

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

12 May 1947

U N I T E D S T A T E S)

vs)

Otto BECKER, Claus FRANZEN,
Rudolf Max HOEHNE, Alois
LANG, Michael LANZL, Nikolaus
PFELDM, (Valentin REHHORN),
Otmar Martin ZERBES)

Case No. 000-50-2-5

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried at Dachau, Germany
Date: 21-23 October 1946
Intermediate Military
Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
BECKER, Otto	Age 61 German National SS guard, Dachau and outcamps Kaufering XI and Mattenheim, July 1944 to capitulation.	1 year and 9 months confinement from 2 May 1945
FRANZEN, Claus	Age 48 German National SS guard, out-camp Landsberg I, 24 July 1944 to capitulation Rank, Sergeant.	3 years confinement from 27 April 1945
HOEHNE, Rudolf Max	Age 39 German National Joined Allgemein SS 1933; joined Waffen SS 1938 Dentist at out-camp Lands- berg, February 1945 to capitulation.	5 years confinement from 5 May 1945.
LANG, Alois	Married, 1 child Age 44 German National Civilian occupation, City employee SS guard out-camp Lands- berg, October 1944 to capitulation.	2 years confinement from 2 July 1945.

ACCUSEDDATASENTENCE

LANZL, Michael

Age 58
German National
SS guard, Dachau
and out-camp #4,
September 1944
to capitulation.3 years confinement
from 21 May 1945.

PFLAUME, Nickolaus

Age 50
Yugoslavian National
SS guard, out-camp
Landsberg, 25 Febru-
ary 1945 to capitula-
tion.18 months confine-
ment from 3 May
1945.

ZEIBES, Otmar Martin

Age 31
Roumanian National
SS dentist, out-camp
Landsberg I, Septem-
ber 1944 to capitula-
tion
Rank, Sergeant18 months confine-
ment from 27 April
1945.FIRST CHARGE: Violation of the Laws
and Usages of War.Pleas Findings

PARTICULARS: In that Otto BECKER,
Claus FRANZEN, Rudolf Max HOEHNE,
Alois LANG, Michael LANZL, Nickolaus
PFLAUM, (Valentin REHHORN), Otmar
Martin ZEIBES, acting in pursuance
of a common design to commit the
acts hereinafter alleged, and as in-
dividuals 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 partici-
pate in the subjection of civilian
nationals of nations then at war with
the then German Reich to cruelties and
mistreatment, 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.

BECKER	NG	G
FRANZEN	NG	G
HOEHNE	NG	G
LANG	NG	G
LANZL	NG	G
PFLAUM	NG	G
ZEIBES	NG	G

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

PARTICULARS: In that Otto BECKER,
Claus FRANZEN, Rudolf Max HOEHNE,
Alois LANG, Michael LANZL, Nickolaus
PFLAUM, (Valentin REHHORN), Otmar

BECKER	NG	G
FRANZEN	NG	G
HOEHNE	NG	G
LANG	NG	G

Martin ZERBES, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals acting 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.

LANZL	NG	G
PFLAUM	NG	G
ZERBES	NG	G

2. RECOMMENDATIONS: That the findings and sentences 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. 000-50-2, March 1946, R 9). Exhibits P-2 to P-8, inclusive, consist of extrajudicial sworn testimony of each of the accused (R 9 to R 13).

Accused BECKEL was a tower and work-detail guard at out-camp Kaufering II for five months, where approximately 2500 male and female Lithuanian and Hungarian Jews were incarcerated. He knew that large numbers of inmates died at Kaufering II from neglect and disease. On numerous occasions he saw dead bodies carried out of Mattenheim out-camp (P-2, R 9).

Accused FRANZEN'S guard duty was at out-camp Lendsberg I (Kaufering I) for nine months, where around 2000 Lithuanian male and female Jews were imprisoned. He knew of the bad condition at this camp, the hard work at Moll Construction Company, and that prisoners died of sickness and age. He was ordered to Chiemsee to a rifle marksmanship course on 15 April 1945 (P-3, R 10).

Accused HOEHNE had a long career in the NSDAP, SA, Allgemein SS and Waffen SS. He was a dentist at various concentration camps before going to out-camp Landsberg I in February 1945. On one occasion gold teeth were removed from bodies of prisoners by dentists under his supervision. He once saw his camp commander and the roll-call leader beating prisoners with sticks (P-4, R 11). Thirty to forty bodies per day were brought into the morgue and one AKABAS, a prisoner under HOEHNE, removed gold teeth therefrom (R 37). Defense witness AKABAS testified from the stand that HOEHNE was not liked by and was unsympathetic to the prisoners under him (R 30). Everyone was afraid of HOEHNE (R 36).

Accused LANG was a work-detail guard. He trained 5 weeks at Camp Dachau and was then sent to Landsberg out-camp. His detail contained approximately 500 Jewish prisoners on a construction job. He joined the NSDAP in 1941 (P-5, R 12).

Accused LANZL was a Nazi propaganda leader from May 1937 to September 1944, when he joined the Waffen SS. He was a tower and plantation work-detail guard and for a while was a guard on the inside of Camp Dachau. He was a block leader for 5 or 6 weeks at Out-Camp #4. He saw prisoners beaten with sticks four or five times. He was a guard on the prisoner march from out-camp Kruferring to Camp Dachau just before the capitulation (P-6, R 12).

Accused FFLAUM, an SS man since 1944, was a guard at Landsberg out-camp from 25 February 1945 to 28 April 1945. He was a guard on the prisoner march from Landsberg to Dachau 28 April 1945 (P-7, R 12).

Accused ZELBES joined the Waffen SS in November 1943. He was a dentist at out-camp Landsberg from September 1944 to the capitulation. Five dental technicians, two assistants and two women worked for him. He had control of the dental station. His men removed gold teeth from the bodies of prisoners, cleaned the gold and forwarded it to Camp Dachau. This was done from November 1944 to the capitulation, and bodies were buried at Landsberg since corpses

For the Defense. Accused BECKER never saw prisoners beaten, never beat any himself, or reported any for punishment during his tour at Kaufering II or at out-camp Mattenheim (P-2, R 9).

Accused FRANZEN denied he ever saw prisoners beaten or that he beat any himself, or reported them for punishment (P-3, R 10). Defense witness Johann KASTLER, company commander over FRANZEN, now a prisoner at Dachau, testified that he ordered FRANZEN to the rifle course on 15 April 1945 and that he promoted FRANZEN to Staff Sergeant on his return therefrom because of his long service (R 15).

Accused HOEHNE. The Defense witness AKABAS testified that while HOEHNE was not liked by people working with him he never reported AKABAS for punishment nor did he ever see HOEHNE mistreat prisoners (R 31).

Accused LANG was drafted into the Waffen SS, was trained at Camp Dachau for guard duty, and transferred to an out-camp at Landsberg in November 1944. He never saw prisoners mistreated (P-5, R 12). Presentia HUFF of Krumbach, Germany, averred in a sworn statement that she knew LANG since Autumn 1944. She once gave him food for the prisoners. She knew of his reluctance to be a member of the SS (D-5, R 25). Maris KAPQU said and Ahhanel ESCOBARZI, former prisoners at Landsberg, in a sworn statement stated LANG treated them well (D-4, R 24).

Accused LANZL never did guard duty inside the prison at Camp Dachau. He was a block leader at Landsberg out-camp #4. He never saw any prisoners killed nor could he remember seeing any prisoners beaten on the prisoner transport (P-6, R 12).

Accused PFLAUM. There is nothing in the sworn statement of this accused which might be considered in his favor (P-7, R 12a).

Accused ZEIBES stated the orders came from Berlin in November 1944 to extract gold from teeth of deceased prisoners at Landsberg, and that he received his orders directly from his chief, Willy KOST, who was in charge of the dental station (P-8, R 13). Defense witness AKABAS testified that ZEIBES, his immediate superior, was good to him

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.

It was shown that all of the accused were, at some time during the period 1 January 1942 to 29 April 1945, by their own admissions, SS guards and supervisors over prisoners at Dachau Concentration Camp and/or subsidiary camps thereto with varying ranks and duties (P-2 to P8, inclusive; K 9 to K 13, inclusive).

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

The name of Valentin LEHHORN, an accused, was deleted from the charge sheet due to his confinement in hospital (K 3).

6. CLEMENCY: There are no petitions for review. Consideration was given to Petitions for Clemency on behalf of Alois LANG, signed by Marie LANG, his wife, dated 21 January 1947 and 1 November 1946 with attached letters, and Rudolf Max HOEHNE, signed by Kirt ROHNKE, a German lawyer, dated 18 February 1947, attaching six testimonials. No clemency is recommended.

HEADQUARTERS
EUROPEAN COMMAND

AG 383 JAG

APO 757
23 May 1947SUBJECT: Execution of Sentence in the Case of the United States vs.
Otto BECKER, et al (Case No. 000-50-2-5)TO : Commanding General
First Military District
APO 1, U.S. Army

Reference is made to letter, Hq. USFET, file AG 383 JAG-AGC
subject: "Designation of Prisons for War Criminals," 26 February
1947 and to the inclosed copies of the Order on Review in the above
entitled case as to accused Otto BECKER.

Upon compliance with the Order on Review the certificate
below will be completed and returned to the Deputy Judge Advocate
for War Crimes, 7708 War Crimes Group, APO 178, U.S. Army.

BY COMMAND OF GENERAL CLAY:

/s/ Wm. E. Bergin
Wm. E. BERGIN
Brigadier General, USA
Adjutant General

1 Incl:
1 Form No. 13 (in dup)

Frankfurt 2-2310

CERTIFICATE OF COMPLIANCE

The sentence covered by the above described Order on Review
was carried into execution at War Criminal Prison No. 1, Landsberg,
Germany, on _____ 1947, at _____.
(Date) (Hour)

The above prisoner has been discharged
upon completion of his sentence
on 1 Feb 47.

/s/ George T. Lagish
Major, Infantry
Prison Officer

(Organization)_____
(Countersignature and Rank
of Witnessing Officer)

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 your 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