they were seriously injured or died; and that he only reported inmates who were guilty of homosexual acts or cheated other inmates (R 199, 210, 211, 215, 216, 223, 224).

Incident No. 3. The second defense witness testified that he had not heard of the shooting of the three Czechs in October 1939 and that he would have heard of it if such an incident had happened (R 156, 157). The third defense witness testified that he had not heard of an incident where three Czechs were shot while pulling grass near the fence, and he himself had pulled grass there and had not been shot (R 171-173). The accused denied that such an incident occurred or that he was a participant (R 222, 223).

Incident No. 4. The accused testified and stated in his Statements that the Russians shot in the two executions in which he took part were said to be partisans and not prisoners of war. The Russian partisans were sentenced to death for attacks on German soldiers and transports (R 7, 8, 220-222; P-Ex 3 p. 5, P-Ex 4A p. 1).

Sufficiency of Evidence: It is clear that in pursuance of the common design the accused pursued a general course of extreme violence toward the inmates and personally administered severe beatings which may or may not have resulted in death. The connection between the common design and the hanging of the Pole in the woods near Wildenburg is not clear. The findings of guilty as to Charges I, II and IV are warranted by the evidence. However, inasmuch as the only evidence in support of Charge III is the testimony of witness Geiger, which is of doubtful credibility, the findings of guilty as to Charge III are not warranted.

The sentence is not excessive.

Petitions: No Petition for Review was filed. Petitions for Clemency were filed by accused's German defense counsel, Stefan Witwitsky, on 20 December 1947, 31 December 1947, 9 January 1948, 12 January 1948, 30

Recommendation: That the findings as to Charges I, II and IV be approved: that the findings as to Charge III be disapproved; and that the sentence be approved.

V. QUESTIONS OF LAW:

1. Jurisdiction of the Offenses: A question not raised at any stage of the trial but implicit in the facts, warrants discussion. Inasmuch as the particulars allege that two of the offenses were committed prior to the date the United States entered the war against Germany (11 December 1941), had the Court jurisdiction of the offenses covered by Charges III and IV?

A validly constituted Court of an independent state derives its powers from the state; and a state is independent of every other in the exercise of its judicial power. This power of a sovereign state extends "to the punishment of piracy and other offenses against the common law of nations, by whomsoever and wheresoever committed" (Wheaton's "International Law", Sixth Edition, Volume I, page 269). Recognition of this sovereign power is contained in the provision of the Constitution of the United States which confers upon Congress the power "to define and punish offenses against the law of nations." (Winthrop, "Military Law and Precedents," Second Edition, Reprint 1920, at page 831.)

It is clear that the laws and customs of war comprise a part of the law of nations. An offense against the former is a violation of the latter. The judicial power of an independent state, embracing the latter, includes trial and punishment of offenders against the laws and usages of war. The jurisdiction to try war criminals is an incident of the sovereign power of an independent state (Memorandum for the Joint Intelligence Committee, the Joint Chiefs of Staff, file SPJGW, 1943/17671, 13 December 1943, by The Judge Advocate General, at page 3). Such power is full and complete except where restricted by the body of principles comprising the law of nations (S.S. Lotus, France v. Turkey, 2 Hudson World Court Reports 23). The power of an independent state in connection with the trial of

for offenses committed subsequent to its entry into a war.
l gical analysis of the character of judicial power of a sovereign
state compel such restriction.

It is axiomatic that a sovereign state adhering to the laws and
usages of war is, a fortiori, interested in their preservation and hence
their enforcement. The power to try and to punish violators thereof
is a necessary incident of this interest. Any war crime, whenever comm-
itted, constitutes an invasion of the interest of the sovereign.
Whether such power will be exercised in a particular case is a matter
resting within the discretion of the sovereign. In this instance, the
United States has elected to try the accused.

While the existence of a state of war is a necessary condition preco-
dent to the existence of a "war crime", it is not a sine qua non of juris-
diction of an independent state to try and to punish an offense against
the laws and customs of war. That power stems from the sovereign charac-
ter of an independent state. Therefore, it rests on a basis apart from
the actual participation in warfare as a belligerent. That it is not a
belligerent is logically unimportant to the jurisdiction of a sovereign
state. By the same token, a neutral nation, securing physical custody
of a war criminal, would have jurisdiction to try and to punish him for the
commission of a war crime. Time of entry of the sovereign state into war-
fare is immaterial to judicial power of the state over the offense. Fur-
thermore, providing the offense charged is a war crime, the time of
commission of the offense is neither causative nor determinative of the
existence of the jurisdiction of a sovereign state's validly constitu-
ted courts over either the offense or the offender. The fact that the
accused may have committed the offense prior to the entry of the United
States into war with Germany does not bar the United States from juris-
diction to try and to punish the accused for the offenses charged.

Participation in warfare accentuates the primary interest of the
independent state in the enforcement of the laws and customs of war and
does, in most instances, strongly induce the state to exercise its juris-

diction. The present case is an example.

It is clear that the Court was not deprived of jurisdiction, because the offenses charged were committed prior to the time the United States entered the war. (See "Universality of Jurisdiction over War Crimes," by Cowles, California Law Review, Volume XXXIII, June 1945, No. 2, pp. 177-218.)

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

2. Evidence as to Independent Illegal Acts: As appears herein at the outset of the evidence for the prosecution, the record contains evidence as to the commission of certain illegal acts not covered by the allegations. Thus, the question is raised as to the legal significance of the admission of evidence as to the commission by the accused of such independent illegal acts.

Section 5-354.4, Title 5, "Legal and Penal Administration" of "Military Government Regulations," published by Office of Military Government for Germany (US), 27 March 1947, provides that "all evidence which will aid in determining the truth will be admitted." Subparagraph a, Section 270, "Manual for Trial of War Crimes and Related Cases," 15 July 1946, as amended, provides that a war crimes tribunal may admit any evidence which in its opinion has probative value. Subparagraph c(2) of said Section 270 provides that a war crimes tribunal may admit any evidence believed to be of probative value or, to apply a similar test, evidence which would be helpful in arriving at a true finding.

The Staff Judge Advocate, Headquarters, United States Forces in Austria, in his review of a war crimes case, United States v. Karolyi, et al., Case No. 5-100, September 1946, tried by a military commission appointed by that headquarters, stated with regard to evidence concerning independent crimes committed by the accused, that it would be disregarded only in the event that there is sufficient admissible evidence to sustain the findings as to the crime charged. He further stated

ly because of the admission of evidence relating to separate independent crimes, if there is sufficient evidence, exclusive of that relating to such independent crimes, to sustain the findings as to the crime charged. The Judge Advocate cited in his review, in support of his position, paragraph 87b, page 74, "Manual for Courts-Martial, U. S. Army," 1928, which paragraph is based upon Article of War 37.

A like rule is contained in the regulations specifically applicable to Military Government Courts:

> "The proceedings shall not be invalidated, nor any finding or sentence disapproved, for any error or omission, technical or otherwise occuring [sic] in such proceedings, unless in the opinion of the Reviewing Authority, after an examination of the entire record, it shall appear that the error or omission has resulted in injustice to the accused." (Section 5-330, Title 5, supra.)

In view of the foregoing, the admission of the evidence as to the separate independent crimes does not, in and of itself, constitute grounds for disapproving the actions of the Court.

3. <u>Administrative Determination of Guilt, Shootings:</u> The evidence in support of Incident No. 4 discloses that the accused participated in the shooting of 40 Russians on one occasion and 97 on a second occasion in the winter of 1941-1942. The accused asserted that the victims were Russian "partisans" and not prisoners of war. He further asserted these "partisans" were sentenced to death for attacks on German soldiers and transports and that something was read to them in the Russian language which he assumed to be an order or sentence.

While under international law a person who has been found guilty of acting as a spy or of having committed a war crime may be legally executed, the execution must be preceded by a proper trial and sentence by a legally constituted court. Moreover, the Geneva Convention specifically prohibits measures of reprisal against prisoners of war (Volume II, Oppenheim, "International Law," Sixth Edition, pages 331, 456, 457; Article 30, Annex to Hague Convention No. IV of 18 October 1907; and Article 2 of the Geneva (Prisoners of War) Convention of 27 July 1929, both set forth in TM 27-251, War Department, U. S. Army, "Treaties Governing Land Warfare,"

7 January 1944; Volume 2, Wheaton's "International Law," Seventh Edition, pages 220, 240; and Volume I, page 31, "Law Reports of Trials of War Criminals," by the United Nations War Crimes Commission, hereinafter referred to as "Law Reports"). The United Nations War Crimes Commission in commenting upon the British Almelo Case stated as follows:

> "The rule of law on which the decision of the Military Court is based is, therefore, the rule that it is a war crime to kill a captured member of the opposing armed forces or a civilian inhabitant of occupied territory, suspect of espionage or war treason, unless their guilt has been established by a court of law" (Law Reports, Volume I, page 44).

It is irrelevant that the executions may have been legitimate in the eyes of German jurists and that no violation of domestic law resulted (Law Reports, Volume I, page 54). Similarly, it is stated in "International Military Tribunal, Nuremberg," Volume I, page 223:

> "On the other hand the very essence of the Charter is that individuals have international duties which transcend the national obligations of obedience imposed by the individual state. He who violates the laws of war cannot obtain immunity while acting in pursuance of the authority of the state if the state in authorizing action moves outside its competence under international law."

Regardless of the preceding considerations, the defense failed to meet its burden of going forward with the evidence to establish that the killings were justifiable. While not applicable as such to war crimes trials, the rule as to affirmative defenses in homicide cases in American municipal criminal law has been stated as follows:

> "Generally, in criminal cases as in civil cases the burden of proving affirmative defenses rests upon the defendant at all times. Accordingly, after the state has made out its case by evidence, in a prosecution for homicide, the accused must assume the burden of establishing circumstances of justification, excuse, or mitigation. The prosecution being entitled to the benefit of the presumption of an intent to take life, where a person has been killed by the infliction of a wound or by some other means calculated to produce death, the accused must assume the burden of proving that there was no intent to take life or that the killing was justifiable or excusable, or, at least, of raising a reasonable doubt in his favor. In order for the accused to overcome the inference or presumption of malice arising from proof of the intentional use of a deadly weapon in committing a homicide, he must prove circumstances of extenuation or excuse, unless such facts appear in the evidence produced by the prosecution. It is generally agreed that the accused is not under any obligation to introduce evidence to show mitigation, justification, or excuse if the proof on the part of the prosecution shows it"
> ([illegible] American Jurisprudence [illegible])

Killings by various methods were numerous and were common occurrences. It is quite improbable that anyone who had been in the camp as long as the accused could have believed that the killings were legitimate. It must have been apparent to the accused that the entire operation was contrary to universally accepted standards of human conduct. Under such circumstances, it is all the more appropriate that the burden be on the defense to go forward with the evidence to establish that the shootings were justifiable.

Thus, it appears (1) that the shootings were illegal even if preceded by an administrative determination of guilt; (2) that the defense failed to meet its burden of going forward with the evidence to establish that such shootings were legal; and (3) that the accused did not believe they were legal.

4. Absence of a Law Member: During the first day of the trial of this case, there was no member of the Court who had legal training. At the beginning of the second day of the trial, an officer with legal training qualified and was seated as a member of the Court, he having previously read the record of proceedings of the first day of the trial as prescribed by the applicable procedure (Section 120, "Manual for Trial of War Crimes Cases," 15 July 1946, as amended). There was no objection by the accused or his counsel, and it cannot be said that any injustice resulted to the accused.

5. Application of Parent Case: With respect to Charges I and II, the Court was required to take cognizance of the decision rendered in the Parent Case, including the findings of the Court therein, that the mass atrocity operation was criminal in nature and that the participants therein, acting in pursuance of a common design, subjected persons 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 in the conduct of the trial which resulted in injustice to the accused.

VI. CONCLUSIONS:

1. It is recommended that the findings as to Charges I, II and IV be approved; that the findings as to Charge III be disapproved; and that the sentence be approved.

2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

JOSEPH L. HAEFELE
Major, CMP
Post Trial Branch

Having examined the record of trial, I concur, this __________ day of ________________ 1948.

C. E. STRAIGHT
Lieutenant Colonel, JAGD
Deputy Judge Advocate
for War Crimes