

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

16 May 1947

UNITED STATES)

VS)

Case No. 000-50-2-16

Fritz Karl Ludwig LEONHARDT,)
(Jakob LINK), Erich LIPPERT,)
Valentin MISCHKOWITZ, Alois)
OBERMEIER, Friedrich ORENDT,)
Josef OTT, Valentin REHHORN)

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA

Tried jointly at Dachau, Germany
Date: 14 November 1946
Intermediate Military Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
LEONHARDT, Fritz Karl Ludwig (LEONHART - See P-Ex 2, p 19)	Age 43 German National SS guard Camp Dachau Rank: T/Sgt	2 years confinement from 12 September 1945
LIPPERT, Erich	Age 41 German National SS guard out-camp Allach Rank: Unknown	2 years confinement from 3 May 1945
MISCHKOWITZ, Valentin	Age 46 German National SS guard out-camp Allach Rank: Unknown	Acquittal
OBERMEIER, Alois	Age 50 German National SS guard Camp Dachau and out-camp Kaufbeuren Rank: Sergeant	18 months confinement from 23 May 1945
ORENDT, Friedrich	Age 41 Roumanian National SS guard Camp Dachau and out-camp Tyrol, Plansee Rank: Unknown	2 years confinement from 1 May 1945

ACCUSEDDATASENTENCE

Ott, Josef

Age 34
 Roumanian National
 SS guard Camp Dachau and
 out-camp Friedrichshafen,
 Rodersch, Saulgau and
 Ueberlingen
 Rank: Private

18 months confinement
 from 1 May 1945

REHHORN, Valentin

Age 46
 Yugoslavian National
 SS guard out-camp Lands-
 berg II
 Rank: Pfc

Acquittal

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

PleasFindings

PARTICULARS: In that Fritz
 Karl Ludwig LEONHARDT, (Jakob
 LINK), Erich LIPPERT, Valentin
 MISCHKOWITZ, Alois OBERMEIER,
 Friedrich ORENDT, Josef OTT,
 Valentin REHHORN, acting in
 pursuance of a common design
 to commit the acts hereinafter
 alleged, and as individuals
 aiding 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, wilfully, deliberately and
 wrongfully participate in the sub-
 jection of civilian nationals of
 nations then at war with the then
 German Reich to cruelties and mis-
 treatment, the exact names and num-
 bers of such civilian nationals
 being unknown but aggregating many
 thousands who were then and there
 in the custody of the then German
 Reich in exercise of belligerent
 control

LEONHARDT
 LIPPERT
 MISCHKOWITZ
 OBERMEIER
 ORENDT
 OTT
 REHHORN

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

PleasFindings

PARTICULARS: In that Fritz
 Karl LEONHARDT, (Jakob LINK),
 Erich LIPPERT, Valentin MISCH-
 KOWITZ, Alois OBERMEIER, Fried-
 rich ORENDT, Josef OTT, Valen-
 tin REHHORN, acting in purs-
 uance of a common design to
 commit the acts

LEONHARDT
 LIPPERT
 MISCHKOWITZ
 OBERMEIER
 ORENDT
 OTT
 REHHORN

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hereinafter alleged, and as individuals aiding in the operation of the Dachau Concentration Camp, did, at or in the vicinity of DACHAU, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately and wrongfully 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, the exact names and numbers of such prisoners of war being unknown but aggregating many hundreds.

2. RECOMMENDATIONS: That the findings and sentence be approved.

3. EVIDENCE:

For the Prosecution. The prosecution's case was based on extrajudicial sworn testimony as hereinafter indicated. Exhibit P-1 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp Case (U.S. vs Weiss et al., OOO-50-2, March 1946; R 7). Exhibits P-2 thru P-8 are extrajudicial sworn testimony of each of the accused with the exception of Jakob LINK whose name was withdrawn from the charges (R 3).

For the Defense. The defense's case was based on the sworn testimony of three witnesses on behalf of accused LEONHARDT; three testimonials as to the character of accused introduced by the prosecution (P-Ex 2 thru 8).

Accused LEONHARDT joined the Nazi Party in May 1937 and the Waffen SS in 1939. He was transferred to Camp Dachau from Neuengamme Concentration Camp 15 November 1942. His duties at Camp Dachau were clerical, consisting of making conduct reports on the prisoners, which were received from the prison compound leader. The compound leaders were RELWITZ had, later RUPPERT (U.S. vs Weiss et al., OOO-50-2, March 1946, R 229, 383; P-Ex 95, R 795; R 465,327; P-Ex 89, R 782). He saw beatings at Camp Dachau. He participated in the first prisoner march from Camp Dachau to Oetzal on 24 or 25 April 1945. The march consisted of 1000 to 1200 prisoners and 40 to 50 guards. After 1-1/2 days he left

the march (P-Ex 2, pp 1 thru 6, R 7). Defense witness PAPAVALILIU, a former inmate at Camp Dachau and LEONHARDT'S orderly from September 1944 until April 1945, testified LEONHARDT knew that the crimes being committed would some day have to be paid for. LEONHARDT knew of the beatings taking place in the administrative building, where he had his office, as both PAPAVALILIU and LEONHARDT could hear the cries of pain and anguish of the prisoners who were being beaten. LEONHARDT, so far as PAPAVALILIU knew, did nothing to prevent these beatings (R 20 thru 24).

In defense, LEONHARDT states his duties were clerical and consisted of making up prisoner conduct reports in typewritten form. His duty on the prisoner march to Dachau was to accompany the van carrying the orderly room material and luggage, which was in the rear of the march. He had no prisoner guard duty. All punishment reports of the camp came to him and he claims to have destroyed 300 to 500 of these reports, by burning, in order to prevent prisoners from being punished for minor infractions (P-Ex 2, R 7). Defense witness PAPAVALILIU testified LEONHARDT treated him well and often brought him an apple or a piece of bread from home. Contrary to strict regulations, LEONHARDT was friendly with the prisoners and treated them as men instead of numbers, unlike other SS men (R 20). Defense witness ZIEGLGRUBER, a former inmate, testified that LEONHARDT, whom he knew quite well, requested his friend MEYER, who worked in the work dispatch office, to put him on an outside detail. On one occasion when a transport arrived from Natzweiler Concentration Camp, on which there were many dead, "he said he wanted to absolutely get out; he could not see this misery and longer". LEONHARDT was later given an outside "suicide detail", defusing unexploded bombs dropped from aircraft, which detail he kept for several months. There were usually 6 prisoners assigned to such a detail for the purpose of digging out the bombs (R 29, 30). Another defense witness, Karl FRENZ, testified LEONHARDT'S reputation and character in his home town, Schwiebisch Hall, were good (R 33).

Accused LIPPERT was transferred from the Luftwaffe to out-camp Allach as a guard on 5 August 1944 and was taken over by the Waffen SS on 1 September 1944. On 26 April 1945 he participated in the prisoner march from Allach so southward, which consisted of about 500 prisoners (P-Ex 3, R 10).

In defense, LIPPERT states he never noticed prisoners being beaten in out-camp Allach or on the prisoner march. He did not see any prisoners shot on the prisoner march. He did not beat any prisoners himself or report them for punishment (P-Ex 3, R 10).

Accused OBERMEIER was drafted for guard duty into the Waffen SS at Dachau 10 October 1944. After training he was promoted to sergeant and ordered to the labor detail Kaufbeuren, where he served for 4 weeks. On 8 January 1945 he was made sergeant-of-the-guard. He was then hospitalized with nephritis on 13 January 1945 until he was discharged 21 May 1945. The chief officer for training at Kaufbeuren was Major DEGELOW (See U.S. vs Weiss et al 000-50-2, March 1946, R 838, P-Ex 117, para 6). At Kaufbeuren about 400 prisoners were lodged in a spinning factory. The soldiers were quartered in an adjacent room. There were two work shifts for the prisoners, 6:00 AM to 6:00 PM and 6: PM to 6: AM (P-Ex 5, R 12).

In defense, OBERMEIER states health conditions were normal. He could not report concerning any incidents (P-Ex 5, R 12).

Accused ORENDT was drafted into the Waffen SS 20 July 1943 and arrived at Camp Dachau 26 July 1943. On 28 September 1944 he was transferred to Tyro Flensee, where he remained until the capitulation. He was a guard on a number of details at Camp Dachau, including the barber shop, plantation, clothing and material store, coal detail, tailor barracks and tower guard around the camp. on all posts. There were 8 or 10 prisoners, including women, who took care of the house where the French prisoners were incarcerated (P-Ex 6, R 13).

ORENDT made no statements as to his participation or knowledge of atrocities committed at either camp (P-Ex 6, R 13).

Accused OTT was drafted into the Waffen SS on 28 July 1943 and was sent immediately to the 1st SS Death Head Regiment, Camp Dachau, where he had guard duty until January 1944. He held the rank of private. He was then transferred to out-camps Friedrichshafen and Roderach until May 1944 when he was sent to out-camp Saulgau, where he remained until the end of the war. At Camp Dachau he had guard duty in the shoemaker's shop, tailor shop, plantation and other details. It was generally known in camp what was going on there. He frequently saw smoke coming out of the crematory. At out-camp Friedrichshafen and Roderach there were 600 prisoners of various nationalities, no women, no Jews, working in the aircraft factory at Friedrichshafen. Some of the prisoners were "skinny and undernourished". Punishment consisted of withdrawal of the additional ration for two weeks. In March 1944 at 1400 hours there was an air attack on Friedrichshafen and 17 prisoners and one guard were killed. No one was given protection. If there was sufficient time the prisoners were taken back to camp during air raids. The fence around the camp was electrically charged. On the night of 28 April 1944 bombs were dropped and the camp, as well as the factory, burned down. Eight or nine prisoners were killed. Food was insufficient at the time. Prisoners were marched from Roderach to Friedrichshafen to work, some wearing wooden shoes. If they had wounds on their feet they had to take off their shoes and go barefooted. In September 1944 the factory in Friedrichshafen was deactivated. OTT went with 40 prisoners to out-camp Saulgau, the remainder were sent to Buchenwald Concentration Camp in box cars. At out-camp Saulgau the prisoners were working on V-weapons. The barracks were better but the food "less" (R 14) than at out-camp Friedrichshafen. One prisoner was injured in the factory by accident. OTT knew of two prisoners who died. On 2 April 1945 in civilian clothes, after having destroyed his papers (P-Ex 7, R 14).

In defense, OTT states he did not participate in public punishments, executions or transports. He had nothing to do with the crematory at Camp Dachau (P-Ex 7, R 14).

4. JURISDICTION: The Court was legally constituted and had jurisdiction of the persons of the accused and of the offenses.

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

All of the accused were, by their own admissions, members of the SS at Camp Dachau and/or its out-camps for considerable periods of time between the dates alleged (P-Ex 2 thru 8).

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 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, letters superseded thereby, and U. S. vs Weiss et al., 000-50-2, March 1946). All of the accused were shown to have participated in the mass atrocity and the Court was warranted by the evidence adduced, either in the parent Dachau Case or in this subsequent proceeding, in concluding as to them that they not only participated to a substantial degree but the nature and extent of their participation was such as to warrant the sentences imposed.

After weighing all the evidence the Court acquitted accused MISCHKOWITZ and accused REHHORN.

6. CLEMENCY: There are no Petitions for Review nor Petitions for Clemency.

7. CONCLUSIONS:

a. It is recommended that the sentences be approved

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

s/ Louis T. Tischer
t/ LOUIS T. TISCHER
Attorney
Post Trial Section

Having examined the record of trial, I concur.

s/ C. E. Straight
t/ C. E. STRAIGHT
Colonel, JAGD
Deputy Judge Advocate
for War Crimes