

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

12 May 1947

UNITED STATES)

vs)

Case No. 000-50-2-2

Johann BARZEN, Georg BAUER,
Anton BIBER, Johann BIELZ,
Josef HERBERT, Franz LAUTER,
Paul Hermann RECHNER, Herbert
SEHMISCH)

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried jointly at Dachau, Germany
Date: 16 October 1946
Intermediate Military Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
BARZEN, Johann	Age 56 German national SS guard Dachau and out-camps Rothschweige and Allach, May 1944 to capitulation.	18 months confinement from 30 April 1945.
BAUER, Georg	Age 36 German national Married, no children SS guard and courier driver Dachau and out- camps Allach and Roth- schweige, June 1944 to capitulation.	18 months confinement from 26 May 1945.
BIBER, Anton (Josef - see R-4)	Age 56 German national Married, 4 children SS Sergeant-of-the- Guard Dachau and out- camp Allach, August 1944 to capitulation.	18 months confinement from 17 July 1945.
BIELZ, Johann	Age 39 Roumanian national Married, 4 children SS guard Dachau and out-camp Allach, July 1943 to April 1945.	18 months confinement from 1 May 1945.

ACCUSEDDATASENTENCE

HERBERT, Josef	Age 38 Yugoslavian National SS Guard Dachau and out-camp Allach, November 1943 to December 1945.	18 months confinement from 1 May 1945.
LAUTER, Franz	Age 42 Yugoslavian National SS Guard Dachau and out-camp Allach, September 1944 to capitulation.	18 months confinement from 3 May 1945.
RECHNER, Paul Hermann	Age 42 German National SS Guard (Corporal) Dachau and out-camp Allach, September 1944 to capitulation.	Acquittal
SEHMISCH, Herbert	Age 43 German National SS Guard Dachau and out-camps Allach and Kaufering XI, Septem- ber 1944 to capitula- tion.	18 months confinement from 4 May 1945.

FIRST CHARGE: Violation of the Laws
and Usages of War

Pleas Findings

PARTICULARS: In that Johann BARZEN, Georg BAUER, Anton BIERER, Johann BIELZ, Josef HERBERT, Franz LAUTER, Paul Hermann RECHNER, Herbert SEHMISCH, act- ing 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, deliber- ately 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.	BARZEN	NG	G
	BAUER	NG	G
	BIERER	NG	G
	BIELZ	NG	G
	HERBERT	NG	G
	LAUTER	NG	G
RECHNER	NG	NG	
SEHMISCH	NG	G	

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

Pleas Findings

PARTICULARS: In that Johann BARZEN, Georg BAUER, Anton BIBER, Johann BIELZ, Josef HERBERT, Franz LAUTER, Paul Hermann RECHNER, Herbert SEHMISCH, 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.

BARZEN	NG	G
BAUER	NG	G
BIBER	NG	G
BIELZ	NG	G
HERBERT	NG	G
LAUTER	NG	G
RECHNER	NG	NG
SEHMISCH	NG	G

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

3. EVIDENCE:

For the Prosecution. The Prosecution's case was based on sworn extrajudicial 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 (R 7: U.S. vs Weiss et al, 000-50-2, March 1946). Exhibits P-2 to P-9, inclusive, consist of extrajudicial sworn testimony of each of the accused. It was shown that during the period 1 January 1942 to 29 April 1945 each of the accused was an SS guard at Dachau Concentration Camp and/or subsidiary camps thereto as hereinafter indicated. At out-camp Allach where JAROLIN, who was convicted in parent Dachau case, was camp leader (U.S. vs Weiss et al, 000-50-2, March 1946, R 1211); Rothscheige, a sub-camp of Allach, where 500 Hungarian Jews were incarcerated under 20 capos (P-3, R 9); and out-camp Kaufering XI.

Accused BARZEN was a guard under JAROLIN at out-camp Allach from September 1944 to the capitulation (P-9, R 15; U.S. vs Weiss et al, 000-50-2, March 1946, R 1211).

Accused BAUER was a guard at out-camp Rothscheige, a sub-camp of Allach. He witnessed the public beating of a prisoner and

Accused BIBER was a sergeant who posted and controlled the guards at out-camp Allach (P-4, R 21).

Accused BIELZ was a guard at Camp Dachau and out-camp Allach. He participated in the prisoner march with 1300 prisoners from Allach on 26 April 1945. Prisoners fell out from exhaustion on this march (P-5, R 10).

Accused HERBERT worked for over a year (1943-1944) in the troop kitchen at Camp Dachau under FILLEBROCK, convicted in the per-ant Dachau case (P-6; U.S. vs Weiss et al, 000-50-2, March 1946, R 291, 422, 485, 486, 487, P-107). He was then a guard at out-camp Allach for a few days (P-6, R 11).

Accused LAUFER was a guard at Camp Dachau assigned to the "railroad station" detail from 12 March to 27 April 1945. He was a guard on the prisoner march from Dachau to Wolfbratshausen on which there were several thousand inmates, 27 April 1945 (P-7, R 11).

Accused RECHNER was an SS Corporal-of-the-Guard at out-camp Allach, September 1944 to capitulation (P-2, R 8).

Accused SEHMISCH was a guard at out-camps Allach and Kaufering XI, September 1944 to capitulation. He was also a guard on the three-day prisoner march Kaufering XI to Wolfbratshausen, 26 April 1945 (P-8, R 14).

For the Defense. Accused BARZEN never saw prisoners beaten nor did he beat or report any for punishment (P-9, R 15).

Accused BAUER never beat prisoners with a stick either at Rottschweige or Allach out-camps, or reported any for punishment (P-3, R 9). He took care of the mail and drove the courier and Laundry. He had nothing to do with the prisoners (R 25). He was drafted into the Waffen SS and was not a Party member (D-1, R 27).

Accused BIBER did not participate in any beatings or report anyone for punishment at out-camp Allach (P-4, R 21). His duty was outside the concentration camp and he was not allowed inside (R 24).

Accused BIELZ had guard duty exclusively. He never beat or reported prisoners for punishment. When prisoners fell out from

R 10). He was never on the inside of the camp and knew nothing of what went on therein (R 20).

Accused HERBERT never saw inmates beaten or beat them himself, nor report them for punishment while at Camp Dachau or out-camp Allach (P-6, R 11).

Accused LAUTER never beat or reported prisoners for punishment at Camp Dachau or out-camp Allach. When prisoners fell out on the prisoner march from out-camp Allach he left them to their fate by the side of the road. He knew of no one being shot on this march. (P-7, R 11).

Accused RECHNER was drafted into the SS in September 1944. He served as a guard for 8 months at out-camp Allach with duty at the Bavarian Motor Works, a factory nearby (P-2, R 8).

Accused SEHMISCH was an escort guard at out-camp Allach for 2 months beginning September 1944. He was hospitalized from November 1944 to March 1945. He was transferred to Landsberg as an escort guard and assigned to out-camp Kaufering XI. During his guard duty he claims nothing happened (P-8, 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.

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). With the exception of the accused RECHNER all accused

subsequent proceeding, in concluding as to them that they not only participated to a substantial degree but that the nature and extent of their participation was such as to warrant the sentences imposed.

While it was shown that accused RECHNER was a Corporal-of-the-Guard at out-camp Allach for 8 months, a search of the record in the parent case and the record in this subsequent proceeding reveals no evidence as to atrocities committed at the Bavarian Motor Works, his "duty place", and his acquittal by the Court was therefore warranted.

6. CLEMENCY: There are no Petitions for Review. A Petition for Clemency on behalf of Anton BIBER dated 23 September 1946 and signed by Frau Wally BIBER, his wife, contains no new evidence which would justify a reduction of his sentence, and no clemency is recommended.

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/ Louie T. Fischer
t/ LOUIE T. FISCHER
Attorney
Post Trial Section

Having examined the record of trial, I concur.

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