

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 207-1

29 July 1947

UNITED STATES)

v.)

Case No. 000-50-2-44)

August BROESE, et al.)

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, on 10 January 1947 before an Intermediate Military Government Court.

II. CHARGES AND PARTICULARS:

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

PARTICULARS: In that August BROESE, Josef BURKART, Michael BUSCH, Franz DOEMNER, Thomas EICHLINGER, Karl GANGEL, Nikolaus FIEDLER, Robert SCHULZ, Arnold SIEPS, Xaver SOMMERER, 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 subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, 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 then German Reich in exercise of belligerent control.

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

PARTICULARS: In that August BROESE, Josef BURKART, Michael BUSCH, Franz DOEMNER, Thomas EICHLINGER, Karl GANGEL, Nikolaus FIEDLER, Robert SCHULZ, Arnold SIEPS, Xaver SOMMERER, acting in pursuance of a common design to commit the acts 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, wilfully, 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.

III. DATA AS TO ACCUSED:

1. AUGUST BROESE

A nolle prosequi was entered in favor of this accused (R

2. JOSEF BURKART

This accused was acquitted (R 42).

3. MICHAEL BUSCH

This accused was not tried.

4. FRANZ DOEMNER

This accused was acquitted (R 42).

5. THOMAS EICHLINGER

This accused was acquitted (R 42).

6. KARL GANGEL

This accused was acquitted (R 42).

7. NIKOLAUS FIEDLER

This accused was not tried.

8. ROBERT SCHULZ

A nolle prosequi was entered in favor of this accused (R

9. ARNOLD SIEPS

This accused was acquitted (R 42).

10. XAVER SOMMERER

A nolle prosequi was entered in favor of this accused (R

IV. SUMMARY OF EVIDENCE:

By their own admissions, all of the accused were members of the SS and stationed at Dachau Concentration Camp or its outcamps for considerable periods of time. Prosecution's P-Ex 1 is a certified copy of the charges, particulars, findings and sentences in the parent

Dachau Concentration Camp Case (U.S. v. Weiss et al., OOO-50-2, March 1946; R 8). The Court apparently concluded that the evidence concerning the nature and extent of their participation in the mass atrocity operation was inadequate to form a proper basis for sentencing the accused.

V. JURISDICTION:

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

VI. CONCLUSIONS:

It is recommended that the record of trial be filed in the records of this office and that a copy of this Review and Recommendations be forwarded to the Judge Advocate, European Command, for his information.

/s/ Louie T. Tischer
LOUIE T. TISCHER
Attorney
Post Trial Branch

Having examined the record of trial, I concur.

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