

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

19 January 1948

UNITED STATES)

v.)

Gottlob FRISCH)

Case No. 000-50-2-111

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, 26 June 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Gottlob Frisch 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 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 Gottlob Frisch 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.

alleged. It was shown that the accused personally beat and mistreated inmates. Prosecution's Exhibit P-Ex 2 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; R 7).

IV. EVIDENCE AND RECOMMENDATIONS:

Gottlob FLISCH

Nationality:	German
Age:	56
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	SS Master Sergeant
Plea:	NG Charge I; NG Charge II
Findings:	g Charge I; NG Charge II
Sentence:	5 years, commencing 4 May 1945

Evidence for Prosecution: Pohl, a former inmate at Camp Dachau and subcamp St. Lambrecht, testified that the accused was an SS master sergeant in charge of the guards at subcamp St. Lambrecht (R 11). The accused frequently beat inmates at subcamp St. Lambrecht. He used a stick to beat them with (R 8, 9). The accused once beat an inmate in the kitchen until he became black and blue and was unable to work for three days (R 9, 11). One of the inmates received a piece of bread from an English prisoner of war. This inmate was beaten by the accused and was not allowed to have food for three days (R 9, 10). At the work place the accused beat a Polish inmate with a stick, knocking him down (R 10, 11). The English prisoners of war at subcamp St. Lambrecht were kept separate from the other inmates (R 10).

Zeidler testified he was an inmate of subcamp St. Lambrecht and the accused was a detail leader there (R 14). The accused

always carried a stick around with him and used it almost daily to beat inmates (R 14). The accused once beat an inmate for receiving a piece of bread from an English prisoner of war. He was made to stand in the courtyard for three days without food (R 14, 15). Subcamp St. Lambrecht was in Styria (R 17). This witness was at subcamp St. Lambrecht from May to November 1942 and during that period of time the accused beat Czechoslovakian, Yugoslav, Polish, German and Austrian inmates (R 18). All beatings by the accused as to which this witness testified were during the period June to November 1942 (R 19). Camp Dachau was the main camp and St. Lambrecht was only the work camp for working details (R 22).

Mayer testified he was a Czechoslovakian national and a former inmate at labor camp St. Lambrecht. The accused was the leader of the guards there (R 24). Once in the kitchen, the accused beat this witness with a stick in the face, on his back and on his side. He was cut and bleeding about the face and his body was covered with red and black welts. He was unable to work for three days (R 24). At the work place the accused beat a Polish inmate with a stick. He also beat an inmate for receiving a piece of bread from a British prisoner of war and made the inmate go three days without food (R 25). In February 1942 the witness was transferred from Camp Dachau to subcamp St. Lambrecht as a cook. He stayed at subcamp St. Lambrecht for 14 months (R 27). The detail leader informed the witness he would investigate his beating and report the incident to Dachau (R 28).

Evidence for Defense: The accused did not testify and no evidence was introduced on his behalf.

Sufficiency of Evidence: That the accused participated in the operation of subcamp St. Lambrecht and the concentration camp system of which that subcamp was a part is satisfactorily established. There is a little evidence in the record indicating that St. Lambrecht may have been a subcamp of Dachau

Concentration Camp during the period alleged in the charges and particulars. At the same time the witness may well have been confused as to dates and had in mind a period of time prior to the activation of Mauthausen Concentration Camp in the immediate vicinity at which time the record in the Mauthausen Concentration Camp case indicates St. Lambrecht became a subcamp of Mauthausen (See United States v. Altfuldich, et al., Case No. 000-50-5, opinion DJAWC, 25 February 1947, commonly known as the Mauthausen Concentration Camp case). It is not established that subcamp St. Lambrecht was a subcamp of Dachau Concentration Camp during the period alleged in the charges and particulars.

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

Recommendation: That the findings and sentence be disapproved.

V. QUESTIONS OF LAW:

The prosecution having failed in its proof, no questions of law merit discussion.

VI. CONCLUSIONS:

1. It is recommended that the findings and the sentence be disapproved.

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

ELMER MOODY
1st Lt., INF
Post Trial Branch

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

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