

28 August 1947

UNITED STATES )

v. )

Case No. 000-50-2-84

Michael GREIL, et al. )

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, during the period 6 - 9 May 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Michael GREIL, Christian HAIST, Hermann HANSCHEN, Karl HOLDERBAUM, Bruno JAKUSCH, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual(s) 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 Michael GREIL, Christian HAIST, Hermann HANSCHEN, Karl HOLDERBAUM, Bruno JAKUSCH, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual(s) 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.

III. SUMMARY OF EVIDENCE: The prosecution's evidence establishes that all of the accused served at Dachau Concentration Camp and certain of its outcamps for substantial periods of time between the dates alleged. Individual acts of cruelty by the accused are also established. Prosecution's P-Ex 1E is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp Case (United States v. Weiss, et al, 000-50-2, March 1946, DWAG, hereinafter referred to as the "Parent Case"; see Section V, post; R 9).

IV. EVIDENCE AND RECOMMENDATIONS:

1. MICHAEL GREIL

Nationality:	German
Age:	39
Civilian Status:	Carpenter
Party Status:	Unknown
Military Status:	Waffen SS Corporal
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	4 years, commencing 27 April 1945

Evidence for Prosecution: The accused stated in his extrajudicial sworn testimony that he entered the Waffen SS 7 June 1940, on which date he was assigned to Camp Dachau for training. This tour lasted to 30 August 1940. From 8 September 1940 to 25 November 1942 he was again at Camp Dachau, first as a civilian carpenter and later as a carpenter and recruit (R 10; P-Ex 4).

The accused held the position of civilian foreman and later as a member of the SS he served as a master in the carpenter shop and also in the machine shop of the German Armament Works at Dachau (R 53, 50) from 1940 to "about 1942" (R 51; P-Ex 14). In the years 1942 and 1943 he worked on the night shift in the Economic Enterprises machine shop at Dachau (R 52; P-Ex 16). Inmates under his jurisdiction were of various nationalities including Czech, Polish, Russian, French and German (R 52; P-Ex 17, R 54, 52). He frequently mistreated inmates

by beating them with his fists and whatever else was handy (R 51; P-Ex 14, R 51; P-Ex 15, R 52; P-Ex 16, R 60, 67, 68, 70). He also reported them for punishment as a result of which they were suspended from poles (R 51; P-Ex 15, R 56, 64, 68). Other times he withheld their bread ration as a punishment (R 52; P-Ex 16).

Evidence for Defense: A former Dachau inmate stated in his extrajudicial sworn testimony that the accused administered punishment to inmates only when they were guilty of misconduct or wrongdoing and that on such occasions he slapped and pushed them, but never to a degree requiring hospitalization of the individual punished. He treated some inmates well (R 128; D-Ex 2).

The accused stated in Court that he had conducted himself properly while at Camp Dachau and was not conscious of any wrongdoing (R 163, 164). He was not connected with the transport of any inmates (R 10; P-Ex 4).

Sufficiency of Evidence: The evidence as to the nature and extent of the accused's connection with Camp Dachau is sufficient to establish his knowledge of, and his participation in the mass atrocity operation existing there. In addition, he was shown to have committed individual acts of cruelty toward inmates.

The record show that at different times during the trial the accused was absent from the courtroom for medical reasons. However, there is no indication that the accused's ability to defend or that the success of his defense was impaired by these temporary absences from Court. The effect of this will be discussed under Section V, post.

The findings of guilty are warranted by the evidence. The sentence is not excessive.

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

Recommendation: That the findings and sentence be approved.

2. CHRISTIAN HANST

Nationality:

German

Age:	51
Civilian Status:	Plaster cast worker
Party Status:	Unknown
Military Status:	Waffen SS Master Sergeant
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	5 years, commencing 8 May 1945

Evidence for Prosecution: The accused stated in his extrajudicial sworn testimony that he entered the Waffen SS 15 December 1941. From this date to 1 September 1944, he was stationed at Camp Dachau as a guard leader. On 1 October 1944 he was sent to outcamp Kempton where he served as a guard platoon leader until its evacuation. He was a deputy leader of an inmate evacuation march of 380 inmates from Kempton to Nesselwang, 26 April 1945 (R 10; P-Ex 2).

During the time the accused was deputy camp leader at Dachau (R 17, 20) he beat Polish, Czech, German, French and Russian inmates (R 18, 36). He administered these beatings with a belt or a rifle and by kicking the inmates (R 36). He also ordered others to beat inmates (R 19). Evidence showing specific instances of such beatings was introduced (R 36, 37, 38). One witness testified that one French inmate died as a result of being beaten by the accused (R 37). When outcamp Kempton was evacuated he ordered all inmates, regardless of whether they were sick, to make the march (R 10; P-Ex 2, R 44).

Evidence for Defense: The accused stated in Court that he was a veteran of World War I and that he had also seen service with the wehrmacht during 1939 and 1940 in Poland and France. In 1941 he was drafted into the SS and remained in it to the end of the war. He had been a master sergeant in the wehrmacht and retained this rating in the SS (R 146, 147). At Camp Dachau he was at first a guard; later, he trained recruits and was placed in charge of guards. At outcamp Kempton he held the position of assistant camp commander (R 147). He required strict discipline of both guard personnel and inmates under his jurisdiction. At times he pushed and slapped inmates but

speed stragglers on their way to air raid shelters (R 148, 149).  
At no time did he beat inmates with instruments of any kind (R 150).  
He did not mistreat inmates. Those he struck or pushed were not  
injured because he only touched them lightly (R 157, 158). The charge  
that he killed a Frenchman is false. The only inmate at Kempton  
who died was a Frenchman and the cause of his death was influenza  
(R 153).

The witness Stoltz (R 118), former camp commander at Kempton,  
corroborated the accused's testimony regarding the Frenchman (R 119).  
There was evidence introduced showing that the accused was considerate  
of the inmates, e.g., he took them to SS movies (R 110, 121), pro-  
cured extra food for them (R 112, 122), and did not require them to  
work in inclement weather (R 123).

Sufficiency of Evidence: The accused held a position of im-  
portance at Camp Dachau and outcamp Kempton and was a vital cog in  
their operation. The evidence is sufficient to establish his know-  
ledge of the criminal nature of the mass atrocity operation at Camp  
Dachau and his active participation in it. Acts of individual  
cruelty on his part are also shown.

The findings of guilty are warranted by the evidence. The  
sentence is not excessive.

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

Recommendation: That the findings and sentence be approved.

3. HERMANN HANSCHEN

Nationality:	German
Age:	37
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Technical Sergeant
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II

Sentence:

3 years, commencing 9 May 1945

Evidence for Prosecution: The accused stated in his extra-judicial sworn testimony that he entered the Waffen SS 1 October 1934. He was stationed at Camp Dachau from 4 May 1938 to 27 August 1944 where he served in canteen administration (R 13; P-Ex 6).

The accused had charge of the inmates' canteen at Camp Dachau and his conduct there was such that he had the general reputation of being a beater. When inmates who came to the canteen stepped out of their places in the line he was quick to beat them (R 13; P-Ex 7). He struck inmates with his hands, with a bunch of keys, and kicked them (R 14; P-Ex 8, R 14; P-Ex 9). In the distribution of food he favored inmates from the German blocks (R 14; P-Ex 9). When inmates stole goods at the canteen, he punished them by administering beatings (R 25; P-Ex 12).

Evidence for Defense: Four witnesses took the stand in the accused's behalf. The substance of their testimony was that he operated the inmates' canteen at Camp Dachau fairly (R 74, 90, 91, 102) and impartially and was humane in his treatment of inmates (R 21, 88, 89, 96). None of the inmates working on his detail at the canteen were ever beaten (R 76). On the contrary, he was kind to them in various ways (R 21, 73, 74, 89). On several occasions, he punished inmates who were guilty of infractions of the rules by boxing their ears (R 92). One witness testified that he saw the accused drunk at the canteen and at such times he was particularly rough with the inmates (R 83).

The accused stated in Court that he was connected with the inmates' canteen at Camp Dachau from 4 May 1938 to 27 August 1944 (R 135) and was in charge of it from the spring of 1939 to August 1944. He attempted to help inmates, permitting them to visit their families at his home, and he also treated them with kindness in other ways (R 132, 133). The only times he ever beat or slapped inmates was by way of punishment for improper conduct (R 134). These beatings consisted only of one or two slaps. He never struck an

inmate while drunk (R 135). The accused had no connection with the transport of inmates (R 13; P-Ex 6).

Sufficiency of Evidence: The evidence as to the accused's connection with Camp Dachau for the period set out, his frequent mistreatment of inmates, and the part he played in the camp's operation is sufficient to establish his participation in the common design.

The findings of guilty are warranted by the evidence. The sentence is not excessive.

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

Recommendation: That the findings and sentence be approved.

4. KARL HOLDENBLUM

Nationality:	German and Rumanian
Age:	25
Civilian Status:	Butcher
Party Status:	Unknown
Military Status:	Waffen SS Private First Class
Plea:	MG Charge I; MG Charge II
Findings:	G Charge I; G Charge II
Sentence:	3 years, commencing 5 June 1945

Evidence for Prosecution: The accused stated in his extrajudicial sworn testimony that he entered the Waffen SS 11 April 1941 and remained a member until the end of the war. He served at Camp Dachau as a butcher from 20 July 1943 to 22 April 1945 (R 10; P-Ex 3).

Witness Voinoviki, a former inmate of Camp Dachau, testified that the accused's duties at Camp Dachau consisted of supervising and looking after the butcher shop (R 47). On one occasion, the accused beat a Polish inmate and he was responsible for beatings administered to other inmates (R 47). Another time he beat the prosecution's witness Voinoviki (R 49).

Evidence for Defense: The accused, in his testimony, denied the testimony of the witness Voinoviki. He beat no one (R 139). No inmates were ever beaten in the butcher shop where he worked and

he never saw any beatings (R 143). He distributed food and sausage to inmates and overlooked their offenses (R 138). He was not connected with the transport of any inmates (R 10; P-Ex 3).

The accused's denial of the mistreatment of inmates was corroborated to a degree by the testimony of three witnesses (R 115, 141, 142) including the man who had charge of the butcher shop for a period of three years (R 142, 143). Two witnesses testified that the accused distributed food to inmates (R 116, 141) at personal risk (R 116).

Sufficiency of Evidence: The evidence as to the period of time this accused served at Camp Dachau, his connection with and opportunity to observe the criminal method of its operation, and the evidence of his mistreatment of inmates is sufficient to prove his participation in the common design. Rumania was a co-belligerent of Germany.

The findings of guilty are warranted by the evidence. The sentence is not excessive.

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

Recommendation: That the findings and sentence be approved.

b. BRUNO JAKUSCH

Nationality:	German
Age:	44
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Sergeant
Plan:	MG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	30 months, commencing 3 May 1945

Evidence for Prosecution: The accused stated in his extrajudicial sworn testimony that he entered the Waffen SS 1 February 1940. In September 1943 he was assigned to Camp Dachau where he acted as detail leader of the Nuetzel labor detail. He remained at Camp Dachau until about February 1945. In the winter of 1943 he served as a guard on a transport of 12 inmates from Dachau to



The Muetzel labor detail, consisting of about 40 to 90 inmates, worked near Munich and was engaged in the nursery and wholesale vegetable business (R 27, 28). The inmates comprising this detail were of Polish, Yugoslav, Czech, Russian, Italian, Norwegian and German nationalities. The accused treated these prisoners badly, striking them in the face with his hands and fist and kicking them with his boots (R 28). On one occasion he severely beat a Pole for doing insufficient work (R 28, 29). He repeatedly beat inmates for doing unsatisfactory work (R 30).

Evidence for Defense: The accused is suffering from epilepsy (R 71; D-Ex 1). He offered in evidence his unsworn statement (R 129; D-Ex 3) and also took the stand and testified under oath (R 164). His epilepsy is the result of a head injury received in the battle of Kiev in 1943 (R 165). This has caused impairment of his memory (R 129; D-Ex 3). He did not undertake to specifically deny the allegations against him but testified that he was conscious of no wrongdoing. He was surprised at the witness Hornum's accusations since he had helped this man (R 165, 166). He asked for clemency on the basis of his physical condition and family situation (R 129; D-Ex 3).

There was some evidence that the accused treated inmates on his detail decently (R 105, 114). Two witnesses who knew the accused during his off-duty hours testified that he was quiet and reserved, and also a little nervous as the result of his head injury (R 126, 127).

Sufficiency of Evidence: The accused's connection with the operation of Camp Dachau for the period stated was sufficient to put him on notice of the criminal nature of the operation of Camp Dachau and to show his participation. The Court was warranted in inferring that he had knowledge of the criminal nature of the operation. There was also evidence of mistreatment of inmates by the accused.

It is to be noted that this accused was absent from the courtroom for varying periods during the trial because of medical reasons. However, it does not appear that the accused's opportunity to effectively defend himself was materially impaired nor that his defense was in fact materially impaired. This point is discussed under Section V, post.

The findings of guilty are warranted by the evidence. The sentence is not excessive.

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

Recommendation: That the findings and sentence be approved.

#### V. QUESTIONS OF LAW:

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

Application of Parent Case: 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, and the Parent Case). 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 these subsequent proceedings, in concluding as to them that they not only participated to a substantial degree, but that the nature and extent of their participation were such as to warrant the sentences imposed.

Absence of the Accused: The record shows that accused GREIL and JAKUSCH were not present in the courtroom throughout the entire trial.

GREIL was absent approximately one-sixth of the time the Court was in session and JAKUSCH about two-thirds of the time. The question arises as to what, if any, effect this has upon the validity of the proceedings against them.

Examination of the record discloses that both accused were present at the opening of Court and when the Court inquired as to the personal data concerning each of them (R 1, 3, 4). At this time both were informed of, and stated that they knew their rights (R 5). Both entered pleas of not guilty at the arraignment (R 8, 9). Also, both took the stand in their own defense (R 163, 164), and were present when the Court announced the findings and sentence (R 167, 168, 169). Both accused were informed as to all that had occurred in Court during their absence (R 159). At no time was a postponement, continuance or any other similar action requested on behalf of either or both accused. Therefore, it appears that no injustice to these two accused resulted by virtue of their failing to attend all sessions of the Court.

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

VI. CONCLUSIONS:

1. It is recommended that the findings and the sentences be approved.

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

/s/ Anthony J. Albert  
ANTHONY J. ALBERT  
Attorney  
Post Trial Branch

Having examined the record of trial, I concur,  
this 21st day of October 1947.

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

LEGAL FORM NO. 16  
HEADQUARTERS  
EUROPEAN COMMAND

AG 383 JAG

AGO 757  
3 Nov 1947

SUBJECT: Execution of Sentence in the Case of the United States vs. Michael GREIL, et al. (Case No. 000-5042-84).

TO : Commanding General  
First Military District  
APO 1, U. S. Army

Reference is made to letter, Hq. USFET, file AG 383 JAG-AGO, 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 Bruno JAKUSCH.

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 407, 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 7175

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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)

Prisoner Bruno JAKUSCH has been released from confinement at Landsberg War Crimes Prison No. 1 on 2 November 1947 per expiration of sentence.

/s/ Lloyd A. Wilson  
(Signature and Rank)  
LLOYD A. WILSON, Captain, CMP  
Prison Officer  
(Organization)

/s/ David A. Oakley  
(Countersignature and Rank of  
Witnessing Officer)  
DAVID A. OAKLEY, 1st Lt. ColC  
Asst. Prison Officer