

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

9 June 1947

UNITED STATES

vs

Alois Heinrich BLOESSER,  
Heinrich JOCHIMSEN, Heinrich  
PALM, Oskar PRESS, Josef  
REINERT, Heinrich RICHTER,  
Karl SCHMELZ, Paul SCHNITZER)

Case No. 000-50-2-19

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried jointly at Dachau, Germany  
Date: 19 - 20 November 1946  
Intermediate Military Government  
Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
BLOESSER, Alois Heinrich	Age 40 German national SS guard Rank: Corporal	3 years confinement from 28 May 1945
JOCHIMSEN, Heinrich	Age 26 German national SS prisoner supervisor Camp Dachau Rank: Corporal	3 years confinement from 28 May 1945
PALM, Heinrich	Age 57 German national SS billeting manager Rank: Technical Sergeant	2 years confine- ment from 3 May 1945
PRESS, Oskar	Age 36 German national SS guard Rank: Unknown	18 months confine- ment from 4 May 1945
REINERT, Josef	Age 38 Roumanian national SS guard Rank: Unknown	18 months confine- ment from 2 May 1945
RICHTER, Heinrich	Age 35 Yugoslavian national SS guard Rank: Unknown	18 months confine- ment from 2 May 1945



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

3. EVIDENCE:

For the Prosecution: The prosecution's case was based on extrajudicial sworn or unsworn testimony and a letter concerning the status of personnel in concentration camps 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, hereinafter referred to as the "Parent Case"; R 7). Exhibits P-2 - 10 are extrajudicial sworn or unsworn testimony of each of the accused (R 8 - 15). Exhibit P-11 is a letter from W.D. DENSON, Chief Prosecutor in the Flossenburg Concentration Camp Case to Counsel Section, Dachau Detachment, 7708 War Crimes Group, subject: "Status of Personnel in Concentration Camps" (R 50).

For the Defense: The defense's case was based on the sworn testimony of six witnesses (R 21 - 41, R 44 - 46); the sworn statements of two witnesses on behalf of the accused JOCHIMSEN (D-Ex 1, R 17; D-Ex 2, R 19); two testimonials on behalf of accused PRESS (D-Ex 3, R 43; D-Ex 4, R 43); and the sworn or extrajudicial unsworn testimony of each of the accused introduced by the prosecution (P-Ex 2 - 10, R 8 - 15).

accused BLOESSER was drafted into a Luftwaffe construction company on 19 January 1940 and, after service in France and Russia and various other places, was detailed to the SS on 10 August 1944. From 20 August 1944 to 23 September he was a guard at Buchenwald Concentration Camp. He was transferred to Camp Dachau on 24 September 1944 and remained there until 12 April 1945. During this period he served as a tower guard and escorted outdetails. He rotated every week between tower guard duty and outdetail guard. He admitted that some prisoners did not look well, probably due to malnutrition. He was a guard with a prisoner transport of 1500 to 2000 French prisoners from Camp Dachau to Buchenwald Concentration Camp in December 1944. The trip took a day and a half. During the entire trip the prisoners received bread and margarine only once. The prisoners received no water and could not leave the wagons to relieve themselves. The doors could not be shut completely. It was cold (P-Ex 2, R 8).

In defense, BLOESSER stated that he never participated in executions or in the torture of prisoners (P-Ex 3, R 8).

accused JOCHIMSEN joined the Hitler Youth at the age of 15 and was transferred to the National Socialistic Brigade when he was 18 years old. He volunteered for the police force and then received orders to report to the Waffen SS on 17 April 1940 and was transferred to the Death Head Division in France. He came to Camp Dachau in November 1943 and remained until 28 April 1945. He had 30 prisoners working under him in a work shop. This work shop filed rough motor parts for the Bavarian Motor Works. In the daytime 250 prisoners worked in the work shop and at night 100 to 110. The camp commandant at this time was Colonel Weiss who was sentenced to death in the Parent Case (P-Ex 88, R 777, 778, Parent Case). There were Russian, Czech, French and Belgian prisoners in Camp Dachau. He did not speak to the prisoners.

In defense, JOCHIMSEN maintained that he was never inside the concentration camp at Camp Dachau due to the fact that the work shop was in the training camp. He maintained a friendly relationship with the prisoners and never had any trouble with them. He knew of no beatings, hangings, or of any prisoners dying while he was at Camp Dachau. He never heard of an epidemic at Dachau or of prisoner transports. From 22 June to 21 July 1941 he was at the Russian front and was wounded in both thighs. The physical condition of the prisoners was good. They received additional rations from the factory. They never complained of mistreatment. He denied any acquaintanceship with SS men. The same prisoners worked under his supervision the whole time he was at Camp Dachau. He never reported any prisoners for not working. When one of the prisoners was ill he took him over to the canteen so that the canteen might give him some tablets or prepare some tea for him. The canteen treated the prisoners well. No one ever told him about the conditions in the concentration camp (P-Ex 3, R 9). Edmund Bednarek, called as a witness by the defense, stated that he asked JOCHIMSEN to go with them as a guard to the electrical shop to get some food for the prisoners. Guards had no right to do this (R 23). He also testified that JOCHIMSEN was a decent man and treated prisoners well (R 24). In a sworn statement Bednarek declared that JOCHIMSEN was a decent man and did not mistreat the inmates (D-Ex 2, R 19). Defense witness, Roemer, a former prisoner at Dachau

He heard from other prisoners that the accused had given them bread and tobacco (R 26, 28). In a sworn statement, Roemer said that the accused was a decent man and did not mistreat any prisoners (D-Ex 1, R 17).

Accused PAIM came to Dachau on 12 February 1940 through the Reich's War Veteran League. After five weeks training he was assigned to take care of the quarters of the Totenkopf-Sturm Battalion and continued in this position until 26 or 27 April 1945. It was his responsibility to see that hand towels and dust rags were issued weekly and that bed linen was renewed monthly. He was in complete charge of the quarters including maintenance and repairs. Catholic priests were assigned to work under him. He heard that Dr. Schilling who was sentenced to death in the Parent Case (P-Ex 122, R 827) was conducting experiments with mosquitos. On one occasion he told a medic to aid an ill prisoner. The medic refused and told him that the prisoner had typhus. PAIM took no further action although he was an SS master sergeant (technical sergeant). He saw Hoffman slapping a prisoner. A few days before the end of the war he saw 1st Lt. Ruppert do the same thing (P-Ex 4, R 10, P-Ex 5, R 11).

In defense, PAIM stated that he never had any arguments with prisoners, never beat them nor reported any prisoners for punishment. He claimed that at one time when he saw four to eight bodies lying on the ground he became very excited and said it was sadism or murder. When he said that putting sick persons on a prisoner march was a crime he was led away by Zensch and told to keep his mouth shut, otherwise he would be placed against the wall. He was never present at the prisoners roll call nor did he attend any executions. Toward the end of the war he gave a priest his last bread and told him to share it with the other priests. He was never present when prisoners were marched away or when they arrived. He never saw or heard anything about beatings or executions. He never was with work details outside the camp (P-Ex 4, R 12). Johannes Burkhart, a Roman Catholic priest and formerly a prisoner at Camp Dachau, testified that PAIM regretted that he, Johannes Burkhart, was in camp. He pitied the priest's position, was always polite to him as he was towards the other prisoners. (R 36). The priest stated that PAIM and SCHMELZ were more polite to him than the other guards (R 37).

Accused PRESS was drafted for the Luftwaffe in 1939 and transferred to the

ed there until 4 May 1945. He was a guard on many details outside the camp from August 1944 until December 1944. The number of prisoners varied with the detail (P-Ex 6, R 12). After the first of January 1945 he became a clerk.

In defense, PRESS stated that he never heard of or saw any mistreatment of prisoners. He was employed as a clerk from 1 January 1945 until the capitulation. He was transferred to the Waffen SS against his will, and not being fit for front line duty due to a heart ailment was sent to Camp Dachau (P-Ex 6, R 12). The accused's brother, Hans PRESS, called as a witness by the defense, testified that his brother was a quiet, modest man and faithful to the Protestant church. He never got in conflict with the courts or the law. He was a good son and brother (P-Ex 6, R 12, R 45).

Accused REINERT was drafted by the Waffen SS in Roumania and came to Dachau in 1943 and remained there until 28 April 1945. Between 1943 and 1944 he worked in the barber shop and after that, from 18 September 1944, he worked in the canning factory. In both these positions he acted as guard over prisoners. At the factory the prisoners were canning meat for the army and it was his duty to escort them whenever they left the factory to get supplies. He served in this position until March 1945. From March 1945 until he left Camp Dachau as a guard on a prisoner march, he had easy work to do in the barber shop and in the office.

In defense, REINERT stated he did not know of any prisoners being mistreated at Camp Dachau. The prisoners had food with them when they left Camp Dachau on the prisoner transport (P-Ex 7, R 13). Maria Strobl, called as a witness for the accused, testified that she was a housewife living in Dachau. She met the accused through a friend at the end of 1944. He asked her for bread for the prisoners and told her he could not understand what he had done to have been put in the SS (R 39).

Accused RICHTER stated that he was drafted into the Waffen SS in September 1943 and was sent to Oranienburg. There he acted as a tower and prisoner guard. The prisoners were Poles, Russians, Yugoslavs and other nationalities. The detail on which he was a guard was engaged in cutting wood and filling bomb craters. When he was sent to Plaszow in July 1944 his duties were practically the same as at Oranienburg. In October 1944 he came to Dachau. He acted as a guard taking prisoners to Munich to work cleaning up the rubble left after air raids. He left Dachau on or about 24 or 25 April 1945 (P-Ex 8, R 13).

In defense, RICHTER stated that he was drafted into the Waffen SS against his will. He never beat prisoners; he never saw or heard of any prisoners being beaten at Dachau (P-Ex 8, R 13).

Accused SCHMELZ was a sergeant in the allgemeine SS since 1938 and joined the Waffen SS on 15 November 1939. He was discharged from the army on or about 1 September 1940. In January 1941 he was drafted and sent to Auschwitz Concentration Camp and worked in the mail office. On 25 September 1942 he was assigned to Camp Dachau and was employed in the administrative department. He saw dead prisoners in coffins being driven to the crematorium in a car (P-Ex 9, R 14).

In defense, SCHMELZ stated that he never saw prisoners being mistreated. He was a bookkeeper in the supplies department (P-Ex 9, R 14). Johannes Burkhardt, a Roman Catholic priest, called as a witness by the defense, testified that he spoke to SCHMELZ very often at Camp Dachau and that SCHMELZ cursed the day that he entered the SS and was unhappy. He did not believe the Germans would win the war and was afraid of the revenge which would follow. SCHMELZ was always very nice, polite, and behaved nearly like a comrade. At times he gave Burkhardt cigarettes, risking punishment if he were caught (R 35, 36, 37).

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 convicted accused were, by their own admissions, members of the SS at Camp Dachau and/or its outcamps for considerable periods of time between the dates alleged (P-Ex 2 - 10, R 8 - 14).

Legal Sufficiency of Evidence. The evidence is sufficient to support the findings and sentences of the Court.

The Court was required to take cognizance of the decision rendered in the Parent 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, beating, tortures,

European Theater, file AG 000.5 JAG-AGO, subject: "Trial of War Crimes Cases", 14 October 1946, and Parent Case). All of the convicted 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 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.

The name of the accused SCHNITZER was removed from the charge sheet by order of the Court.

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

7. CONCLUSIONS:

- a. It is recommended that the findings and the sentences be approved.
- b. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

/s/ MURRAY J. ANDROVETTE  
MURRAY J. ANDROVETTE  
Attorney  
Post Trial Branch

Having examined the record of trial, I concur.

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