

HEADQUARTERS
THIRD US ARMY AND EASTERN MILITARY DISTRICT
Office of Judge Advocate

REVIEW OF PROCEEDINGS OF GENERAL MILITARY COURT IN THE CASE OF
UNITED STATES VS.

Martin Gottfried Weiss
Friedrich Wilhelm Ruppert
Josef Jarolin
Franz Xaver Trenkle
Engelbert Valentin Niedermeyer
Josef Seuss
Leonhard Anselm Eichberger
Wilhelm Wagner
Johann Kick
Dr. Fritz Hintermayer
Dr. Wilhelm Witteler
Johann Baptist Eichelsdorfer
Otto Foerschner
Dr. Hans Kurt Eisele
Dr. Klaus Karl Schilling
Christof Ludwig Knoll
Dr. Fridolin Karl Fuhr
Franz Boettger
Peter Betz
Anton Endres
Simon Kiern

Michael Redwitz
Wilhelm Welter
Rudolf Heinrich Suttrop
Wilhelm Tempel
Hugo Alfred Erwin Lausterer
Fritz M.K. Becher
Alfred Kramer
Sylvester Filleboeck
Vinzenz Schoettl
Albin Gretsche
Johann Viktor Kirsch
Emil Erwin Mahl
Walter Adolf Langleist
Johann Schoepp
Arno Lippmann
Fritz Degelow
Otto Moll
Otto Schulz
Friedrich Wetzell

TO: Commanding General, Third United States Army and Eastern Military
District, APO 403, United States Army.

I. THE TRIAL

On motion of the prosecution the names of the accused Aumeier and Bayer were stricken from the charge sheet since neither had been served or was present.

The accused Martin Gottfried Weiss, Friedrich Wilhelm Ruppert, Josef Jarolin, Franz Xaver Trenkle, Engelbert Valentin Niedermeyer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Johann Kick, Dr. Fritz Hintermayer, Dr. Wilhelm Witteler, Johann Baptist Eichelsdorfer, Otto Foerschner, Dr. Hans Kurt Eisele, Dr. Klaus Karl Schilling, Christof Ludwig Knoll, Dr. Fridolin Karl Fuhr, Franz Boettger, Peter Betz, Anton Endres, Simon Kiern, Michael Redwitz, Wilhelm Welter, Rudolf Heinrich Suttrop, Wilhelm Tempel, Hugo Alfred Erwin Lausterer, Fritz M.K. Becher, Alfred Kramer, Sylvester Filleboeck, Vinzenz Schoettl, Albin Gretsche, Johann Viktor Kirsch, Emil Erwin Mahl, Walter Adolf Langleist, Johann Schoepp, Arno Lippmann, Fritz Degelow, Otto Moll, Otto Schulz, Friedrich Wetzell were tried jointly before a general military court at Dachau, Germany from 15 November 1945 to 13 December 1945 on the following charges and particulars:

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

Particulars: In that Martin Gottfried Weiss, Friedrich Wilhelm Ruppert, Josef Jarolin, Franz Xaver Trenkle, Engelbert Valentin Niedermeyer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Johann Kick, Dr. Fritz Hintermayer, Dr. Wilhelm Witteler, Johann Baptist Eichelsdorfer, Otto Foerschner, Dr. Hans Kurt Eisele, Dr. Klaus Karl Schilling, Christof Ludwig Knoll, Dr. Fridolin Karl Fuhr, Franz Boettger,

Peter Betz, Anton Endres, Simon Kiern, Michael Redwitz, Wilhelm Welter, Rudolf Heinrich Suttrop, Wilhelm Tempel, Hugo Alfred Erwin Lausterer, Fritz M.K. Becher, Alfred Kramer, Sylvester Filleboeck, Vinzenz Schoettl, Albin Gretsich, Johann Viktor Kirsch, Hans Aumeier, Emil Erwin Mahl, Walter Adolf Langleist, Johann Schoepp, Arno Lippmann, Hans Bayer, Fritz Degelow, Otto Moll, Otto Schulz, and Friedrich Wetzels, acting in pursuance of a common design to commit the acts hereinafter alleged, and as members of the staff of 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 Martin Gottfried Weiss, Friedrich Wilhelm Ruppert, Josef Jarolin, Franz Xaver Trenkle, Engelbert Valentin Niedermeyer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Johann Nick, Dr. Fritz Hintermayer, Dr. Wilhelm Witteler, Johann Baptist Eichelsdorfer, Otto Foerschner, Dr. Hans Kurt Eisele, Dr. Klaus Karl Schilling, Christof Ludwig Knoll, Dr. Fridolin Karl Puhr, Franz Boettger, Peter Betz, Anton Endres, Simon Kiern, Michael Redwitz, Wilhelm Welter, Rudolf Heinrich Suttrop, Wilhelm Tempel, Hugo Alfred Erwin Lausterer, Fritz M. K. Becher, Alfred Kramer, Sylvester Filleboeck, Vinzenz Schoettl, Albin Gretsich, Johann Viktor Kirsch, Hans Aumeier, Emil Erwin Mahl, Walter Adolf Langleist, Johann Schoepp, Arno Lippmann, Hans Bayer, Fritz Degelow, Otto Moll, Otto Schulz and Friedrich Wetzels, acting in pursuance of a common design to commit the acts hereinafter alleged, and as members of the staff of Dachau Concentration Camp, did, at or in the vicinity of DACHAU, 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.

II. THE FINDINGS AND SENTENCES.

Each accused was found guilty of all charges and particulars and each accused, with the exception of Johann Schoepp, Albin Gretsich, Peter Betz and Hugo Alfred Erwin Lausterer, was sentenced to death by hanging at such time and place as higher authority may direct. Peter Betz was sentenced to life imprisonment commencing forthwith at such place as may be designated by competent military authority. Johann Schoepp, Albin Gretsich and Hugo Alfred Erwin Lausterer were sentenced to imprisonment for a term of ten years, commencing 13 December 1945, at such place as may be designated by competent military authority.

III. EVIDENCE FOR THE COURT:

Upon preliminary examination by the court each accused stated that he was a German national, with the exception of Johann Schoepp who was a Rumanian and Dr. Fridolin Karl Puhr, an Austrian. Each accused also

stated that he was a member of the German army sometime between January 1, 1942 and April 29, 1945, with the exception of Johann Kick, Dr. Klaus Karl Schilling, Christof Ludwig Knoll, and Emil Erwin Mahl.

The court did not interrogate any of the accused on the charges and particulars.

IV. EVIDENCE FOR PROSECUTION:

A. The Common Design at Dachau.

On 29 April 1945 the American forces entered the Dachau Concentration Camp at Dachau, Germany (R 69). Adjoining the camp on a railroad siding was a freight train consisting of about 38 cars (R 56, 60, 70). One or two bodies were lying in a few cars (R 56). About 30 of the box cars had 10 to 20 corpses strewn about (R 56). The bodies were thinly clad (R 56). Some had their pants down as if they had had dysentery and others appeared as if they had utilized some corpses as pillows (R 199). The bodies were extremely emaciated (R 57). The muscles had wasted (R 57). The fat had disappeared and the skin was leathery (R 57). The conditions which existed may best be seen in the photographs which were taken at the time (Pros. Ex. 2, 3, 4, 5, 6). It had been a Jewish transport which had been attempting for several days to leave Dachau but because of the rail tie-up due to air attacks had not been able to depart (R 161, 162, 750, 510). These people had come to Dachau a short time before (R 162).

Within the camp was a prison compound (R 73). It was surrounded by a moat and a wire fence (Pros Ex 13, 14). Within the compound were prison blocks (R 74). Each block was capable of accomodating from 300 to 450 prisoners (R 74, 413, 449). In 1942 the blocks had been completely filled (R 448). As time elapsed, more and more people were placed in the blocks so that in 1943 and 1944 over 1,000 prisoners were housed in each block and in 1945 as many as 2,000 prisoners were housed in a single block (R 412, 449). For example, 1200 to 1250 people were housed from November 1942 until January 1943 in block 25 so that 300 to 350 persons had to share 120 beds in each room (R 389). One to five persons died each day in this block but no doctor ever visited it (R 389). Each block consisted of four rooms with one latrine (R 448, 76). The latrine had 12 stools of which only 10 could be used by the prisoners (R 76, 449, Pros Ex 9). With the increase in the number of people, the conditions became increasingly worse (R 449). Dachau could accomodate about 8,000 persons (R 177, 412). In August 1944 the camp's population was about 22,000 (R 412). By the latter part of 1944 and Spring of 1945 about 50,000 persons had been sent into it (R 177). On 22 April 1945 there were 65,613 prisoners in Dachau and its sub-camps of whom 14,053 were Poles, 12,363 Russians, 3322 Italians, 1862 Czechs, 5656 Germans, 27,674 of other nationalities and 683 Russian prisoners of war (Pros Ex 58 and 59). In 1942 the blocks had been kept rather clean, but in 1943 and 1944, as the emphasis on work increased, there was "no possibility to clean rooms" (R 449). The Americans noticed that the people in the camp were similar to corpses except that they moved (R 57). Their physical condition was very poor due primarily to extreme starvation and malnutrition which they had endured (R 57, 74). Although it was extremely cold at the time, the prisoners were clad very scantily (R 75, 449). Each prisoner wore an insignia indicating his nationality, Russian, Polish, etc. (R 75, 269, 509, Pros Ex 10). Other insignia indicated the type of prisoner, political, criminal, immigrant, anti-social, battle searcher or homosexual (R 507, 508, Pros Ex 55).

Within the prison compound there was a bunker, a long narrow building which was composed of a passageway with a series of cells on each

side (Pros Ex 15, 79). A typical cell is depicted in a photograph (Pros Ex 16). Adjoining the bunker was a bath room or shower room (R 79, Pros Ex 17, 18). Although in 1942 the prisoners were able to take one bath per week, by the time of liberation the prisoners were not able to have one bath per month (R 149).

Outside the prison compound but within the camp the Americans discovered two crematoriums (R 81, Pros Ex 19). The old crematorium had only two furnaces (R 13, 128, Pros Ex 21). The new crematorium had been built in 1944 by Polish priests (R 129). It had two furnaces with five ovens (R 12, Pros Ex 22, 23). There was a large hall for bodies, a passageway, a room with the furnaces, a preparation room, a gas chamber, another hallway and the disinfectant chamber (R 129). The gas chamber had a sign over its entrance which read "Shower Bath", although in fact there were no bath facilities (R 129, Pros Ex 127). The Americans discovered a large pile of clothing outside the crematorium (R 57, Pros Ex 20). In the two halls were found large piles of dead bodies, all of which were emaciated and thin (R 82, Pros Ex 24, 25, 26, 27). The stench was so strong that Colonel David Chavez, a war crimes investigator of the Seventh U.S. Army, could not view the bodies for any length of time (R 83).

Near the crematoriums were discovered a kennel and a rifle range (R 84, Pros Ex 29, 28). The rifle range had a blood soaked area (R 84, Pros Ex 28).

In May 1945, the Americans set up two hospitals in the camp, one of which was the 116th Evacuation Hospital under the supervision of Colonel Lawrence C. Ball (R 54, 55, 58). From 2 May 1945 to 6 June 1945 each hospital treated about 2400 patients (R 58). There were two regular hospitals at Dachau, an inner camp hospital, which in 1942 had consisted of 7 or 8 blocks, and an SS hospital (R 58, 313-314). During the same period the SS hospital had about 1,000 patients and the inner camp hospital about 4500 (R 58). All these facilities were capable of handling about half of those individuals who needed hospitalization (R 59). After liberation the death rate averaged about 100 per day until the middle of May (R 58). From 9 May 1945 to 9 June 1945, there were 1598 deaths in the hospital (R 59). Typhus accounted for approximately 340 deaths (R 63). The principle causes of death were typhus, dysentery, and malnutrition (R 59). The bulk of the deaths were caused by factors which had been acquired before April, 1945 (R 60). There were not sufficient medical supplies (R 65).

The regular prisoners hospital was extremely overcrowded (R 57, 61, 85). The wards had triple decker beds and beds had been placed together so that three people could sleep in the place of two (R 57, 85, Pros Ex 30, 31). All available space was utilized. The epidemic and tuberculosis divisions were the most crowded (R 147). In 1941 only one person slept in a bed (R 148). By 1943 the condition was overcrowded and by 1944 and 1945, the patients were "totally placed together", (R 148). Three men slept in one bed which was only 80 centimeters wide (R 147). The Americans discovered that few inmates had blankets although most had sheets (R 57). The majority of the patients suffered from typhus, dysentery, phlegmon, tuberculosis and erysipelas (R 57, 61). There had been a constant and continuous epidemic of dysentery throughout the years (R 153, 155, 176) for which there had been no treatment (R 156) and a typhoid epidemic from January, 1943, to April, 1943 which had been caused by the water (R 153, 176). A typhus epidemic had started in December, 1944 after the arrival of a Hungarian transport (R 62, 153, 191, 408). No control measures had been

taken (R 62) and about 15,000 had died (" 155). The inhabitants of block 30 had died out three times and it had housed from 1500 to 3,000 prisoners (R 154, 177). In block 25, 10 to 17 died daily (R 376). Insufficient delousing powder was used in the blocks (R 409, 411). People from incoming transports were scattered among the various blocks and conditions became worse (R 409). Two patients were crowded into one bed, and seven into three beds (R 394, 234). Beds were placed together, one on top of the other (" 234). One room in the hospital had 250 people (" 234). At first the daily death rate was between 40 and 50 but this grew until it was 150 (R 410). It was estimated that 7000 died in January and February (R 410). The Americans found 2,000 to 3,000 typhus cases in all the stations (R 62). The prisoners were generally louse infested (R 62). There were a rough medical supplies in the hospital although various supplies were not available (R 66). This was particularly true with respect to vitamins which were manufactured at Dachau (R 66-67). Although the medical supplies had been poor continuously since 1942, the condition had been alleviated somewhat during the years by smuggling (R 172, 173). After liberation medical supplies were found in the SS hospital and the so-called Dutch Hall and in a laboratory (" 209). There were enough supplies to care for all the patients for more than 14 days (R 210). None of those medicines had been made available to the prison hospital prior to that time (R 210).

In 1942 Dr. Blaha, a Czech inmate, was the only physician charged with the responsibility of caring for 1000 patients (R 171, 172). Later there were two or three doctors and twenty prisoner doctors who had to take care of the entire camp when it had a population of about 30,000 people (R 169). Upon liberation forty-eight physicians who had been prisoners were discovered (R 211).

In the hospital there was a "Death Chamber" where dissections and pathologies were made (R 131 and 143). Both living and dead were brought there (R 131). From August, 1942, until liberation 12,000 autopsies had been performed under Dr. Blaha's direction (R 106, 144, 146). He had six helpers (R 107). The victims represented all the nationalities in the camp, but were mostly Russians, Poles, Yugoslavs, Italians and French (R 146, 156). Most of the deaths had been caused by typhus, typhoid, tuberculosis, dysentery and malnutrition (R 155, 157). The skin had been taken from the chests and backs of many of the victims, treated with chemicals, dried in the sun and then cut up to make such things as gloves, slippers and hand bags (R 144, 145). Tattooed skin was most desirable and many times the skin had been tattooed prior to removal in accordance with the demands of SS men (R 145). The practice of removing skins occurred in the year 1942 (R 146). No Germans could be used for this purpose (R 146). Russians were especially utilized (R 146). Some of the heads were cut off, boiled, the soft part removed, bleached in peroxide and put together again (R 161). The heads were then sent to SS schools, or given to SS doctors or SS men (R 161).

Certain experiments were conducted in the hospital for the Luftwaffe during the years 1942 and 1943 (R 132, 134 and 184). The air pressure experiments consisted in locking up twenty-five of the prisoners in a ball-like apparatus and then raising and lowering the pressure suddenly (R 132). This resulted in hemorrhages of the ears, nose and other internal injuries which often resulted in death (R 32). Upon dissection of the bodies the cause of death was found to be hemorrhages of the stomach, lungs and blood clot of the heart and lungs (R 133). The victims were primarily Czechs, Poles, and Russians (R 471). The cold water experiment

was also conducted for the Luftwaffe (R 135, 184). The prisoners were undressed and put in a large basin of water (R 134). After each lowering of the temperature 10° C, blood was taken from an artery in the throat (R 134). At 25° C the victims usually died although one lived up to 19° C (R 134). The victims were subjected to this experiment anywhere from four to thirty-eight hours constantly (R 136, 134). The victims were taken out of the basin, warmed up by a heating apparatus or placed between two naked women and subjected to the experiment again (R 134). Some endured the experiment for 42 days (R 471). At one time Himmler himself witnessed this experiment (R 134, 172). Many of the victims, because of the freezing, died (R 135). In one group of 12, nine died (R 471). Their organs were then extracted and sent to the Pathological Institute at Munich, Germany (R 135, 183). The organs were often still alive although the bodies were dead (R 210). The victims which were used for this experiment were primarily Polish, Russian and Czech Jews (R 135).

There was also conducted at the hospital between 1942 and 1945 a series of liver puncture experiments (R 139). A special needle was injected in the vicinity of the liver (R 139). No anaesthetic was used (R 139, 185). This experiment was painful and dangerous (R 139, 140). Individuals were punctured several times and many died (R 139). The victims were selected from the work blocks and were primarily Poles, Russians, Czechs and Germans (R 139).

A third type of experiment was the so-called phlegmon experiments which were conducted in 1942 and 1943 on orders of Himmler (R 141, 184, 319). The purpose was to prove that the worst diseases could be treated by biochemical methods (R 307). The first trial was performed without a doctor (R 307). Healthy people were selected and infected with the pus of a phlegmon diseased person (R 141, 307). Phlegmon, which is a disease of the tissue, causes inflammation, is pus-forming and may destroy organs in the body (R 141, 768). It is not necessarily localized at the place of infection (R 186). If the infection is too strong or the organism too weak, a general blood poisoning ensues (R 141). Phlegmon causes great pain (R 141). The prisoners utilized for this experiment were primarily priests of all nationalities, none of whom had volunteered (R 141, 308). After the infection, the victims were not treated for three or four days until the infections had formed (R 142). They were then given sulphanilamide injections, body chemicals (pills of calcium phosphates) or subjected to surgical operations (R 142, 185, 308). Many died and others became invalids (R 142, 375, 376). The experiments were conducted from the summer of 1943 until the spring of 1944 (R 308).

Salt water experiments were conducted in 1944 (R 184, 137). 50 to 60 persons were selected from a block and confined together (R 137). They were fed only salt in the form of ocean water (R 137). During this experiment the prisoners revolted and beat their male nurses (R 137). None died because they obtained food illegally (R 137).

"Non-indicated" surgical operations were also performed. The first physician of the hospital had the block capo select healthy individuals who were grouped for various types of operations (R 216). The operations were performed for the benefit of instructing SS doctors (R 216).

A series of experiments concerning the treatment of malaria were conducted under the supervision of the accused, Dr. Schilling (R 157). 300 to 400 persons died as a result (R 204, 206). The facts elicited with respect to these experiments are set out in detail infra in connection with Dr. Schilling.

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Fuehrers were SS men who were inspectors of each block (R 101). The Block Aeltestes were prisoners and there was one in each block charged with the responsibility of maintaining quiet and order (R 101, 559). The Stuben Aeltestes were prisoners who had been appointed by the block leader and who were the room leaders (R 101, 560). They were responsible to the block eldest (R 560). The block personnel, that is the barber and the detail who had the duty of cleaning the block, were also responsible to the block eldest (R 560). This organization was in existence from 1942 until April, 1945 (R 103). There was also a labor office which had been known as a labor division until 1943 and which was headed by an SS man (R 103, 104). He was responsible to the Lagerkommandant (R 104). The Kommandofuehrer or arbeitsdienstfuehrer was the commander of the working place and he was also an SS man (R 101, 102, 561). He was responsible for compiling statistics which were sent to higher headquarters. He also received orders to appoint work details for various firms in Dachau and surrounding areas (R 293-294). The Arbeitsdienstfuehrer had to carry out the orders which he received, such as selecting the inmates for certain work details (R 294). At first camp guards consisted only of the SS men, but in 1944 some army personnel was used (R 102). Their functions were guard duty and execution of disciplinary measures (R 710). Each work detail had a capo, a prisoner, who acted as liaison between the prisoners and the guards (R 561, 570). The capos were selected by the labor service leader or labor leaders (R 573). There was a political department in the camp which was administratively responsible to the camp commander (R 103, 573). It was here that the lists for the invalid transports, described infra, were prepared (R 222). The department was connected with the Gestapo in Munich and orders were received directly from there (R 573). The department was not headed by an SS man, but an officer of the Gestapo (R 573). The political department had an office of vital statistics where records of death were maintained, a registration section where information cards on each prisoner were filed, and a secret section which worked on all secret cases (R 563). The medical department was headed by the chief physician who was not only in charge of the camp hospital, but also sanitation and food in the camp (R 103). Requests for inmates to be used in experiments were channeled through the camp physician to the commandant who had the power to disapprove the request (R 564, 571). The request was passed on to the labor service leader (R 564). A copy went to the Schutzhaftlagerfuehrer (R 564). The adjutant handled the mail distribution of the requests (R 565). The administration department was concerned with the kitchen, food storage, prisoners' clothing, laundry, accounting, and personal effects room (R 560). The central building department was responsible for the construction and furnishing of the camp (R 561). A chart of the organizational scheme at Dachau was admitted into evidence (Exs Ex 86).

All concentration camps were under the supervision of Oranienberg, near Berlin (R 571). Thus the Reich Security Office was interested in the status of prisoners and was primarily connected with the political department (R 571).

The ordinary day of a prisoner as it existed at any time from January 1942, to April, 1945, began at around 4 o'clock in the morning, although during the winter they arose at 4:30 (R 104). The inmates washed, made their beds and then had their breakfast which consisted of three-quarters of a cup of coffee or tea (R 104). This was usually between 6 and 7 o'clock (R 104). At the roll call formation the Block Fuehrers counted the prisoners according to cells and then reported to the Rapportfuehrer (R 104)

The prisoners were divided into work details and left for work about 7 o'clock (R 104). Some work details left the camp at 3 or 4 o'clock in the morning. One well known detail was the Mort Express which collected garbage and hauled bodies to the crematory (R 575). Most of the work formations stopped at 11:30 and returned for dinner (R 105). Some details which had to traverse a long distance from the camp stayed out for lunch (R 105). The meal consisted of three-quarters of a liter of thin vegetable soup, in which once a week there was a little meat (R 105). After lunch, room service was performed again by the prisoners who continued on their work details from 1 o'clock in the afternoon until 6 o'clock, or in the summer until 7 o'clock (R 105). There were some work details, such as the ammunition factory where the prisoners labored till 10 o'clock at night and even later in the summer (R 105). On the Liebhof detail the prisoners spent the day extracting redweeds on a farm that was connected with the camp (R 374, 323). There was a formation again in the evening between 7 and 8 o'clock (R 105). After that, the prisoners received supper which consisted of soup or black coffee and sometimes a small piece of cheese (R 105). Three times each week they received a piece of margarine or cheese (R 106). Everybody received a piece of bread for the whole day (R 106). At first, it was about a quarter of a loaf, then a sixth, then a seventh and, at the time of liberation, about an eighth of a loaf (R 106, 412, 413, 367). These loaves were approximately 30 centimeters long, 15 wide and 15 high (R 106). In 1941 the bread consisted of the usual black variety (R 106). As time went on, the ingredients changed (R 106). Less flour and more potatoes were used (R 106). Finally, in 1945, sawdust became an ingredient in the bread (R 106, 177). In 1942 the working prisoners received an average of 1200 calories per day (R 106, 177). The non-working prisoners received about 1,000 calories (R 107). In 1943 the working prisoners received under 1,000 calories per day with the elimination of fats in the soup and reduction of flour in the bread (R 107, 367). In 1944 and 1945 the prisoners received from 800 to 1,000 calories per day (R 107). The SS men at Dachau during these years received more and better quality foodstuffs (R 391, 509, 510). Dr. Blaha estimated that an average person in performing heavy work would require from 2400 to 3,000 calories per day in order to maintain the normal state of health (R 177, 107).

As the camp population increased, the new inmates received the usual striped suits (R 411). However they often did not receive long underwear or overcoats (R 411). Underwear was not washed for 12 weeks to 3 months (R 412).

Those prisoners who were unemployable, or who were punished were confined in invalid blocks (R 109, 221). They received less food and were slowly liquidated (R 109). For them there always existed the danger of being sent out in an invalid transport (R 109). These transports were known as "the detail which goes to heaven" (R 110), in other words, those who were about to die (R 111). In 1942 groups of these prisoners were selected once or twice a week (R 109). The people were undressed and brought to the showers and then to the crematory (R 110). The cards on the individual prisoners who were sent on these transports indicated their date of death (Pros Ex 56 and 57). Father Hoffman, a former inmate, stated that the names of seven priests who had left on invalid transports (324 priests had left between January 1942 to April 1945) were listed in the death books (Pros Exs 49-54, R 373-374, 371). Some were also sent to other camps, such as a transport of 75 Jews in October, 1942 which went to Auschwitz where, as a matter of common knowledge, it was known that they were to be killed in the gas chamber (R 275). In 1943, however,

instead of these small groups, large transports were prepared for Auschwitz, Lublin, and Linz. The victims comprised all the nationalities of the camp (R 121). It was a matter of common knowledge that these people were sent to death (R 221, 111).

Another type of invalid transport was those which arrived in Dachau with sick and dead people (R 117). The dead would be taken to the crematory and the remainder would be sent to the invalid blocks (R 117, 118, 178). If these individuals could not perform any work, they were then placed on an out-going invalid transport (R 117). There was, in 1944, a French transport which was originally composed of 2,000 individuals that arrived in Dachau with only 700 alive (R 118, 120). Many of the deaths had been caused by suffocation (R 121). The individuals were examined and a roll call held (R 119). Although it was an extremely hot day, the prisoners were forced to stand for eight to ten hours and were not given any water, as a result of which several died (R 119). A Jewish transport which arrived from Warsaw in August 1944 had from 100 to 120 dead (R 575).

Punishment blocks, which became the punishment division of the camp in 1943, also existed. Greater food restrictions, no smoking, severe discipline, longer working hours and no mail were characteristics of this section. The victims were of varied nationalities - Russians, Poles, Czechs, Jews and Germans (R 111). It was very difficult for anyone in the punishment division to go on sick call (R 112). The type of punishment inflicted on the prisoners varied (R 112). Special rations would be taken away. One would be hung on a post with his hands tied with a chain or a rope with his feet hoisted off the ground for one, two, or three hours (R 112). The pain was extremely great and one could not move his hands for about three days after enduring this torture (R 114). Beating was another form of punishment (R 112). The prisoners were given ten, fifteen, twenty-five or fifty lashes at a time (R 115). It was administered with sticks about one meter long to the rhythm of martial music (R 115, 160). The prisoners bent over a bench so that from his trunk up he was horizontal to the ground (R 115, 116, 229). His feet were kept together and stayed on the ground (R 116, 229). Sometimes the beatings were public (R 229, 167). Thus there was a public beating on 31 August 1943 of 21 people, on 3 September 1943 of 71, on 10 and 27 October 1943, and on 6 and 8 December 1943 (R 386). This form of punishment occurred from 1942 until May, 1945. Although at first inflicted by the SS, later the prisoners were forced to administer the lashes (R 279). The change in policy however did not affect the continuation of the unofficial beatings of the SS (R 279, 229, 265). Beatings occurred frequently for years (in 1942, 4 or 5 times a day) in the bath room located in the camp's administration building (R 540-541). Punishment in the lager commandant's office and punishment by death were also prevalent (R 112). Priests were forced to undergo exercise punishment from 6:30 to 8:30 in the evening (R 352). These included gymnastics of various sorts and running on one's knees (R 352). In the cells which were located in the bunker, special prisoners and individual prisoners were confined. Some cells were also known as standing bunkers (R 116). In a standing bunker one could not sit down but could only stand with his knees bent (R 117). During 1944 and 1945 many Russians and Poles were punished in this manner (R 117).

In 1942 the camp had many Russians, Czechs, Spaniards, Dutch, Belgians, Norwegians, Lithuanians, Austrians, Germans and Jews (R 121). In 1943 there was a large influx of Italians and French (R 121). In that year many of the Jews were sent to neighboring by-camps of Dachau, such as Kaufering, which was about 30 kilometers away, Allach and Muehlendorf (R122).

In 1941 there was a large influx of Dutch and French as well as Hungarian, Polish, Czech and French Jews (R 121). The Russians received perhaps the worst treatment (R 122). In the spring of 1942, 6,000 to 7,000 Russian prisoners of war, who had been housed in a separate compound which had a sign "Prisoners of War", were executed by machine gun fire (R 122-123, 126, 129, 207, 221, 223). About March 1944 and September 1944 other executions of Russian officers occurred (R 126). The bodies were ultimately destroyed in the crematory by the prisoner detail which worked there (R 126, 325). Another group singled out for special treatment were the SS prisoners, (R 747). They received the worst details and food (R 747-748). Their blocks were overflowing with lice (R 74). Whenever a louse got into their underwear the underwear was taken away and not replaced (R 74). For disinfectant purposes they took a long shower (R 749). Then they were given some summer underwear even though it was winter and forced to stand outside for two hours (R 745). Many contracted pneumonia and died (R 749). There was also a special prisoner class known as "night and fog" prisoners who were technically dead (R 397). They were forbidden any contact with anyone outside the camp (R 398). They could not send or receive mail and were not permitted to work outside the camp (R 398).

With the approach of the American forces in April 1945 attempts to evacuate the camp were made. Some well known prisoners, such as Leon Blum, Chancellor Schusenberg, General Gariboldi, five Czech Generals, and the Prince of Bourbon, were taken to Innsbruck (R 512). Others, such as the French General Delestraint, were shot (R 513, Proc 2: 60). On 26 April 1945 a large transport was formed (R 237). After the formation the inmates were sent back to the barracks instead of going out to the working details (R 237). They were told to pack their private belongings and prepare for a march (R 237). They formed on the parade grounds (R 237). The Russians, Italians, Czechs and Germans were called out (R 237). Everyone else was marched back to the block (R 237). The inmates were then divided into groups of a hundred people by nationality, Germans, Russians, Italians and Czechs (R 237). They were led to the kitchen and received a marching ration which consisted of food for two days for each man (R 237). That included 300 grams of bread, about two fingers in size of margarine and about two fingers in size of cheese (R 253). That transport waited until 9 o'clock at night to leave (R 23). A cart which carried the baggage of the SS leader and men who accompanied the transport was pulled by 25 of the prisoners (R 23). The transport marched toward Wolfretshausen (R 753). At first a few prisoners were left lying in the ditch beside the road (R 240). Later whole groups dropped out (R 240-241). At Wolfretshausen one farmer carted away 34 dead prisoners who were buried in a mass grave (R 756). About 55 were burned in gravel pits in the town (R 755). By the time the prisoners had reached Wolfretshausen, which was on about 27 April, all were exhausted (R 754). One of the last groups to attempt to leave Dachau was a group of Jews whom the Americans found in the box cars on the railroad siding (Supra 3). They had been gathered on the parade ground in the afternoon and stayed there through the cold windy night till the next morning (R 396-397). At that time 60 had died (R 397). Of the original 2400, only 600 survived (R 743).

The effect of living in Dachau was expressed by Lieutenant Houlet, a Belgian inmate, as follows: "I think for a normal person it is much harder to live in the camp than any other place, not only because of the beatings, but from a moral standpoint....when I was brought here I was so thin and so through from a physical standpoint that I had to hold, or keep together, all my strength, just to stay alive. The worst that I had to go through while in Dachau in block 25 for three months, is not that I

was beaten, but that I had to respect people who were professional criminals, and who had a better position in this dirty camp, only because they were criminals and Germans..." (R 401).

B. The Common Design at the Kaufering Branch Camps of Dachau:

The Kaufering system which was under Dachau consisted of 11 camps (R 349, 584). They had their own organization and death certificates of people in those camps were recorded by them and do not appear in Prosecution's Exhibits 49 to 54 (R 349). Beginning in January 1945, only death notices of Germans were recorded (R 350).

Captain Barnett, a member of War Crimes Investigation Team 6823, Seventh US Army, investigated these camps on 30 April 1945 (R 579). Kaufering No. 4 was located about two miles south of the village of Kaufering (R 580). It was a barbed wire enclosure with guard towers at each corner (R 580, Pros Ex 621 and 68). The fence had apparently been electrified (R 580). There was one entrance in the front where a sign stated that the area was off limits because of typhus (R 580, Pros Ex 61). The camp had been burned and 268 bodies were still lying around (R 580, Pros Ex 81). The bodies were skin and bones and had bruises and cuts (R 580). Many had been unrecognizably burned (R 580). The bodies were collected in one place and a pit dug for their interment (R 581, Pros Ex 63, 64, 65, 66 and 74). Local citizens were employed for this work (R 582, Pros Exs 78, 79 and 67). Some bodies which had to be dragged out of burned-out huts were frozen stiff (R 582, pros ex 69).

Two burial pits were found east of the camp (R 582). These were opened and bodies stacked five high in lines of 30 were found (R 583, Pros Ex 70). The bodies were tied together and the legs and the arms intertwined to conserve space (R 583). The manner in which this was accomplished may best be seen from the photographs made at the time (Pros Ex 71 and 72). Each pit had 2000 to 2500 dead bodies (R 583).

The huts in the camp were merely a narrow channel dug into the ground (R 584, Pros Ex 68, 72). A set of stairs led down into the hut (R 584). There was a central trench with banks or shelves on each side which served as the sleeping places for the prisoners (R 584, 588, 590, Pros Ex 83). A wooden floor covered with excelsior on the right and left sides was below the level of the ground (R 588, 589, pros Ex 73). The inmates slept on the level of the ground (R 589). The roofs were covered with dirt (R 590). There was a double window on each end and one entry (R 590). The hut was about 12 meters long (R 590). There was 1 meter and 70 centimeters on each side of the central trench where the prisoners slept (R 590). The block eldest had 1/5 of the hut for himself (R 590). As many as 62 prisoners occupied one hut (R 591). The camp had about 70 huts, 60 of which were occupied by the prisoners (R 588).

Dr. Fried, a Czech inmate who had come to Kaufering No. 4 in October 1944 and was there until liberation in April 1945, stated that upon his arrival there were 500 men and 28 women prisoners in the camp (R 588). The number of male inmates increased to 3000 (R 588). All the inmates were Jews (R 587). They came from Hungary, France, Greece, Germany and other nations (R 593). Each prisoner had one blanket but no linens or pillows (R 592). Pursuant to orders the inmates slept on their shoes. The penalty for failure to do so or for loss of the shoes was death (R 592). There were only four latrines in the entire camp (R 592). One was reserved for the officials and one for the 28 women, so that the 300 inmates had only two (R 592). The latrines overflowed with filth (R 592). Because of some disease, the prisoners visited the latrine a number of times at night (R 592). This necessitated putting on their shoes, walking in the

filth of the latrine, and then use of the shoes as pillows again (R 592).

The clothing at Kaufering Number 4 was inadequate (R 593). The prisoners had one pair of trousers and one jacket (R 593). Their clothes were marked with large letters and insignia (R 593). The food was bad and there was very little of that (R 593). In the morning they received black water with no sugar (R 593). When working in the field they received 3/4 of a liter of water with dried vegetables (R 593). The evening meal consisted of one liter of soup made from unpeeled potatoes and sometimes from cabbage (R 594). At first the prisoners received 1/4 of a loaf of bread, which weighed 1500 grams, then 1/6th, 1/7th, and in the end one eighth which was about two slices (R 594). In the field no dishes were available and rusty old cans were used for the soup (R 594). At the camp there were only 400 dishes for 3000 prisoners, so that the prisoners after having worked all day had to wait till others had finished before eating (R 595). The dishes were passed on without washing from prisoner to prisoner (R 595). The camp was infested with lice and no efforts were made to disinfect the area until typhus broke out (R 607).

The typical work day started by the prisoner's rising at 4:30 a.m. (R 595). They stood in formation until 6:00 a.m., no matter what the weather, until the work details were made out (R 595). At this formation the unemployables had to give their shoes to those who could work (R 596). The workers walked about half a mile through snow and mud to a railroad track where a train took them 8 kilometers further to the construction field (R 597). After another roll call the prisoners were separated into working details (R 597). Most mixed cement (R 597). The work was done both underground and above ground (R 598). This was a heavy dirty job (R 597). It was an especially difficult task for the night shift and the average night shift worker died from the severity of the work (R 598). Once a worker was shot because he fell asleep (R 598). Almost every day some dead were brought back to the camp (R 599). The prisoners labored from 7 a.m. until 6 p.m. (R 598). They were supervised on the job by SS guards, OT workers and men from the camp companies (R 498). The prisoners were continuously beaten by the German foreman who even used iron hammers (R 599). Prisoners were pushed off the construction building which was about six stories high (R 599). The workers were back at camp at 8 p.m. and went to bed at 10 p.m. (R 599).

Around the first of January 1945, Kaufering Number 4 changed to a sick camp and was quarantined (R 599, 613). The few healthy people were transferred in December 1944 to Camp Number 1 (R 599). As of 14 January 1945 the camp had 2158 inmates (R 601, Pros Ex 75). Stoves were furnished for each hut in November and December, one per hut (R 600). Very little fuel was furnished (R 600). The food became much worse (R 606). Many sick were sent from other Kaufering camps to Number 4 where many, never having had typhus, contracted it there and died (R 605, 606). Between 27 December 1944 and 24 January 1945 about 400 deaths from typhus occurred (R 608, Pros Ex 77). Many other diseases were prevalent such as dysentery, pneumonia, heart edema, and scabies (R 602-604). The sick prisoners lay naked together under the blankets (R 604). There was almost no medical treatment (R 605). Paper bags that had been used for cement were applied as bandages (R 605). Operations were performed on the floor of a hut (R 605). A special work detail, the only one which left the camp, buried between 20 and 30 corpses a day after the gold was removed from the teeth (R 609-610). This gold was given to the Rapportfuehrer who sent it by messenger to Camp Number 1 and thence to Dachau (R 610, 613). In the five months as a sick camp, there were almost 3000 deaths (R 602).

The evacuation of the camp began on 25 April 1945 (R 611). Three hundred who could walk left at noon (R 612). A train in the evening transported eight hundred (R 612). A second train left on April 27 with eight hundred more and a third train with eight hundred departed about 3 a.m. on April 27, four hours before the arrival of the Americans (R 612-613). On leaving an SS man remarked, "Look there--see the fire--this is camp Number three, and just the same way we will burn camp number four". (R 621).

Captain Barnett found that Kaufering Number 1 looked similar to Number 4 but it appeared to have been the main camp (R 585). Kaufering Number 2 was empty. Kaufering Number 3 was similar to Number 1. It used the same burial pits as Number 4 (R 585). Kaufering Number 7 was a labor and recuperation camp for Jews (R 505, 722). Kaufering Number 8 was empty (R 565). Number 9 which was near the Landsberg airfield had been occupied by Russian prisoners of war. It had been blown up with the airfield (R 585). Camps 1, 3, 4, 7 and 11 were the permanent organizations (R 585).

In July, 1944, Kaufering Camp Number 1 had not been completed (R 668). It, too, had earth huts which were trenches dug in the ground and covered with a roof (R 669). There were one window and no beds (R 669). The inmates slept on the surface of the ground (R 669). The ditch in the center was about 3/4 of a meter deep (R 669). The huts were 10 to 12 meters long and 3 1/2 meters wide (R 669). At times as many as 120 inmates slept in one hut (R 669). They each had one blanket (R 670). Some huts had heating facilities (R 671). The prisoners had no under-clothing, the prescribed prisoners' outer garments, and heavy uncomfortable wooden shoes (R 670, 734). Their underwear, large coats and bath shoes were taken from them upon arrival at the camp (R 670).

Kaufering Number 1 was known as a work camp (R 670). Most inmates, about 1200 of various nationalities such as Lithuanian, Pole, and Hungarian, worked at the Moll construction firm where they mixed, carried and stamped cement, (R 670, 697). Work had started here in June 1944. All labor was supplied from Camp Number 1 until the camp was quarantined because of typhoid (R 698). One work detail was at Ott Wied's where wood and iron were unloaded (R 651). Others were in Otto Millman's kitchen and the prisoners' kitchen (R 651). The prisoners were awakened at 4:30 a.m. (R 670). After receiving some black water in the kitchen, they stood on the formation ground for an hour or hour and a half no matter what the weather (R 670). They did not have warm clothing and some had to go to work in their pajamas (R 670). It took about an hour to reach the place of work (R 671). They worked for about 12 hours during which time they received some watery soup (R 671, 703, 707). When the prisoners first came to the Moll detail they were physically quite well, but soon they became very ill because of their poor clothing (R 698). Their wooden shoes were worn out and they used cement bags around their feet (R 699). A civilian engineer, Stroh, who worked for the Moll firm, had written to his superior and protested about the conditions of the workers (R 709). At work the SS guards who performed guard duty maltreated them (R 671, 710, 699). On the average from 3 to 6 persons died each day on the job (R 671-672, 734). The basic causes of death were malnutrition, general weakness, phlegmonia and erisipelas (R 672, 734). Of the 1800 prisoners in camp in July 1944, only 600 survived (R 734). Some sick prisoners continued to come to work because they feared otherwise they would be sent to another camp (R 705). At the Moll detail a first aid station was available for them (R 705).

There was a sick tent in the camp and at the beginning it had 40 patients (R 711). By January 1945 there were over 300 in the hospital (R 711). Until November 1944 there was officially only one doctor in attendance although about 25 prisoners were physicians (R 711).

In July 1944, 131 boys in the camp were gathered at the formation ground (R 730, 737). In the evening they were confined in a round wooden hut which could normally accommodate 15 to 20 children (R 731). The hut was 5 to 6 meters wide (R 731). No prisoners, even though parents, were permitted to see the children (R 731). Two days later they were sent to Dachau and then Auschwitz (R 730, 738). About 75 of the boys were burned there (R 739). When evacuation of the camp started, quite a lot of shooting occurred in the camp (R 715).

As of 21 April 1945, there were 85 branch camps and outside details (Aussenkommandos) in the Dachau Concentration Camp system (Pros Ex 58).

c. The Individual Defendants.

1. Martin Gottfried Weiss. Martin Gottfried Weiss became camp commander of the Dachau Concentration camp and its by-camps, succeeding Sturmabfuhrer Plorkowsky, in the latter part of 1942 (R 169). Weiss held this position for about one year when he was succeeded by Commandant Weiter (R 170). While Weiss was commandant, the cold water, malaria and phlegmon experiments continued (R 182, 136, 365, 366, 143, 377). Weiss placed a much greater emphasis on work so that less time was spent on matters such as drill (R 377, 189, 190). There were more people in the blocks. The beatings continued but hangings by the wrists were discontinued (R 190, 377). The beating block which had been so prominently in evidence during Plorkowsky's regime was continued by Weiss (R 190). Although the food did not improve when Weiss became commandant, he permitted the prisoners to receive packages from home and made certain arrangements for their entertainment (R 378, 379, 468, 191). At one time in 1943 when a prisoner failed to remove his hat after receiving an order to do so, Weiss hit him in the back of his neck so that the hat flew off (R 489). Dr. Fried, who had been an inmate at Kaufering Camp Number 4, saw the accused Weiss inspect that camp once around December 1944 or January 1945 (R 611, 619). In October 1945 the accused, Martin Gottfried Weiss, made a statement to Colonel David Chavez, Judge Advocate Department, War Crimes Investigating Team, 7th Army, which was reduced to writing and subscribed and sworn to by Weiss (R 777, 778, Pros Ex 88). That statement reads in pertinent part in translation as follows:

"I was born on June 3, 1905 in Weiden, Oberpfalz. I voluntarily joined the SS on April 1, 1932. I first came to Dachau on April 11, 1933. There I was technical head from 1933 until March 1938. I supervised the canalisation, electrical power works, heating and other technical matters. From 1938 until 1939 I was adjutant to the camp commander of Dachau, SS Oberfuhrer Hans Loritz. When Loritz left in 1939, SS Obersturmbannfuhrer Alex Plorkowsky took his place and I became his adjutant, remaining in that position until April 1940. In April 1940, I became commander of the Hamburg, Neuen Gamma Concentration Camp. I remained there until September 1, 1942 when I came to Dachau Concentration Camp as Camp Commander. I was Camp Commander from 1 September 1942 until November 1, 1943. On November 4, 1943 I went to the Lublin Concentration Camp as Camp Commander where I remained until April 1944. Then I came to the Amtsgruppe (Official Group) of the SS in Oranienburg near Berlin as Bureau Chief for special use. The Chief of the Oranienburg group was SS Gruppenfuhrer Glucks. I was technical Representative between the Oranienburg Amtsgruppe and the TOT Organization for construction work in Muhlendorf. This was my position from 1 November 1944 until my arrest in Muhlendorf on 2 May 1945.

When I first came to Dachau in September 1942, SS Obersturmfuhrer Franz Hoffmann was First Prison Compound Commander and SS Untersturmfuhrer Joseph Jarolin was Second Prison Compound Commander. Jarolin was my Prison Compound Commander for about three months, until his transfer to the Allach Concentration By-Camp was ordered by the Berlin Office. Franz Hoffmann was also transferred. Then SS Hauptsturmfuhrer Michael Redwitz, SS Obersturmfuhrer Reinecke, and SS Obersturmfuhrer Arno Lippmann became my Prison Compound Commanders. The Rapportfuhrers who were at Dachau when I first came and during my administration were:

SS Hauptscharfuhrer Wilhelm Welter
SS Hauptscharfuhrer Wilhelm
SS Hauptscharfuhrer Blatterspiel
SS Hauptscharfuhrer Joseph Seuss
SS Hauptscharfuhrer Xaver Trenkle

The Blockfuhrers who were in Dachau when I first came and during my administration were:

SS Hauptscharfuhrer August Muller
SS Hauptscharfuhrer Franz Boetger
SS Hauptscharfuhrer Simon Kiern
SS Oberscharfuhrer Anthor
SS Oberscharfuhrer Jupfer
SS Oberscharfuhrer Strasser
SS Oberscharfuhrer Weigel
SS Oberscharfuhrer Engelbert Niedermaier
SS Oberscharfuhrer Neuner
SS Oberscharfuhrer Bock

While I was Camp Commander in Dachau, SS Obersturmfuhrer Rudolf Suttrop was my adjutant.

During my administration, the following people were in the Political Department in Dachau:

The head of the Department was Kriminal Sekretar Johann Kick. The others were:

Kriminal Sekretar Adam Hutzler
SS Hauptscharfuhrer Max Lengfelder
SS Unterscharfuhrer Klaus Urfel
SS Oberscharfuhrer Blum

Release of prisoners, interrogations, and files about the prisoners were under Kick's supervision.

The names of the physicians in the experimental stations when I first came here and during my administration were:

In the Malaria Station:

Dr. Klaus Karl Schilling
Hauptsturmfuhrer Dr. Brachtel

For the Ice Water Experiments:

Dr. Sigmund Rascher

These physicians performed experiments when I came to Dachau while I was there, and as far as I know after I left. The prisoners for the Malaria Experiments were selected by the Prison Compound Commander. The list with their names was sent to me for my acknowledgement and signature. I cannot remember the exact number of people who were selected for these experiments but it was a large number. The Experimental Station was under the command of the SS Reichsfuhrer Himmler.

I would also like to tell the following:

On 10 November 1942, Reichsfuhrer Himmler came to the Experimental Station in Dachau. His adjutant SS Hauptsturmfuhrer Schnitzler fetched me to the experiment station. An experiment was in progress and Himmler saw the experiment performed. Two prisoners in flying combination suits were in a large basin of ice water in which pieces of ice were floating. Various instruments for measuring heart-beat and other things were attached to the two prisoners. Then the two prisoners who were no longer conscious were taken out of the water. One of them who was naked was put into a bed with two naked women, also prisoners, and

covered up. The other prisoner was put into hot water to see how long it would take him to regain consciousness. At that time Himmler told me the following: "Dr. Rascher is subject to me only. You can give him no orders. When he asks for something, no matter what it be, you must give it to him." Upon complaint of Prof. Schilling, SS Group Leader Dr. Grawitz came to Dachau and reminded me of the fact that I must not sabotage the experiments, since the station was under Himmler. I had to comply with all wishes of Prof. Schilling.

I knew that the following were present at shootings while I was camp commander:

SS Obersturmfuehrer Franz Hoffmann
SS Obersturmfuehrer Arno Lippmann
SS Obersturmfuehrer Joseph Jarolin
SS Hauptsturmfuehrer Michael Redwitz

All shootings which were ordered by higher authorities were under the supervision of the Prison Compound Commander. The shootings took place near the crematorium.

During my administration prisoners were hanged but only on order from the Reich Main Security Office in Berlin (Reich Sicherheits Hauptamt).

I forgot to mention that besides Himmler the following also visited Dachau:

SS Obersturmbannfuehrer Dr. Berndorf, Bureau Chief of the Reich Security Service (Reich Sicherheits Dienst) in Berlin.
Gauleiter Julius Streicher from Nuremberg.
SS Obergruppenfuehrer Freiherr Von Eberstein
SS Obergruppenfuehrer Schmitt (Police President of Munich)
SS Obergruppenfuehrer Oswald Pohl, head of the Chief Office of Economic Administration (Wirtschaft Verwaltungs Hauptamt), and of all concentration camps.
SS Gruppenfuehrer Glucks

During my administration, there were 7,000 to 8,000 prisoners in Dachau and 6,000 to 7,000 in By-Camps. Amongst them were Russians, Poles, Frenchmen, Czechs, Rumanians, Belgians, Dutchmen, Yugoslavs, Luxemburgers, Germans, Englishmen and Spaniards. There were prisoners of war and civilians.

During my administration there were death cases due to typhus, TB, dysentery, pneumonia, pleurisy, and body weakness brought about by lack of food. The latter was the case especially in transports of prisoners who arrived very weak and ill in such transports. SS Obersturmfuehrer Sylvester Filleboek was in charge of the distribution of food. I had nothing to do with the distribution of food.

Many transports arrived during my administration. The prisoners in these transports were in a very bad condition and many of them arrived dead. When prisoners arrived in Dachau, files about them were made by the Political Department which was headed by Kick.

The Prison Compound Commander was in charge of the Crematorium in Dachau. The following named worked there:

Oberscharfuehrer Engelbert Niedermeier, Bongarts, Henschen, Nevnor.

In charge of the "Bunker" were Hauptscharfuhrer Joseph Seuss, Hauptscharfuhrer Wellner, Oberscharfuhrer Zink, Hauptscharfuhrer Werner.

I have made the above statement without compulsion, and I have read and corrected it and understand it fully. I swear before God that it is the pure truth." (Pros Ex No 88A).

2. Friedrich Wilhelm Ruppert. The accused Ruppert was in charge of the security service at Dachau in 1942 (R 465). At that time the accused Kiek saw Ruppert beat a Russian with his hands until the blood flowed (R 465). Ruppert was an SS Obersturmfuhrer and he held the position of Schutzhaftlagerfuhrer at Dachau (R 226,181,327). Ruppert often beat the prisoners, who were of divers nationalities into unconsciousness (R 410,227). He utilized his fists, sticks and riding crop (R 242). He performed these beatings without any emotion, much like a blacksmith striking with an iron (R 227). Once after a transport of starved people had arrived at Dachau and they were awaiting processing on the parade ground, Ruppert beat many of them when they attempted to obtain something to eat from some of the other inmates (R 384,383). His victims included peoples of all the nationalities of the camp, such as Czechs, Poles, Russians, Hungarians etc (R 383,384,242,410). Ruppert was in charge of most of the executions "as a leading personality" (R 327). However, he never did any of the shooting or hanging himself (R 336). With the accused Boettger, he was once in charge of the execution of 96 Russian Prisoners of War in September 1944 (R 327,336,126). He led the Russians from their compound and rushed them down to the crematorium (R 127,181). Later, shots were heard coming from the direction of the crematorium where the Russian officers had been shot in the neck and their gold teeth taken (R 128). In August 1944, a transport of Jews arrived from Warsaw (R 575). Ruppert ordered that the bodies in the cars be taken to the crematory (R 575). Some of these prisoners were alive, but they were taken to the crematory anyway (R 576). Ruppert was informed in the latter part of 1944 that a typhus epidemic was starting and he had been requested to obtain sufficient delousing powder as well as to attempt to have the camp restricted (R 409). However, nothing was done (R 409).

A pre-trial affidavit which had been executed by the accused Friedrich Wilhelm Ruppert before Colonel Chavez was admitted into evidence (Pros Ex No 89, R 782). That statement reads in translation in pertinent part as follows:

"(1) My name is Frederich Wilhelm Ruppert. I was holding the rank of an SS Obersturmfuhrer in the Kommandant's Office at the Dachau Concentration Camp.

"(2) I served at the Dachau Concentration Camp at two (2) different periods. From 11 April 1933 until 18 September 1942 I was at first a camp guard, then a camp electrician, and between 1940 and 1942 I was the chief electrician. From 6 August 1944 until 29 April 1945 I was Schutzhaftlagerfuhrer.

"When I was Schutzhaftlagerfuhrer in 1944-1945 at Dachau Concentration Camp, the Camp Kommandant was Obersturmbannfuhrer Edmund Weiter. I also knew Camp Kommandant Martin Weiss who became Camp Kommandant on the 1st of September 1942, that is 18 days before I left Dachau for Lublin. I remember as Schutzhaftlagerfuhrers under Weiss, Obersturmfuhrer Franz Hoffmann and Obersturmfuhrer Michael Redwitz as First Schutzhaftlagerfuhrers, and Josef Jarolin as Second Schutzhaftlagerfuhrer. Under Kommandant Weiter, I remember as First Schutzhaft-

lagerfuehrer the same Michael Redwitz, who served under Weiss. Also Obersturmfuehrer Campe who was my predecessor in the position of First Schutzhaftlagerfuehrer. Second Schutzhaftlagerfuehrer was Untersturmfuehrer Georg Jung. During the month of April 1945, a change occurred insofar as on 23 April 1945 I was demoted from First to Third Schutzhaftlagerfuehrer, while Max Schobert became First Schutzhaftlagerfuehrer. As Rapportfuehrer at the time when I was Schutzhaftlagerfuehrer, I remember the following men: Franz Boettger, Xavier Trenkle, Kuhn, whose first name I have forgotten and Peter Wiesmeyer. My secretary for Department No. 3 was Hauptscharfuehrer Leo Eichberger. The SS Non-Com in charge of the crematorium was Hauptscharfuehrer Pongartz.

"(5) Of Dachau SS Men, who were serving after 1942 in official capacity at the Concentration Camp, I remember the following names: Adjutants - until 1943, Obersturmfuehrer Suttropp; until 1944, Obersturmfuehrer Illig; and until 1945, Otto. In the Political Department the leader was Untersturmfuehrer Johann Kiek until November or December 1944, and Hauptscharfuehrer Kloppmann until 1945. Other officials there were Oberscharfuehrer Urfels, Oberscharfuehrer Mursch, Hauptscharfuehrer Bantz, Unterscharfuehrer Sparwasser and Oberscharfuehrer Rappl. Administrative Leader was Hauptsturmfuehrer Wetzel until 1945. In charge of the prisoners clothing storehouse was Sturmscharfuehrer Weber. Chief of the laundry was Wilhelm Wagner who later was Kommandant at Kaufering. In charge of the kitchen was Pfeiffer. In charge of the prisoner distribution department was Wilhelm Welter. In charge of the food stores was Untersturmfuehrer Sylvester Filleboeck. As doctors I recall the following: Fritz Hintermeyer, Hans Eisela, Wolter, Heinrich Schmidt and doctors Brachtel, Wittler, Vetter, Babor, Rascher and Schilling.

"(6) During my service at Dachau, the following incidents were of particular interest occurred:

"(a) The end of August or beginning of September 1944, ninety-two (92) Russians were executed by shooting in the Dachau crematorium yard. Of these ninety (90) were executed the same day and two (2) a few days later. I was told by my secretary, Eichberger, that the victims of this execution came from a camp for Prisoners of War in or near Munich. When the ninety (90) men were shot, I was present and recall the incident as follows: -- The men were lined up in ranks at the gate of the inner compound at 0900 hours. Camp Commander Weiter appeared with Untersturmfuehrer Geith from the Gestapo Office at Munich at the gate building and Geith read off the list of names of all ninety (90) prisoners and gave short explanations as every prisoner, whose name was called, went through the gate. When all 90 names had been called, Kommandant Weiter went away while Geith and myself led the first thirty (30) of the ninety (90) prisoners to the crematorium yard. Geith and I went ahead of the column and SS guards, armed with rifles brought the thirty (30) men along after us, while sixty (60) remained at the camp gate. The first thirty (30) were shot in two groups of fifteen (15) each inside of the crematorium yard. The shooting was done by Pongartz, Henschen, Kuhn, Eichberger and perhaps one or two others. Present also were a camp doctor, probably First Camp Doctor Hintermeyer, Camp Adjutant Illig, Geith and two other Gestapo officials from Munich whose names I do not know, the Russian Gestapo interpreter, Boettger, the Rapportfuehrer and Obersturmfuehrer Lindner, who at that time was training to become camp Adjutant. The interpreter gave the first fifteen (15) prisoners the order to undress completely. They were then ordered to go approximately 30 meters away from the place where they left their clothing and shoes on the ground. There they had to kneel in one line next to a small heap of earth with their backs towards us. The SS men who were ordered to do the shooting went near them and shot them with their pistols in the back of the neck, each

one shooting several men. When the first fifteen (15) men had been shot, prisoners who worked at the crematorium took away the first fifteen (15) bodies and carried them inside the crematorium. The next fifteen (15) who had undressed in the meantime like the first fifteen (15) were now shot in the same fashion. Then the guards returned to the gate and brought the next group of thirty (30) from the gate to the crematorium, the same procedure of execution was used for these thirty (30) men as well as for the last thirty (30) men. Between 1100 and 1130 hours the whole execution was over. I remained in the crematorium yard until then.

"(b) This was not the only case of execution by shooting which occurred while I was at Dachau. I know that of the many camp officials of the Dachau Concentration Camp who took part in shooting, the following names I remember: Josef Jarolin, Xavier Trenkle, Josef and Wolfgang Seuss (brothers), Engelbert Niedermaier and Wilhelm Welter.

"(c) By the end of January 1945 the Gestapo Office whose location I do not recall, send two (2) Russian women to Dachau where they were to be executed. The execution took place at the crematorium building where Dr. Hintermeyer injected some poison into the two women's arms.

Present at the execution besides myself were Adjutant Otto, Eichberger, Pongartz and one assistant doctor. Dr. Hintermeyer used a syringe. The victims sat on chairs and collapsed about one minute after the poison entered their bodies. They were killed one at a time and Dr. Hintermeyer made sure they were dead by looking into their eyes. He had the body of the first woman removed to the next room where it was probably burned at once before he killed the second woman.

"(d) In the middle of February 1945, the Gestapo at Munich sent three (3) Polish and three (3) Russian workers to Dachau for execution. Present at the execution which was done by hanging at the crematorium room containing the furnaces was Adjutant Otto, Pongartz, Eichberger, one doctor and myself. There was also a prisoner by the name of Mahl who put the string around the victims' necks while Pongartz kicked the wooden stairs away on which the victims stood before they died of strangulation. I do not know which doctor was present that day, but it may have been Dr. Hintermeyer or Dr. Eisele or Dr. Schmidt, because I remember distinctly that all three (3) were present with me at some hangings.

"(e) Between the time of August 1944 and April 1945 approximately 40 executions took place. The victims came from various Gestapo Offices and stayed for a short time at the Dachau Concentration Camp. I do not recall all the cases but remember that for instance on one occasion four (4) Russian civilians were killed by orders of the Gestapo at Klagenfurt. The Gestapo at Munich once ordered the execution of a French prisoner. Present at the executions were Doctors Hintermeyer, Eisele and Schmidt, Adjutants Otto or Illig, Rapportfuhrers, Boettger, Weismeyer and Trenkle, also myself or Jung as Schutzhaftlagerfuhrer and the clerk, Eichberger.

"(f) Of the typhus epidemic during the winter of 1944-1945, I recall it so far as it affected blocks number 23, 25, 29 and 30. When typhus was at its worst, the daily number of dead was from fifty (50) to (60) prisoners. A few SS men felt sick also, but I believe none of them died from typhus. The epidemic, however, did kill between 1,000 and 1,500 prisoners.

"(g) Invalid transports were sent out of Dachau from 1941 onward. The first two large transports left Dachau by train and later

on invalids were sent out by truck. I am not familiar with the selection of the prisoners who were sent out on those invalid transports. As to the destination, I know from Oberscharfuhrer Josef Mueller, who accompanied one such transport, but worked normally with me at the Technical Department, that the invalids were sent to a village near Linz, Austria. Mueller told me that there was an institution at that town where the transferred invalid prisoners were killed by gassing. I estimate the number of invalids who were sent away from Dachau on these invalid transports between 1,500 and 2,000 prisoners.

"(h) About transports of prisoners from other Concentration Camps to Dachau, I know that they very often arrived in a very bad condition. There were always dead prisoners among the arrivals on such transports. The worst transport arrived toward the end of the war.

For instance, one came during the last days of April 1945 and was commanded by Obersturmfuhrer Mueller from Kaufering. The prisoners on those trains died from various diseases they had contracted at their former stations as well as from starvation because they were not supplied with food while enroute.

"I have made the above statement without compulsion, and I have read and corrected it and understand it fully. I swear before God that it is the pure truth." (Pros Ex No. 89 A)

3. Josef Jarolin. Jarolin, who was an SS Unterscharfuhrer, was Rapportfuhrer and later on Camp Leader at Dachau (R 370,382,523,218). Jarolin was present when Dr. Blaha, an inmate at Dachau, and 11 other prisoners were hung up by their wrists for an hour, as a result of which Dr. Blaha endured great pains, had blood clots on his hands, swollen feet and couldn't move his hands for three days (R 113,114,174). Jarolin gave the orders for the hangings which he had received from headquarters (R174). During the hangings he ordered that the 12 prisoners should be hung a little higher because their shoes were touching the floor (R 210). This incident occurred on 1 June 1942 (R 215).

In the liquidation of six thousand to eight thousand Russian Prisoners of War in the spring of 1942, Jarolin, as rapportfuhrer, ordered these prisoners to march out of the camp towards some nearby railway tracks (R 122,123,180,207,208,523). He also marched out of the camp with them (R 123). About a half an hour later machine gun fire was heard all over the camp (R 124).

Jarolin often beat the inmates in the bathroom of the administration building until they were unconscious (R 541-543). He hit the prisoners with his fists, kicked them with his feet and was always ready to use his pistol (R 219). His victims were of all nationalities, including Poles, Czechs, Russians, Dutch and Germans (R 220,542). At one time Jarolin grabbed the cat-of-9-tails from a block leader who was beating a 68 year old Czech Jew and he, Jarolin, continued the beating himself until the old man did not utter a sound (R 544). At another time Jarolin was found standing alone next to 3 prisoners who had just been shot and killed (R 545). A pre-trial affidavit executed by the accused Jarolin in his own handwriting before Lieutenant Harry Szanger, investigator examiner for War Crimes, Headquarters Third US Army, was admitted into evidence (R 848, Pros Ex 124). That statement reads in translation and in pertinent parts as follows:

"From 1 September 1938 until 1 March 1943 I was stationed at Dachau Headquarters. When I arrived at Dachau from Oranienburg, I had the rank of Oberscharfuhrer. From May 1941 until December 1941

I interrogated prisoners at Dachau. During these interrogations, in order to collect evidence of the real facts, I tied up approximately 150 prisoners, mostly professional criminals to a post and beat them with an ox-tail. This was done under orders of the Camp Commander and First Schutzhaftlagerfuehrer, Hauptsturmfuehrer Zill. In the months of July, August, and September 1941, approximately 2400 Eastern partisans were transported to the rifle range at Dachau by police and two thirds of them were shot by members of the Command at Dachau. The orders for this came from Berlin. The remaining were chosen for work. Most of these partisans prisoners were Russians. The prisoners were then forced to undress upon orders, and were shot while they were naked. The undressing took place on the right side of the place, and the shooting by threes on the left side. They were shot by an execution squad consisting of 15 men. The transports came in strength of about 100 to 200 men of which during the day, two thirds, that is up to 150 men, were shot. About 2 transports a week arrived. The first Schutzhaftlagerfuehrer Hauptsturmfuehrer Zill said that they were partisans who had fought behind the front, and had violated the rules of land warfare and therefore would have to be shot the same way in Dachau as they would have been behind the front. The executions did not occur daily, but were distributed in the months of July, August and September, during which time 1,500 to 1,700 men were shot. At each execution approximately 40 men were appointed by the Concentration Camp Headquarters Staff and driven to the range. Approximately 90% of the Headquarters Staff at Dachau had taken part in the executions.

"The shootings lasted anywhere from 1-1/2 to 2 hours. I as Hauptscharfuehrer, gave the command to the 15 men to fire for about 700 men who were shot. After the order "fire" had been carried out I went over for the first few times to the victims and gave about 30 to 40 men mercy shots. Then two Oberscharfuehrers were appointed from the leader of the shootings, namely, Hauptscharfuehrer Zill or Obersturmfuehrer Hofmann, to give the mercy shots. These Oberscharfuehrers were usually Glatterspiel and Kiem. The still living men were to be killed as quickly as possible by the mercy shots. As I already stated I gave the order "fire" to execute 700 men or so. For many members of the Headquarters Staff these shootings were a great soul burden. During the nights I had heavy dreams too, and through Hauptsturmfuehrer Zill, on my request, I was replaced by Rapportfuehrers Seuss, Josef, and Remels, Josef, who then drove for me to the range and gave the command "fire". In December 1941 Zill was transferred and I was then appointed as Third Schutzhaftlagerfuehrer. Hofman became First Schutzhaftlagerfuehrer and Obersturmfuehrer Lipman was understudying the job of the Second Schutzhaftlagerfuehrer. As Third Schutzhaftlagerfuehrer my main duties were the guarding and looking after of the punishment reports and the control of the prisoners on the work details of the commandos in Dachau and surroundings. It was my duty to look after the punishment orders and to see that they were carried out exactly as they read. There were corporal punishments up to 25 strokes and in special severe cases up to 2 x 25 strokes and tying to posts up to one hour. If a prisoner received more than 25 strokes, then it only can be so that the Rapportfuehrer did not count right. The prisoners who was called up to punished was laid over a specially built block and was held by 2 SS-men while he was beaten by 2 other SS men with an ox-tail each. Later the holding and beating was done by prisoners. If the prisoners did not hit hard enough, the Rapportfuehrer did not count each stroke. From December 1942 until March 1943, until I was transferred to Allach, I had to watch to see that the punishments, beatings and pole-bindings were carried out correctly. The prisoners there received, according to the order of punishment, 25 to 50 stick-strokes with an oxtail or the tying on a pole up to one hour.

"During the beating the prisoners had to count out loud. When as Rapportfuehrer, I had to read the order of punishment, I counted

"with him", as soon as the prisoner no longer could do so himself. As 3rd Schutzhaftlagerfuehrer I gave the order to the Rapportfuehrer, as soon as the doctor was present, to begin with the punishments. Also as an investigating chief in 1942, I often had to represent the Schutzhaftlagerfuehrer and to be present at the punishments. The punishments were decided by the Camp Commander or by his assistants i.e. by the First Schutzhaftlagerfuehrer. They gave the orders to tie the prisoners to the pole or give them punishment beatings. At this, one of the camp Doctors was always present. About in the month of April 1942 an experimental station was erected for the Air Corps on Block 7. Dr. Rascher, an air-force doctor, made the experiments in an air pressure chamber which was built on top of a car. On orders, I sometimes introduced physically fit men, who were mostly professional criminals, to Dr. Rascher. Dr. Rascher himself then went along to a block and asked the prisoners if they would volunteer for the experiments; if there were no volunteers, Rascher picked some himself. At first several prisoners volunteered. It's possible that at that time I said to Rascher that this or that man was a well-built man, because I then did not know at all what Rascher did with these people. Rascher then took the prisoners with him to the experimental station. One day, out of curiosity, I wanted to see what was being done in this experimental station. Because the entrance to this experimental station was generally forbidden, I begged Rascher to take me along once. At the station I saw several well fed prisoners who were then drinking regular coffee because they would have a strong heart, Rascher told me. Then Rascher let me see a ball which a newly arrived prisoner had just entered. After locking the ball, he pulled hand levers which drew the air out of the ball, and after a few minutes the prisoner became unconscious. I drew this to Rascher's attention but he was in no hurry to get the air back into the ball, and not before several minutes had passed did they take the prisoner out, lay him on a stretcher and carry him to the hospital. Later I heard that the prisoner died in the hospital. It was said that about 30 to 40 had died by these experiments. In 1941 by orders of the Commandant or of the First Schutzhaftlagerfuehrer, in order to get real evidence of the facts, I as chief of interrogations tied prisoners who were mostly criminals by occupation on a pole and beat them with the ox-tail on the buttocks. I also sometimes stamped prisoners on the buttocks with my boots rather than making a report. In the period from December 1941 until March 1943, when I was Third Schutzhaftlagerfuehrer, the punishments which were customary at the Dachau Concentration Camp, were punishment beatings, arrest punishments, and up to 1942, pole punishments. The arrest punishments were 8 days, 14 days, 21 days, and 42 days long. The punished would receive bread and water and would receive the complete meal on every third day. The punishment beatings and pole tying was done twice weekly, on Tuesdays and Fridays, with about 8 to 15 persons.

"The next statements concern Allach. I myself was in Allach as a Camp Leader and received the punishment orders from Dachau which I passed on to Rapportfuehrer Steincke and Neuner. The Commander in Dachau also gave the order to punish prisoners shortly after the deed had been committed, without punishment orders, and to report them later. These orders I passed on to my assistants and rapportfuehrers. Furthermore in Allach arrest punishments were carried out and in some cases, on the grounds of the punishment orders, the food (workers' ration) was taken away. The punishment was either witnessed by me or by my representative, Hauptscharfuehrer Lbert, Willy Wagner or Sturmscharfuehrer Mueller. As I have already stated, I myself gave the orders to the Rapportfuehrers because of orders of the Camp Commandant that prisoners could be punished even without punishment orders. No doctor was present in Allach. The punishment measure was the same as in Dachau. In the year 1944, 5 or 6 prisoners were executed in Allach. They were Czechs, Poles and Russians. They were hanged for sabotage. As far as I know, the prisoners received

a court sentence after the interrogation at Dachau, which came from Berlin, and then were hanged by an execution command of Dachau under the leadership of Obersturmfuehrer Ruppert. I had received orders from Dachau to assemble hereto each time about 3,000 prisoners. The prisoners who escaped in Allach were after their capture immediately transferred to Dachau. One prisoner was shot while trying to escape. During my time in Dachau as Schutzhaftlagerfuehrer I received the orders to beat prisoners from the Commandant and the First Schutzhaftlagerfuehrers Piorkowski, Weiss, Zill, Hofmann, Redwitz, and Lampe.

"I don't know anything about an English speaking prisoner who died in the air pressure chamber. Regarding Willy Wagner I know only that he was known as a beater in the laundry at Dachau. In one such case he had to see First Schutzhaftlagerfuehrer Zill, because the inmates reported him for beatings." (Pros Ex 124A)

4. Franz Xaver Trenkle. The accused Trenkle was Rapportfuehrer in the year 1943 (R 168,227,384). He later was protective custody leader and verwaltungsfuehrer (R250-251). Trenkle beat the prisoners with his fists and kicked them (R 228,169,231). His victims were usually Russians (R 231). At one time he had a prisoner stand at attention in front of him and kicked the prisoner with the outer edge of his shoe in a downward motion so that he scraped the skin off the prisoner's shin (R 228). Although he was not a physician Trenkle as Rapportfuehrer sometimes held sick call himself (R 384). Once during sick call he chased a prisoner away who had a bad leg (R 384). The inmate went to the end of the line and Trenkle, upon discovering him, kicked and knocked him down (R 384). Once during a public beating a prisoner refused to beat a fellow prisoner whereupon Trenkle grabbed the cat-of-9-tails, struck the disobedient prisoner across the face twice and then beat the prisoner who was on the punishment block (R 229,230,285).

A pre-trial affidavit executed by the accused Trenkle before Lieutenant Paul C. Guth, Headquarters 3rd US Army was admitted into evidence (R 769, Pros Ex 92). The statement reads in translation and in pertinent part as follows:

"1. From November 1933 until Spring 1936 I acted as Block Leader in Block I of the Concentration Camp of Dachau. In Summer 1936 I acted as Unterscharfuehrer and was in charge of several work details who were engaged in construction work in the camp. In May 1938 I went to St. Gilgen as commander of a work detail.....In November 1942 I returned to Dachau to the OCS as first sergeant. From June 1943 until March 1944 I returned to Dachau to the Schutzhaftlager as deputy Schutzhaftlagerfuehrer.

"2. During my tenure as deputy Schutzhaftlagerfuehrer from June 1943 until March 1944 it was one of my duties to take charge of the preparation of prisoners for executions. Therefore I am well informed about the procedure during executions which were performed between June 1943 and November 1943. I can recall about 10 executions. It is very probable that the number of those executed was larger, since I very often went on tours of inspection of Aussenkommandos. The 10 executions I remember involved persons of Russian and Polish nationality. The death warrant we received from the political department consisted of two parts, (1) the order of the Reichssicherheits-Hauptamt (Reich Security Main Office) which was either addressed directly to the political department or to the Stapo Office in Munich, and (2) an order of execution by the Camp Commandant, who ordered the executions to take place at a certain time and certain place. This order was signed by the Camp Commandant Obersturmbannfuehrer Martin Weiss. I should not have alerted anybody for an execution without that order. After that I brought the prisoners to the crematorium and handed them over to Oberscharfuehrer Bongarz or to Untersturmfuehrer Hanschen or Menschen for the shooting. In my presence the executions were always carried out by Bongarz or by Bongarz with Hanschen's help. The executions

were always directed by Obersturmbannfuehrer Weiss in person or by Obersturmfuehrer Redwitz or by Obersturmfuehrer Suttrop together with Redwitz acting for Obersturmbannfuehrer Weiss, or by Obersturmfuehrer Suttrop and Obersturmfuehrer Lippmann. I can recall that I have seen all these four at executions. Moreover, there was a doctor, but I can only remember the name of Dr. Harpor present. Sometimes there was another doctor, whose name I can't recall any more.

"3. In April 1945 I was leader of a work detail who were assigned to the Air Field Munich in Riem. During my tenure as leader of the work detail several heavy air attacks against Munich took place. The neighborhood of Riem was also hit. During these attacks I forbade the prisoners to enter the former ammunition bunkers because I thought that they had been constructed too lightly. In that incident I followed the orders of General of the Luftwaffe Galland. A large number of inmates were killed by the air attacks. A number of prisoners succumbed to their wounds afterwards, since we didn't have enough dressings.

"4. On or about 4 April 1945 I killed, by shooting them through the head with a pistol, 3 Russian prisoners who had been accused of looting by the Gauleiter and whom he had found guilty.

"5. A few days later, I can't exactly remember the day, I shot a 4th Russian who was approximately 26 years old, through the head with my pistol by order of Gauleiter Giesler of Munich. However, I failed to kill a second Russian, approximately 19 years old, in accordance with the order of the Gauleiter. The bodies of the 4 executed prisoners I put with the other bodies of prisoners who were killed during the air attack.

"This statement has been written by me on 29 October 1945 at 2130 hours in Dachau, voluntarily and without compulsion, on typewriter on my own request." (Pros Ex 92A).

5. Engelbert Valentin Niedermeyer. The accused Niedermeyer was the administrator of the crematory and was in charge of the detail which worked there (R 248,227,524,488). It was possible however, that he was the assistant to one named Bongarts (R 249). He was there in 1942 and 1943 (R 248,488). Later he worked in the signal office at the command post (R 227). While at the crematory he wore a uniform which consisted of a black suit and a black hat (R524). He mistreated prisoners of all nationalities by hitting and kicking them (R 524).

An unsworn statement of the accused Niedermeyer which was written in his own handwriting on 30 October 1945 was admitted into evidence (R 820, Pros Ex No. 101). That statement reads in pertinent parts in translation as follows:

"The following I am writing of my own free will, and I know that I am not forced to write anything if I do not want to do so. What I write is the truth.

"I joined the SS voluntarily. On 24 May 1934 I came to Dachau. In 1935 I was made SS-Pfz., in 1938 I was made SS-Sergeant (Unterscharfuehrer) I am a professional soldier. On 1 April 1938 I was made Blockleader. My job as block-leader was: to watch for order and cleanliness in the block. In my block there were an average of 250 to 300 prisoners. They were Germans, Poles and Czechs. There were also Jews in the block for some weeks.

"In the period from 1939 until 1940, I was in charge of the detail building the garage and during this time I struck approximately 300

prisoners with my hands or with a stick, either on the head or on the back. During my activity as block-leader until 1941, I also was ordered to participate in official floggings. I got the order to that effect from the Rapportfuhrers, they were: SS-Master Sergeant (Hauptscharfuhrer) Rammerle, SS-Master Sergeant (Hauptscharfuhrer) Hipp, SS-Master Sergeant (Hauptscharfuhrer) Hoffmann. The procedure of the flogging punishment was as follows: The prisoner had to lay over a block, and one block-leader hold his hands to the front. His feet were in a little wooden box. Then I had to administer to the prisoner, together with one blockleader, the number of lashes he was supposed to receive. The flogging punishment took place in the bath-room next to the kitchen. The number of lashes was between ten and twenty-five. It happened that now and then a prisoner got several more lashes. I participated in the flogging punishment of approximately 100 prisoners. At approximately the end of November 1941 until the end of April or the beginning of May 1942. I worked in the crematory on the order of SS-Captain (Hauptsturmfuhrer) Zill. I had to help in the work of burning the bodies. During my activity in the crematory approximately 500 bodies were burned. The leader of the crematory was SS-Technical (Oberscharfuhrer) Sergeant Bongarz. At the end of November 1941, I, together with ten to fifteen other SS comrades, received the order to go to the railroad station Dachau with two trucks. As far as I can remember, I was given the order by SS Master Sergeant (Hauptscharfuhrer) Remmels. At the railroad station, 35 to 40 Russians were loaded on the truck and taken to the rifle range (Hebertshausen). On the way to the rifle range I heard from a comrade whose name I do not remember anymore, that those Russians were to be shot. Besides me, there were present SS-Technical Sergeant (Oberscharfuhrer) Mattenspihl, Sergeant (Scharfuhrer) Starfel, Sergeant (Scharfuhrer) Hirner, Technical Sergeant (Oberscharfuhrer) Endres, Sergeant (Unterscharfuhrer) Lemmerz; Hoffman was in charge. I do not remember the names of the other SS-men. When we arrived at the rifle range, everybody had to get off. The Russians then had to line up and their names were then read off. During the reading, SS Captain (Hauptsturmfuhrer) Zill came to me and gave me the order to go back to the camp with one truck immediately and help with the work in the crematory. I was in the crematory for approximately one hour, then the other truck came and brought coffins with bodies. There must have been 35 to 40. I presume that these were the Russians whom we had taken to the rifle range." (Pros Ex No. 101A)

6. Josef Seuss. The accused Seuss was at Dachau from 1942 to 1943 (R 525, 491). He mistreated various prisoners during that time, hanging, hitting, beating and kicking them (R 491, 525). One former inmate stated, "Seuss was not a human being" (R 525).

A pre-trial affidavit which had been executed by the accused Seuss before 2nd Lieutenant Alfred E. Lawrence, investigating examiner of War Crimes Branch, Dachau, Germany was admitted into evidence (R 838, Pros Ex 116).

That statement reads in pertinent parts in translation as follows:

"1. I, Josef Seuss, was born in Neurenberg on 3 March 1906. I was an SS Hauptscharfuhrer of the Kommandant's office of the Dachau Concentration Camp.

"2. I was at Dachau from 20 April 1933 until 1 December 1942, as an SS man. For thirteen months, I was a guard, then four and a half years a telephone operator in the Kommandant's office. In 1938 or early 1939, I was made a guard in the K.a. (Dungeon), then for three months, I was at Flossenburg in winter 1939 to 1940, and came back to the dungeon until I came to the Radofzell by-camp. I was there from May 1941 until August 1942 as detail leader. From August 1942 until December 1942, I was

back at Dachau as acting Rapportfuehrer and acting Schutzhaftlagerfuehrer.
.....

4. In the year 1942, I served at Dachau under Kommandant Piorkowski and Kommandant Martin Weiss. Hoffmann, Javolin, and Redwitz were Schutzhaftlagerfuehrers, myself and Frohnapfel were Rapportfuehrers. At the dungeon were Kellner and Pusta; at the crematorium were Niedermaier, Bongartz, and Neuner. Blockfuehrers were Hyrner, Ferdinand Muller, Josef Heller, Strasser, Anthor, Josef Huber, Angerer, and others. The Adjutant was Suttrop, first camp doctor, was, I believe, Dr. Wolter, his assistant was Dr. Brachtl. Dr. Lolling was SS troop doctor.

#5. At Dachau Concentration Camp there were also Prisoners of War. I recall Russians and Englishmen. At first there existed special blocks for POW's, but later on that did not exist any more. All prisoners were treated the same way.

#6. Of special events, I recall the following:

"a. A transport of approximately 35 Russian POW's in green uniform jackets was picked up by me, Schutzhaftlagerfuehrer Hoffmann, Rapportfuehrer Remmle, and a number of ten or twelve Blockfuehrers, at the Dachau railroad station. These men were at once driven to the SS rifle range, were made to undress completely, and were shot with a .98 caliber rifle from ten to fifteen meters distance. Afterwards, I still had to chase an escapee but we never got him. I remember distinctly that Niedermaier was one of the men who did the shooting. That day free schnapps was not distributed, but otherwise it was always the custom at such occasions. The above incident took place in August 1942 under Kommandant Piorkowski. That was the only execution I took part in, but there must have been ten to fifteen shootings of this kind as long as I was here, and many happened already before 1942, and perhaps afterwards. By order of Hoffmann, all Blockfuehrers and Rapportfuehrers had to take part in the shootings; maybe the order came from a higher level.

"b. I was relieved by Kommandant Weiss, but I have really beat up people only when I was work detail leader at Radolfzell. At the Dachau dungeon, I have dealt out perhaps only three face slappings. It may also have been more. I know that I and my brother, Wolfgang, have a very bad name among all old prisoners. When I was at the by-camp, I had to treat the prisoners particularly hard. At the dungeon, around twenty-five found their death through hanging. I have never used the "hat box" nor known about it.

"c. Once under Piorkowski, I took part in a shooting of three men at the dungeon. Six Blockfuehrers then shot the victims which I had to take out. Gestapo officials were also present. The three corpses were taken to Munich.

"d. Tree hangings were used, not only as camp punishment, but also for interrogations. The victims were hanged up, swung to and fro, and beaten. I also know that people became weak and unconscious at such occasions. Teeth were also knocked out, but I don't know whether at hangings or not. There were also people hanged at the dungeon in my time; that is, hanged by the wrists.

"e. Of invalid transports, I know of two large transports of 100 and more prisoners which were said to be gassed and burned in Austria. My brother was once on such an invalid transport in Austria near Lins. One died on the way. At Lins, they were taken over to trucks, Hauptsturmfuehrer Hoffman was the transport leader and we drove them to a castle approximately

twenty minutes away from the Linz station. There were only civilians here, and also a crematorium and a gas chamber. We knew already during the transport that the people were going to be killed. On the transport there were both Germans and foreigners, but I am not quite sure. I had great pity for the victims, but I had to carry out my orders. We had to watch that no one escaped, but most were very meager or sick. However, there were also some which looked more healthy. All of them might still have been useful at potatoe peeling or darning of socks. Willi Wagner, Josef Muller, Hoffmann, and seven or eight other guards were with us. I also was on another such invalid transport of about 100 to 120 prisoners. At that time I did go along as a guard, but only up to Traunstein. I think my brother was a guard at that time.

"f. Reception of newcomers at Dachau was always very bad. The Blockfuhrers and Rapportfuhrers beat and kicked them. I always said to the prisoners, "I'll kick you in the ass", but I never kicked anybody in the private parts. When the "25" were given, Otto, Niedermaier, Kaiser, were particularly bad; all hit very hard. When I was at the dungeon, a prisoner once became unconscious during "the 25", but he did not die.

"g. I recall a transport at the time when I was Rapportfuhrer, when eighteen dead were unloaded near the bathhouse. One had a big piece of flesh from his upper thigh missing which hungry prisoners must have eaten off. I think Weiss was Kommandant at that time. All prisoners of this transport were very weak and many died of it afterwards. I have seen the corpse with my own eyes of which a piece had been bitten off. I have seen several transports where corpses were among the prisoners. The prisoners were very hungry.

"h. About Kommandant Weiss, I know that he has to bear responsibility for the camp under his command. We had to sign a special order that we would never talk about happenings in camp to anybody in the outside world. I think they did not want that people came to know how bad things were at the Dachau Concentration Camp. I was always afraid, myself, of having to be a prisoner here, but once a man had been a guard here, he never got out of the system again unpunished. I have never hanged or shot a man though I have been very bad otherwise. I have seen many get into Dachau alive and go out dead.

"I have always been sorry that I have been at the Dachau Concentration Camp and that the people there had such a bad life. I know that twenty or twenty-five hanged themselves at the dungeon from despair. I also know that people committed suicide in other ways, for instance by cutting their veins. I also know that people died from weakness and that others became insane.

"I have made the above statement without compulsion, and I have read and corrected it and understand it fully. I swear before God that it is the pure truth." (Pros Ex No 116A)

7. Leonhard Anselm Eichberger. The accused Eichberger was Rapportfuhrer and interrogator at headquarters at Dachau (R 167,336). He was present at numerous executions which occurred in the camp, including in 1944 that of the 90 Russian Officers who were Prisoners of War (R 328,336). He participated in the actual shooting of those prisoners of war (R 424, 441,337).

A pre-trial affidavit was executed before 2nd Lieutenant Paul C. Guth and was admitted into evidence (R 787, Pros Ex 90). That statement reads in pertinent part and in translation as follows:

"1. From 15 January 1943 until 27 April 1945 I was administrative NCO of the Schutzhaftlager Dachau. In the end I held the rank of first sergeant. My position was approximately the position of a sergeant major in a headquarters.

"2. During my time as administrative NCO of the Schutzhaftlager I had the following superiors as commanding officers of the Schutzhaftlager:

Hauptsturmfuehrer Redwitz, August 1944
Obersturmfuehrer Ruppert

and during the last fortnight,

Sturmbannfuehrer Schobert.

It was one of my duties to supervise the paper work connected with executions. I am, therefore, rather well informed about executions which were carried out in Dachau after I started on my duties. The order of execution was always sent to our office in the Schutzhaftlager by the political department of Kriminal Sekretar Kick (until the end of 1944) and Kriminal Sekretar Kloppmann. The order of the political department consisted of a warrant of execution of the Reichssicherheits-Hauptamt (Reich Security Main Office) sent directly or through the respective Gestapo office, for instance, the Gestapo office at Munich. A special form, signed by the Camp Commandant (namely Martin Weiss until November 1943 and afterwards Weiter) was attached to that order. That form designated the place and time of execution. I should not have carried out any executions without that special form signed by the Camp Commandant. Then I had the inmates who were included in that death warrant fall in, and marched them to the crematory. Moreover, I was accompanied by the Rapportfuehrer on duty. After the execution, the index card of the inmate who had been executed was pulled out and marked with the words "Abgang durch Tod" (Departed through Death), by the two camp secretaries Wenger and Domagala. Therefore Domagala is very well informed about the executions and should be in a position to give very exact information.

"3. Between May 1944 and 27 April 1945 about 200 executions were carried on, if my memory serves me right. I can still remember the following executions:

"a. The execution of 98 Russian PW's, officers and enlisted men, in the second half of 1944. I cannot recall the exact date. The Russians were assembled near the entrance of the Schutzhaftlager on the road and were marched by us in 3 or 4 groups to the crematorium after Untersturmfuehrer Geith of the Munich Gestapo had read the death warrant, and were shot there. The execution was under the direction and command of Obersturmfuehrer Otto and Obersturmfuehrer Ruppert. They always gave the orders to have the prisoners brought into the crematory and ordered us to fire. The following have shot prisoners:

- (1) I myself (approximately 5 - 6).
- (2) Oberscharfuehrer Bongars, Hauptscharfuehrer Kuhn, Unterscharfuehrer Henschen, SS-Schutze Wilhelm.

They all participated about equally in the killing of the other prisoners. I myself shot fewer than the others because I was delayed by my work as a clerk. Hauptsturmfuehrer Eisele and Sturmbannfuehrer Hintermaier attended the executions and declared the Russians dead.

"4. The other prisoners, about 110, whose executions I can recall during that time were always shot in groups of 2, 3, or sometimes only one,

and once in a group of ten. The nationality of these prisoners was Polish, Russian, German, Czech, French and possibly other nationalities which I now have forgotten. Obersturmfuehrer Otto or Obersturmfuehrer Ruppert, or as was mostly the case the two together, were always in charge. That is, they ordered the shooting and gave other orders which were necessary on the place of execution. The executions were always carried out by me or Oberscharfuehrer Bongarz or Unterscharfuehrer Menschen. I usually participated in the shooting only if several prisoners had to be shot. All together, I myself, carried out about 15 shootings. The executions were always attended by one of the three doctors, Hauptsturmfuehrer Eisale, Sturmbannfuehrer Hintermaier or Hauptsturmfuehrer Puhr. I am sure that each one of the three participated in several executions, but I can't remember any more in which execution each one participated. I can remember the execution of a French General very well in which Obersturmfuehrer Ruppert was in charge and Oberscharfuehrer Bongarz fired the fatal shot. My participation in that execution consisted in taking the French General from the Schutzhaftlager to the crematorium. Weiter ordered me to do that. Moreover, I had to fill out the report of execution. The report of execution was signed by the Adjutant as representative of the Camp Commandant, by the Commanding Officer of the Schutzhaftlager as officer in charge, and by the Doctor.

"5. Until the departure of Hauptscharfuehrer Trenkle, the paper work connected with executions was taken care of by Trenkle.

"6. Moreover, I can remember the following executions:
10 men who were brought in by the Stago Stuttgart during the middle of 1944 and were shot in the presence of Ruppert, Otto, and myself by Bongarz.

I can remember that on request of Kriminal Sekretar and Untersturmfuehrer Kick, an execution was carried out. It is quite possible that more than one execution was carried out on the special request of Kick, but I can only recall one.

"7. Moreover, I can remember that 5 Russians and Poles were hanged on special request of Kriminal Sekretar Kloppmann. It is possible that there were more executions, but I can only recall these 5 cases specifically. These 5 cases occurred during the late Summer or Autumn of 1944." (Pres Ex No 90A)

8. Wilhelm Wagner. The accused Wagner was an SS Hauptscharfuehrer and was in charge of the prisoners' laundry from January 1941 until the middle of 1943 (R 537, 287, 167, 380). He beat the prisoners who worked for him almost daily (R 537). He kicked them, beat them with a piece of wood and struck them with his fists (R 38, 381). In fact, he maltreated one prisoner so badly that he died (R 538). He was transferred from the laundry to an outside work detail (R 299). He maltreated the inmates who worked for him on this detail in the same manner (R 167, 288). At one time part of his duties consisted in administering the official punishment of 25 beats, which were the lashings performed in the camp to the cadence of martial music which accompanied the punishment (R 167-168, 202). His victims included the various nationalities who were at Dachau, such as Czechs, Poles, Russians and Belgians (R 381). At one time when some Russians had taken a few potatoes, Wagner caught them and kicked them (R 288, 297). On another day he knocked an inmate to the ground after he did not receive an answer to a question which he had asked, although it was apparent that the inmate could not understand German (R 395).

A pre-trial statement executed by the accused Wagner in his own

handwriting on 31 October 1945 before Lieutenant Szanger was admitted into evidence (R 847, Pros Ex 112). That statement reads in pertinent part in translation as follows:

Wilhelm Wagner, born on November 28, 1904, in Augsburg. From 18 September 1933 until the end of war at Dachau. From 4 August 1938 until 30 November 1939 at Mauthausen. Arrived there as Scharfuhrer. I was installed as a supply man. At the air base of Landsberg I was a detail Leader from 24 November 1944 until the end of the war. From January, 1943 until March, 1943, I was a detail leader in charge of a detail at Garmoring. From 1940 until 1942 I was in charge of the laundry at Dachau. I admit to have beaten 5 to 6 inmates in the laundry. In the beginning of 1937 I reported some inmates on account of uncleanliness of the block. I was at Allach from March or April, 1943 until November 1943. I admit there, that I read aloud the punishment orders to the inmates, that I was present at the punishment beatings and counted the strokes which were given by prisoners. Sometimes I, myself, too, gave 5 to 10 strokes. I have never beaten a prisoner in such a way that he was bleeding. In the laundry at Dachau I was in charge of about 60 to 80 prisoners. In the year of 1942 I received blood stained laundry which allegedly arrived from the shooting range. Sometimes I had to prepare hot water which then was called for by car and supposedly was taken to the rifle range. I have never taken away jewels or jewelry from inmates. I cannot recall having beaten a prisoner in such a way that he had to go to the hospital. A few times I deprived lazy prisoners of their meals and had them distributed by the capó to ambitious inmates.

"I want to add the following statement. During the summer of 1943 when I was at Allach I saw two prisoners being hanged. Present at this execution were Jarolin, a physician, Bonkratz, a Rapportfuhrer from Dachau, myself and several SS men as well as two prisoners who performed the hanging. Jarolin ordered me to have the prisoners present at the execution and also ordered me to block the gallow with the help of several SS men." (Pros Ex 112A)

9. Johann Kick

The accused Kick was in charge of the Political Department at Dachau (R 264,420,440,220-221). He was connected with the Gestapo and in a sense was an officer of the Gestapo (R 440,221,222). Kick interrogated the prisoners and conducted punishment investigations from the late summer of 1944 until 1945 (R 222,420,441). The prisoners would walk to Kick's office in apparently good condition, but upon returning were scarcely able to stand on their feet (R 420,440). Their fingernails and toenails had been torn off (R 421). Most of the inmates after the interrogations were immediately sent to the standing bunker or to the commanding officer for arrest (R 222). It was very seldom that they were sent back to the camp (R 222). Most of the inmates interrogated were Russians (R 420). In April 1942 Kick requested twenty prisoners whom he was interrogating to become Germans (R 446). On refusing, Kick hit one prisoner, a Pole, in the face and threw a metal ash tray at his face which broke the prisoner's teeth (R 446,447,448). The prisoner was then taken to the bath house where he received 25 lashes and was hung by his wrists (R 449). Kick also helped to select the prisoners who were sent out of Dachau on the invalid transports (R 220,223,289). He compiled the lists from the index with the assistance of the labor office man, the accused Welter, (R 220). He had also sat on a commission which selected inmates for invalid transports (R 289). Two pre-trial affidavits executed by the accused Kick before Lieutenant Guth were admitted into evidence (R 808, Pros Ex 76 and 97). These statements read in translation and pertinent part as follows:

"1) I was in charge of the Political Department of the Staff of the Camp commandant in the camp of Dachau from 1937 till August 1944. Here all the decrees of the Reichssicherheitshauptamt concerning an execution were sent to the Camp commandant and from the Camp commandant to me. I should like to emphasize that these were decrees of executions of the Reichssicherheitshauptamt made on the basis of requests of Stapo branches and by us. These were not sentences of a court but administrative determinations of the highest police agency of the Reich. The language of the decrees of executions showed that these were not sentences of a German court made after proper and lawful proceedings, but directives arbitrarily issued by the executive power of the German Reich, in that case the highest police agency of the Reich. On the basis of these decrees of executions I submitted an order of execution to the Camp commandant Martin Weiss and later Eduard or Edmund Weiter. This order of execution determined the place, the time and the form of the execution. The order was signed by the Camp commandant and from his office sent to the Schutzhaftlager. Under the administrative regulation of the concentration camp Dachau it was impossible to execute an inmate unless the order of execution had first passed through my department. This regulation was adopted to facilitate the work of the concentration camp.

"Between January 1942 and August 1944, until the time I was recalled, approximately 300 such decrees and orders of execution passed through my department.

"2) I mentioned just now that the request of execution was transmitted either by the proper Stapo office or by our camp to the Wirtschaftliche und Verwaltungshauptamt of the SS and through it to the Reichssicherheitshauptamt. The procedure was as follows: The request was made by the investigation officer Oberscharführer Bach to the Camp commandant. The Camp commandant approved that request by initialing it, f.i. in the case of Obersturmbannführer Weiss by initialing with his "W", which I have seen on many other papers and know, and then all the papers were sent to me. I extracted the facts I considered necessary from the papers and put the request into the usual form. This request drafted by me was sent then back to the Camp commandant and signed by him. If a request seemed unjustified to me I could protest with the Camp commandant. I did so in a number of cases and if my memory serves me right, the Camp commandant changed his decision in each case. If the Camp commandant would have insisted on his decision and if it had seemed to me that in that case the request was improper I could have sent a protest to my own Stapo office in Munich. I have not done so in any one of the 10 cases I can recall during the tenure of office of Obersturmbannführer Weiss, since I did not see any reason in any one of these cases to prevent the execution. After a few weeks the Reichssicherheitshauptamt returned the usual decree of execution which I processed in the fashion described in paragraph 1. This regulation makes it obvious that these decrees of executions were not sentences of independent and impartial judges only subject to the law, but purely arbitrary administrative measures.

"3) About 1942 Obersturmbannführer Piorkowski had me and, if my memory serves me right, Schutzhaftlagerführer Redwitz and the then camp doctor Dr. Wolter called and handed me a list of approximately 1000 names. He announced to me that the persons whose names were on that list, who were all sick people, would be brought gradually to a camp or another institution where they would be gassed. This fact was always disclosed to the respective Schutzhaftlagerführer and camp doctor when they entered on their duties. Piorkowski then handed me a roster containing 1000 names, and it was my duty to select shipments of 100 to 120 names from that roster and to put them on a roster of

physician the conditions in the hospital were extremely crowded, four people occupying two beds and patients grouped together without regard to their disease (R 504,505). The barracks were slightly heated (R506). Reference is made to the discussion above describing in greater details the condition which existed at the hospital.

While Doctor Hintermayer was chief doctor the slave market formations, salt-water experiments and malaria experiments were continued (R 139,138,133). Dr. Hintermayer was notified of the death of each prisoner who had been innoculated with malaria (R 138). When typhus was first discovered at the hospital toward the latter part of 1944, Dr. Hintermayer was warned of the danger of an epidemic (R133-134). Dr. Hintermayer forbade the prison doctors to mention the fact that there was typhus in the camp (R 134). However, no preventatives were taken and the Hungarians who apparently had brought the typhus into the camp were scattered among the various blocks (R 134). Furthermore, the new transports continued to arrive and these people were likewise put into blocks containing typhus infected prisoners, although no attempt was made to examine these new prisoners (R 409,177-178). There were many deaths in the camp because of the typhus epidemic which did not stop until liberation in 1945 (R 233,403,409). One witness estimated that eight to ten thousand people died (R 233). His estimate was based on the fact that every day he saw carts which came "from the hospital with dead bodies piled on it", (R 234).

Dr. Hintermayer was present at numerous executions which occurred at Dachau, including that of the 90 Russian officers (R 329,337). It was his duty to examine the bodies and to certify as to their death (R 337). At one time at the crematorium he killed two Russian women by injections (R 330,338,329). On 24 April 1945, Hintermayer went to the block which contained those prisoners who suffered from various mental disorders (R 399,404). He ordered that these patients be dressed and led away (R 399,404). The patients were taken out and a short time later their clothes arrived from the disinfecting room (R 400). It was common knowledge that all who were shot to death or gassed had their clothes sent to the disinfecting room (R 400).

Prince Leopold, who was an inmate at Dachau, was once treated by Dr. Hintermayer who diagnosed his illness as a sore throat (R 501). However, a prisoner doctor determined that it was diphtheria and the prince was hospitalized for six weeks (R 501). There he noticed that the food was very inadequate (R 502). The prince himself lost 35-kilos (R 502). He saw dead bodies in the hospital, noticed that there was no segregation of those with contagious diseases and saw that prisoners who came to the hospital for treatment had to undress in the open air no matter what the weather and stand for long periods of time (R 502,503).

Shortly before liberation the medical records of the hospital were destroyed on Dr. Hintermayer's orders (R 196).

A pre-trial affidavit executed by the accused Dr. Hintermayer before Lieutenant Guth on 31 October 1945 was admitted into evidence (R 789, Pros Ex 91). That statement reads in pertinent part in translation as follows:

"I. From February 1944 to March 1945 I was working in Dachau as a physician. From February 1944 till October 1944 I was working as a medical officer. From October 1944 to April 1945 I was working as chief camp physician. During this time I held the rank of Sturmbannfuhrer (Major). Neither by my age nor by my previous practice I was prepared or qualified for the position I had in the end. My failure as a

camp physician is in addition to the circumstances which I could not master and which I think few others could have mastered, based upon my inability to execute the office assigned to me.

"II. During my time of office the concentration camp of Dachau consisted of about 20,000 inmates, before the large transports came from the other evacuated camps in middle and western Germany. It was built and furnished for 10,000 inmates at the most. I faced this overcrowding perplexed and without being able to do something about it, and this more so, since every measure which might perhaps have been taken would have been useless anyhow, since a new difficulty would have probably befallen me before the successful termination. As chief camp physician I was in command of all medical, sanitary, and hygienic installations in the Concentration Camp Dachau. I was responsible for all sanitary, medical, and hygienic questions which concerned the inmates and in general I was in charge of the supervision of the inmates in the medical, sanitary and hygienic field. The sanitary installations in the camp were impossible. Each barrack was occupied by 400 to 1500 people, although they were built for not more than 300. In each barrack there were 6 wash basins and about 20 toilets according to my recollection. It is obvious that this number was insufficient. In addition the toilets in some barracks could not be flushed, since there was no water and since the water in the toilets froze in the winter because of lack of heating in many barracks. The laundry of the inmates was changed officially once a month according to my knowledge, which made these bad sanitary conditions completely catastrophic. Nevertheless I personally do not wish to guarantee that this actually happened. In January 1945 I requested the construction of 300 new toilets bowls for the camp. Nothing happened as a result of it, and convinced of the uselessness of additional remonstrances I did not undertake anything more about the toilet conditions. In connection with this proposal for the improvement of the sanitary installations I negotiated with Hauptsturmfuehrer (Capt) Wetzels, but I did not find any special help with him, although I presented the seriousness of the situation to him.

"III. Till shortly before the occupation of the camp by the American troops the camp had entirely insufficient delousing apparatus. Only during the last few weeks a short wave delousing station was established which could have coped with the delousing. During the past period the delousing was insufficient. It took about 24 hours for one block to be deloused. In addition the new transports arrived. Therefore the delousing of the camp was constantly in an unfinished condition. The gas which was used for delousing up to the establishment of the short wave station (diamethan gas) was in my opinion not very effective. The constant additions, the mingling in the plants of the already deloused with the workers not yet deloused, the unavoidable contact between deloused and not deloused inmates in the camp destroyed the value of the delousing program.

"IV. Consequently there existed no prophylaxis against epidemics which probably would occur anyhow because of the crowded living conditions. When in December 1944 or January 1945 a case of spotted fever was reported to me I did not believe it at first and considered it as a case of abdominal typhus. Therefore I ordered the inmate doctor who would undertake the autopsy and who was exerted beyond his powers by so much other work not to undertake the autopsy on this first case. Of course, I hoped without any reason that this was abdominal typhus and not spotted fever, since I realized the entire extent of the catastrophe in the case of an outbreak of spotted fever. Then when the typhus spread like a raging fire on account of the bad sanitary measures, the lacking

delousing and the overcrowded living conditions as well as additions of spotted fever patients from other camps, we started to inject the entire camp including the SS groups with a vaccine. This vaccine was comparatively effective with the SS troops that were not yet imposed to the infection, but with the inmates, on the average ineffective if not directly harmful. Therefore after a short time we gave up the inoculation. I was not informed whether the station surgeon, SS Standartenfuhrer Dr. Rossmann, had Weil serum at his disposal. After I was convinced of the uselessness of a request of this vaccine I did not requisition it from him nor from any other office. Moreover I had the strict order from Dr. Lolling to use the vaccine which was in the camp, and no other.

"V. I recognize the report signed by me "Exhibit Hi" on the first page concerning "Quarterly Report regarding the sanitary services in the Concentration Camp Dachau to the Chief of the office D 3 in the SS Economics and Administration Head Office, office Group D, Oranienburg, dated Dachau, 27 March 1945" as a report drafted and signed by me to my superior office.

"VI. There were on the average 120 deaths a day for about 10 days during the crisis of the spotted fever epidemic. During the rest of the time till the conquest of the camp Dachau by the American troops there were on the average 50 to 80 deaths with constant ups and downs in the spotted fever epidemic. Without exaggeration it can be said that the chance of the spotted fever patients in the camp to remain alive was considerably smaller than the chance of the spotted fever patients at liberty. The following circumstances contributed to this:

1. The lack of space. At the time of the largest occupation of the camp I never had more than 3 barracks at my disposal for the reception of spotted fever patients. At times the number of spotted fever patients reached approximately 2000. Of course, the lack of space forced me to dismiss the convalescents as soon as possible, some too early, as it unfortunately turned out later. On the whole the 3 barracks which were at my disposal should not have been occupied by more than 600 patients. This naturally required in one barrack at least 3 layers of bed and in some cases the occupation of 2 beds by 3 patients. The 7 to 9 doctors whom I could leave there amidst the spotted fever patients were naturally insufficient. Nevertheless it was impossible for me to divert additional doctors from their other medical activity in the camp.

2. Diverse proposals were made to me by inmate doctors as well as by my SS comrades in order to control the epidemic. However, I considered these proposals as impracticable and therefore I did nothing to have them realized. For instance I was proposed to change Camp Allach into a spotted fever camp. Since this was impracticable, instead of this I intended to bring all inmates already recuperated and therefore immune to spotted fever to Camp Allach at a later date.

"VII. The circumstances prevailing here in connection with the spotted fever existed in all other departments too. So for instance 840 tuberculosis cases which were in the tuberculosis station were accommodated in 1 1/2 barracks. It was obvious that these were no favorable circumstances to heal tuberculosis, nor even to control it. The same circumstances existed with the other infectious diseases, as for instance abdominal typhus, where the death rate, which I do no longer remember, was much too high.

"VIII. Dr. Blaha, the dissectionist, can give information about all these things connected with the death rate and cases of death which I can no longer remember. In my opinion he may be qualified to

give information regarding conditions and happenings of special medical nature prevailing in the camp. I believe that he knows more about it than any other person.

"IX. After my initial attempts to get an enlargement of the hospital were useless and without results I gave up approaching Obersturmbannführer Weiter again for an enlargement of the hospital.

"X. Our stock in medicine and drugs was insufficient and I saw no means to increase the supply. At this point I would like to point to my report in the above mentioned quarterly report.

"XI. I no longer remember the details of the rations. However, in my opinion these were insufficient. I reject the complaints directed to me by other doctors as well as the reproach that many cases of death by infectious diseases and of the diverse other kinds of death in the camp which occurred in the labor block are based on malnutrition. However, it is to be observed that this declaration does not refer to persons in quarantine who came in a pitiful condition from other camps and at first had to be fed up again in Dachau. I cannot explain to myself how so many dysentery cases and other digestive cases occurred in the other blocks.

"XII. I examined without order of Standortführer Lolling or of any other superior the inmates selected by Dr. Schilling for malaria experiments for their health condition on the latter's request in order to relieve Dr. Schilling for the scientific experimental work. I do not believe that I did so more than once. During my term of office no death cases occurred in the malaria experiments.

"XIII. In December 1944 or January 1945 the Reichssicherheitshauptamt ordered the hanging of 2 pregnant Russian women. The Camp commander Obersturmbannführer Weiter, however, pointing to their pitiful condition, demanded that I should kill the women by an injection each instead. Though I did not know for sure whether Obersturmbannführer Weiter had the right to change the mode of death as ordered in the death sentence I injected the 2 women with evipamatrium out of humanity, the more so, since I knew that it is the usual custom of civilized nations not to execute pregnant women before delivery. Obersturmführer Ruppert and Otto, also Oberscharführer Bongartz were present at these 2 executions. I cannot remember additional individuals who possibly might have participated. Obersturmführer Otto conducted this execution.

"XIV. Further I participated at 10 additional executions between November 1944 and April 1945. About 7 were hangings and concerned Russians in my opinion. The hangings were always conducted by Obersturmführer Ruppert and Otto. In addition Hauptcharführer Eichberger, Oberscharführer Bongartz and Unterscharführer Hentschen took part in them. 3 executions were shootings. All told, 7 people were hanged. Some 6 Russians were shot at, the 3 executions by shooting. Again Obersturmführer Ruppert and Otto as leaders and Hauptcharführer Eichberger, Oberscharführer Bongartz and Unterscharführer Hentschen were present at the shooting. At each of these executions some other people participated whose names I can no longer remember. I would like to emphasize that all these executions were accomplished on written order of the Reichssicherheitshauptamt and on the execution order of Camp Commander Obersturmbannführer Weiter. I myself undertook the inquest necessary after the execution." (Pros Ex 91A).

11. Dr. Wilhelm Witteler. The accused Witteler was chief doctor at the prison hospital in Dachau from January 1944 or December 1943 until

September 1944 (R 402,123,138,178,393,308). During that period of time he visited block 3, which had 350 cases, only once (R 392). There was no epidemic during the time he was chief doctor and there were not very many deaths during that period (R 402,403). Hintermayer was chief of the medical department at the time under Witteler (R 403). Witteler attended some of the executions which occurred at the crematory (R 332,333). He merely signed the death certificate and left (R 340,349). The lists for prospective victims for the malaria experiments were sent from Witteler's office to the labor office (R 285). While Dr. Witteler was chief doctor the slave market formations continued to be held (R 133).

A pre-trial affidavit executed by the accused Witteler on 4 November 1945 before Lieutenant Guth was admitted into evidence (R 795, Pros Ex 94). That statement reads in pertinent part and translation as follows:

"I. I was chief camp doctor of the Concentration Camp Dachau from 1 January to 20 August 1944. In this capacity I was also in charge of the hospital. When I started my work there, I found the so-called malaria station already there. I was informed that this malaria station had been instituted by order of the Reichsfuehrer of the SS and that prisoners were to be made available for the experiments conducted there. This malaria station was conducted by Dr. Claus Karl Schilling. From time to time the camp commander cleared prisoners for experimental purposes and notified the labor office, which in turn would inform me. On my orders, one of my clerks then called up the block designated by the labor office, and the prisoners were then brought to the hospital and turned over from the hospital to Dr. Schilling. I know that during the months I was there deaths occurred, due to prisoners dying of malaria itself or of the drugs used to combat that disease. These prisoners were then dissected in the pathological department under Dr. Blaha's direction, and the diagnosis was reported to Dr. Schilling as well as to me. It is true that no death certificate issued during my stay gave malaria as the cause of death. On request of Dr. Schilling every prisoner whose condition was hopeless was transferred into our department for internal disease, and after his death circulation difficulties or a heart defect were given as causes of death and written into the death certificate which was then signed by me.

"II. During my time of service in Dachau I remember having taken part in two hangings in my capacity as doctor. In one of these hangings a Russian was the man concerned, in the other two prisoners of a nationality unknown to me. In the hanging of the Russian the camp commander Obersturmbannfuehrer Weiter (Lt. Col), the chief of the political Department Kriminalsekretar Kick, Oberstcharfuehrer (T/Sgt) Bongartz, and I took part, in the other hanging camp commander Weiter, Hauptcharfuehrer Boettger (1st Sgt), Obercharfuehrer Bongartz and myself. I only remember that these hangings occurred in the summer of 1944. I do not remember whether the subjects were civilians or prisoners of war. I signed the death certificate after the hanging. Under the regulations existing no hanging could be performed except in presence of a doctor. To the other hangings I sent the doctors from the service." (Pros Ex 94A).

13. Johann Baptist Eichelstorfer. The accused Eichelstorfer was commander of Kaufering Number 4 when it became a sick camp during 1945 (R 600,604,618). Out of 600 Czech Jews who came to the camp only about 60 are now alive (R 602). Eichelstorfer had been seen beating prisoners with a stick and with a rifle so badly that they had to be taken to the hospital (R 631,632). One such victim died (R 632). Eichelstorfer was present and helped to burn Kaufering Number 4 in April 1945 (R 644). The camp was still burning when the Americans arrived (R 620,621). The inmates had been told to leave and Eichelstorfer had cut part of the wire enclosure so that the inmates could take a short cut to the railway station (R 646-647).

A pre-trial affidavit executed before 1st Lieutenant John H. Bowser, investigating officer, by the accused Eichelsdorfer in his own handwriting on 2 November 1945 was admitted into evidence (R 832, Pros Ex 118). The statement reads in translation and pertinent part as follows:

"My name is Johann Eichelsdorfer, I served as a sergeant in the first World War from 1914 to 1918 and was promoted later to the rank of lieutenant. On 20 January 1945 I was 55 years old. My address is Nurnberg, Germany, Suntersbuhl Strasse 5. Up to my 20th year of life I worked in the factory before I was inducted into the German Army. I served during the war 1914-1918 with the 5th Bavarian Regiment as a private and left the army as a lieutenant in the year 1924.

"In November 1940 I was once more drafted as a lieutenant in the Heavy Truck and Training Company No. 13, 34d Co., Bamberg, and from there I was sent on 19 December 1940 to St. Germain in the vicinity of Paris. There I took charge of a heavy truck column which belonged to the Front Gathering Point of the Army Group A. Two days later I left for Essen, Ruhr from there, to take care of the maintenance of vehicles. In April 1941 I was loaded on the train with the vehicles and we went to Krakau, Poland. There I remained until the beginning of the operations in the East. I led this column until August 1943. Then I became sick and was sent to a hospital for 8 months. I had rheumatism. Then I went to Deckendorf Germany, and was transferred from there to Oranienburg Headquarters Berlin, to the SS as officer of the SS Guard Battalions. From there I was sent to Dachau by an Oberscharfuhrer who was assigned there, his name unknown to me. That was on 15 July 1944. Then I was ordered to leave Dachau and to go to Augsburg to get acquainted as an apprentice with the activities of the prisoner of war Camp Augsburg-Pfersee. From there I was ordered to go to Kaufering as Camp Leader. I took charge of the Camp No. 8, which previously was occupied by the Todt Organization. This happened in September 1944. At that time no inmates were present at Camp No. 8. In October of the same year I was ordered to take charge of Camp No. 7 and in January 1945 I was transferred to Camp No. 4. In Camp No. 4 there were about 1,500 inmates, until about three weeks before the American forces arrived, at which time the number increased to 3,000 inmates. I would like to mention that I received the order to leave Oranienburg and to report to Obersturmbannfuhrer Weiter at Dachau, and he in turn gave me the order to report to Obersturmfuhrer Volkmar at Augsburg. Upon orders of Obersturmbannfuhrer Weiter, I left Augsburg on the 5th or 6th of August 1944 and had to report at Kaufering to Hauptsturmfuhrer Forster. My first job there was to inspect the guards at the building sites. I did this about up to the middle of September, when I was ordered to take charge of Camp No. 8. However, Camp No. 8 did not have any inmates and in October 1944 I took charge then of Camp No. 7 where I remained as Camp Leader until 8 January 1945. The highest number of inmates at Camp No. 7 ran to 2,000 when I took charge of it in October. My subordinates at Camp No. 7 were the following: Hauptscharfuhrer Vetter in the capacity of Rapportfuhrer, Oberscharfuhrer Lauffs as the Supply non-commissioned officer for inmates' clothing, and Oberscharfuhrer Steinbuechel as non-commissioned officer in charge of food. Otherwise no one else was subordinate to me. During the time I had charge of Camp 7 my superiors were: Hauptsturmfuhrer Forster, Sturmbannfuhrer Langleist and Sturmbannfuhrer Auzier. Under me, Hauptscharfuhrer Vetter in his capacity as Rapportfuhrer was in charge of the work details of all Jewish inmates in Camp 7. At the beginning of October 1944 we had the first death, due to mushroom poisoning; the prisoners had been working in the forest and did not know the danger from these mushrooms. That they had been poisoned by mushrooms I know because they were brought into camp that evening unconscious, and this fact was confirmed by the inmate doctor, whose name I do not know.

The dead were buried about 400 to 500 meters distant from camp. The place of burial was ordered by the Burgemeister of Erlfeting. It was a clearing at the edge of the woods. The graves were only designated as a dirt mound without a cross and without designation. They were Jewish graves and as far as I know none of them would be marked with a cross. Furthermore I would like to mention that there were more death cases at Camp 7, the cause of which were determined by inmate doctors, and which I cannot state.

"On 8 January 1945 I was transferred from Camp No. 7 to Camp No. 4. The reason for this transfer was that Obersturmfuehrer of the SS Lippmann wanted to occupy this camp and naturally the SS had priority over the Wehrmacht in this matter. At about the end of January Sturmbannfuehrer Forschner arrived and took charge of all the by-camps at Kaufering. My staff consisted of Oberscharfuehrer Reidel as non-commissioned officer in charge of food and Hauptscharfuehrer Vetter as Rapportfuehrer, who were transferred with me from Camp No. 7 to Camp No. 4. During the time I had charge of Camp No. 4 I received my orders from Sturmbannfuehrer Forschner, who in turn received his orders from Obersturmbannfuehrer Weiter at Dachau. During my stay at Camp No. 4 we had an average of three to four deaths per day, and since I commanded Camp No. 4 for three and a half months until the arrival of the American forces, the number of deaths during that time amounted to about 350. These inmates all died from typhus and typhoid fever. Any mistreatments or beatings of inmates by Vetter, Reidel or Temple are not known to me.

"On 25 April 1945 Dr. Blanke came into Camp No. 4 and gave me the order to help him load up the sick on the train. I declined to help him and declared that so far he was responsible for this and I wanted it to stay that way. Then Dr. Blanke rode on his bicycle to Hurlach and there picked up all horsedrawn carriages and took the sick in these to the railroad station. All I did was to furnish the guards because I did not want any of the inmates to escape. On the day when the American troops arrived I left my home at 6:30 in the morning and rode on my bicycle in the direction of Staffersberg. When I entered the woods I noticed smoke arising from the camp. Taking a closer look, I could notice that it was Dr. Blanke who had set fire to the ear huts. After that time I never saw Dr. Blanke again." (Pros Ex 118A)

13. Otto Foerschner. Foerschner was probably a Sturmbannfuehrer and was at Kaufering Camp Number 1 during the last two or three months of its existence in 1945 (R 657,685). The accused Foerschner mistreated the prisoners who worked on a stone carrying detail (R 657,690). When the accused Foerschner discovered that the caps for the women did not work, he punished all the women on the detail by not permitting them to receive any food for a day and forcing them to stand at attention from six until two (R 657-658). Then from two to six the women were forced to cart stones, but some did not have any strength left and began to carry fewer stones (R 658). Then Foerschner discovered that, he beat two of them, a Lithuanian and a Hungarian (R 658).

At another time he hit a prisoner on the head with a stone (R690-691). This inmate had to be taken to the hospital and was never seen again (R690-691). Once at Kaufering Foerschner beat one inmate with an iron rod "with great force" so badly that the man died. (R676). This incident occurred in March 1945 (R 676,677,679,681).

A pre-trial affidavit executed by the accused Foerschner in his own handwriting on 31 October 1945 before 2nd Lieutenant MacMahon, Investigating officer was admitted into evidence (R 843, Pros Ex 121). That statement reads in pertinent part in translation as follows:

My name is Sturmabfuhrer Otto Forscher. On the 1st of Feb. 1945 I was ordered by Obergruppenfuhrer Pohl to take over 7 camps (afterwards 9 camps) near Landsberg. As I arrived at Landsberg there were about 10,000 prisoners. The health situation was bad and the amount of sick persons was high. In the time that I was camp commander about 3,000 prisoners joined the camp. In the time from 1 Febr. 1945 till the end of the war, when I was a camp commander there, about 2,000 prisoners died. I am not guilty of these cases of death. After the first inspection of the camp No. 1, I immediately ascertained the bad state of the billets. Immediately I received the impression that a person, after some time, would ruin his health with this kind of billets. I reported this impression the next day to the camp commander, Obersturmbannfuhrer Weiter, and also to Obergruppenfuhrer Pohl, who was present there. I requested Obergruppenfuhrer Pohl to relieve me from this position, but my request was refused.

"As I took over the camp there was typhus fever among the prisoners. The greater part of the camps were closed. Beside this, camp No. 4 was occupied wholly by sick prisoners. Only the physician was allowed to enter this camp. Most of the deaths occurred in this camp No. 4. The physician told me definitely that it wasn't dangerous and the danger would be completely eliminated. The typhus fever, after some time apparently diminished in the single camps. The cases of death diminished also, the number of sick persons, however, continued.

"On my opinion, the guilt is the fact that all people were accommodated in such bad billets. When the camps were built convenient barracks had to be requested from the O.T. for the accommodation of the inmates. Bathing and disinfection-rooms as well as shoemaker's shop, tailor's shop and dry cleaners for body linen and working clothes at any rate had to be in order before the arrival of the inmates. Before being quartered the camps had to be drained. The physician ought to have had at his disposal a number of sick-beds. In the camp a dentist's station ought to have been installed when being quartered. The camps installed by the O.T. in the environs of Landsberg by no means were to be occupied if the above-mentioned requests were not accomplished before.

"The camps were billeted without these requests completely being accomplished, and this, on my opinion, is the reason for the high amount of sick persons and also of the following cases of death. After I had taken over the camp on the 1st of February 1945, I tried to improve whatever was possible.

"In the Camp No. 1 the laundry, the tailor's shop as well as the shoe-maker's shop were improved and enlarged during the time that I was there. The kitchen was improved, lodgings improved as well as the streets and foot paths. Improvements were also performed in the other camps. Only camp No. 4 (sick-camp) was still barred during my time. Entrance was forbidden, there so that I cannot state improvements there.

"In my written statement to the O.T. I requested the improvements which were necessary in the single camps. A copy was sent to Dachau and Berlin. In my later report to Dachau I asked for the departure of the prisoners unable to work.

"Standartenfuhrer Dolling, Obersturmbannfuhrer Fas, and the camp commander of Dachau arrived at Landsberg some days later. After my report in which I energetically asked for help the departure of all sick inmates were promised to me. It would take only a short time, and the sick inmates would be transferred to a good sick-camp, especially picked for them. The contrary happened, other sick inmates were sent to Landsberg by order of the camp-chief Obersturmbannfuhrer Weiter. I

myself have tried all to manage an improvement of the camps, without the help of the camp-chief of Dachau, however, the number of the sick persons was hardly to bring to a lower level on account of the billeting circumstances there.

"The guilt regarding the high number of sick prisoners and, consequently, the high number of dead is to be laid upon the chief who gave the order to put persons into the camps. A thorough inspection of the camps would have to be made before the billeting. As all the camps were billeted by the Kommandantur of Dachau, the chief commander of Dachau, in my opinion, is the only and exclusive man to be made responsible." (Pros Ex 121A).

11. Dr. Hans Kurt Eisele.

The accused Dr. Eisele was an SS doctor who worked under the chief doctor, Hintermayer (R 166). His post was in the surgical station (R 166). He attended executions at the crematory where he signed the death certificate and then left (R 333, 340, 349).

A pre-trial affidavit of the accused Dr. Eisele, executed on 31 October 1945 before Lieutenant Guth was admitted into evidence (R 814, Pros Ex 100). That statement reads in pertinent part and translation as follows:

"1. From February 1945 until the capture of the camp by the United States forces I acted as camp doctor and director of the surgical department of the Concentration Camp Dachau. As such I held the rank of an *Sa-Hauptsturmfuehrer*.

"2. As Camp Doctor and director of the surgical department my superior was SS *Sturmbannfuehrer* Fritz Hintermaier, my colleagues the medical officer of the station complement Puhr and the director of the hygienic station Weber. Hintermaier was in charge of all sanitary hygienic and other medical installations and all installations that were charged with the health of the inmates and was responsible for the entire health service and all sanitary measures. According to *Sturmbannfuehrer* Hintermaier's own statements, he did not hold the degree of Doctor of Medicine. Although this was not unusual in wartime, it was extremely unusual in the case of a man of Dr. Hintermaier's age. In my opinion, Dr. Hintermaier did not possess the medical, administrative or military capacity which would have been necessary to fill his position. He also lacked the necessary ability to work, initiative, and good will

"3. When I started my duties in the camp in February 1945 and Dr. Hintermaier took me on a tour of the camp, he told me that a typhus epidemic was going on. In his opinion the epidemic was abating although according to his own statements about 30 to 80 cases of death occurred daily and new infections were reported continuously. For instance, two of my immediate subordinates, an x-ray technician and another assistant became infected of typhus after that time, although naturally the general living conditions and the sanitary arrangements of those who were employed in those jobs were by far more favorable than those the other inmates enjoy. Moreover I can say that it was surprising that this typhus epidemic broke out. Lack of space, sanitary facilities medicinals and food made this epidemic unavoidable. The inmates, who were in a weakened condition anyway, were crowded together in the barracks in an absolutely unbelievable fashion and were naturally exposed to all dangers of infection. Insufficient facilities for washing themselves as well as their underclothes and other objects which came into contact with the bodies, insufficient prophylactic measures before contracting disease, insufficient

desinfection and disinfection facilities naturally contributed their share. I should like to mention that a shortwave delousing station was installed after my arrival during the last weeks. However, any success this disinfection might have affected was destroyed, since shipments which arrived freshly in the camp were immediately distributed over all blocks of the camp and in a very negligent fashion without going through the de-lousing station first, so that naturally the success of the previous de-lousing of the camp was destroyed. Regulations required that all new arrivals should go through the delousing station which, if my memory serves me right, was under the direction of Oberstabsführer Fuhrmann. This thing was impossible though since only a small number of prisoners from each shipment was taken to the delousing station while the others were simply thrown into the camp after the time was up. I don't think that Dr. Hintermaier and Fuhrmann tolerated this from any bad will but simply because they could not control the large masses and could not get along on the time. I myself propose several ways to control the epidemic or even to check it to Dr. Hintermaier. For instance, I propose to quarantine all those who had been infected in the camp Allach, which was partly empty at that time. Moreover I propose that the typhus infection should be decentralized, that their barracks should be separated and that they should be bedded in two-layer bunks instead of three-layer bunks. Naturally this would have decreased the danger of infection considerably. However Dr. Hintermaier was passive towards all proposals, just as in many other proposals which were aimed at improving conditions in camp, obviously he was only interested in getting rid of the unpleasant reprimand as soon as possible. Nothing ever happened afterwards, although I attempted to explain to him the seriousness of the situation, although this should not have been necessary to another doctor. I should like to add that Dr. Hintermaier could have done something if he had only had the desire to improve things. For instance, when I insisted on enlarging my department I succeeded in securing a larger and more spacious ward and several single bed-rooms for my patients. The only serum that was given was the so-called "convalescent serum" which is only of healing and not prophylactic value, as far as I know, therefore I can say in summarizing that the outbreak of epidemic could have been avoided by a better, or even by a more interested, sanitary and hygienic direction, and that after the outbreak of the epidemic it could have been checked by proper control if only the most primitive medical measures which were in Dr. Hintermaier's power, or could have been in Dr. Hintermaier's power had been taken.

"4. Another cause of death was dysentery and other related intestinal diseases. The main reason for these diseases was insufficient food. It was one of the duties of the camp doctors to inspect the kitchen and the food which was served every day. Except for the special diets, which was very good, the food was very usually qualitatively and always quantitatively insufficient to keep even a sedentary man healthy. It should be noted that the inmates who received the food naturally were all, or at least for the most part engaged in a heavy work. After every one of my inspections I made note of the insufficient quantity in the mess-book. According to directives, the mess-book was read by the administrated chiefs, Hauptsturmführer Wetsel and Obersturmführer Williboek. Moreover I informed my superior, Dr. Hintermaier of that state of affairs, especially in regard to an additional issue of fat, and I always met with the same lack of understanding and lack of interest. Even the food that was served to the sick who did not get special diets was absolutely insufficient to return a sick man to health or even to maintain his state of nutrition. Red Cross packages caused this lack in the diet of the sick to be at least partially remedied.

"5. Once I inspected the Camp Ruhldorf by order of Dr. Hintermaier. I found the sanitary and medical facilities insufficient. Again

I submitted certain proposals to Dr. Hintermaier and demanded the detailing of a special camp doctor. The result was the same as in the case of my other demands. However I was so excited about the conditions I had found during my inspection that I inspected the camp unofficially a second time and found the conditions the same, with the exception of an out-of-the-way wooden barracks as a so-called dispensary. I got so angry about this conditions that I requested Obersturmbannfuehrer Martin Weise to take me along on an inspection and I pointed out the terrible conditions and the even more dangerous potentialities. We did actually have a conference with Engineer General Tschersik after the two O.T. Physicians whom we met by accident in the camp, explained that he was the only one who could improve things. However nothing did in fact happen.

*6. I was compelled to participate in three executions during my tour of duty in the Concentration Camp Dachau. The first one, a shooting probably took place in March 1945. Then afterwards I was present at another execution, also in March or possibly in April 1945, and one hanging which took place in April 1945. Those who were shot were two Russians, I don't know whether they were PW's or civilians, and one Frenchman, I don't know whether he was PW or civilian. Those who were hanged were two Poles or Russians, and again I did not know whether they were PW's or civilians. In all cases the executions were directed by Obersturmfuehrer Ruppert and Otto and Hauptcharfuehrer Bongartz and Eichberger did the actual killing in the case of the shootings. In the hanging the actual killing was done by an inmate, in my opinion. After the hanging I signed the certificates of execution with Obersturmfuehrer Otto and Obersturmfuehrer Ruppert.

*7. To complete my statement I should like to add that many cases of death were recorded as "weakness of circulation" since they had died of infections which were in themselves minor, but to which they had no resistance because of their state of malnutrition." (Pros Ex 100A).

15. Dr. Klaus Karl Schilling. A special experimental station had been set aside in the hospital for the performance of malaria experiments under the supervision of the accused Dr. Schilling (R 191,157,482). Schilling performed his research for the purpose of determining immunization for and treatment of malaria (R 192). Requests for prisoners were made by Schilling (R 159,160). One such request, which was admitted into evidence, stated that Polish prisoners were requested (R 160, Pros Ex 38). A list of inmates was prepared in the camp physician's office, the inmates being of all nationalities which were represented in the camp, and was sent to the labor office which made a copy of the list (R 284,285,287, Pros Ex 47,48,157). There the list was confirmed by the schutzhaftlagerfuehrer who sometimes made a few changes in the list (R 285). These lists appeared about once every month since about 1943 (R 285). None of the 1200 selectees ever consented or volunteered (R 160-161). Priests were often selected for these experiments (R 356,353). An inmate, a priest named Father Koch, related his experience in that connection (R 356). He was first x-rayed and then sent to the malaria station (R 356-357,353,215). He was put into a little room where he received a box with mosquitoes which he had to hold in his hands for about half an hour (R 358). That occurred every day for one week (R 358,363). Every afternoon another box of mosquitoes was put in between his legs while he was in bed (R 358,363). Each morning a blood smear was taken from his ear and his temperature was measured each day and night (R 358,364). He was given quinine (R 358,364). In about 17 days he left the hospital (R 359,364). After being released from the hospital he had to report back every Saturday (R 360,364). Eight months later he had an attack of malaria, which recurred precisely every three weeks for six months (R 359,363,364,365). The symptoms he felt were high fever, chills and pains in the joints (R 359). Koch did not volunteer for the experiments nor did the other prisoners, who were mostly Poles and Russians, who underwent the treatment with him (R 356,362).

The prisoners were infected with malaria by the injections of the mosquitoes themselves or the injections of extracts of the mucous glands of the mosquitoes (R 157). After having contracted malaria the prisoners were treated in different ways (R 157). Some, as Father Koch, were given quinine (R 358). Others were given neo-salvarsan, pyramidon, antipyrin, a drug numbered 92616 and several combinations of these (R 157). Some people died as a result of these experiments (R 158). Schilling was present when autopsies were performed on some of those persons (R 158). Whenever anyone died who had been injected with malaria, a report of that death was made to the accused Schilling and the chief doctor (R 158). Some of the victims died from the intoxication of neo-salvarsan and pyramidon, for many individuals could not withstand large doses of these drugs (R 159). From the autopsy it could be determined that a patient died of neo-salvarsan since the reactions were similar to arsenic (R 193-194). In the beginning of 1944 three deaths resulted from the use of pyramidon (R 194). These people were brought directly from the malaria ward to the autopsy room (R 197). Two young Russian boys who were transferred from the Malaria ward to the general medical ward died within a day after their arrival because of overdoses of pyramidon (R 394-395, 405). They had been sent to the general ward so that the official cause of death which would be stated would not be malaria (R 405). Pyramidon has a toxic influence on the blood corpuscles which causes them to disintegrate (R 195). Malaria was the direct cause of 30 deaths and as a result of complications, 300 to 400 more died (R 195, 197). People who had died directly from malaria had come straight from the malaria ward while the 300 to 400 others had undergone the malaria experiment (R 204). These people who had been subjected to malaria may later have died of tuberculosis, pneumonia or dysentery (R 196). Some of the patients whom Dr. Schilling used had had tuberculosis before undergoing the experiments (R 11). Fever type diseases have adverse effects on tuberculosis (R 211). An index of the malaria diseased people was kept in the hospital office (R 198).

Schilling received various visitors such as Dr. Rabbit, who was a Reich SS physician at Oranienberg (R 192).

A pre-trial affidavit of the accused Schilling executed in his own handwriting on 30 October 1945 before 2nd Lieutenant Werner Conn was admitted into evidence (R 827, Prox Ex 123). This statement reads in pertinent part and in translation as follows:

"My name is Prof. Dr. Claus Schilling. I have already worked on tropical diseases for 45 years. I came to the experimental station in Dachau in February 1942. I judge that I innoculated between 900 and 1,000 prisoners. Those were mostly innoculations for protection. These people, however, were not volunteers. The inmates whom I gave protective innoculations were not examined by me but by the present camp doctor. Before the innoculation there was usually an observation of several days. The last camp doctor was Dr. Hintermaier. As well as I can remember, in three years there were 48 patients who died outside the malaria station. The patients were always released by me as cured only after one year.

"As remedy I used quinine, atabrine and neosalvarsan. I know for sure of 6 cases where I used pyramidon tablets to hold down the fever, (Prox Ex 123).

16. Christof Ludwig Knoll.

The accused Knoll was a prisoner in Dachau (R 526, 222, 244). He was a capo and as such was in charge of the work detail at the gravel pits (R 222, 223). His detail was composed mostly of Jews from Poland and Hungarians who were very thin and sick since they belonged to the penal company (R223). The other members of the detail consisted of inmates from the penal company which was composed of those prisoners who had broken the camp rules (R 244). When Knoll's details returned from work a cart upon which the dead bodies were piled accompanied him (R 223, 242). Knoll would remark, "Well, I accomplished that today" (R 246). He would brag about what he had done and indicate that he had killed so many people (R 223). At a Christmas celebration in 1942 Knoll said, "We German political prisoners were decent. All others in the camp should go to hell" (R 526). Knoll then added, "Mr. Hauptsturmfuehrer (referring to r. Eisele) I finished 97 Jews, 3 more and then I shall fetch my bread time" (R 526). Knoll was also a block sesteste on block 15 (R 528, 201, 166). He beat people, especially Czechs, on the punishment bench (R 166, 307). These beatings were unofficial and were performed because of his position as block sesteste (R 166, 201). As he led prisoners to the hospital he would often beat them and at the hospital he often struck the patients (R 306). At one time in 1944 Knoll went into block 16 where he beat a Pole with the leg of a chair and thereby caused the Pole to collapse (R 224, 247).

17. Dr. Fridolin Karl Puhr.

A pre trial affidavit of Dr. Fridolin Karl Puhr which had been prepared in his own hand writing and executed before Captain John A. Barnett, investigating officer, on 30 October 1945 was admitted into evidence (R 846, pros ex 113). It reads in pertinent part in translation as follows:

"My name is FRIDOLIN PUHR. I am 33 years old and am by birth an Austrian. I am a doctor. I entered the Allgemeine SS in June 1937. I reported voluntarily at the end of 1939 to the Air Force, but was inducted on 15 July 1940 into the organization of the Waffen SS.

"I came to the Dachau Concentration Camp on 15 December 1944 and held the rank at that time of Hauptsturmfuehrer and troop doctor for the guarding units of the Concentration Camp. I was in charge of a small hospital unit with 21 beds, which was located outside of the so-called Concentration Camp.

"I did not have anything to do with the treatment of the prostitutes in the camp because those were for the Gopos. I admit that I was present at executions which were performed here at Dachau. I can remember 5 or 6 executions where I had to be present. In two cases the victims were hanged and in the other cases they were shot. With the exception of 3 SS men, the victims were all inmates. I can remember the first execution at which I was present, which was performed on Christmas 1944. The victim was an inmate and was shot because he had been looting in Munich. The execution took place in the yard. I don't know who gave the order for this execution. Obersturmfuehrer OTTO was present at that time with Schutzhaftlagerfuehrer RUPPERT. There were 2 or 3 other men present, their names I can't remember. I now remember that Oberscharfuehrer BONGARTZ was the one acting as official executioner. Prior to sending the corpse to the crematory to be burned I had

examined the body and made out the death certificate.

I was present at two executions in January, the first of which took place at the beginning of January 1945 where two inmates, their nationalities unknown to me, were hanged in the crematorium. BONGARTZ was the hangman and RUPPERT and OTTO were present, as in all previous cases. One of the two inmates was executed as a spy and I don't know why the second one had to die. All hangings took place in the crematorium and the shootings in the yard of the crematorium. As usual I asked for the execution order which I always had read before an execution took place. When the death verdict appeared to me too severe I would try to put in for an appeal to the Adjutant, who was present. The gallows was located in the crematorium right in front of the ovens. BONGARTZ killed these two inmates in a good way. The corpses were left there to be burned.

The next execution I remember occurred at the end of January. This was the shooting of a man in the yard of the crematorium. I can't remember why he was shot. The inmate was completely undressed, had to kneel down in front of a pile of earth and then BONGARTZ came from behind with a pistol and shot the man in the neck. The man was dead immediately. At that time RUPPERT and OTTO were again present.

The next execution took place in the middle of March. I came too late, and when I arrived there the execution had already taken place. There were four naked bodies lying on the ground. They were all shot the same way as the other ones, in the neck. All the witnesses had already left at the time I arrived. I made out the death certificates. With certainty I assumed that the group which usually included OTTO, RUPPERT, and BONGARTZ had performed this execution. I made out the death certificates for the 4 victims.

The next execution took place in the middle of April. There were 8 men shot. They were all naked and shot in the same way as the previous ones. BONGARTZ and another SS man, his name unknown to me, performed this killing. I do remember that two of them were shot for espionage. OTTO was there as Adjutant to the Lager Commandant, WEITER. The Schutzhaftlagerfuehrer RUPPERT was also present. The execution took place in the same area where the others had taken place." (Pros Ex No 113A)

18. Franz Boettger.

Boettger was Rapportfuehrer and labor leader (R 235, 251, 339). When the work details would leave the camp he would stand at the gate and check the lists (R 251). In 1944 the accused Boettger officiated at the public execution of a young Russian (R 124, 181). It was Boettger who kicked the stool out from under the young Russian's legs (R 124, 578). His body remained hanging for about one half to three quarters of an hour while the working details marched by during the noon hours (R 124-125). It was Boettger who brought the two Russian women to the crematorium who were executed by Hintermayer (R 339). Boettger had the regular job of leading the people to the crematorium to be shot or hanged (R 339). Thus, the 96 Russian officers who were executed in September 1944 were led to the place of execution by him (R 126, 181). The accused Ruppert and Boettger were in charge (R 126). As they went toward the crematorium he pushed them and told them to quicken their pace (R 127). After they arrived at the crematorium single shots were heard coming from that direction and the 96 Russian officers were found shot in the neck and the gold in their teeth had been taken (R 128).

Boettger often struck the prisoners with his fists (R 235). He whipped the prisoners in the bath house with a cat-of-9-tails (R 235, 466). He beat them on the parade grounds so severely that they had

to be taken to the hospital, (R 235, 236).

Boettger was one of the individuals in charge of a transport which left Dachau on 26 April 1945 (R 236). During the march he shot a Russian in the head who was lying in the ditch beside the road because he had collapsed from weakness (R 236, 240, 261).

A pre-trial affidavit of Boettger's, prepared in his own handwriting which had been executed before Lieutenant Conn on 29 October 1945 and a supplement which was also in his own handwriting and executed before Lieutenant Conn on 30 October 1945 were admitted into evidence. (Pros ex 105, 829). It reads in pertinent part and translation as follows:

"In June 1940, I was called into Dachau as a reserve and I did guard duty there and accompanied prisoners, and I was released the first of November 1940. At that time PIORKOWSKI was Commandant of the Concentration Camp of Dachau. I was then called back to Dachau as Unterscharfuhrer in May 1941, and worked as supply sergeant in the Second Company. In September 1941, I came to the post censorship office at the Command Post. There I was until October or November 1943, and I was promoted in May 1942 to Scharfuhrer, and in May 1943, to Oberscharfuhrer. Hauptsturmfuhrer REDWITZ then, (Oct.-Nov. 1943), gave me the official order that I should work as Rapportfuhrer in the Schutzhaftlager. At that time WEISS was still in command of Dachau. My official office was in Department #3 in the shoehouse. The Block Leaders under me had Blocks 2 to 30 and 15 to 29 under them. The following Schutzhaftlagerfuhrers were at that time my superiors: 1. Hauptsturmfuhrer REDWITZ; (43-44); 2. Untersturmfuhrer JUNG, (Jan. 44 to middle of 1944); 3. Obersturmfuhrer RUPPERT, (middle 1944 to end); 4. Obersturmfuhrer GAMPE (No dates). In November 1943, WEITER became Commandant of Dachau, and in June 1944, I was promoted to Hauptscharfuhrer. My work as Rapportfuhrer consisted of the following things: 1. Control of work details; 2. Receive and turn over transports; 3. Hold roll call; 4. Lead people to the crematorium. All orders for that were given to me by Department No. 3. (REDWITZ, JUNG, RUPPERT.) When I led the people to the crematorium, the list was always brought by EICHBERGER from the Political Department of the HQ. to the Schutzhaftlagerfuhrer. EICHBERGER always went along to the crematorium because he had to get the list signed. The list was always signed by the Schutzhaftlagerfuhrer present, the Adjutant, Obersturmfuhrer OTTO, and the doctor. I saw the following people sign the list: RUPPERT, JUNG, Sturmbannfuhrer HINTERMEYER, Dr. EISELE (Hauptsturmfuhrer) and the Adjutant, Obersturmfuhrer OTTO. When I led these people to the crematorium, I knew what would happen to them. None of these people came out of the crematorium alive.

"Besides the civil inmates, there were also Russian prisoners in the camp. At one time, on 4 September 1944, about ninety Russians were shot. They were soldiers. When I saw these soldiers the first time, they were already lined up and the following SS men were present: Commandant WEITER, RUPPERT, KUHN, EICHBERGER, and (presumably) HINTERMEYER. The people were then led to the crematorium. I went along with about the last 30 Russians and when I arrived at the crematorium, I saw how they were shot. The Russians had to undress naked, and I saw the following people give them shots in the neck: 1. Oberscharfuhrer BONGARTZ; 2. Hauptscharfuhrer KUHN, and Hauptscharfuhrer EICHBERGER. Present at the shooting were RUPPERT, I, and one of the doctors. There were also Gestapo agents from outside there; Adjutant Otto was there. Dr. HINTERMEYER or Dr. EISELE was there, or PUHR. BONGARTZ was executor and killed most of them. WEITER was also present.

"I took part in the transport to Tyrol but we only got as far as Wolfartshausen. This transport started on 26 April 1945 and the

following SS men were present: 1. I; 2. Sturmbannfuhrer LANGLEIS, in command; 3. Hauptman BAYER; 4. Untersturmfuhrer HORNING." (Pros Ex No. 105A)

19. Peter Betz.

Betz was an SS Hauptscharfuhrer (R 290). From January to March 1943 he was Rapportfuhrer (R 290).

A pre trial affidavit of the accused Betz prepared in his own handwriting executed before Lieutenant Bowser on 30 October 1945 was admitted into evidence (R 834, pros ex 120). It reads in pertinent part and translation as follows:

"My name is PETER BETZ; I am 32 years old and I was born at THEISENORT House No. 6 in the town of KRONACH in Bavaria. On 1 November 1933, I voluntarily entered the Allgemeine SS due to unemployment. I resided at THEISENORT all the time and worked there every now and then and in its surrounding localities. The work I performed was that of a carpenter on the railway line. In August 1935, I reported voluntarily to the Death's Head SS at Dachau. There I was assigned as an SS man and worked myself up to the rank of Rottenfuhrer until June 1935 and during the three years there, I performed my duties as a guard. In 1938 I was transferred to the Commandant's Office within the concentration Camp Dachau. Then I was employed in the office of Unit No. 3. At the beginning of the war, the Death's Head Organizations were incorporated into the Waffen SS of which I was a member since 2 September 1939. At that time I was Scharfuhrer and worked myself up to Hauptscharfuhrer. I received this rank on 1 February 1943.

"My duties in the office were to check the arrival and departures, as well as the death cases, and to report these to Granienburg in the vicinity of Berlin. I sent punishment orders to Berlin for approval and I also had to send conduct reports of inmates to the designated Gestapo office and forward them to the High Security main office. My highest superiors in the office from 1938 to 1943 were Obersturmbannfuhrer PIORKOWSKI and respectively following him in short order, Hauptsturmfuhrer GRUENEWALD, Hauptsturmfuhrer ZILL, Hauptsturmfuhrer REDWITZ, and Obersturmfuhrer HOFFMANN. I received an order from HOFFMANN in November 1941 to help pick up about 80 Russian partisans at the railway station in Dachau in order to transport these to the rifle range. At that time I was assigned for guard duty. On the rifle range, I guarded the Russians while I witnessed the Russians being taken in groups of 5 and shot to death. The second time I performed the same duties, and that time about 90 to 100 Russian partisans were shot. A period of 1 1/2 days elapsed between the first and second time. The execution squad, both times, consisted of the following SS men: Untersturmfuhrer JARDLIN, Oberscharfuhrer FROMMAPPFEL, Scharfuhrer HIRNER, Oberscharfuhrer HIPP, Hauptscharfuhrer KIEHN, Scharfuhrer STAEFL, Oberscharfuhrer ENDRESS, Scharfuhrer Max BOOCK, Unterscharfuhrer STRASSER, Hauptscharfuhrer WOLFGANG SEUSS, Hauptscharfuhrer REISSELE.

"I remember administering face slappings three or four times in the summer of 1942, because the inmates were accused of theft and they denied it. Several times, I accidentally had the opportunity to enter the room where inmates were questioned and happened to see that the inmates were beaten up by SS men. The inmates were mistreated and received about 10 to 15 beats on the buttocks with a club. Several times a whip was being used which was called "oxtail". I witnessed this about ten times. The SS men who administered these mistreatments were the following: Untersturmfuhrer JARDLIN, Hauptsturmfuhrer REISSELE, Hauptscharfuhrer Josef SEUSS, Hauptsturmfuhrer ZILL, Obersturmfuhrer HOFFMANN, Hauptsturmfuhrer GRUENEWALD, and Hauptscharfuhrer THUMANN. The mistreatments took place in the years

of 1938 to 1943, while I was working in the Camp Commandant's office, Unit No. 3. Besides the above alleged face slappings, I never beat or mistreated an inmate." (Pros Ex No. 120A)

20. Anton Endres.

Endres was a member of the SS who worked as a first aid man in the hospital (R 303, 317). There he assisted a capo named Heiden who used to kick and beat the prisoners who had reported to the hospital for treatment (R 304). Although Endres was the responsible first aid man, he not only failed to prevent Heiden from committing those excesses, but assisted him (R 304). Thus, Endres assisted Heiden in placing prisoners on the examination table where Endres would inject the antiseptic into the victim (R 304, 305). At other times when Heiden killed some of the patients by injections Endres would aid in the handling of the patient (R 305, 318, 320). Often Heiden and Endres would put a patient in heavy wool blankets, and then subject him to a cold shower from 2 to 3 hours, as a result of which the patient would die from high fever and freezing (R 304).

A pre trial statement of the accused Endres prepared in his own handwriting on 30 October 1945 was admitted into evidence (R 829, pros ex 123). It reads in pertinent part and translation as follows:

"My name is ANTON ENDRES, SS Oberscharfuhrer, SS Totenkopf-division, Dachau.

Dachau:	7 Sept. 1939 - 28 Nov. 1939
Dachau:	Dec. 1940 - May 1942
Lublin:	May 1942 - June 1943
Augsburg:	June 1943 - Nov. 1943

"From 28 November 1939 until December 1940 I was under medical treatment because of an automobile accident and was in Oranienburg.

"From November 1943 until September 1944 I was in custody pending inquiry in Dachau and Weimar because I had let inmates out of the camp. In September 1944 I came into the Penal Camp Dachau where I was until 30 April 1945. I was in Dachau from September 1939 until November 1939 for basic training. From December 1940 until May 1942 I carried out the following duties in Dachau:

Until June 1941 I was first aidman under the troop physician, Dr. LOLLING.

Until May 1942 I was active in the camp quarters and also in the troop quarters. I was always under Dr. LOLLING. In the camp hospital there were inmates who were sick.

"About Spring of 1942 Dr. LOLLING was transferred and Dr. WOLTER took over his place and the same responsibility. My tasks beginning in May were as follows: to get the mail, to get medicine from Berlin, and to keep latrines and lavatories in order. I was active in the hospital as first aidman. About 5 to 10 inmates died daily in the hospital. Some of them died of undernourishment, dysentery and so forth. Besides the civilians, I also saw Russians (foreigners) in the camp.

"I was directly under the chief director (Dr. LOLLING and Dr. WOLTER). About 3, 4 or 5 times I was present as first aidman when lashings were dealt out. I remember that Dr. BLANKE was present at least one time."

21. Simon Kiern.

The accused Kiern was a Hauptscharfuhrer who for a time was in the post censor office where he acted as a censor and was later a Block Leader (R 290, 299). At one time in 1942 a prisoner, either a Russian or a pole, who had just come to Dachau on a transport was lying on the ground since he was very ill (R 283). Kiern killed the inmate by kicking him in the head (R 283).

A pre trial affidavit of the accused Kiern which was prepared in his own handwriting and executed before Lieutenant Bowser on 30 October 1945 was admitted into evidence (R 836, pros ex 119). It reads in pertinent part and in translation as follows:

"My name is Simon Kiern. I am 32 years of age and resided until my arrest on 30 April 1945 at Hebertshausen, Wurmuhle 3. I was inducted into the German Army on 1 October 1932 and was discharged as a corporal on 1 March 1936. Then I became a civilian and remained one until 30 January 1937 and after that time I entered the organization of the Waffen SS. I first came to Dachau on 1 February 1937 and was employed there as a Signal Corps man. I remained in Dachau from 1937 until 1939 to train SS men as Signal Corps men and was thereafter sent to Czechoslovakia where I remained until the year 1941. Then I returned to Dachau and was active with the Signal Corps until July 1941. Then I was commanded to the Concentration Camp where I was employed as clerk in the office of Hauptsturmfuhrer Zill. My rank at that time was Unterscharfuhrer. My duties in the office consisted of filling out the file cards of inmates, as well as writing N.S.V. post cards to the families and relatives of inmates. In November 1941 I was ordered for the first time to participate in the execution of Russian prisoners. I did not want to do that and told Zill so. Thereupon he shouted at me and said that I had to execute his orders. Fifteen Russian Partisans were shot to death that month. These executions took place at the rifle range. The next shootings I was ordered to participate in took place in January 1942. There were two executions that month, in each of which 25 or more Russians were shot. I was active in all three executions, taking part in the shooting. Untersturmfuhrer Jarolin was in command of these executions. The following named men have participated in one or more executions:

Hauptscharfuhrer Peter Betz
Scharfuhrer Hertha
Scharfuhrer Angerer
Hauptscharfuhrer Geisberger
Oberscharfuhrer Muller
Hauptscharfuhrer Wolfgang Seuss
Rottenfuhrer Philipp
Scharfuhrer Staefl
Oberscharfuhrer Karl Kipfer
Oberscharfuhrer Endress
Scharfuhrer Preiss
Scharfuhrer Max Boock
Scharfuhrer Josef Boock
Scharfuhrer Schoppmeier

Furthermore I want to mention that at the time these executions took place 5 persons would be shot at once and the corpses would be removed by SS men. I broke my arm in February 1942 and spent 8 weeks in the hospital. After that time I never took part in any more executions. The only men of the above mentioned SS men that I can say were at all three executions were Jarolin and Philipp, and due to the lapse of time I cannot say which men took part in the executions of November 1941 and which took part in the execution of January 1942. However, all took part in one or more of the executions. All of the men I have mentioned, with the exception of Endress, Betz and Kipfer, I know took

part in the actual shooting, but of the three I cannot say for sure.

"I remained as an office clerk until December 1942, and was transferred shortly thereafter to the Mail Censor Office here in Dachau where I was accused of stealing 10 cigarettes out of an already opened envelope. Thereupon I was sentenced to serve 6 months in prison. After serving this punishment I was put on probation as soldier by the Wehrmacht. After that time I was never again stationed at Dachau. At the conclusion of this statement I would like to mention that I did not steal the 10 cigarettes and served the 6 months jail sentence innocently." (Pros Ex No 119A).

22. Michael Redwitz.

Redwitz, a Hauptsturmfuehrer, was the First Schutzhaftlagerfuehrer from the end of 1942 through 1943 (R 164, 292, 385). He succeeded Zill as First Schutzhaftlagerfuehrer (R 170). Redwitz instituted the practice of having the prisoners administer the public beatings instead of the SS men (R 229). In August 1943 during a public beating of 14 prisoners on the parade grounds Redwitz was the senior officer present (R 383). One morning he addressed the entire camp and insulted all the priests (R 293).

A pre-trial affidavit executed by the accused Redwitz before Lieutenant Guth on 1 November 1945 was admitted into evidence (R 795, pros ex 95). It reads in pertinent part and in translation as follows:

"1) From 20 November 1942 until 6 March 1944 I was Security Camp Leader of the Camp of Dachau. During the years of 1939 until 1942 I was working from time to time as a postal censor in the concentration camp of Mauthausen. During my work at Dachau I held the rank of a Hauptsturmfuehrer.

2) In my position as a camp security leader I was in charge of all affairs concerning the clothing, quartering and treatment of the prisoners and of all the prisoners' welfare. I was responsible for discipline, good order and cleanliness of the camp as well as for the health of the prisoners. My only superior was Obersturmbannfuehrer Martin WEISS. On the same level with me were his adjutant SUTTROPP, head of administration Heuptsturmfuehrer KLADDENHOF (after April 1943 Sturmbannfuehrer GEHRICH) and the commander of the guard battalion Hauptsturmfuehrer MELZER as well as LANGLEIST, and the head of the political department, Untersturmfuehrer and criminal secretary KICK, the head of labor commitment Oberscharfuehrer PFLAUM and the first camp doctor Hauptsturmfuehrer Dr. WOLTER. We all worked together and our respective spheres of work overlapped in such a way that it is impossible to make an exact limitation of all rights and responsibilities. There is hardly one question arising out of or possibly originating in connection with the leadership of the camp in which not all leaders directly subordinate to Obersturmbannfuehrer WEISS would have been interested. It is likewise difficult to make one of the leaders particularly responsible for a certain condition in the camp as this condition, probably, was created by the cooperation of all departments. My subordinates were Obersturmfuehrer Arno Lippmann as second security camp leader, and Untersturmfuehrer Josef JAROLIN as third security camp leader. In the early summer of 1943, LIPPMAN was replaced by Sturmfuehrer JUNG, and JAROLIN by Hauptscharfuehrer TRENKLE. My first clerk up to March 1943 was Hauptscharfuehrer BETZ and thereafter Hauptscharfuehrer EICHBERGER. Everything I said about the responsibility of the staff of the camp commander of the general camp comes also true with regard to the responsibility of my staff in the camp. With the exception of brutalities of individuals we are all mutual and in the same way responsible for conditions prevailing in the camp. It is impossible for me to hold anyone of

my subordinates, especially responsible for any particular condition. So many various leaders and underleaders had a share in the execution of every order that it is impossible to make responsible anyone of them in particular for a certain condition.

3) I cannot exactly recall anymore now the number of deaths in the camp. I examined, however, the document signed by me and marked with the words "Exhibit RE" which Father Hofmann handed to me this morning and do not find any fault with this document. As far as I can judge after the elapse of one year these figures are correct. I should like to emphasize, however, that this list is referring only to the security camp and that I am not able to give any information about deaths occurring in other parts of the camp. These are not included in this list.

4) During my time of duty the barracks were overcrowded. There were always about 600 to 800 men in a barrack constructed for 200 to 300 men. This naturally, greatly increased the danger of infection in the camp. I pointed this out to Obersturmbannfuhrer WEISS. He, however, did nothing about it.

- 5) The following disciplinary punishments were used in the camp:
1. Withdrawal of rations,
 2. arrest,
 3. beatings.

The thrashing of prisoners has always been directed by me, or Obersturmbannfuhrer WEISS, or Obersturmfuhrer LIPPMANN. Though the order of the Economic and Administration Main Office always prescribed beatings with a stick the so-called Ochsenzweiser (ox-tail), that is a long whip, has been used on order of Obersturmbannfuhrer WEISS. On some days a considerable number of prisoners were altogether flogged. I can remember one day when about 50 prisoners were beaten.

6) I cannot remember to have been present at more than about 40 executions. All the death sentences were issued by the Reich Security Main Office. The political department in charge of criminal secretary NICK then sent the death sentence of the Reich Security Main Office to the security camp and Obersturmbannfuhrer WEISS order of execution. This execution-order was signed by Obersturmbannfuhrer WEISS and fixed the time and the place of execution. Without this order of execution, only on the death sentence of the Reich Security Main Office, I would not have carried out an execution. All executions which I can recollect have been carried out by hanging. I cannot remember that more than one person at a time was hanged in one day. I have seen the following persons present at the executions at which I took part: Obersturmbannfuhrer WEISS, the Obersturmfuhrer LIPPMANN, SUTTROPP, Dr. KARR, BARBON, HAUPTSTURMFUHRER WOLTER, Untersturmfuhrer JAROLIN, Sturmbannfuhrer GEHRICH, Hauptscharfuhrer BETZ and after his replacement, Hauptscharfuhrer EICHBERGER, Hauptscharfuhrer TRENKLE, Oberscharfuhrer BOETTCHER, the then Unterscharfuhrer BONGARTZ, Unterscharfuhrer HENSCHEN. When Obersturmbannfuhrer WEISS took part in an execution he also directed it. When he was not present, Sturmbannfuhrer GEHRICH or sometimes I and Sturmfuhrer SUTTROPP or LIPPMANN, or I and Untersturmfuhrer JAROLIN directed the execution. I do not want to say that I have seen the above mentioned present at each of the 40 executions. I have seen, however, everyone out of these persons present at one or some executions. I cannot recollect the exact date of these executions. They were, however, rather regularly distributed in the time between November 1942 and March 1944. It was our general principle to keep down as much as possible the number of persons admitted to the executions, and each one allowed to be present at the execution had his assignment. The minor ranks I mentioned turned over our orders to the prisoners,

directed and supervised the work of the prisoners. The doctors Dr. Kahr, Dr. Wolter and Barbor were present at the executions as doctors and stated the death. The Scharfuehrer EICHBERGER and BSTZ were employed as recorders. The nationalities of the prisoners were Russians, Poles, Frenchmen, Belgians, Dutchmen, Serbians, and perhaps still others which slipped from my memory.

7) About in the year of 1943, Obersturmbannfuehrer WEISS ordered me to be his representative at an execution of two saboteurs in Augsburg.

8) A number of prisoners were held ready for the malaria and phlegmons experiments and for the experiments of Dr. RASCHER's. Obersturmbannfuehrer WEISS ordered me to turn over the prisoners to these doctors for the experiments and then also fixed the number of prisoners to be turned over for each experiment. The general order to turn over prisoners was given to me by Obersturmbannfuehrer WEISS personally, immediately after my arrival at Dachau. The orders to release certain numbers of prisoners in the certain case then arrived from time to time from Obersturmbannfuehrer WEISS. I believe that he gave me the general order personally on my start of duty, and then still several times told me when we had a conversation about the clearance of prisoners for the experiments, that this was an order of the Reichsfuehrer. I myself was always against these experiments and in some cases even refused at all to turnover of prisoners or reduced the number of those to be turned over. The selection of the personalities of prisoners I left to the block clerks. The general order given to me by Obersturmbannfuehrer WEISS on my start of duty said that the prisoners had to be picked up out of the group of those security camp prisoners who worked in the SS managements. Since the imprisoned clergymen were working in the plantage which was a SS management, also clergymen had to be claimed by the block clerks for these experiments." (Pros Ex No. 95A)

23. Wilhelm Welter.

Welter, a member of the SS, was the labor leader and Arbeitsdienstfuehrer (R 526, 295, 232, 253, 474). He was in charge of the slave market formations for several months toward the end of 1944 and the beginning of 1945 (R 320, 150, 153, 200, 201). The prisoners feared these formations since it was considered a dangerous matter to be on them (R 151).

The prisoners were forced to undress no matter what time of the year it was (R 312). Many of the people who stood on these formations died (R 152). Welter grouped and lined the people up (R 201). Welter beat, hit, pushed and kicked them (R 152).

In August 1942 Welter selected 12 inmates who were Belgians, Russians, Poles, Czechs and Germans for the cold water experiment (R 470, 471, 472). At the formation the inmates were placed in two groups, those of 30 years of age and those under 30 (R 473). Only those who were under 30 years of age were selected (R 474). Nine of these died as a result of these experiments (R 471). Each day Welter would bring a group of 10 or 12 prisoners to the hospital for the experiment (R 474-475).

Welter not only selected the manpower for the slave market formations, but aided in the selection of the people for the transports and work details (R 318, 312, 220, 253). Kick assisted him in drawing up the lists for the transports (R 253). The list would be read on the parade ground as Welter looked on and after the transports were put together he would then confirm the action (R 254, 256). In 1944 at least one such transport was of the invalid variety (R 255).

One day a Russian who had stayed away from a detail because he desired to go to the hospital and who had been reported missing

directed and supervised the work of the prisoners. The doctors Kahr, Dr. Wolter and Barbor were present at the executions as doctors and stated the death. The Scharfuhrer EICHBERGER and BETZ were employed as recorders. The nationalities of the prisoners were Russians, Poles, Frenchmen, Belgians, Dutchmen, Serbians, and perhaps still others which slipped from my memory.

7) About in the year of 1943, Obersturmbannfuhrer WEISS ordered me to be his representative at an execution of two saboteurs in Augsburg.

8) A number of prisoners were held ready for the malaria and pneumone experiments and for the experiments of Dr. RASCHER's. Obersturmbannfuhrer WEISS ordered me to turn over the prisoners to these doctors for the experiments and then also fixed the number of prisoners to be turned over for each experiment. The general order to turn over prisoners was given to me by Obersturmbannfuhrer WEISS personally, immediately after my arrival at Dachau. The orders to release certain numbers of prisoners in the certain case then arrived from time to time from Obersturmbannfuhrer WEISS. I believe that he gave me the general order personally on my start of duty, and then still several times told me when we had a conversation about the clearance of prisoners for the experiments, that this was an order of the Reichsfuhrer. I myself was always against these experiments and in some cases even refused at all to turnover of prisoners or reduced the number of those to be turned over. The selection of the personalities of prisoners I left to the block clerks. The general order given to me by Obersturmbannfuhrer WEISS on my start of duty said that the prisoners had to be picked up out of the group of those security camp prisoners who worked in the SS managements. Since the imprisoned clergymen were working in the plantage which was a SS management, also clergymen had to be claimed by the block clerks for these experiments." (Pros Ex No. 95A)

23. Wilhelm Welter.

Welter, a member of the SS, was the labor leader and Arbeitsdienstfuhrer (R 526, 295, 232, 253, 474). He was in charge of the slave market formations for several months toward the end of 1944 and the beginning of 1945 (R 320, 150, 153, 200, 201). The prisoners feared these formations since it was considered a dangerous matter to be on them (R 151).

The prisoners were forced to undress no matter what time of the year it was (R 312). Many of the people who stood on these formations died (R 152). Welter grouped and lined the people up (R 201). Welter beat, hit, pushed and kicked them (R 152).

In August 1942 Welter selected 12 inmates who were Belgians, Russians, Poles, Czechs and Germans for the cold water experiment (R 470, 471, 472). At the formation the inmates were placed in two groups, those of 30 years of age and those under 30 (R 473). Only those who were under 30 years of age were selected (R 474). Nine of these died as a result of these experiments (R 471). Each day Welter would bring a group of 10 or 12 prisoners to the hospital for the experiment (R 474-475).

Welter not only selected the manpower for the slave market formations, but aided in the selection of the people for the transports and work details (R 318, 312, 220, 253). Kick assisted him in drawing up the lists for the transports (R 253). The list would be read on the parade ground as Welter looked on and after the transports were put together he would then confirm the action (R 254, 256). In 1944 at least one such transport was of the invalid variety (R 255).

One day a Russian who had stayed away from a detail because he desired to go to the hospital and who had been reported missing

to Welter was, on Welter's orders, brought to him (R 232). Welter beat him with his riding crop (R 232). As the Russian raised his arms to protect his face, Welter beat him across his back (R 232). This incident occurred toward the end of 1942 (R 237, 257). In February 1942 Welter selected four Jews to work on the crematory detail (R 277, 278). It was common knowledge that each group worked in the detail about two months, then were disposed of, and succeeded by a new group which was selected (R 279, 299). Welter often beat the prisoners, who were of all nationalities, with his fists and kicked them with his feet (R 527, 232).

A pre-trial affidavit of the accused Welter executed before Lieutenant Guth on 30 October 1945 was admitted into evidence (R 811, pros ex 99). It reads in pertinent part and translation as follows:

"From 1 January 1938 until the end of 1939 I was a member of the 11th comp. 1st bn. Inf. regiment "Deathhead", from 1 January 1940 until about March-April 1940 of the 10th comp. 2nd bn. Inf. regiment "Deathhead" and thereafter in the Dachau concentration camp until about July 1943. I returned to the military service in August-September 1943 and served on the Eastern Front until 17 January 1944. On 17 Jan. 1944 I received a heavy head wound with grenade splinter wound on the left thigh. Then I was in various hospitals such as Lublin, Bad Neuenahr, and Rheinbach.

"From 1 January 1944 until May 1945 I was ordered to the Reich Youth Command in Birgsau, then returned to the front, was separated from my unit, returned home and surrendered voluntarily to American officers in the city hall of the town of Dachau.

"My duties in the camp were: temporarily Commandofuehrer in various labor details such as commando Friedrichshafen, Haunstetten, and in Dachau. My main duty was that of clerk in the department of labour commitment. Head of the department was Obersturmf. STUMPF his representative Oberscharf. PFLAUM.

"I was for some time Commandofuehrer of the garage construction commando consisting of about 400 to 500 people at the time. It is not true that on this occasion I have thrown a prisoner into the latrine pit. I never have thrown any Prisoner nor any other person into any latrine pit.

"It is known to me that prisoners were slapped when they had stolen something or did something which was forbidden to them. I have seen that Oberscharf. BOTTCHEER slapped a prisoner several times. I also heard when Scharfuehrer BACH slapped a prisoner and I saw the Capo beat prisoners.

"I believe that it was in the summer of 1942 when I was entering the camp that Sturbannfuehrer WEISS requested me to get into his car and to come with him. The destination was unknown to me and upon my question he replied: "You will see." In Augsburg we stopped before a building which Sturbannfuehrer WEISS entered. After a while many people in civilian clothes and in uniform came out and all got into cars. Sturbannfuehrer WEISS also got into his car in which I was sitting and followed the column. They stopped outside the city about a hundred meters from a small hedge or patch of wood. I stayed in the car while WEISS and the other people walked into the wood patch. I could not find out what actually happened then but I believe that after about three quarters of an hour WEISS and several other people returned to the car and WEISS said to me: "Go over there and have a look"; I there saw hung people, I cannot say how many they were, but I believe they were 3 persons. I immediately returned to the car with which we returned home. WEISS did

not talk to me about this incident. I do not know why he went to Augsburg nor why I had to come along. I do not think they were escaped prisoners as all of those were brought back to the camp.

"Transports of invalids were composed upon selection of the doctors Hauptsturmfuehrer WOLTER and Untersturmfuehrer BABOR. I cannot give any exact information about the number of transports nor the number of persons in the transport. It is possible that there were 3 or 4 such transports. It is unknown to me where the transports went to. It was said that they went to Linz.

"I can say the following about experiments of the doctors RASCHER and SCHILLING. I do not know many details. The prisoner who daily worked in my office told me that prisoners had volunteered for the air force experiments of Dr. RASCHER. Nobody could take part in these experiments and nothing exact was known about them. The same applied to SCHILLING. I know that SCHILLING kept many fishes in a glass container and also birds in smaller and larger cages. One of the prisoners told me when I asked him that the mosquitos did not bother him. There were on guard and 2 or 3 prisoners almost daily working in the vicinity of the camp for Prof. SCHILLING. They had to cover all creeks or moors with a substance to chase the mosquitos. As far as I know Dr. SCHILLING and RASCHER selected the people for the experiments themselves.

"I was ordered to Friedrichshafen for some time in order to bring about more cleanliness in this commando and to provide for washing and toilet facilities and also for a kitchen for this commando. The commando-Fuehrer repeatedly reported that the responsible head of the Zeppelin-works, ECKENER, did not take care of the commando in any way, did not provide billets nor for a kitchen. I found the toilets in Friedrichshafen completely overfilled and when after talking to director ECKENER and despite his promise they were not emptied I reported this to Sturmbannfuehrer WEISS in Dachau who ordered not to let this commando work until everything was brought into order. I instructed the works management to obtain additional potatoes and fruits for the commando. I also got a kitchen for this commando.

"I know that Sturmbannfuehrer PIORKOWSKI with approval from Berlin had prisoners build a so-called weekend-house for him. When this was finished it was a complete house with all furniture. I also know that he had many shoes and boots made in the camp. Whether he sold them actually is not known to me, but it was said about him.

"Sister PIA was very well known in the camp. She also had a permanent detail in her Munich department. The prisoners were used in her garden and house. Sister PIA was not very popular with the largest part of the SS, she was even feared. She had much influence with the Berlin officials. When I say the largest part I do not mean the leaders because she was on good terms with them. Sister PIA had many things made for her in the camp in the various shops. She simply ordered this, but I do not think that she ever paid for it. She also had a car when other civilians did not have it anymore. She changed her driver very often because they could not stand her.

"Oberscharfuehrer HESSKE once gave a written report about a prisoner who had stolen in the supply room. I transmitted this report to Oberscharfuehrer PFLAUM according to orders.

"It is possible that during my stay in the concentration camp I have slapped prisoners. I cannot say it exactly because it must have happened rather rarely.

"I have never kicked nor killed prisoners nor have I requested other persons to do so." (Pros Ex No 99A)

24. Rudolf Heinrich Suttrop.

A pre-trial affidavit of the accused Suttrop, prepared in his own hand writing and executed before Lieutenant Conn on 30 October 1945 was admitted into evidence (R 826, pro ex 106). That statement reads in translation and in pertinent part as follows:

"My name is RUDOLF SUTTROP, living at Dachau, Germany, AM Geisterwald (?) No. 11. I entered the Allgemeine SS on 5 September 1933, the Party in September 1937 and on the 2nd of November 1936, the Waffen SS. On the 9th of November 1943, I was promoted to Obersturmfuehrer at the Commandantur Staff (HQ) of the Concentration Camp of Dachau.

"From the 15th of May 1942 until 15th of May 1944, I was adjutant in the Commandantur Staff (HQ) of the Concentration Camp of Dachau. For about five weeks I was adjutant under the Camp Commander SS Obersturmbannfuehrer ALEX PIORKOWSKI. Then until the 1st of November 1943, under SS Obersturmbannfuehrer MARTIN WEISS and then until 15 May 1944 under SS Obersturmbannfuehrer WEITER.

"I was in the following other concentration camps as adjutant: (1) From September 1941 to 15 May 1942 in Gross-Rosen; (2) From 15 May 1942 until 15 May 1944 in Dachau; (3) From 15 May 1944 until 6 March 1945 in Gross-Rosen. As guard I was first in Sachsenburg-IA, second in Buchenwald near Weimer. My duties as adjutant in Dachau from May 1942 until May 1944 were as follows:

(1) In charge of 235 non-commissioned officers and men of the Commandantur Staff (HQ).

(2) The orderly distribution of the incoming mail of various departments for which I was responsible.

(3) To assist the Commandant with his paper work.

The above three points are a true reproduction of the duty regulation for the concentration camps as to the task of an adjutant.

"Orders and directives were led on to the following departments, I to VI, that is secret orders at each occasion to the department leader in charge against receipt.

I -- PERSONNEL DEPARTMENT -- Registration - Teletype.

Oberscharfuehrer SCHUBERT

Oberscharfuehrer MACHER

Hauptscharfuehrer KNEBINGER

Sub-Departments

(a) Court SS Leaders--

Untersturmfuehrer BAIER

Obersturmfuehrer Dr. KOEFFER.

(b) KPZ Department (Motor Pool)

II -- POLITICAL DEPARTMENT
Kriminal Sekretar KICK

III -- PROTECTIVE CUSTODY CAMP

Sturmbannfuehrer ZILL

Obersturmfuehrer HOFFMANN

Untersturmfuehrer JAROLIN

Hauptsturmfuehrer REDWITZ

Untersturmfuehrer JUNG

Obersturmfuehrer GAMPE

IV -- ADMINISTRATION
Hauptsturmfuehrer KLABENHOFF
Sturmbannfuehrer GEHRIG
Hauptsturmfuehrer WETZEL

V -- MEDICAL DEPARTMENT

- (1) Camp Doctor: Hauptsturmfuehrer Dr. WOLTER
end of 1942.
Sturmbannfuehrer Dr. WITTELER
middle of 1943.
- (2) Troop Doctor: Untersturmfuehrer Dr. BABOR, July
1942 until December 1943.
Sturmbannfuehrer Dr. HINTERMEYER
September (?) 1943 until May 1944.
- (3) Dentists : Hauptsturmfuehrer Dr. TOEBER, May 1942
until beginning 1943 (?) Hauptsturmfuehrer
LECKERT 1943 (?)

EXPERIMENTAL STATIONS: (1) Malaria Station
Professor Dr. SCHILLING
(2) Station of Dr. RASCHER
(Luftwaffe)

VI -- EDUCATIONAL DEPARTMENT
Untersturmfuehrer RIETH.

The above-mentioned administration plan was a closed entity of the SS in Dachau and could not have been effective nor worked without the assistance of the personnel of the six departments for the purpose for which it was built, that is, as was ordered by the superior authorities.

"Each single one of the above-mentioned coworkers was a link in the chain of entity, without his assistant which was ordered by transfers or commands, the whole thing could not have existed.

"The above-mentioned departments with the mentioned personnel existed and were effective in the time from May 1942 until May 1944. Above these departments was the Camp Commander. The Camp Kommandants were PIORKOWSKI, May, June, July and August 1942; WEISS from September 1942 until 1 November 1943 and WEITER from 1 November 1943 until 15 May 1944. As adjutant I was the personal co-worker of the Camp Commander and was responsible for Department I, and further for the orderly keeping of the secret daily journal and records. The lists or teletypes about executions to be carried out, came from the Reichssicherheitshauptamt. (Main Reich Security Office) Berlin or from Group D, Oranienburg, to me and after an entry was made in the daily journal I gave them to the Court SS Leader, BIER and later KOEPFER. The Court SS Leader then gave these to the First Schutzhaftlagerfuehrer to be carried out. The Schutzhaftlagerfuehrer was responsible and notified the Court SS Leaders after the execution, who then reported the execution in writing to the Reichssicherheitshauptamt or the Official Group D. At each execution two witnesses, the doctor, Schutzhaftlagerfuehrer or deputy had to be present. BONGARTZ was the executioner in the time from May 1942 (?) until May 1944. His adjutant was SS Unterscharfuehrer HENSCHEN, in that same period of time.

"In my time I have seen two to three execution lists, which then as mentioned above were given to the Court SS Leader to be carried out. To my knowledge about 20 to 40 persons were involved, and that several of them involved only Russians.

"The Camp Commander, as such, was in reality responsible for everything that happened in the camp. Without his permission or his knowledge nothing ever happened. It might be, however, that

certain leaders or non-commissioned leaders went above their jurisdiction. The Kommandant WEISS came to me several times into the office or called me up and said that he would go into the camp for a punitive action. These were then penalties which were ordered by the official Group D. So that no one would overstep his jurisdiction, the Kommandant had to be present at these punitive actions.
(Proc Ex No 106A)

25. Wilhelm Tempel.

The accused Tempel, an SS man, was Rapportfuehrer at Kaufering Number 4 where his name "was a word of horror" (R 629, 610). His official title was Arbeitsdienstfuehrer and it was his duty to arrange the work details which left the camp (R 614). He shot prisoners (R 631, 713). Once he killed a Russian because he had bent down to pick up some bread (R 627). He beat some of the prisoners to death (R 623, 624). He kicked them unmercifully (R 624, 628). He beat some of the prisoners with a stick and rubber cable (R 596, 630). He slapped the prisoners (R 660). He abused the sick (R 642). Tempel left Camp Number 4 in the beginning of 1945 when it was closed as a typhus camp (R 616). At formations at Camp Number 4 Tempel and a doctor segregated those who could work from those who could not (R 596). Sometimes these formations lasted long periods because Tempel ordered those who had shoes on and not able to work to give them to the ones that were able to work and did not have shoes (R 596). Tempel called that, "teaching you German Socialism" (R 597).

26. Hugo Alfred Erwin Lausterer.

Lausterer had charge of administering the prisoners' property for nine months from 1942 to 1943 (R 487). One inmate testified that he never saw Lausterer mistreat any of the prisoners although he had threatened them that unless they gave him their food supplies, he would report them (R 487, 496). And some prisoners did turn over food packages to him which they had received from home (R 487).

A pre-trial affidavit of the accused Lausterer, executed before First Lieutenant Ephraim London, investigating officer, on 31 October 1945, was admitted into evidence (R 840, pro ex 111). That statement reads in pertinent part and translation as follows:

"My name is HUGO LAUSTERER. I was born 2 January 1890 in Metzlingen, Kreis Reutlingen, Germany. My address is Metzlingen, Lindenplatz 1. I am a salesman by trade. I joined the SS on 10 December 1941. Before that, I was a telephone operator in the city hall, in Metzlingen. My first assignment after I joined the SS was in Dachau. I was a guard there from 10 December 1941 until February 1942. At the end of February 1942, I was sent to Radolfzell as a guard on a work detail. The detail was made up of about 120 prisoners from Dachau. SS-Master Sergeant SEISS was the commander of the detail. . . We built a rifle range for the SS School at Radolfzell and completed it in October 1942 and then returned to Dachau. SS-Master Sergeant SEISS struck the prisoners very often while they were at Radolfzell. He struck them with his hands, with sticks, and also kicked them. Once I saw him strike a sick prisoner because this prisoner was too ill for work. I also saw SEISS kick prisoners down an embankment that was 30 to 50 meters high. He did this after striking them. SEISS is a prisoner in Dachau now. In November 1942 I left Dachau as a guard on another work detail to Ravensbrueck Zell. SS-Master Sergeant X. SENZIS was in charge of that detail. He is also a prisoner in Dachau now. He, too, was very brutal and often struck the prisoners with a club and with his hands. Once when I returned from a day's work outside the camp with 20 prisoners, SENZIS searched them.

Those who had food he beat severely. There were six or eight prisoners whom he beat at that time. I returned to Dachau again in December 1942 because I was sick. I remained there in the hospital until February 1943. From February until October 1943 I worked in Dachau in the room where the prisoners' property was kept. Then I went to Allach, near Dachau, where I was placed in charge of the prisoners and the SS men's canteen. There were several thousand prisoners there and about 150 guards. The Camp Commander of Allach was 1st Lt. JAROLIN. He is also a prisoner in Dachau now. I remained in Allach until March 1944. SS-Master Sergeant EBERIE was in Allach when I was there. I saw him strike an old man because this prisoner said he was sick. He hit the old man until the man fell down in the snow. The old man lay in the snow for two or three minutes after he was struck. In April 1944 I returned to Dachau and worked there until May 1944, as a guard in the camp and also as a guard in charge of demolition details that worked in Munich. This detail dug up unexploded bombs. I heard that some prisoners were killed while digging up these bombs, but I never saw that happen. In May, 1944, I took a work detail of thirty prisoners and six guards to Munich to clean up the wreckage of the Lodenfrey Textile Factory. This work lasted until October 1944. From November 1944 to January 1945 I was acting Kommandofuehrer in the camp at Feldafing, where the prisoners were building an underground factory for Messerschmitt. In January 1945 I returned again to Dachau, where I worked as a guard until April 22, 1945. During that time I also took out demolition details to Munich. About 22 April 1945, a transport of about 1,700 Jewish prisoners arrived in Dachau. They came from several places. I was assigned to go along with this transport. The prisoners remained in Dachau for about three days and during that time they stayed in the railroad cars in which they had come. There were about 100 of them in each car. During these three days, they were fed twice with bread, margarine and sausage. This transport left Dachau about 25 April or 26 April. I do not know the names of the transport leaders. They were two policemen from Munich. There were about 100 SS guards on the transport. Among them were SS-Technical Sergeant RICHTER and SS-Corporal SCHEPP. SCHEPP is now a prisoner in Dachau. He is in Barracks 26, 3rd Company. The transport went by railroad from Dachau to Garmisch-Partenkirchen, and from there to Seefeld in Austria. We left on Thursday evening and arrived Saturday afternoon. During that time the prisoners received no water and were given a loaf of bread for five men and some sausage and margarine. Some of the prisoners died while the transport was in Dachau and more died on the way to Seefeld, but I cannot say or estimate how many died. From Seefeld the transport proceeded on foot towards Elthal. I was left behind as the only guard in charge of about 65 prisoners who were too sick and too weak to proceed any further. Two of these prisoners died that night, and the Bürgermeister of Seefeld disposed of their bodies. On Sunday night, the remainder of the transport returned and the 63 prisoners who were left with me joined them the following day. On Monday, the whole transport got on trains again and went towards Garmisch-Partenkirchen. I did not go with them. I went to the hospital at Seefeld because I was too tired to go any further. That is all I know about the transport. While I was in Dachau after January 1945, I saw Technical Sergeant TREMKEL and BOETGER strike prisoners as they were marched out to work, just for the sport. These men would sometimes stick their feet in front of prisoners, and if the prisoners tripped, they would strike them." (Pros Ex No. 111A).

27. Fritz M. K. Becher.

Becher, a political prisoner at Dachau, was a block elder (R 203, 163, 333). His block at one time contained the priests (R 163, 368). It was a daily routine for Becher to mistreat them (R 381). He used vile language (R 381). He kicked them (R 382). Thus, in July 1942 he picked Father Koch in the stomach (R 351). At another time he kicked Father Soto, a Pole, and kicked him into unconsciousness (R 352, 353). He mistreated Father Kowilinski, a Polish priest who was probably over 55 years of age, by hitting him so hard that the priest's nose and mouth were bleeding and he had to be carried to the hospital (R 353, 362). Three or four days later, the priest died (R 354). The cause of death was recorded as "stopping of the heart and circulation through bowel catarrh" (R 355, pros ex 51-entry #1165). Becher was in charge of the exercise formations which the priests had to undergo (R 361, 382). He forced them to perform special exercises from 27 March 1942 until 7 April 1942, that is, from Palm Sunday until Easter Sunday, from 6 a.m. to 7 p.m. with some time out for dinner (R 360). He beat the prisoners during these drill periods (R 369). As a result of the strenuous exercise and beatings, eight priests died during that period (R 360). When the priests had to walk punishment, he would push and kick them with his feet (R 163, 369). When Becher would beat the priests, an SS man who was block leader was present (R 362). Becher often threatened to send the priests on invalid transports and it was a matter of common knowledge that such was a passport to death (R 361). While Becher was in charge of the priests' block, about 400 priests died (R 368). He was transferred from the priests' to the Russian block (R 163). Once, there, he beat a young Russian thoroughly with a piece of wood (R 163). At another time he smashed a Russian in the face with his fist (R 334).

28. Kramer, Alfred.

The accused Kramer succeeded the accused Kirsch as commanding officer of Kaufering Camp Number 1 (R 688, 685, 719, 721). One day Kramer beat up and kicked a prisoner who died by the next day (R 719, 720). At the time Kramer was commanding officer Russians, Czechs and Albanians were confined in the camp (R 720). Kramer maltreated the prisoners by beating and slapping them (R 674). When he did beat a prisoner to the ground he would then kick him in the abdomen (R 674, 675). Many had to be brought to the hospital as a result of these beatings and some died (R 675). His victims included Lithuanians, Poles and Hungarians (R 675, 679). At one time when Kramer found that two inmates had some excelsior which they had planned to use for pillows, he knocked them down, kicked and beat them (R 688, 689). The accused Kramer sent women out on invalid transports (R 654). He selected the sick and made them undress completely (R 654). If he found that a prisoner had two shirts on he would beat them "terribly" (R 654). Once Kramer sent three pregnant women who were Lithuanians out on an invalid transport (R 654, 655). Five inmates, four of whom were Hungarians and one a Lithuanian, were hanged because they had made foot coverings from a blanket (R 655). Kramer and Kirsch were the camp leaders at the time (R 656). A pre-trial statement of the accused Kramer written in his own handwriting on 1 November 1945 was admitted into evidence (R 822, pros ex 102). It reads in pertinent part and in translation as follows:

"My name is KRAMER ALFRED. I am 46 years of age and my home is in Waldenburg, Silesia. I joined the SS voluntarily on 20 April 1933. On 1 September 1939 I was drafted to Buchenwald for my first station. I was in Buchenwald until September 1941. In May 1940 I was promoted to sergeant, and in May 1941 I was promoted to staff Sergeant. In September 1941 I was sent to Lublin and remained there until August 1944. One day in July 1944, I was ordered to take over a transport of 4,000 prisoners and to take it from Warsaw to Dachau. During that time I was in charge of a company of approximately 250 SS men who escorted the transport from Warsaw to Dachau. I was authorized and responsible for the doings of these 250 men. Before I and my men departed for Dachau, I knew that we would be transferred to Dachau. The transport consisted of 4000 prisoners and me and my men. The majority of the prisoners were Jews, also there were Frenchmen, Poles and Lithuanians among them. As transport commander, I was responsible for the feeding and the well-being of the prisoners. The transport started on foot on 28 July 1944. Camp Commander WILLY RUPPERT gave me no food and water to feed the prisoners on the transport. The prisoners walked for four days until they got to Kutne. The weather was exceedingly hot, and since the prisoners had no water, they were very thirsty. I know myself that all were very thirsty, and many could not continue with the march. Those who were so thirsty and weak because of the lack of food and water and could not continue were forced to walk on by the guards with fists, kicks and rifle butts. The day march began at 5 o'clock in the morning and ended approximately 6 o'clock in the evening. On the second day at noon-time we had a long rest, but for that they had to march until 8 o'clock in the evening. On the second day we passed a river and I allowed the prisoners to get water. The people were so happy to get water that they ran into the river. I called to them not to go into the water, but they did not listen to my words, so that I reached for my pistol and fired into the air three or four times. At the same time, Technical Sergeant STEINER (STEINDL) gave one of the men of the guard the order to fire at the prisoners with the machine gun. A large number of prisoners were standing in the water, and the guard fired a burst of approximately five or six rounds, killing two or three prisoners. These prisoners were buried in a grave at the banks of the river, because it was a custom of the SS to bury all dead in one grave. On the third day, the prisoners received no water either, and finally we reached the railroad station near Kutne. The large part of the prisoners were tired, thirsty and weak and had sore feet. Fifty prisoners got so ill on the way that they could not continue to walk and had to be loaded on five horse carriages. I told the guards not to beat the prisoners, but, nevertheless, they continued to do so. I did nothing against that except make a report. Approximately thirty or thirty-five men died because of under-nourishment, sickness and beating on the march and all bodies were buried in one grave. On 1 August 1944, the prisoners were loaded in cattle cars, eighty in each car, to continue the trip to Dachau. The seriously ill prisoners who were on the horse carriage were loaded in the same cars with the other prisoners, in spite of the fact that an empty car was available which was to have been used as a sick car, but that car was used only for dead who died on the trip. There were no toilets for the prisoners in the cars to relieve themselves. In spite of that, the train stopped twice a day for ten minutes so that the prisoners could relieve themselves. The first stop was 7 o'clock in the morning, and the second approximately 2 o'clock in the afternoon. On the transport, there were many seriously ill which were not brought to the sick car. We arrived at Dachau on 6 August, approximately 3 o'clock in

the morning, and I believe that the dead ones were brought to the crematory. The prisoners who reached Dachau alive were brought to the prison camp. On the next day I made a report to the Camp Commander, WEITER. WEITER accused me that the prisoners had brought with them contagious diseases. I remained here for duty for four weeks, during which time I had nothing to do with the prisoners. On 3 September 1944, I was transferred to Landsberg to Camp I. I was appointed Camp Leader of Labor Camp I and remained Camp Leader until 12 November 1944. The commander of the camp at that time was SS-Major LANGLEIST. I was in charge of 1,800 prisoners, the majority of whom were Jews. To be honest, I do not like Jews. Some of the punishment, tortures and brutalities imposed on the 1,000 prisoners were as follows: 1. beating with whips, fists and sticks, of which I suppose that some of them resulted in death cases; 2. imprisonment in the standing cell eight to ten hours during the night, in several cases two to three nights, every second night; 3. under-nourishment, contagious diseases, bad living conditions, and hard work, which, in some cases, led to death. I remember that in the end of November 1944 there was the execution (hanging) of six Jewish prisoners; I do not know for what they were hanged. A wooden pole was erected especially for the purpose of hanging these Jews. On order of the camp commander of Dachau (WEISS) all prisoners were ordered to attend the execution. Commander WEISS and other persons came over from Dachau just to attend the execution. A Sergeant or Technical Sergeant who accompanied WEISS carried out the execution. There were many other SS persons who attended the execution whose names I do not know any more. But I know for sure that SS-Major AUMEIER, then Camp Commander of Camp Landsberg, and SS-1st Lt. SCHWARZHUER, then Camp Commander of Camp I, were present. Immediately after the execution, WEISS left. I left Landsberg on 26 April 1945 on my bicycle in the direction of Reutte (Tyrol). On 3 May 1945 I was taken prisoner by the Americans between Grund and Hausham." (Pros Ex No 102A).

29. Sylvester Filleboeck.

The accused Filleboeck, a member of the SS, was the food supply officer and as such was responsible for the food supply room and the prisoners' kitchen (R 291, 422). He often gave the prisoners' food to other SS men (R 486, 487). He requisitioned some of the prisoners' valuables for himself (R 485). Filleboeck participated in the shooting of the 90 Russian officers in 1944 and his participation consisted in the actual shooting (R 422, 427, 423, 443).

A pre-trial statement prepared by the accused Filleboeck in his own handwriting was admitted into evidence (R 844, pros ex 107). The statement reads in pertinent part in translation as follows:

"Untersturmfuehrer SYLVESTER FILLEBOECK, from 1933-1941 was in charge of the storehouse for food and from 1941-1945, end of April was in charge of the kitchen administration.

"It is known to me that there was too little food during the latter times and that prisoners are said to have died on account of malnutrition.

"The rations for the concentration camp prisoners were fixed by the Economic Administration Main Office of the Waffen-SS, office BI, in connection with the Reich Food Administration. Cutting of rations was also ordered by these offices. The scale of rations had to be strictly observed.

"The head of the administration, WETZEL, and I myself went to the

Regional Food Administration Office Munich, County B, and asked for a non-cutting of rations. This was denied on account of the severe food situation.

"Purchasing of food for additional consumption in defiance of orders, making myself liable for punishment:

1. At the Baywa-Storehouse, Dachau, I purchased, without ration cards, larger amounts of field-beans and seed-peas, restricted for seeding purposes, and supplied them to the kitchen.

2. Firm Evers & Kornemann, LEIPSIG, 5000-7000 kg precooked soups every month in defiance of prohibition by the Economic Administration Main Office.

3. Purchase of bones of oxen, calves and pigs, 3000-5000 kg every week.

4. On order of the Regional Food Administration Office (Economic Association for milk and fat) only cheese with a fat content of 10% was permitted to be used in concentration camps. On my own responsibility I purchased 3000-5000 kg of cheese with a fat content of 30-40%, and every month repeated 3000-5000 kg.

5. On order of the Regional food Administration Office Munich 13000 cwt of carrots were requisitioned and should have been delivered in February and March 1945. In consequence of the very severe food situation I had 10000 cwt of carrots cooked and delivered only about 3000 cwt.

"According to statement of Food Inspector of the Waffen-SS, Prof Dr. SCHENK, the kitchen management and the food were of a model type until the end of 1944. In my opinion the Economic Administration Main Office and the Reich Food Administration which ordered these big ration cuts may be responsible for the deaths of those prisoners who died of malnutrition during the last days of Dachau." (Pros Ex No 107A).

30. Vinzenz Schoettl.

In 1944 Schoettl was in charge of details at Kaufering Camp Number 3 (R 740). Once when Schoettl was in charge of a detail at the water installation he asked those people who did not work what was wrong (R 741). When they stated that they did not have any more strength, he replied "I'll show you how to work" (R 741). He then knocked them down and started to kick and beat them (R 741). These victims were taken to the hospital and never seen again (R 741). The victims were Poles (R 741).

In March 1945 the accused Schoettl shot a Polish prisoner who had gotten out of line because he wanted to get some water (R 726-727). He shot him in the cheek and then in the heart (R 726).

A pre-trial statement written by the accused Schoettl in his own handwriting on 1 November 1945 was admitted into evidence (R 822, pros ex 103). That statement reads in pertinent part and translation as follows:

"I came to Landsberg on the 3 February 1945. When the Commandant was not present I was destined as second Commandant. The name of the

camp commandant was Sturmbannführer Forscher. As second Commandant, whenever the Commandant was absent, I became the camp commandant. Once I saw, it was on Sunday, the women of the Camp 1 standing the whole day before the Camp. The reason for this punishment was a bold answer given by one of the women to the Commandant. The wire where the women had to stand was electrified. At Landsberg I heard that prisoners were hanged. Many prisoners died from hunger, because the food was completely insufficient and unfit to eat.

"When the Americans came I drove with Sturmbannführer Forscher to Epfach and from this place we drove back to Landsberg and intended to go back to the camp a second time, but we drove on 3 T-mines and were wounded. We asked another truck driver to bring us to Epfach which he did. But 3 kilometers before Epfach Sturmbannführer Forscher was unable to go on because of his injuries. He remained sitting at a meadow and asked me to get a vehicle. About 1½ hours I walked until I came to a village. I could not leave this place immediately because the fighters were over us. When I got a farmer-car I went off and when I came to the place where I left Forscher, he was not there any more. When I asked one of the workers he told me that men of the O.T. had taken him with them. Then I went back to my comrades and we rode and the same day we rode to my home. The next morning at 3 o'clock we drove with the bicycles into the mountains and there we lost each other because there were fighting troops. With two comrades I went on, these comrades then went home. I walked around and then I went to the division Wiking near Weilheim and remained at Ziegsee. From this place we came to Bad Aibling and then to Dachau as PW. General incidents and living conditions for the prisoners of Landsberg-Lech were unhuman. The prisoners lived in earth huts the ventilation of which was completely insufficient. They also were muddy and lousy, so that were all possibilities to get sick. All this, in addition to the bad food and the unhuman treating caused the death of many prisoners.

"During I was Forscher's assistant I beat about 5 or 6 working prisoners. I beat with a riding crop over the back of the prisoners. I saw an order that prisoners who were working badly should be beaten. I heard from this order and did so. That is the reason why I beat prisoners. The dead bodies were put into one grave to several hundreds and buried. As a second camp commandant I was encharged of the other camps too." (Pros Ex No 103A)

31. Albin Gretsche.

A pre-trial affidavit of the accused Gretsche prepared in his own handwriting on 31 October 1945 and executed before Lieutenant Lawrence was admitted into evidence (R 838, pros ex 117). That statement reads in pertinent part and in translation as follows:

"1. My name is Albin Gretsche. I was an Unterscharführer, 3rd Company, SS Skull and Bones, Sturmbann, Dachau.

"2. From 18 August 1944, I was a guard at the Kaufbeuren Camp which was a by-camp of the Dachau Concentration Camp. From 5 March 1945, I was a guard at Dachau. While I was still belonging to Kaufbeuren, I was a guard at Dachau from 11 November 1944 until 6 January 1945. On 26 April 1945, I marched with prisoners in the direction of Bad Tolz, near Waaskirchen, I was taken a prisoner on 2 May 1945.

"3. Except at Kaufbeuren and Dachau, I have not served in any other concentration camp.

"4. At Kaufbeuren, conditions were better than at Dachau. I know that the prisoners' quarters in the camp were very narrow and that they had bugs. The prisoners worked for twelve hours and were always hungry, but less than in Dachau. The by-camp leader was Untersturmfuehrer Wilhelm Becker; the Rapportfuehrer was Unterscharfuehrer Schneider. There was only a prisoner doctor but an SS medic in camp. The camp contained approximately 400 to 450 prisoners of German, Italian, and Polish nationality. There were also Russians but no Jews. Three German political prisoners were Sapos, but I forgot their names. Most of the time, I was a tower guard. At the factory, I guarded the night shift only once. I never shot from the tower, not even in August when two men escaped. Four other prisoners escaped in September; none of all six was ever caught again. I think that all were Russians. I do not recall any camp punishments, not even cases of death. Once invalids were sent away and newcomers were brought. I remember once twenty new men came.

"5. I know that at Christmas typhoid existed in camp Dachau and that there were many victims. Of executions in camp, I personally do not know anything. I saw the hearse with sometimes up to eight coffins drawn by prisoners. In March, the bodies were not burned, but buried. Once I asked a comrade of the burial detail how many corpses they buried. He said they had dug a mass grave for 100 bodies, however, I, myself, never took part in such a burial.

"6. We of the 3rd Company, marched away from Dachau, with three marching blocks of 1500 prisoners each, on Thursday, 26 April 1945 at 2100 hours. The prisoners had food for two days. With interruptions, we marched until the next noon. We were five guard for 100 men, and up to 50 stayed back already before Starnberg. I, myself, have not fired a single shot, but I know that especially younger guards made use of their rifles. I cannot name any guard who shot a prisoner. During the next days, we could march only at night time on account of the low flying planes. We arrived at Wolfratshausen on Saturday, and remained there in camp until Monday. I believe that of 1500 prisoners with whom we left, approximately 1200 arrived there. In Camp Wolfratshausen, I have seen approximately 15 dead. They died perhaps from exhaustion. On the march, I saw Sturmbannfuehrer Degelow as Battalion Commander and Hauptmann (Captain) Bayer as Company Commander. The prisoners were still fed at Camp Wolfratshausen. Monday night we marched until near Tolz. From Tolz, we arrived near Waaskirchen on Tuesday afternoon. There we were taken prisoners by the Americans on Wednesday morning.

"7. On the march I was armed with a .98 rifle. There were also guards with hand grenades and machine pistols; also police dogs and guards on bicycles. The younger guards have abused the prisoners who could not march on very badly. They chased the dogs against them and drove them to continue marching. I, myself, made account the guard who drove a dog against a defenseless prisoner lying a little aside of the road. The name of this guard, who was perhaps 16 years old, is unknown to me, but an Oberscharfuehrer of the Dog Battalion protected him. I do not know whether the collapsed man got up once more, nor whether the huge German Shepherd bit him in the throat, nor do I know the name of the Dog Troops Oberscharfuehrer. I also heard the man yelling. I left collapsed prisoners lying right and left of the road. When the civilian population offered to give the prisoners bread and water, several guards forbade that and told the civilians, "These are criminals." Then they chased the prisoners away with their gun butts. The worst were the regular SS men from the concentration camp, mostly noncommissioned officers.

"8. Before the departure from Dachau, we were ordered, "every attempt to escape has to be prevented by arms; no prisoners stay back unguarded", but since many were too weak to walk the whole distance, they were shot along the road by some guards. I could hear the shooting, for instance, in the Wolfratshausen forest, but with my own eyes, I have not seen how people were shot. There were also guards who beat the prisoners with sticks. The prisoners had bad shoes; many had wooden clogs, and sore feet so that they could hardly walk. They limped badly. Names of guards who took part in the march were:

Keller, Rottenfuehrer SS, now in Kornwestheim

POW Camp #3.

Boos, Stabschefuehrer SS, from Hadolfzell.

Knoche, Unterscharfuehrer SS, at present at

POW Camp #3.

Heine, Unterscharfuehrer SS.

Hauptmann Baier with his motor bike.

Half of the prisoners we have certainly lost during the march, partly through escape, but most of them must have died. The responsibility for this falls on Degelow, Bayer, and all officers present." (Pros Ex No 117A).

32. Johann Viktor Kirsch.

The accused Kirsch was the commanding officer of Kaufering Camp Number 1 in 1944 and 1945 (R 731). He placed 100 children in a small wooden hut which had no floor, where normally no more than 15 or 20 children could be housed (R 731). He often beat prisoners until they collapsed (R 732). He utilized pieces of wood and an iron rod as his weapons (R 673, 652). One time he beat a man to death (R 716). Once he beat an old man of 60 who had to be taken to the hospital (R 687). Kirsch especially selected the old and sick prisoners for his victims (R 673).

Kirsch would stand by and watch while his assistants beat the inmates with thick pieces of wood (R 733). He beat the children and threatened to kill their families if they tried to escape (R 737). He selected those who left on the "children's action" which was a transport of children destined for Auschwitz where they were to be killed (R 736, 737, 738).

A pre-trial affidavit prepared in his own handwriting and executed before Lieutenant London on 29 October 1945 was admitted into evidence (R 842, pros ex 109). That statement reads in pertinent part and translation as follows:

"I was drafted into the SS in the summer of 1944. Before that I was in the Landesschutzen. After I was drafted into the SS I went to Auschwitz for training. I stayed in Auschwitz 3 weeks and then went with a transport of 500 prisoners to Kaufringen near Landsberg to the Lager No. 1. The Transportfuehrer was Hauptsturmfuehrer FORSTER. I know of only 1 prisoner who died on this transport. We arrived at Kaufringen in August 1944. I was then an Oberscharfuehrer and had the task of constructing this camp. I was in charge of the work detail. It took 1 1/2 to 2 months to construct this camp. I had 499 prisoners in the work detail and about 20 to 25 guards. Among them was Oberscharfuehrer Johann AIT.

"My superior, while we were building Lager No. 1 at Kaufringen was Hauptsturmfuehrer FORSTER who came from Auschwitz with me. He

was later replaced by Hauptscharfuhrer KRAMER, then later Obersturmfuhrer SCHWARZHUER replaced KRAMER.

"When Kaufringen Lager No. 1 was completed we began work on Lager No. 3. Later these two numbers were interchanged and Lager No. 3 became Lager No. 1. The Lager No. 3 was completed by the end of December 1944. About the end of November or in December 1944 five men were brought into Lager No. 1 where I was Arbeits-Einsatzfuhrer (in charge of making up work details) and Rapportfuhrer (taking roll calls), and were hanged there. They were hanged because they cut up blankets to wrap around their feet - as I heard - since they had probably bad shoes. This was condemned as sabotage and they were hanged for it. Obersturmbannfuhrer WEISS whose first name I do not know, came from Dachau to attend the execution. The hanging was done by an SS Hauptscharfuhrer from Dachau whose name I do not know. I myself discovered some persons who cut up their blankets. I did not have these men hanged. I merely beat them across the back with a stick and I beat them with my hands.

"I myself administered the punishments in the camp and did not report the prisoners to higher authorities. I administered punishment when prisoners did not comply with camp regulations such as when they did not go to the latrine, but urinated outside their barracks. The punishments I administered were beating with sticks and with my hands. Another sort of punishment consisted of my giving the prisoners standing arrest. To do this I received orders. The prisoners were in a cell that was not big enough for them to lie down. They would have to remain in it all night, then on the next day they would have to go to work again. Sometimes I made the prisoners stand for several nights, but not consecutively. Another punishment I gave was to reduce the food ration, but this did not help very well because they stole from other prisoners so I would have to punish them for that.

"The prisoners who worked in my work detail were mostly Jews of various nationalities - Lithuanians, Poles, Hungarians and Roumanians.

"Sturmbannfuhrer AUMAYER had the over all supervision of all camps in the vicinity of Kauferingen.

"In the beginning of January 1945 I went to Muhlendorf Camp No. 1. I was commander of work detail, that worked outside of that camp. My superiors when I was there were Sturmbannfuhrer LANGLEIST and SS Hauptscharfuhrer EBERLE. I had between 180 to 250 prisoners in the work detail and about 18 guards working under me. Among them were Oberscharfuhrer SCHAEFER, whose first name was Hans, I believe, - and Rottenfuhrer KRESCH. The guards were changed frequently. They were given to me by the SS troop after they were trained.

"SS Oberscharfuhrer HUBER, who is now a prisoner here in Dachau, was in charge of the guard at the main gate in Muhlendorf in Camp 1. I took HUBER's place at the end of March or beginning of April 1945, for 2 weeks because he was wounded in an air raid. After that I was transferred to Dachau.

"I left Dachau 29 April 1945 with a transport of several thousand prisoners. I cannot say how many there were because I was in the rear. I do not know the names of the leaders or guards of that transport except Oberscharfuhrer POMM. The prisoners of the transport walked on foot. The transport went in the direction of Bayrisch

Zell. We were on the road 4 or 5 days and finally left the prisoners near Tegernsee. I was captured near Miesbach. I cannot say how many prisoners were killed on that transport. I did not see any killed, but heard that many were supposed to have been killed." (Pros Ex No 109A).

33. Emil Erwin Mahl.

Mahl, a criminal prisoner, was a blockaelteste on the punishment block and became the capo in charge of the working detail at the crematorium (R 325, 211, 224, 303). As capo at the crematorium he was in charge of four inmates (R 325). Mahl carried out the hangings of the prisoners (R 325). In the summer of 1944 it was Mahl who put the noose of the rope around a young Russian's neck (R 204, 225, 125-124). It was Boettger who kicked the stool out from under the victim's legs (R 225, 181). Mahl then grabbed the Russian by the legs and pulled downward (R 226). It was probable that Mahl had orders to help hang the Russian (R 204). Both the accused Boettger and Oberscharfuehrer Bongarts, who was the SS man in charge of the crematory, were present (R 204, 261). In the spring of 1945 Mahl helped execute some French officers who were forced to strip and kneel and were then shot (R 426). In 1944 it was Mahl who led the cart detail which carried the bodies from the transport described above in connection with the accused Ruppert to the crematory (R 576-577). When Mahl was informed that one of the prisoners was sitting up in the cart he took a wooden pole and killed the prisoner (R 576, 577). In October 1944 two Russians who had taken stockings were hanged by Mahl (R 577, 578). There were a number of SS men present at the hanging, including the accused Boettger (R 578). The five prisoners who were hanged at Kaufering Camp Number 1 because they had made foot coverings from a blanket were hanged by Mahl (R 655-656). Reference is made to the discussion of this incident under the paragraphs on the accused Kirsch and Kramer.

A pre-trial affidavit which had been executed by the accused Mahl before Lieutenant Guth on 3 November 1945 was admitted into evidence (R 792, pros ex 93). It reads in pertinent part and in translation as follows:

"1. In the year 1940 I was remanded to the Concentration Camp Dachau as a professional criminal. In 1943 I applied for a position in the crematory and received that position through the good offices of a friend. In July 1944 I was appointed capo.

"2. It was one of my duties to assist in the burning of corpses and to supervise the transport of corpses to the crematory, sometimes. In June 1944 a shipment was received in Dachau from France. The first thing I knew about it was that ^{the} number of corpses which were brought to the crematory on trucks amounted to 500. These corpses were looking just like people who have been suffocated usually look. Their faces were dark blue and they were a horrible picture. Hauptscharfuehrer EICHBERGER and Hauptscharfuehrer BOETTCHER supervised my having the bodies brought from the trucks to the crematory. At that time EICHBERGER was first clerk of the Schutzhaftlager and BOETTCHER a Rapportfuehrer. Eichberger and BOETTCHER kept repeating that this was a shipment of French Marquis who should have been brought to Dachau but who died on the train since the train commandant Hauptscharfuehrer Alfred KRAEMER ordered the doors of the already overcrowded cars closed all the time and refused to

give water to these people. Every time when shipments arrived in Dachau a detail of Russians was sent to the place of arrival to load the bodies of those who had died on the shipment on trucks. That detail of Russians was standing ready on the place of arrival whenever a shipment arrived to load the bodies of the dead on trucks and to bring them into the crematory because it was considered quite natural that some people would die on each shipment. Members of that Russian work detail told me that they saw that Hauptscharfuhrer Alfred KRAEMER was commandant of that shipment. Hauptscharfuhrer KRAEMER was a commandant of shipments quite frequently and therefore the Russians saw him repeatedly and knew him.

"3. During my term of office I participated in about 800-1,000 hangings. The people were executed and were recruited from practically all nations of Europe. They were prisoners of war and civilians and I am unable to make any precise statement about their person at this time. My participation consisted of putting the noose around the necks of the prisoners. I did that to preserve my own life. I saw the following persons present at those executions:

a. The following were in charge of executions: The Obersturmfuhrer RUPPERT, SUTTROFF, OTTO and KAMPE, and the Untersturmfuhrer JAROLIN, JOSEF and JUNG.

b. Hauptscharfuhrer MICHEBERGER was present as reporter.

c. Johann KICK brought those who had been sentenced to death quite frequently from the camp to the execution and attended the execution afterwards. Once he read the death warrant.

d. The following NCO's participated in executions and directed our work and continuously kept rushing us. Each one of those I mentioned had participated in some executions, supervised my work and kicked me a few times to get me to work faster: The Hauptscharfuhrer TRENKLE, Wilhelm WAGNER, Franz BOETTGER, and Alfred KRAMER, the Oberscharfuhrer Josef SEUSS, Johann KIRSCH and BONGARTZ, and Unterscharfuhrer HENSCHEL.

e. HENSCHEL always depressed the lever that opened the trap door through which the condemned fell when the officer in charge of the execution gave the sign.

f. The following SS physicians participated in executions, examined the hanged after the executions and sometimes gave us orders during the execution to hurry up, and similar urgings: Sturmbannfuhrer HINTERMAYER, who participated in most executions, Dr. Fridolin FUHR, and Dr. EISELE.

g. All the above mentioned persons participated in one or more executions and carried out the duties and the acts I have accused them of. However, not everybody was present at every execution.

"4. a. I can recall the execution of the Jewish woman Fritzi KAHN especially well. She had been sentenced to death because of miscegenation with a German inmate in the outcamp Kaufering and was executed in Dachau. The following were present at this execution: The Obersturmfuhrer KAMPE, and OTTO, Hauptscharfuhrer BOETTGER, MICHEBERGER and KUHN, and Oberscharfuhrer BONGARTZ and Unterscharfuhrer HENSCHEL as well as Sturmbannfuhrer HINTERMAYER. The accused was forced to undress completely in the gas chamber. She refused at first to walk into the presence of so many men undressed, and Hauptscharfuhrer KUHN and BOETTGER dragged her out of the gas chamber. She attempted to cover her body with her hands. This brought on laughter and rude jokes by BOETTGER, KUHN, and others who participated in the execution, among them also Sturmbannfuhrer HINTERMAYER. She was

then placed on the trap door and I put the noose around her head.

b. I can recall the execution of a Polish woman in March 1945. Obersturmfuehrer RUPPERT was in charge of it. Moreover the Hauptscharfuehrer EICHERGER and BOETTGER and Sturmbannfuehrer HINTERMAYER participated in that execution. The Polish woman was brought in by the Gestapo and also executed by hanging. It was again my duty to put the noose around her neck.

c. Moreover I can recall that approximately on 24 April 1945 Dr. HINTERMAYER brought 18 young people who were obviously insane or in a highly nervous condition into the crematory and killed them by injections. This was not counted as an execution, and, therefore, Dr. HINTERMAYER was in charge of the whole procedure. Oberscharfuehrer FUHRMANN and BONGARTZ attended that killing. Two women who had to be brought in on stretchers were among those killed. Dr. HINTERMAYER killed the one by inserting the injection needle in her breast.

d. I can also recall the execution of two women by injecting them at the beginning of this year. Obersturmfuehrer RUPPERT and OTTO were in charge of that execution. Hauptscharfuehrer EICHERGER was reporter. Both women were pregnant and killed by injections.

e. Towards the end of 1944 Dr. HINTERMAYER killed 4 or 6 other women (Polish or Russian women) by injecting them. Oberscharfuehrer BONGARTZ and FUHRMANN were present. This was not counted as a regular execution since no one from the camp commandant or from the Schutzhaftlager not even a reporter participated in it. These women seemed quite healthy and I do not know why they were executed.

f. I should like to emphasize that Dr. HINTERMAYER never failed to attend the execution of a woman or any execution which was considered especially interesting. I have seen all the events described by me in paragraph 4 with my own eyes.

"5. a. I can recall the mass execution of 95 Russian officers and enlisted men in the late summer or early autumn of 1944. This execution was directed by Obersturmfuehrer RUPPERT and OTTO. In addition the Hauptscharfuehrer EICHERGER and BOETTGER, the Oberscharfuehrer KIPPERSCHILD and BONGARTZ, and Unterscharfuehrer HENSCHEL attended it as executioners. Sturmbannfuehrer HINTERMAYER again participated as doctor. After this execution I noticed that several Russians had not been killed but only wounded on account of the sloppy shooting, and I reported this to Oberscharfuehrer BONGARTZ. BONGARTZ shot them with his pistol afterwards.

b. In January or February 1945 I attended the execution of 2 French women and 4 English women. They were driven to the shooting gallery and shot there by Hauptscharfuehrer EICHERGER and BOETTGER and Oberscharfuehrer BONGARTZ. These executions were directed by Obersturmfuehrer RUPPERT and OTTO and Untersturmfuehrer JUNG. Dr. HINTERMAYER attended it as physician." (Pros Ex No. 93A).

34. Walter Adolf Langleist.

Langleist, a Hauptsturmfuehrer, was in charge of the guard battalion at Dachau (R 291). At Kaufering Camp Number 4 Langleist

mistreated prisoners by beating them and throwing them into the gravel pits (R 633, 643, 636). These incidents occurred in the fall of 1944 (R 636). Once he beat a prisoner to death with a piece of wood (R 643, 648, 634).

35. Johann Schoepp.

A pre-trial affidavit prepared by the accused Schoepp in his own handwriting and executed before Captain B. Selke, Jr., investigating officer, on 1 November 1945 was admitted into evidence (R 852, pros ex 110). That statement reads in pertinent part in translation as follows:

"Because of the agreement between Rumania and Germany in the year 1943, all persons from seventeen (17) to thirty five (35) years of age were taken out of the Rumanian Army and were mustered and drafted for the German Army. On 29 July 1943, I left Hermannstadt, arrived at Vienna, screened once more for those who were able to go to the front and for those who were unable to go to the front. I was not able to go to the front and was supposed to go work in the factory at Reichshoffen. Before we started from Vienna, there came an order that we should go to Oranienburg. From there we, 100 men, were sent to the guard battalion at DACHAU, on 21 August 1943. After five (5) or six (6) days we received our uniforms and were trained for the period of ten (10) days. Because I had ailing feet I went to the hospital. After this, I was granted a furlough, on 2 October 1943. At DACHAU I did not have any connection with the prisoners. When I returned from furlough on 1 November I was sent to the out-camp FELDAFING, where I remained until 23 April 1945. I was a guard of a detail of thirty-two (32) prisoners, they know me and can testify on my behalf.

"On 23 April 1945 we were brought from FELDAFING to DACHAU. However, when we arrived there, we were told that the camp was supposed to be cleared. We two, Manchen and Schopp, were made reserve guards on the transport which was to go to OTZTAL there where eighteen hundred (1,800) to nineteen hundred (1,900) prisoners that started for Garmisch, on the 25th. Up to there I saw that the prisoners were rather crowded in the passenger cars. From there I went on with Manchen and an Unterscharfuhrer, only at night, with the train carrying clothing and part of the provisions. When we arrived, a comrade had stolen my portfolio from the wagon in which I had gone up to Garmisch. Everyone can remember how I quarreled with this comrade when I arrived in Seefeld, whereupon I found it again. When we arrived the prisoners were put on a meadow and in a barn, because we could not continue to OTZTAL as the front had approached. Later they were brought back by train to SCHARNITZ. I do not know the name of the Transport Leader but can describe him. He was a Haupt-scharfuhrer, his size was about one hundred sixty-five (165) to one hundred seventy (170) centimeters, he was slender, had a white mustache and white hair. His age was about sixty-two (62) to seventy-two (72) years; this was told to me by one of my comrades." (Pros Ex 110A).

Lippmann was a representative of the accused Redwitz and was the second or third Verwaltungsführer (R 165). Lippmann was also the camp commander of Kaufering Camp Number 7 (R 722). There he mistreated the prisoners (R 722). Once at a formation the sick and healthy were separated (R 722 - 723). A son tried to remain with his father and Lippmann pulled him loose and rendered him unconscious by striking him with a stick (R 723). When Kaufering Camp Number 7 was being dissolved in April 1945, the people had been gathered in a mass formation on the parade ground (R 723). When some of the people went to a nearby garbage pit to find something to eat, Lippmann shot into the group and everyone scattered (R 723, 724).

A pre-trial affidavit of the accused Lippmann which had been written by him and executed before Lieutenant Bowser on 4 November 1945, was admitted into evidence (R 833, pros ex 108).

That statement reads in pertinent part in translation as follows:

"I was transferred back to Dachau in October 1942, and accepted as a trainee to become Schutzhaftlagerführer under Schutzhaftlagerführer FRANZ HOFFMANN. HOFFMANN was transferred in November and MICHAEL REDWITZ replaced him, remaining all the time I was at Dachau camp. At the time I was training as Schutzhaftlagerführer JOSEF JAROLIN, JOSEF SEUSS AND XAVIER TREMKLE were training with me."

"MARTIN WEISS was the Camp Commander here at Dachau when I was here the second time, that is, from October 1942, to July 1943."

"I remember an incident I witnessed in March 1943, when 15 prisoners were beaten in the shower room by Capos or Block Eldest MARTIN WEISS was with me and ordered this punitive beating. The prisoners were given from 5 to 25 strokes on the buttocks."

"I remember a hanging I witnessed in January or February 1943, in the capacity of Schutzhaftlagerführer at the Arrest-Hospital. This man was a Polish prisoner. Dr. BOLDER, a medic, a German prisoner and myself were there. DR. BOLDER pronounced this man dead."

"In September 1943, I was transferred to Lautenbach where I remained for one month. I then came back to Dachau where I was in the hospital for three months. In January 1944, I was assigned as Commander over the prisoners who worked in the Pragifix factory. In August 1944, I was transferred to the Kaufering camps, where I reported to Hauptsturmführer FORSTER and he assigned me to Camp 2 as Camp Commander. During the time I was Commander of Camp 2 I served under the Commander of the Kaufering Camps, who was a first Hauptsturmführer FORSTER, then came Sturmbannführer LANGLEIST in October, who remained for a short time and was replaced by Sturmbannführer AUMEIER in January 1945. Sturmbannführer FOERSCHTER came and took charge of the Kaufering camps. In January 1945, I was transferred to Camp 7 in the Kaufering area, where I replaced Hauptmann EICHLEIS-DOERFER, as Commander of the camp. The first week I was at Camp 7 I witnessed the Oberscharführer STEINBUCHHEL beating some prisoners. I prohibited to him any further beating of prisoners. Then STEINBUCHHEL told me he had administered some beatings under the administration of Hauptmann EICHLEISDOERFER. In Camp 2 there were on the average about 1,200 prisoners. In Camp 7 I had under me about 1,300 to 1,500 prisoners, and every month had from 20 to 25 deaths, which resulted from Flecktieber (Spotted fever or Typhus)."

"When I was in charge at Camp 7 Sturmabfuhrer AUMBIER inspected the camp twice. When I was at Camp 7 Sturmabfuhrer FOERSCHTER inspected my camp twice, one time he had the Dachau Commander, Obersturmbannfuhrer WEITER, with him. I will further state that all of the time I was Commander of these camps in the Kaufering area the prisoners were underfed and underclothed." (Pros Ex No 108A).

37. Degelow, Fritz.

The accused Degelow was a captain in the Wehrmacht (R 239, 240). He was the leader of an evacuation transport which left Dachau on 26 April 1945 (R 239-240). Degelow ordered the guards in the following manner: "If these swine - if they will not move any faster, just hit them with the rifle butts" (R 239). Degelow picked up pieces of wood and beat the prisoners as they marched along (R 239). While Degelow was eating in a tavern at Deggendorf he told a doctor there that there were no ill prisoners in the transport although in fact there were many (R 773). On 29 April 1945, when the transport reached Wolfratshausen, a resident of the town saw about a thousand women in the group who were dressed in rags and were guarded by four SS men and later saw a group of men who were being mistreated by the SS (R 760, 761, 762). Degelow was seen to strike a prisoner with a bottle (R 763, 762).

A pre-trial affidavit prepared by the accused Degelow in his own hand writing, executed before Lieutenant Guth on 4 November 1945, was admitted into evidence (R 809, Pros Ex No 98).

That statement reads in pertinent part in translation as follows:

"The march of a part of the prisoners of DACHAU (Russians, Poles, Jews, Germans) which was begun on the evening of the 26th of April, could be conducted according to the orders of the Lagerkommandant, SS Obersturmbannfuhrer WEITER, for the first two days only. He, WEITER, had read an order by the REICHSFUHRER SS in Dachau, according to which only the mentioned nationalities, Russians, Poles, Germans, and Jews, should be transported to a remote mountain valley in the Tyrol. Present there beside me were the chiefs of section (Abteilungsleiter) of the Headquarters (Kommandatur):

- Section 1. Adjutant SS Obersturmfuhrer OTTO.
- Section 2. Political Section.
- Section 3. Prison Compound SS Obersturmfuhrer HUPPERT.
- Section 4. Administration SS Hauptsturmfuhrer WETZEL.
- Section 5. Sanitation SS Sturmbannfuhrer DR. HINTERMEYER.
- Section 6. Welfare SS Obersturmfuhrer RIRTH."

"The transport consisted of approximately 11,000 prisoners, who marched off on foot in columns of about 1,500 men separated by intervals of half an hour. Before marching off the prisoners were given provisions for two days. In Kaingsdorf, which should have been reached in two days, provisions to last 20,000 men for two days had been deposited. Each of these marching columns of 1,500 prisoners had a guard troop of about 100 who marched with them. The police in Munich had provided five trucks, to pick up prisoners who were unable to march. The trucks went along the PASSING - STARNBERG route twice on the 27th of April. On the 28th of April, however, only one of the trucks appeared without gas, and it too disappeared again."

"On the first day of the march, they marched to a camp in the woods, about five km before STARNBERG, length of march about 23 km.

On the second day of the march, to 4 km south of WOLFRATHSHAUSEN, again about 23 km. In the camp near WOLFRATHSHAUSEN I had the march stopped on my own responsibility, since the weather had become much worse--rain, snow, and cold--and the physical condition of the prisoners was such that thousands would have remained lying if the march were continued. The prisoners were fed from the provisions camp in Koingsdorf in that I had my battalion truck (LKW) drive provisions to the camp. Since the provisions had been used up, I wanted to turn all the prisoners over to the American troops. In Koingsdorf I received the order from an SS Brigadefuhrer Police President of Munich - name unknown, to immediately turn the Russians and Poles over to the American troops, but to continue marching the Germans and Jewish prisoners in the direction of Bayerisch-Zell, since more provisions were supposed to be ready there."

On the 30th of April the German and Jewish prisoners (about 3,000) marched to a camp between Konigsdorf and Bad Tolz. length of march about 18 km, and on the following day, 31 April, through Bad Tolz again 10 km. Hauptmann Schwartz from the KL Flossenbunrg reported to me that about 50 prisoners had died from exhaustion and the cold weather."

"I have made the above statement without compulsion. I have read it through and understand it fully. I swear before God that I have told the pure truth."

"I add the following to it:"

"The officers of the Headquarters (Kommandatur who had to care for the prisoners, for example the Lagerkommandant WEITER, the Administrative Leader SS Hauptsturmfuhrer WETZEL, the camp physicians, the Adjutant SS Obersturmfuhrer OTTO, concerned themselves with nothing after the marching away, in spite of the fact that it was their duty, and drove their vehicles full of provisions, wine, liquor, and such to the Tyrol. If the officers of the Headquarters (Kommandatur) had concerned themselves with the march, and the dozens of trucks (LKW) and cars (PKW) had been available, no people would have had to lose their lives." (Pros Ex No. 98A)

38. Otto Moll.

The accused Moll was in charge of the Kaufering Camp Number 1 detail which worked at the firm of Mahl (R 692, 695). Whentree of the prisoners who were working on the detail one day in March 1945, were preparing to cook some potatoes Moll took a stick and beat two of the prisoners (R 693). He said to the third, "You, you young pig. You were cooking potatoes too. I'll show you." (R 693). He then beat the third prisoner so severely that he broke the stick, as a result of which the prisoner spent two weeks in the hospital (R 693, 694). When two passers-by stopped and saw how Moll had been beating the prisoner he ran out and said, "You should be glad that the Jews are punished." (R 693). In April 1945, on the Mahl working detail Moll pushed a Russian with a board and then beat him over the head with a rock until he fell to the ground (R 694, 695, 696). The Russian was then carried away on a stretcher out into the woods (R 695). At another time in February 1945, on the detail Moll struck a woman with a stick many times (R 702, 705, 706). Moll accompanied a transport which left Kaufering Camp Number 2 at the end of April 1945 (R 765-766) There were about 150 prisoners in the transport and Moll shot 28 of them who had collapsed because of exhaustion (R 766). Several of these were Russians and Poles (R 766).

A pre-trial affidavit of the accused Moll executed before Captain Horace Hansen, investigating officer, on 3 November 1945, was admitted into evidence (R 851. Pros Ex 114).

That statement reads in pertinent part in translation as follows:

"In January-February 1945, while on the retreat, I was for about four weeks stationed in the Economic Administration Main Office in BERLIN and near BERLIN. Approximately on 25 February 1945, I received orders from the chief of the personnel section of the Economic Administration Main Office, Sturmbannfuhrer MAHRBAUM, to report to the commander of the KAUFERING Concentration Camp for further duties. I proceeded by train to KAUFERING, where I arrived approximately on 28 February 1945. I immediately reported to Sturmbannfuhrer FOERSCHNER, the respective camp commander. For the following ten days I was not given any specific duties. I was told, that as soon as prisoners would arrive from AUGSEBURG I would be transferred to Camp KAUFERING 2 in LANDSBERG am LECH."

"During the next days I inspected the camp KAUFERING 2, and found it unsuitable for reception of prisoners, due to lack of billets for sick people and untidiness of the prisoners billets. The newly appointed Camp Commander Obersturmfuhrer SCHOETTL ordered me to correct the deficiencies prevailing in Camp 2 and to improve camp conditions."

"Upon arrival of the prisoners, approximately on 13 March 1945, and after the camp had started its normal functions, I was responsible for the following fields of work in the camp:

1. Billeting of Prisoners.
2. Feeding of Prisoners.
3. Sanitary Conditions in the Camp.
4. Transfer of sick prisoners to the hospital in Camp 4.
5. Clothing of prisoners.
6. Labor commitment."

"During SCHOETTL'S absence - as SCHOETTL often undertook official trips -- I was camp commander."

"The administrative camp personnel further included a kitchen non-commissioned officer, SS Oberscharfuhrer EICHHOLZER, administrative officials, SS Oberscharfuhrer JENSEN and an Oberscharfuhrer in the medical section, whose name I forgot. The camp guard personnel was under Captain CASTNER."

"I was authorized to make small improvements in the camp on my own, but required SCHOETTL'S permission for larger improvements, such as the construction of a hospital barracks."

2. "The billets of the prisoners in Camp KAUFERING 2 was, according to times, good. All prisoners always slept under a roof. Each prisoner had a straw sack and three blankets. The straw sacks were mounted on wooden platforms. Food was good."

"The hospital barracks contained thirty beds. The average sick status in this barracks consisted of ten to twelve prisoners, mostly because of colds and furunculosis. During my activity in Camp KAUFERING 2, about twenty prisoners were transferred to the hospital in Camp KAUFERING 4."

"The camp had a capacity of about 1,200 prisoners, and during my stay there had a maximum occupancy of 450 prisoners. The guard personnel consisted of 50 men."

"The prisoners work consisted of unpacking and transporting machine parts for the MESSERSCHMITT WORKS."

"During my activity in KAUFERING 2, to my knowledge, there were no mistreatments of any prisoner by any guard personnel. No prisoner was beaten, nor kicked nor in any other way mistreated by guard personnel."

5. "On about 25 or 26 April 1945, I led all prisoners of Camp KAUFERING 2 who were in marching condition, on foot to DACHAU. All prisoners arrived at the destination, and there were no shooting nor mistreatments during the march. The guard personnel of this transport consisted of SS personnel, of which I can only remember one SS Hauptcharführer RIEDNER."

"The prisoner transport left KAUFERING 2 with sufficient provisions for two days. I personally obtained additional provisions for half a day from DACHAU. The prisoners arrived at DACHAU on 29 April. I was fully responsible for this transport."

6. "I left DACHAU on 30 April 1945, with a formation of SS Personnel, marching in the direction of Tyrol. The formation soon dissolved, and I surrendered to the Americans on 3 or 4 May 1945, near BAD TOLZ."

7. "To my knowledge SS Obersturmbannführer WEISS was commander of all outcamps under the jurisdiction of the Concentration Camp DACHAU. I have seen WEISS once during an official visit in KAUFERING 2, towards the end of March 1945, and, at this occasion, exchanged a few words with him. All orders about the camp conduct came from Obersturmbannführer WEISS. I have never heard the name of WEITER. I know Sturmbannführer FÖRERSCHNER through my activities and have talked to him repeatedly."
(Pros Ex No 114A)

39. Otto Schulz.

Schulz, an SS Untersturmführer, was in charge of the DACHAU inmates who worked at the German Armament Works in the town of DACHAU (R 217). Schulz, a quick tempered individual, hit the prisoner with his fists, beat them with a stick, and kicked them (R 260, 218). The prisoners who worked on his detail were of various nationalities, such as Poles, Czechs, and Russians (R 220). Although the prisoners on this detail had been permitted to cook food while at the Armament Works, the food having been sent to them from home, Schulz once threw the food which was cooking on the stove onto the ground (R 218, 258, 259, 263, 264, 469). He poured cold water on people who were sitting in the latrine (R 456). He worked the members of his detail long hours, at least 12, and refused to release the sick ones (R 455, 459, 456). His refusal to release ill people resulted in some deaths (R 456).

A pre-trial affidavit prepared by the accused Schulz in his own handwriting and executed before Captain Niles, investigating officer, on 30 October 1945, was admitted into evidence (R 854, Pros Ex No 115).

That statement reads in pertinent part in translation as follows:

"In May 1933, I joined the Allgemeine SS in Wittenberge.... I was drafted into the Waffen SS on 19 January 1942."

"From 20 February 1943, until the end of the war I worked for the German Armament Works in DACHAU. I was assigned as Betriebsleiter. My work consisted of supervising the progress of our orders and of the technical preparations. There were about 600 prisoners working in my plant. They were Poles, Czechs, Frenchmen and Germans. I sometimes

lost my temper and beat prisoners whom I caught loafing, sleeping, or stealing, or showing insubordination. This happened about 12 times. I used my hand mostly, but used a board once "

"They frequently made their own smoking periods in the latrines, which practice was not stopped in spite of repeated admonitions. During an inspection tour I poured a bucket of rain water over them from a roof window. I also hit the obviously lazy workers -- this happened about 4-5 times, and only with my hand."

"The following SS men worked as my foremen: Obersturmführer Joseph Deiner, Hauptscharführer MAIER, Oberscharführer KEGEL, Oberscharführer LOTHAR STAUDENMAIER, Unterscharführer WALTER KOCH, Oberscharführer DEISS, Rottenführer BECK, Rottenführer FRIEDRICH, Unterscharführer FUCHS, Oberscharführer OTTO MERKLE, Unterscharführer ELIER OSKAR, Oberscharführer KELLER. DEINER and MERKLE complained to me about some prisoners and told me that they had beaten them "

"When I came to DACHAU, SS Obersturmbannführer MARTIN WEISS, and later SS Obersturmbannführer WEITER, first name unknown, was camp commander. I had no occasion to enter the prison compound and therefore do not know anything about the tortures and murders which were perpetrated there. The camp commander was responsible for the executions, since he, in my opinion, caused the orders from Berlin to be carried out."

"The supervisor of the crematory was SS Oberscharführer PORKHARDT. My superior was SS Obersturmführer HANS ULRICH, who was Werkleiter and as such was responsible for the entire plant."

"This declaration was written by me on 3 pages, in my own handwriting, in DACHAU, GERMANY, on 30 October 1945, at 2230 hours, voluntarily and without compulsion." (Pros Ex No 115A)

40. Friedrich Wetzel.

Wetzel, a Hauptsturmführer, or Obersturmführer, was the administrator and later the Verwaltungsführer and as such was responsible for the food, clothing and lodging of the prisoners (R 292, 421). He had charge of the kitchen, laundry and supply room (R 421, 485). Wetzel inaugurated the practice of not having the potatoes peeled and of feeding beet leaves which had usually been fed to the cattle to the prisoners. (R 422). He mistreated some of the prisoners by slapping them and he often stole their valuables (R 486)

A pre-trial affidavit prepared by the accused Wetzel in his own handwriting and executed before Lieutenant Conn was admitted into evidence (R 831, Pros Ex No 104).

That statement reads in pertinent part in translation as follows:

"My name is FRIEDRICH JULIUS WETZEL, Hauptsturmführer, Commandant, DACHAU, GERMANY. I was in DACHAU as Administration Leader from August 1, 1944, until 28-29 April 1945. Before that I was in the following Concentration Camps, also as Administration Leader:

NEUENGAMME, HAMBURG - 19 April 1943, to 31 July 1944.
WIENHERHAGEN, PADERBORN - 15 December 1942 to 18 April 1943.

I was responsible in DACHAU for the clothing, food and shelter of the troops and inmates. I was directly under Obersturmbannführer WEITER. When I arrived at DACHAU, the clothing was already

insufficient and there were not enough drawers, socks, shirts, shoes and gloves. I requisitioned winter clothing but I did not receive enough so that the clothing for the inmates was insufficient for the winter. The shoes had wooden soles and canvas with leather parts."

"Until the end of 1944 or January 1945, the food was sufficient to give the inmates the prescribed portions. Until about December 1944 or January 1945, enough food arrived in DACHAU to give the inmates enough to eat. However, the food was not enough to get those people back on their feet who already arrived in DACHAU half-starved and sick. Until about January 1945, the food through the general transportation situation and the newly established rations, was not sufficient any more. The troops only received very little more than the inmates. Although I was in charge of the food and after January 1945, did not get good food myself, I never put anything aside for myself. I ate just like the troops--only the portion prescribed for me, never anything extra."

"From August 1944, until April 1945, I was responsible in DACHAU for the distribution of the food. The peas and beans in the camp could not be distributed because of the food regulations and had not been covered by requisitions. I also wanted to keep those in the case that the reserves would break down completely or that an epidemic would occur. The peas and beans were sufficient for about eight days."

"When a transport left the camp Kommandant WEITER told me for how many days I should give them food, which I did. I was responsible for it."

"I made the above statement without force. I read it and corrected it and understand it fully. I swear solemnly that it is the pure truth." (Pros Ex No 104A)

V. EVIDENCE FOR THE DEFENSE:

1. Martin Gottfried Weiss: Before Weiss became camp commander of Dachau, there were many beatings, nothing to eat, and little time off from work for the inmates, but after he arrived, conditions improved (R 530). Mailing of food parcels was permitted, room duty was discontinued, and beatings stopped for a while (R 530). It was presumed that this was done because of the increased need for manpower in the Armament Industry (R 530). The food became better in that a little fat was put into the soup and the portions of cheese and sausage were larger (R 531). Later, however, the food became worse again (R 531). Before Weiss was commander, the prisoners were required to stand at the gate as a punishment, but he discontinued this and instead introduced the stand-bunker (R 531). Under Weiss, the punishment block remained in existence for a short time and then was discontinued, and the practice of standing the prisoners in the square when another prisoner escaped was abolished (R 532, 881). Weiss abolished the practice of the punishment hair cut, which consisted in cutting a stripe from the front to the back of ones' head (R 532, 881). He introduced motion pictures for the prisoners and permitted them to engage in sports, a privilege which had not been permitted heretofore (R 533). The sports included soccer, boxing and wrestling (R 533). Under Weiss, the convalescent blocks were introduced for new prisoners and beatings were discontinued (R 533, 534).

Martin Weiss made these improvements in order to carry on "a total work service" and he distributed the prisoners to the various factories in the area of Bavaria (R 535). He was responsible for sending prisoners to work in factories which were not adequately protected from air bombardment and was responsible for experiments and executions, and for the invalid transports that went on in Dachau (R 535). Conditions for the German priests changed for the better under Weiss, but priests of other nationalities suffered severely under him, although he stopped the priests from performing heavy labor (R 934, 935).

Weiss elected to testify and made the following unsworn statement: He was born 3 June 1905 at Kideoverweisen, Germany (R 858). His civilian occupation was electrical engineer (R 858). He was in the Allgemeine SS from 1932 to 1933 and in 1933 had 10 weeks basic infantry training at Dachau (R 883). He was in the German Army from 1933 until his arrest on 9 May 1945 (R 858). From 1933 to 1938 he had been in the administrative branch of the Engineers (R 858, 886). For a time in 1936 he was camp engineer in Dachau (R 884). From 1938 to 11 April 1940 he was Adjutant at the concentration camp at Dachau (R 859). His commanding officer at this time was Obersturmbannfuhrer Loritz Webend von Pieskopno (R 859). In 1940 he was transferred from there to Hamburg to the Neuen Gamme (R 859). In 1940 and 1941 he applied for combat duty (R 884). His requests were denied because of the Reich Fuehrer's order that no leader or officer could volunteer for the front (R 884, 885). On 1 September 1942 on order of the Reich Leader, Himmler, he was transferred to Dachau as Camp Commander (R 859).

On 1 November 1943, Weiss was transferred from Dachau and on 4 November 1943 became commander to the concentration camp of Lublin (R 861). He remained there until 25 April 1944 (R 861). On 1 May he became chief of the office for special services (R 861). He was supposed to become chief of the prisoner of war set-up at this time, but was turned down by the Reich Fuehrer, and therefore had no official duties until 1 November 1944 (R 861, 862). On 1 November 1944 Weiss was sent as a special emissary to Muehldorf where, together with the Todt organization

he had the mission of building new camps, later to be used in the armament industry (R 862).

He was ordered to Dachau as camp commander to alleviate bad conditions there (R 862, 863). When he arrived his predecessor was on a vacation, so Weiss himself was forced to become accustomed gradually to the camp (R 862). When he arrived, there were between 6,000 and 7,000 prisoners there (R 859). He took charge of Dachau and all its camps (R 867). He learned that people were being bound to posts, that prisoners had to stand for days at a time without food, that for attempting to escape, prisoners had to stand on the formation grounds for 25 or 30 hours, that the order of the Reich Fuehrer that prisoners were not to be beaten was not obeyed, and that people were running around the camp with "highway haircuts" (R 862). These haircuts consisted of a wide line, the size of a pair of clippers from the back of the head to the front of the head (R 863). In order to alleviate these conditions, Weiss immediately relieved Kopps and Seversky who were camp elder and assistant camp elder (R 863). They had large powers and Kopps was known as a "baiter" (R 863).

The Schutzhaftlagerfuehrer assumed command of the camp whenever Weiss left the camp (R 860). During Weiss' tour of duty as Lagerfuehrer, Franz Hoffman, who had been Schutzhaftlagerfuehrer at the start, was transferred upon Weiss' request and replaced by Redwitz (R 860). Weiss transferred Hoffman because Hoffman beat prisoners, paid no attention to the orders of Weiss, and bound prisoners to posts against the orders of Weiss (R 860). Weiss reported him to Berlin for punishment and transfer (R 860). Weiss did not select Hoffman's successor, Redwitz (R 861).

When Weiss assumed command, he found that food was distributed to prisoners according to the orders of the food office in Berlin (R 863). Although Weiss had no control over the food distributed in the camp, he did attempt to improve the eating conditions by requisitioning food for prisoners 8 to 10 days in advance. The requisitions were prepared by the head of the administration department, checked by the physician for the number of calories it contained, and signed by all three of them (R 863). The food was obtained from the officer in charge of foods at Palsburg, and purchased on the basis of requisitions (R 864). When Weiss became camp commander, he received orders from superior authorities not to concern himself with the medical experimental station (R 864). Doctor Walther was chief doctor; the malaria station was under the supervision of Doctor Schilling; and the experimental station was under Doctor Rascher (R 865).

Himmler visited the experimental station on 10 November 1942 (R 864). Weiss was called by Himmler to come to the experimental station (R 865). He found Himmler very angry, and Himmler told Weiss he was to give no orders to Doctor Rascher, because Doctor Rascher was not under his orders, but under the protection of the Reich Fuehrer (R 865). No matter what Doctor Rascher wanted, Himmler explained to Weiss, Weiss must get for him, even if it was cognac or coffee (R 865). Certain prisoners of the camp were present during this conversation, but Weiss does not know where they are (R 865). A Doctor Gravitz, Reich Physician of SS directly under the Reich Fuehrer, told Weiss in April 1943 in the presence of Doctor Schilling that in case Weiss sabotaged the experiments, Doctor Schilling would report him to the Reich Fuehrer for punishment (R 866, 867). This experimental station was under orders of the Reich Fuehrer only, and Weiss had no control over Doctor Schilling while he was conducting malaria experiments at Camp Dachau (R 867).

Weiss had to approve the requisition of prisoners that were to be used by Doctor Schilling (R 891, 896, Pros Ex 38). The adjutant's initials also appeared on the requisition (R 896, Pros Ex 38). This was the procedure during all of the time Weiss was there (R 892). Requisitions by Weiss also had to be made for Doctor Rascher's prisoners who were subjected to his experiments (R 892, Pros Ex 125).

Weiss had no knowledge that Doctor Schilling's prisoners were being inoculated with malaria (R 892, 893). He never saw a malaria experiment (R 892).

Weiss did not know that at least 50 men were killed by one of Doctor Rascher's experiments (R 893). He had witnessed a cold-water experiment when Himmler was present (R 893).

From 1 September 1942 until November 1943 there were executions at Camp Dachau, pursuant to orders of the Reich Fuehrer (R 868). These were transmitted to the Reich Security office (R 867), and thence to the legal officer through the adjutant (R 868). These executions did not involve prisoners in the Dachau camp, but people who were brought in by the police from other places (R 868). The Gestapo sent the prisoners to Dachau for execution (R 869), but only on the order of the Reich Leader (R 870). As Camp Commander, Weiss had no authority over these executions, and ordered no executions himself. These executions were effected by hangings (R 868). The execution papers passed over Weiss' desk, or in his absence, Redwitz, because every execution, upon orders, had to be reported to Berlin (R 868, 899). He never attended a single execution (R 900). The political department had nothing to do with the executions (R 881).

While Weiss was at Dachau, deaths resulted from general sicknesses, such as tuberculosis, inflammation of the lungs, pleurisy, heart weakness, typhoid of the stomach, and body weaknesses which patients came to Dachau with from other camps (R 871). Many prisoners who arrived were dead upon arrival (R 871). Weiss had pictures taken of such a transport, and sent such pictures together with a complete report to his superior authorities (R 871). He also made a report to Berlin with reference to prisoners sent there in such bad condition that they weighed only 80, 90, or 100 pounds, and requested that other camp commanders send only such prisoners who could outlast a transport (R 871). While Weiss was there, 7 or 10 transports came in, with from 400 to 1,000 prisoners with each transport, the majority of whom were dead (R 872).

Weiss had no control in the direction or management of the DAW (R 872). One or two invalid transports left Dachau in October, 1942 (R 872, 873). He learned this through a physician, but as Commanding Officer he had nothing to do with them (R 872, 873). No other invalid transports left Dachau from October 1942 to November 1943 during the balance of his administration (R 873). This was because Weiss believed as he had stated to Berlin that they should not send transports of ill people if they had to receive ill people again (R 873). Orders came from Berlin that Weiss as Commanding Officer had to watch over official floggings because irregularities were occurring, such as a prisoner receiving 45 beatings when he was supposed to receive only 15 beatings (R 873).

Weiss specifically denied that he ever went to Augsburg to attend an execution (R 874). He also specifically denied that he inaugurated the "standing bunker" as a form of punishment, there being no "standing bunker" under his administration (R 874). He disclaimed knowledge of any experiments

conducted by Doctor ~~Walton~~ in 1945, of ~~which~~ ~~there~~ ~~is~~ ~~any~~ ~~record~~. The camp was not over-crowded when he left (R 874). He did not knock the headgear off newly arrived prisoners (R 875). It was a regulation, however, that prisoners were to march without headgear if accompanied by the block leader, or when within 15 paces of an officer when coming from work (R 875).

The statement introduced by the prosecution that he was commanding officer of all outcamps after he left Dachau was not correct (R 875).

Weiss did not issue a special order that nobody was to talk about anything that occurred in Dachau (R 875). However, a standing order came down that there was to be no talking about the DMV and other armament works (R 875). He knows nothing of officers and guards being required to sign a statement that they had not talked about what went on (R 875).

Weiss admitted that he did take part in the beating of 15 prisoners referred to in the accused Lippmann's statement (R 876). He explained that the beatings were a punitive measure ordered by Berlin and exercised within the limits of from 5 to 25 hits (R 876). Each prisoner was interrogated (R 876). Request for permission to inflict punishment was sent to Berlin, and punishment was acted out after permission had been granted (R 899, 876). In case of an attempted escape by a prisoner, 25 hits with a stick was administered immediately, and then formal permission was requested (R 876). Sticks and not ox-tails were used (R 900). Weiss attended beatings and counted the strokes (R 900).

As Camp Commander, Weiss was required to send out a number of work details (R 876). Orders came from Berlin that the working hours were to be at least 11 (R 877). As commander of Dachau, he could not change the length of the working day (R 877).

Sufficient medical supplies were always on hand to care for the sick (R 877). A monthly requisition went to Berlin and Weiss received travel permission several times to go to Berlin to obtain the supplies (R 877). All mail was censored and if medical supplies had been mailed to the medical officers or Dr. Blaha they too would have been censored (R 877).

Weiss discovered upon coming into the camp that prisoners were tied with a rope by both hands, that the hands were tied to the back, and that the prisoners were hanged by the wrists so he could not touch the floor with the tips of their toes (R 878). This practice was discontinued when Weiss became camp commander (R 878, 880). He likewise discontinued the practice, upon assuming command, of having the prisoners stand at the entrance of the camp from morning until night without food (R 878).

As a substitute punishment, Weiss introduced the withholding of bread from the prisoners, but this bread was additional bread which was not the prisoners' legally (R 878). With assistance, Weiss was able to get as much bread for at least 70 percent of the personnel of the camp as went to the very hard working people, such as blacksmiths and people working in gravel pits, and it was only this additional bread which was not theirs legally which he withheld from them for punishment (R 878, 879).

Weiss also took steps to handle the distribution of the food in a more sanitary manner (R 879). When he came there, the food was carried from the kitchen to the various blocks by the prisoners (R 879). Weiss instituted the procedure of having the pots placed on the so-called "Mort Express" which travelled to the various blocks, and thereby the thermos containers were not put on the ground and illnesses transferred (R 879).

After Weiss left Dachau, he had no further connection of any kind with its outcamps (R 879). Weiss explained his presence in one of the Kaufering camps in 1944 by stating that he had an order to put up new camps in Kaufering and was present only in connection with that business (R 879). He had gone into the camp with the camp leader and saw five Hungarian Jews executed (R 879). He learned after the execution that these people were hung for sabotage, and that the execution detail was sent from Dachau (R 879). Weiss had nothing whatsoever to do with the hanging, either officially or unofficially (R 880).

A typhoid epidemic broke out at the camp while Weiss was commander (R 881, 882). Weiss took the following steps: He restricted the camp immediately (R 882). No prisoner was allowed to leave and no new transports were received (R 882). Suspects and the diseased were isolated in a separate block (R 882). Latrine guards were placed to see that each prisoner washed his hands in a disinfectant solution after using the latrine (R 882). Each stool was washed with a disinfectant solution after use (R 882). It was forbidden to drink water (R 882). All latrine holes were hurriedly emptied (R 882). The epidemic lasted six or eight weeks, and 100 to 150 died, but about 600 to 700 were infected (R 882). There were 9,000 people in the camp at this time (R 882). Innoculation serum was requisitioned, but unobtainable (R 883).

With reference to the testimony of the prosecution that Weiss failed to build air raid bunkers, Weiss explained that Berlin refused him the material and stated that a concentration camp had never been attacked (R 883). While Weiss was commandant no attacks were made on the camp (R 883).

Weiss stated that Filleboeck was not at Dachau when the 90 Russian prisoners of war were executed on September 1944 (R 885). It was his opinion that it would have been impossible for Filleboeck to take part without the approval of his superior Wetzal (R 885).

Weiss was told in April 1945 by Obersturmbannfuhrer Weiter, his successor as commandant, of the plan of the Reich Defense Commissioner, Gauleiter Creiano of Munich, to destroy upon approach of the enemy the Dachau camp by several squadrons of bombers (R 885, 886). Witnesses to this conversation were Oberfuhrer Elster and Obersturmbannfuhrer Jarolin (R 886). Weiss told Weiter that such a thing was terrible, and called his attention to the consequences which would arise (R 886). Finally, Weiss received a consultation with General Eiberstein, who, according to the orders of the Reich Fuhrer, had to take over the concentration camps in case of an emergency (R 886). Weiss called his attention to the consequences which would arise from such a bombing, and General Eiberstein promised to circumvent the destruction of the camp (R 886). The bombardment of the camp was not carried out (R 886).

While Weiss was at Dachau he was not aware, nor did he participate in a common design or conspiracy to murder, beat, maltreat, or otherwise perform indignities upon any of the prisoners in Concentration Camp Dachau or its subsidiaries (R 887).

Daily meetings of the department heads were held at Dachau, except "in the last days" when reports were made to Weiss by individual leaders (R 887). Prisoners came to Dachau on order of the Reich Security Main Office with an arrest report (R 888). The prisoner first went to the Political Department for identification, and a record was made in the work office to the details at which he would be assigned (R 888).

When Weiss left, Dachau and its by-camps had 15,000 to 16,000 prisoners (R 889). While Weiss was at Dachau from September 1, 1942 to November 1943, approximately 5,000 prisoners were transferred into other camps and armament industries by orders from the Reich main security office in Oranienburg (R 889). The transports that came in would raise the number of prisoners back to the original number (R 889). They were invalid transports that were raised to health again in Dachau (R 889). The death of the prisoners on these transports was recorded at Dachau (R 889). The dead were subtracted from the strength of the camp, and the death notice was sent to the political department, and from there to the registration office to the Oberscharfuehrer Mursch (R 890).

During the time Weiss was commandant, he estimated 800 to 900 died at Dachau (R 893). He denies that he knew 2,794 prisoners died while he was commandant (R 893). Twenty to thirty died from hangings while he was there, and none from shooting (R 893). Four or five prisoners died who were shot while trying to escape (R 894). He could not say how many died from general body weakness (R 895). Those that did die from body weakness arrived there in very bad condition (R 895). Weiss could not say if 858 prisoners died from intestinal catharr or that 685 prisoners died of pneumonia while he was there, or that 374 prisoners died from tuberculosis (R 895). He estimated those dying from typhus as between 100 and 150 (R 895).

When Weiss was commandant, the average prisoner received three-fourths of a liter of coffee when coffee was served, and at least one liter of soup for the noon day meal (R 896). For supper he received soup and 500 grams of bread (R 897). After the middle of 1943 the prisoners were working 11 hours a day (R 897), but at no time while Weiss was camp commandant did the prisoners work longer than 11 hours a day (R 897).

Suttrop and Redwitz told Weiss that a transport had come in where the bodies of prisoners had been eaten (R 898), and there were signs of cannibalism (R 898). Weiss was not present when this transport arrived (R 898). He did see these prisoners after they were lined up in front of the bath house for observation (R 901).

Otto Pease and Heinrich Rupierper, German catholic priests and former inmates at Dachau (R 904, 917), explained that conditions at the camp under Weiss were much better than under the commandant Plorkowski (R 904, 917, 940). Before Weiss, they had to work as laborers, but after Weiss arrived they were detailed on lighter work (R 904, 919). Before Weiss, tree-hangings and beatings were a matter of course among the prisoners and priests (R 905). After Weiss became commandant, both the beatings and tree-hangings stopped, although later on some beatings were given, but not among the priests (R 905). Weiss, in the presence of Father Rupierper, ordered all indignities to stop (R 918).

Before Weiss, the block personnel would mete out the most severe punishment for the slightest irregularity among the prisoners (R 905). For instance, if the margins of the covers over the blankets were not exactly in the same position to the combinator as required, barbaric punishment was administered (R 906). Such exaggerated punishments for these minor defects were discontinued when Weiss became commandant (R 906).

Members of the invalid block received more food under Weiss than previously, and Weiss sent sick people to the hospital whenever he knew they were sick (R 906, 1003). When Weiter succeeded Weiss, conditions again became worse (R 939).

At first only German priests were confined in block 26, blocks 28 and 30 were occupied by priests of other nationalities (R 908). Later, all priests were confined in block 26 (R 908, 909). Under Weiss, services were permitted and dying priests received the last rites (R 919).

If somebody escaped from the details which worked outside, the entire camp was not punished as before (R 920). Under Weiss, however, if some prisoner through his own fault committed an offense such as stealing, the prisoners would have to stand in formation until one of the prisoners admitted the theft (R 921).

New internees used to be severely beaten by the SS men upon arrival (R 910). This practice was discontinued when Weiss became commandant (R 910). An American national was once beaten because of this custom (R 911). He protested (R 911). Since protestations were almost unknown, it was expected that he would be liquidated (R 911). Weiss told him that he would not be beaten again so long as his behavior was decent and Weiss chastised and arrested the SS man who had administered the beating (R 911).

All unofficial beatings and other indignities were discontinued under Weiss, and prisoners could talk to him in his office and on the street (R 912, 910, 911). When a big transport of Jews arrived in the camp, of perhaps from 2,000 to 3,000 people including children, Weiss permitted them to stay with their parents despite objections by others (R 912). He was criticized for wrong sentimentality (R 914).

With reference to the malaria experiments conducted by Doctor Schilling, the latter and not Weiss would pick out so many people for the experiments (R 914). The list was sent to the labor service, and the labor service would hand it to Weiss for approval (R 914). It was possible for either Weiss or the labor service to object to any particular prisoner, but regardless of whether or not the commandant or the labor service wanted to take one man off the list, another one would have to be supplied to take his place (R 915).

Weiss was selected as inspector of the Kaufering Camps (R 915). This was in 1944 and 1945 (R 915). Weiss went to Dachau to select personally the Jewish inmates to be sent to those camps (R 916).

Paul Schliebs and Johann Geiger, both Germans and former prisoners at Dachau during Weiss' administration, declared that prior to the time that Weiss became commandant at Dachau, conditions were very bad (R 927, 928, 914). The equalization of food for all blocks was better under Weiss, and he permitted extra rations to the sick and new privileges to special prisoners like talking to other nationalities and using the SS bath house (R 928, 1002).

2. Friedrich Wilhelm Ruppert: The accused Ruppert took the stand and made the following sworn statements: He was 40 years of age, married and had one child (R 1145, 1146). He was a member of the SS and first came to Dachau in April 1933 (R 1146, 1157). He served in Dachau as an SS man of the guard troops (R 1146). He was there until September 18, 1942. He returned to Dachau on August 6, 1944 as First Schutzhaftlager-fuehrer and was there until 28 April 1945 (R 1146, 1147).

His duties were to determine and report the accurate status of all prisoners in the entire camp and in the individual blocks and to see that order and discipline was maintained in the camp (R 1147). It was

also his duty to receive orders for execution from the camp commander and to see that these orders were carried out (R 1154). He admitted that he complied with that duty (R 1154). About August or September 1944 he was present when 90 Russians were executed (R 1147, 1148). The 90 Russians were executed because of conducting the illegal Communist Party among the prisoners of war (R 1159). They were also guilty of severe house breaking and looting, and one was guilty of murder and a sex crime (R 1160). An officer from the Gestapo in Munich read the names of the Russians who were to be executed to the camp commander (R 1147). This official interrogated the Russians, handed the results to the Reich Main Security Office and conducted the execution (R 1148). Ruppert was not at Dachau when the Russian prisoners of war were interrogated (R 1156). The Russians were led in groups of 30 to the crematory (R 1148). Ruppert did not bring them down to the crematory but members of the guard did (R 1148). He denied that he rushed or pushed them on the way or that he was in charge of the execution (R 1152, 1157). The Gestapo official and Ruppert preceded the first group of Russians to the crematory (R 1148). Ruppert was not sure of the doctor who was present (R 1149). He attended as a witness the execution of the two Russian women in January 1945 who were executed in accordance with the orders of the Reich Main Security Office, having been sent there by the Gestapo (R 1149). These women were inoculated by Doctor Hintermayer (R 1149, 1150). In February 1945 three Polish and three Russian workers were sent to Dachau for execution by the state police of Munich. Another Gestapo official from Munich conducted the execution (R 1150). Between August 1944 and April 1945 there were approximately 40 executions in Dachau besides the 90 Russians (R 1150). These prisoners had been sent to Dachau either for several days before or on the day of their execution (R 1150). At each of these executions he was a witness (R 1150). The function of the doctor at the executions was to determine the deaths (R 1150). The transports which arrived at Dachau, particularly the last ones, had many people who had died on the trip (R 1151).

Ruppert explained that his pre-trial statement in which he claimed that Jarolin, Trenkle, Seuss, Hintermayer and Welter were present at executions was merely based on his own assumptions (R 1151). Ruppert admitted that he beat prisoners but only with his flat hand (R 1152). He never beat any prisoner until he was unconscious (R 1152). He admitted that he beat prisoners whom he thought were trying to bring stolen army property into the camp (R 1152). He did not remember kicking a colonel of the Czech Army but assumed that it was true (R 1153). He denied that he had made a remark on 6 August 1944 in connection with a transport which had come from Warsaw "if this transport is not cleared up in an hour, all of you will have to go to the crematory" (R 1153). He never saw Pillsbeck at any executions (R 1153).

Mahl's part in all the hangings was under orders and he could not as a prisoner refuse to obey (R 1153).

He admitted witnessing executions at Allach at which time two Russians were executed and Jarolin and Eichberger were present (R 1154). He also attended two executions at Laingen in September (R 1155). It was one of his duties to be present when transports arrived (R 1156). It was also his duty to assign these people to the various blocks throughout the camp (R 1156). He did not admit taking the Hungarian Jews who

arrived in October or November and distributing them throughout all the blocks (R 1157). Ruppert stated that he put that transport in one block and that they remained there for one week (R 1157). These blocks had an average of 12 or 14 hundred men (R 1157). Ruppert stated that the executions he attended at Allach were pursuant to orders (R 1159). As was the case with respect to the execution at Lainggen (R 1159). These were the orders of the camp commander (R 1159).

As for prisoners in Dachau who were executed, one looted after an air raid and one committed sabotage in the armament industry (R 1160). Ruppert did not know who determined whether these people were guilty (R 1160). He stated that the interrogating officer had the authority to determine who was guilty (R 1160). The interrogating officer would then hand the report to the camp commander who transferred it to the Reich Security Office (R 1161).

3. Josef Jarolin: The accused Jarolin, his rights having been explained to him, took the stand and made the following unsworn statement: He is 42 years old, married and has no children (R 1205). He was a professional soldier and had been one since 1923 (R 1205). He joined the SS in 1935 (R 1205). He was a guard in Berlin for one year and then was transferred to the Sachsenhausen Concentration Camp where he was a block leader and detail leader (R 1206). He came to Dachau on 1 September 1938 and was there until 1 March 1943 at which time he went to Allach as Camp Leader (R 1206).

Jarolin stated that in his statement he mentioned the execution on the rifle range of 1500 or 1700 individuals and he admitted that he stood in front of the firing squad and gave the orders (R 1206). Before coming to Dachau he had twice requested that he be released (R 1206), because he did not enjoy doing duty in a concentration camp (R 1207). He ultimately became an Obersturmfuehrer in the reserves of the SS (R 1207). He applied for duty with a combat unit under each camp commander (R 1207). While at Allach he was in charge of the entire camp and was specifically charged with the supervision of the punishments that were given the prisoners (R 1207). At Dachau he was compelled to give out the punishments such as beatings (R 1207). He was Rapport Leader in 1940, Interrogation Leader in 1941 and Third Schutzhaftlagerfuehrer in 1942 (R 1207). In 1942 Hoffman and Redwitz were the First Schutzhaftlagerfuehrers (R 1208). The second position remained open until Sturmfuehrer Lippmann arrived (R 1208). He had been compelled pursuant to orders to mete out the beatings themselves (R 1208).

The tying of prisoners to the pole was discontinued at Dachau at the end of 1941 on orders from Berlin (R 1208). He recalled two instances when he received orders to send professional criminals to Doctor Rascher for air corps experiments (R 1208). That was in 1941 (R 1209). The statement in his affidavit that these individuals were furnished in April 1942 was not correct (R 1209). He received orders from Weiss to carry out official beatings on the basis of punishment orders (R 1209). He admitted that as Schutzhaftlagerfuehrer he "occasionally beat prisoners with my hand and kicked them with my feet" (R 1209). He denied that he ever knowingly beat a clergyman (R 1210). He denied that he had ever beaten Father Stvorik (R 1210). He denied that he ever beat a 68 year old Czech Jew (R 1210).

He stated that the crematorium was constructed in 1941 and 1942, that is the new crematorium (R 1211). However, the old crematorium was in existence during his whole stay at Dachau (R 1211). He admitted

that inmates at Allach received punishment as long as the orders came from Dachau (R 1211). He stated that these beatings were done under his supervision (R 1212). There was a prison doctor at Allach but no other (R 1211). At the time he gave the orders with respect to the execution of the 1500-1700 prisoners he was Rapport Leader and Interrogation Leader (R 1212). In July, August and September 1943, he was Third Schutzhaftlager-fuehrer (R 1212). In 1942 he was not present at any executions (R 1212). The 1500 prisoners had been executed in July, August and September 1941 (R 1212). Jarolin claimed that he had made an error in his pre-trial statement as to the date (R 1213).

He admitted that he had beaten prisoners at the bath house upon orders of Commandant Piorkowsky and that the number was about 150, almost all of whom were professional criminals (R 1213).

4. Franz Xaver Trenkle: The accused Trenkle elected to testify and made the following unsworn statement: He was a widower and had four children. He joined the SS in 1932 and came to Dachau in 1933 (R 1214). He was not at Dachau on 1 January 1942, but first arrived after that date in June 1943 (R 1214, 1215). He was there until November 1943 at which time he had an accident and went to the hospital where he stayed until March 1944 (R 1215). He was transferred to Bergen-Belsen and returned to Dachau on 6 January 1945 (R 1215). He was sent to an outside detail at Leunigen (R 1215). At the beginning of April 1945 he was sent to an outside detail in Munich and he was there until the 29th of April 1945.

He denied that he beat the witness Wolf in 1944 (R 1215). If there had been public beatings he had not done them himself as he read the punishment orders (R 1216). He did not remember the instance related by Father Stvarik in which a man visited him and was kicked by him (R 1216). He stated that he merely took people to the crematorium but never took part in the execution (R 1216). He stated that Colonel Kveton's claim that he hit prisoners in 1943 and 1944 was impossible because he was in the hospital (R 1216). In his pre-trial affidavit his statements with respect to shootings that took place in Munich should have been amplified to explain that he had received orders from the Gestapo (R 1217). At that time there existed a law that people who plundered after air attacks were to be shot immediately and that at first he had refused to obey the oral order until he was told that he would be given a written order if necessary (R 1217).

His pre-trial statement that the executions were directed by Weiss or Suttrop with Redwitz was incorrect (R 1217, Pros Ex 92). Since that time he had thought about it and now was sure that it was two other persons; Obersturmfuehrer Jung and Untersturmfuehrer Fremen (R 1217, 1218). Trenkle admitted that he had read over his pre-trial affidavit and had made several corrections (R 1218, Pros Ex 92). He admitted that he had added the names of Suttrop and Lippmann in his own handwriting (R 1218).

Santa Trenkle who was the daughter of the accused, often saw prisoners at her home (R 1219). She never saw her father mistreat any of them and she did see him give them something to eat (R 1219, 1220).

5. Engelbert Niedermeyer: The accused Niedermeyer elected to testify and made the following unsworn statement: He was 34 years of age, married and had two children (R 1253). He joined the SS in 1933 and came to Dachau on 24 May 1934. He left Dachau on 1 February 1943 and went to the front (R 1253). After that, he had no connection whatever with concentration camps (R 1253).

From January 1942 to May 1942, he was employed in the crematorium and from May 1942 to February 1943 he was block leader (R 1253). While he was at the crematorium, Bongartz was in charge (R 1254). He stated that he was not employed in the radio room or signal offices at any time (R 1254). He claimed that he was never the chief of the crematorium and that during his service at the crematorium there were never any executions there or in the yard of the crematorium (R 1254). He admitted that he "slapped prisoners in the face every now and then" (R 1254). He ceased beating prisoners after 1 January 1942 (R 1259). He denied that he ever took part in any executions (R 1255). He admitted that he had brought Russians to the rifle range in November, 1941, but was not present at the execution itself (R 1256).

While at the crematorium, Niedermeyer's duties consisted in helping to burn the bodies (R 1256). Four SS men and four prisoners worked there (R 1256). They worked partly days and partly nights (R 1256). The four prisoners were Jews and they were the same four during his entire stay at the crematorium (R 1257). Niedermeyer did not know that the detail was changed every eight weeks (R 1257). He denied that while working in the crematorium he administered beatings (R 1258). He admitted that in his pre-trial statement he had said that, as block leader, while in charge of building a garage in 1939 and 1940, he had struck prisoners and that as a block leader he had been ordered to participate in official floggings. His pre-trial statement had been executed before he had seen the charges in the instant case (R 1259, Pros Ex 101).

6. Josef Seuss: The accused, Seuss, elected to testify and made the following unsworn statement: He was married and had five children (R 1161). He entered the Allgemeine SS in 1934 and went to Dachau in April 1933 (R 1161). He left Dachau December 1, 1942 (R 1161). During the time he was at Dachau he was the Rapportfuehrer and before that, that is until August 1942, he was the detail leader in the Detail Radolfzell (R 1162).

Seuss stated that he never knew Mahl until they both became prisoners together (R 1162). In his pre-trial affidavit, the statement that Niedermeyer was present at the execution of 35 Russian prisoners of war was merely an assumption on his part (R 1162, Pros Ex 116). Furthermore, he had erroneously placed the incident in 1942, whereas it actually occurred in the fall of 1942 (R 1163). He explained that he was on a detail at the dungeon from 1938 until May 1, 1941 (R 1163). His statement in that affidavit concerning an invalid transport which left in 1942 on which he was a member to the effect that Wagner was also a guard was not based on his own knowledge (R 1163, Pros Ex 116). Seuss admitted that he had read over his pre-trial statement, but that he was excited at the time (R 1165, Pros Ex. 116). He stated that his statement to Lieutenant Lawrence that the 35 Russian prisoners of war were executed in August 1942 was not true and that he merely believed Niedermeyer was present, but was not sure (R 1165, Pros ex 116). Niedermeyer possibly was in charge of the crematorium in August 1942 (R 1166). It was an order that some of the Block Fuehrers and Rapportfuehrers had to take part in the shootings (R 1166).

7. Leonhard Anselm Eichberger: The accused Eichberger elected to testify and made the following unsworn statements: He was born in 1915, was married and had one child (R 1035, 1036). He joined the SS on 1 April 1935 and served in the regular army from 3 November 1937 until 17 June 1941 when he was released (R 1036). He was then drafted into the SS (R 1036).

He came to Dachau on 15 January 1943 and was assigned to the execution (R 1036). He was the chief clerk in the Schutzhaftlagerführer's office and in 1944 was given the added duties as a rifleman and reporter at the executions (R 1036).

His first execution was in August 1944 of the 90 Russian officers (R 1036). On that morning he was ordered by Commandant Weiter to bring a list of prisoners who were to be executed (R 1037). He obtained the list from the prison clerk and brought it to Weiter, who ordered that he take part in the execution as a reporter and if necessary as a rifleman (R 1037). He requested that he be relieved from that duty but Weiter replied, "An order is an order" (R 1037). Eichberger protested again and finally Weiter gave him a written order and at his request Weiter in the future always gave him an express order (R 1037). The written orders have all been burned (R 1037). Weiter was his superior officer (R 1030). At the execution of the 90 Russians in August 1944 Filleboeck was not present although Ruppert was (R 1030).

Eichberger participated in the execution of about 150 to 200 people between August 1944 and April 1945, the greatest number of which were executed at one time were the 90 Russians (R 1039, 1043). He personally shot about 15 of all those individuals executed in which he had participated (R 1039). He admitted shooting Russians, Poles and Germans (R 1039, 1040). He never hanged anybody (R 1040). He admitted being present when a young Russian was hanged around whose neck Mahl put the noose (R 1040, 1041). However, he denied that he kicked the box out from under the Russian (R 1041). He was merely the recorder (R 1041).

He was present when a French General was executed (R 1041). However, he did not believe that Doctor Fuhr was present (R 1041). Doctor Eisele and Doctor Hintermayer were present several times as physicians at executions (R 1041, 1042).

The orders for the executions always came from the camp commander (R 1042). The Schutzhaftlagerführer had to be present (R 1042). He never saw Mahl with a machine pistol at the execution of the 90 Russians (R 1043). Mahl carried out the hangings and the adjutant told Mahl repeatedly that he was to do that himself (R 1043). That was an order (R 1043).

8. Wilhelm Wagner: The accused Wagner, elected to custody, made an unsworn statement. He is 41 years old (R 1066). He had been an electrical mechanic (R 1067). He joined the SS in 1933 and arrived in Dachau in 18 September 1933 (R 1067). He left Dachau August 1938, returned 30 November 1939 and left a second time in January 1944 (R 1067). In April 1944, he went to Allach and was there until August 1944 (R 1067, 1074). He was at Kaufbeuren from August to October, 1944 (R 1067, 1074). From January 1, 1942, on he worked in Dachau as head of the laundry (R 1068). In August 1943 upon his own request he was transferred to Section Number 3, here he received in October 1943, a detail, which went to Germering each day (R 1068). From 3 January 1944 on he remained with the detail in Germering (R 1068).

At the laundry it was his duty to see that the prisoner's clothes were brought to the cleaning room in time (R 1068). The laundry was for the prisoners and the SS troops (R 1068). Wagner admitted that it was possible that he had kicked two young Russians in 1942 (R 1069). Because of the loud noise at the laundry, Wagner had to give orders in a loud voice (R 1069). This led him to great severity, and the impression might have been created that he was brutal (R 1069). He admitted slapping a worker named Dolchowski who slipped on the smooth floor in the laundry and fell (R 1070).

He never refused a prisoner any wish which he could possibly fulfill (R 1069). As a matter of fact, he gave the prisoners an additional piece of soap which even the SS could not get (R 1069). He admitted that it was possible that he had beaten the witness Hallow outside the laundry (R 1069).

Wagner denied ever taking Russians to the shooting grounds (R 1070). It was not his duty because he belonged to the administration and not the Schutzhaftlagerfuehrer (R 1070). Wagner always obtained additional provisions for the prisoners at Kaufbeuren as well as at Landsberg and Germering (R 1070).

In Germering where prisoners were building a certain construction, Wagner saw to it that they received an additional liter of soup at noon and in cold weather, an additional liter of tea (R 1070, 1071). He obtained milk for the prisoners at Kaufbeuren and Landsberg and cheese for those prisoners who had worked diligently and who had the necessary premium coupons (R 1071). In Germering particularly the prisoners did not have to suffer from hunger (R 1071).

Wagner explained that his pre-trial written statement was incorrect in that he was at Allach from March 1944 to November 1944 and not 1945 (R 1071, 1074). It was in the summer of 1944 that he saw two prisoners hanged at Allach not in the summer of 1943 (R 1071). At that time it was Wagner's duty to gather the prisoners in the camp on the formation grounds (R 1072). He did this on orders from Jarolin (R 1072). The execution detail on the two prisoners who were to be executed came from Dachau (R 1072). During the execution he roped off about 10 meters behind the gallows with several guards (R 1072). Wagner had to stand in front of the prisoners, that is the assembled prisoners, and about 10 meters away from the guards (R 1072). He could not state that the reason that he was standing there was to keep the other prisoners away from the gallows (R 1073).

Anna Earhart worked as a hostess in a canteen from the latter part of 1943 to the early part of 1944 (R 1074, 1075). She had had conversations with respect to food for the prisoners with Wagner while he was Detail Leader of the work Camp at Germering (R 1075). She and her employees cooked food for those prisoners on his detail (R 1075). Every hard laborer received extra rations (R 1075). For breakfast they received bread, coffee or tea with milk; for dinner, soup, meat and vegetables and twice a week baked cake; and for supper, soup, sausage

or margarine and perhaps a piece of bread (R 1075). Furthermore, in the winter, they also received an additional bit of tea (R 1075). Her employees were 35 to 50 foreigners (R 1076). Miss Barhart was a civilian (R 1077). The canteen was operated by the Dornier World (R 1077). The prisoners received a ration of 300 to 350 grams of bread per day (R 1077). If they performed heavy work, they received an additional 200 to 250 grams (R 1078). In the morning they received about 3/4 of one liter of coffee (R 1078). At dinner they received about 3/4 of one liter of soup (R 1078). They received 70 to 80 grams of meat (R 1078). That included the heavy labor addition (R 1078). They received 3/4 of one liter of vegetables (R 1078). At supper they received 3/4 of one liter of soup, 70 to 80 grams of sausage, and approximately the same amount of margarine (R 1078). The canteen fed between three and four thousand people (R 1078). All were prisoners of Dachau (R 1079).

Mrs. Anna Wagner, wife, since divorced, of Wilhelm Wagner, stated her husband was on furlough from 27 August 1942 to October 1942 (R 1659).

9. Johann Kick: The accused, Johann Kick, elected to testify and made the following unsworn statement: He was married, had one child and 44 years of age (R 1085). He had been a police official since 1921 (R 1085). From 1921 to 1925, he had been in the State Police; from 1925 to 1933, a traffic policeman in Munich; from 1933 to 1945, an official Gestapo Agent in Munich (R 1085, 1099, 1112). He came to Dachau in May 1937 and remained there until August 1944 (R 1085, 1086). From May 1937 until March 1938, he was an investigator in the Political Department and at that time was appointed chief of the department (R 1086). He returned to Dachau again on 30 January 1945 and remained there until 28 April 1945 (R 1086). While at Dachau, he was under the immediate supervision of the camp commandant (R 1086). When he returned to the camp the second time in 1945, he was not the chief of the Political Department, but had the duty of registering the prisoners (R 1086).

As chief of the Political Department he did not receive direct orders from the State Police at Munich, but from the camp commander (R 1086, 1087). The state police would make its request to the camp commander who in turn would order Kick to execute the request (R 1087). So far as the state police office in Munich was concerned, disciplinary and economic cases were to be handled on orders from the State Police in Munich (R 1087). If Kick had violated any such orders, he would have been punished by that office (R 1087). The chief of the State Police did not give orders to the camp commander but only made requests since they both had the same rank (R 1087).

As political leader at Dachau, Kick was responsible for the registration of prisoners, maintenance of files, correspondence about prisoners with other authorities and their families, and for the release of prisoners (R 1088). He had nothing to do with the billet, supplies, or general treatment of the prisoners (R 1088).

Kick knew that executions occurred at Dachau and that they had been ordered by the Reich Main Security Office of the 3rd Reich Leader himself (R 1088). Most of the time the prisoners arrived with the execution order (R 1088), or the order arrived shortly before the prisoner did (R 1089). These prisoners were executed at the concentration camp because of the order of the Reich Main Office or the Reich Leader (R 1089). Kick prepared the execution order form for the commandant's signature (R 1089). The form consisted of an order to the Schutzhaftlagerfuehrer to perform the execution (R 1089). After the execution, the form was returned to Kick as a report that the execution had occurred (R 1090). He in turn notified the Reich

Main Security Office or department which had sent the prisoner there (R 1089). Thirty or forty orders of execution passed over his desk between January 1942 and August 1944 (R 1096). He admitted that a request for an execution once made by the investigation officer would be transmitted to the camp commander who would approve that request (R 1096, 1097). Kick admitted that every execution request that was initiated by Dachau was countersigned by him (R 1112). Kick admitted that these executions were not sentences of a court but administrative determinations of the highest police agency of the Reich (R 1112). Kick denied that the camp commander Weiss would initial such requests with a "W" (R 1097).

During all his activities as political chief, he was never present at an execution (R 1090). Doctor Witteler's statement that Kick was at an execution must have been a mistake. (R1090) Kick never requested an execution (R 1090). In every case he tried to change the position of the camp commander who agreed in two or three instances (R 1091). But if the request was refused, Kick had no authority to change the request himself (R 1091). Kick could not prevent the execution of the Reich Security Office orders (R 1092). There were no court sentences but these matters came through administration channels (R 1092). Kick said, "I had to assume that they (the orders) were correct, because they came from the highest police authority of the Reich, which as far as I know was granted certain authority by the government itself and these orders were handed down because of such grave offenses, as it was stated that according to the laws of war they were punishable by the death penalty" (R 1093). Kick never handled these matters under Weiss (R 1093). He stated that the regulation with respect to executions was changed and that his statement which he had previously made in his pretrial affidavit was incorrect because since he had written that, "He had more time to think about it" (R 1098). He also admitted that he had talked it over with Weiss and Suttrop since the time he made the statement (R 1098).

The execution decrees of the Reich Main Security Office were made on the basis of the request of the Gestapo branches and the concentration camp (R 1101). The order of execution used in the camp only started in February 1944 and Weiss was not camp commander any longer (R 1101). The execution decree of the Reich Main Security Office was directly transferred to the Schutzhaftlagerfuehrer (R 1102). This particular form was designed by Kick after he had been given that job by Weiter (R 1102). Kick admitted that a procedure did exist whereby the investigating officer would request the camp commander to have an execution performed, that the commander approved that by initialling it (R 1103). However, Weiss did not do that and his statement was incorrect in that he had not remembered all the dates (R 1102). Kick admitted that if he believed a request was improper he could try to influence the camp commander by talking to him (R 1104), and he admitted that he did influence the camp commander to change his decision a number of times (R 1106). He denied that he could have sent a protest to the Gestapo in Munich if the commander had disagreed with him with respect to an execution (R 1105, 1106). However, Kick admitted making a contrary statement in his written pretrial statement (R 1106).

Kick conducted the interrogations of the prisoners without exerting any force and their statements were sent without alteration to the requesting agency (R 1088).

The assertion that prisoners that Kick had interrogated had their fingernails and toenails pulled out caused Kick to remark, "Anybody who knows me at all has to laugh about this accusation" (R 1093). Kick categorically denied that he ever beat any person, especially at Dachau (R 1094). He claimed that he had never inflicted any punishment during an interrogation and that all such interrogations were done in the office of the Political Department which was outside of the camp

(R 1094). His interrogation reports were sent to the requesting authority without comment (R 1094). Kick admitted that it was possible that prisoners whom he had questioned were kept apart as it was the custom of the police to separate suspects when there is more than one person to be questioned (R 1095). He denied that he had ever sent anybody into the standing bunker, and as a matter of fact while he was chief of the Political Department he never knew that it existed (R 1095). During the year 1944, he had interrogated many Russians (R 1099). He did not know of a commission which had been sent to Dachau to find out how many clergymen had died (R 1095).

With respect to the invalid transport list, Kick merely subdivided the list that had already been prepared by the physicians (R 1091). He did not select them (R 1094). He denied that he had been a member of a commission which selected prisoners for invalid transports (R 1095). The people on these transports did not all actually go out because some died in the meantime, some were released, and in some cases, permission was granted to cross the names of some individuals off the list (R 1091). Kick had no authority to cross off anyone's name (R 1092).

He admitted that in 1943 he had been handed a list of 1000 names by Piorkowsky of people who were sick and who would be brought to an invalid home (R 1100). He stated that he only learned later that they were actually gassed (R 1107). He denied stating to Lieutenant Guth that Piorkowsky had told him that this list of sick people were to be gassed (R 1109). He admitted that Piorkowsky had told him to select 100 to 120 names from the roster of 1000 so that these people would be put on a shipment in the near future (R 1109). Kick admitted that as those people had been shipped out their papers indicated that they had died in Dachau (R 1110). Kick stated that he received another list from Camp Commander Weiss with six or seven hundred names and that he received that list in 1942, although his statement to Lieutenant Guth was that he had received it in 1943 (R 1110). He denied that Weiss explained to him that these invalids would be brought to a camp or another installation to be gassed (R 1110). Kick admitted that he had made a statement to Lieutenant Guth that he had succeeded in saving some men of the six or seven hundred by telling Piorkowsky and Weiss that these men were not satisfactory (R 1111). Kick admitted that in fact he had saved some men (R 1112). Kick explained that his statement of 5 November was incorrect in that he had made certain errors with respect to the dates (R 1113). He realized now that the request for executions could only have been made in 1944 and furthermore that on the basis of the death lists that second transports must have occurred at or before October 1942 (R 1115).

Kick knew nothing of a transport in October 1943 (R 1115). He said that his statement with respect to Regwitz being at Dachau under Piorkowsky is not correct (R 1116). He admitted that he had stated in his written statement that if the commandant had not listened to his protests he would then protest to the Gestapo but that such a protest would have been useless (R 1116).

Kick was arrested on May 5, 1945 and was at Dachau until 16 May (R 1119). During that time he was beaten all during the day and night and had to stand at attention for hours, had to kneel down on round or square objects, had to stand under a lamp and look into it for hours (R 1119). He was beaten with whips, rifle butts, pistol butts, hands and fists (R 1120). Thus when Lieutenant Guth called him in he feared that if he refused to sign the statement he would be subjected to similar treatment (R 1120). Kick admitted that Guth did not beat or threaten him in any way at any time (R 1120). Kick stated that he had told Lieutenant Guth that the testimony did not agree with his own testimony (R 1121). A pretrial statement executed by Kick

in his own handwriting which had been sworn to before Captain Alfred L. Gaut, Investigator-Examiner, WCIT 6828, on 3 November 1946 was admitted into evidence (R1114 Def Ex 17). It reads in translation in pertinent part as follows:

"My name is Johann Georg EICK, born 24 November 1901 in Waldau. This statement is in addition to two statements which I made earlier. I wish to clarify my position which I held in the Concentration Camp Dachau. As chief of the political department of the Camp I was in charge of the safekeeping of the records of the prisoners, with the exception of the records of a few prominent prisoners which were kept by a representative of the Command Post, SS Untersturmfuehrer (2nd Lt) STIELER. I made a record of the personnel which was working for me between 1 January 1942 until August 1944 on another piece of paper, which was signed and marked exhibit A by me personally.

"There were 3 different classes of prisoners in Dachau: 1) penal companies, 2) regular prisoners, 3) prominent prisoners (so-called Sonderhaftlinge).

"About the end of 1942 the penal company was dissolved. I do not remember the exact date on which that happened. The prisoners in the penal company were 1) political prisoners who had been arrested for the second time and 2) prisoners who had become liable to punishment in the camp.

"At the same time there existed different camp punishments, for instance 5-25 licks with stick, withholding of supplementary rations for 1 to 3 weeks, standing as punishment for about 2 or 8 hours, and prohibition from writing. Since about 1941 punitive beatings were permitted only with the approval of the Gruppenfuehrer (Brig.Gen.) GLUCK or his representative Obersturmbannfuehrer (Lt.Col.) LIEBEHENSCHEL later HOESS, later WEISS and were performed only after investigation by the camp doctor. The order which was signed by the above mentioned persons finally had a note about the execution added and was incorporated in the files of the prisoner concerned. I do not want to imply that no corporal punishment took place without the approval of the above mentioned persons, although I am not familiar with any such case.

"I should like to clarify how the records of the prisoners were received and kept. When a person was arrested by the Gestapo and was to be sent to the Concentration Camp, he stayed in the police prison, until the investigation of his violation had been completed. With every prisoner, a file was brought in containing the order confining him in protective custody or, in case of criminal prisoners, the Vorbeugungshaftanordnung (order for imprisonment to prevent further crimes), and an extract of the criminal investigation as well as a form which was divided into 3 parts each of which would be used as certificate of transfer for the Reichsicherheitshauptamt (Reichs-Chief-Security-Office) and for the state police office that did the turning over. To this file we attached a sheet containing personal information about the prisoner. These personal records were received by prisoners specially detailed for that job under the supervision of SS Hauptscharfuehrer (1st Sgt.) THULKE or of Rottenfuehrer (Corporal) SCHMIDT.

"We kept three different files for the prisoners. One was in my office as I have mentioned before, the second in the labor distribution office (Arbeitseinsatz) and the third was kept by the prisoners themselves, so that we could find out in which block the prisoner was billeted and on which labor detail he was working. The last two files contained only the name, number, birthdate and profession of the prisoner.

KICK, Johann	Chief of the Department)	Members
HUTZLER Adam	Criminal Secretary, Interrogation))	of the
ERNST Wally	Clerk)	Gestapo
GEIGENSCHIEDER Nidolaus	Hauptscharfuehrer 1st Sgt.		Record's Office
RAPP	Hauptscharfuehrer 1st Sgt.		Record's Office
BEY	Unterscharfuehrer Sgt.		Record's Office
URPEIS Klaus	Unterscharfuehrer Sgt.		Office
PREISS	Unterscharfuehrer Sgt.		Office
BLUM	Oberscharfuehrer T-Sgt.		Office
THULKE	Hauptscharfuehrer 1st Sgt.		Reception Office
SCHMIDT	Rottenfuehrer Corporal		Reception Office
RAPPL Karl	Unterscharfuehrer Sgt.		Record's Office

The above 10 men were members of the Command Group .
(Def Ex No. 17)

Max Kronfeldner, who was in Dachau from October 1937 to June 1943 knew the accused Kick who was a political officer (R 1003, 1004). Kronfeldner had been operated upon and requested Kick to have him released (R 1084). Because of Kick's actions he was released in 1942 (R 1084).

Johann Kick was believed to be a 100 per cent Nazi, but "in formal things, he was not brutal to the prisoners" (R 930). Whenever the special prisoners had visitors, they met them in Kick's room and were permitted to stay about one hour and bring packages (R 1003, 1004).

Kick stated that his pretrial statement had been dictated by the interrogating officer, Lieutenant Guth (R 1117). He did admit that he signed and swore to those statements as being the truth (R 1117).

10. Doctor Fritz Hintermayer: The accused, Doctor Hintermayer elected to testify and made the following unsworn statement: He was 34 years old, married and had four children (R 1624). He joined the SS in 1939, and was with a combat unit until 1944 (R 1624). He received a concussion of the brain on the Russian front, was afflicted with St. Vitus Dance, and has suffered recurring attacks, having had one during the trial (R 1624, 1625, 1626, 1657). He had been beaten after apprehension by the American authorities (R 1627, 1658). He has difficulties in thinking and constant headaches (R 1627).

Doctor Hintermayer is not a registered doctor because he did not finish his thesis (R 1627). He came to Dachau in March 1944 under Doctor Witteler (R 1628). He was troop doctor several weeks and then became second doctor to Witteler (R 1628). He succeeded him as head doctor in October 1944 (R 1629). When he arrived, the population of Dachau and its by camps was 32,000 (R 1629). This increased so that in April 1945 there were 65,000 prisoners in Dachau and out-camps (R 1629).

Doctor Hintermayer did not believe he was qualified as a doctor (R 1629). He reported this to his commander but there was no substitute for him and he had to stay on (R 1630). The camp physician was responsible for sanitation, and supervision over the doctors in the by camp (R 1630).

When he first came, hygienic conditions at Dachau were impossible and he complained to the commandant (R 1630, 1657). New transports were arriving continuously (R 1631). Most new arrivals were sick and many were dead (R 1632). The camp was overcrowded and on his complaint, he was told that Berlin had ordered the overcrowding (R 1631). A typhoid epidemic broke out in November 1944 and lasted to December (R 1631 - 1632). He fought the epidemic by quarantine, by disinfection and by immunization (R 1632). The delousing

station was insufficient (R 1631). Typhoid killed only very few (R 1632). In December 1944 a typhus epidemic started (R 1633, 1643). All the inmates and SS men had been vaccinated in the fall of 1944 (R 1646). The vaccine had a harmful effect because inoculation in the incubation period increased the severity of the disease (R 1647). There were 20,000 to 30,000 cases of which 10% died (R 1633). In January the death rate was about 40 per day and about 4 SS men died in that month (R 1644). The greatest number of cases at one time was approximately 1200 (R 1635). At first 3 slept in two beds, but later only one infectious patient slept in each bed (R 1635). The typhus had been brought to the camp by new inmates on the transports (R 1633). There was insufficient medicine and equipment and Doctor Hintermayer constantly demanded drugs but did not get any (R 1634, 1638). The medical dumps at Munich and Dachau and at the SS hospital were not available since use of these sources had been strictly prohibited (R 1634, 1645). Hintermayer increased the nursery and disinfection personnel (R 1634). There were about 120 deaths per day (R 1635). There was insufficient hospital space and Hintermayer converted three to four barracks to alleviate the situation (R 1635). He proposed the erection of a sick camp, but this was rejected because materials could not be obtained (R 1637, 1656). A delousing station was brought to Dachau in January 1945 and was in operation in January 1945 (R 1649). Hintermayer denied that it was under his supervision (R 1649), although he signed requisitions for necessary supplies (R 1651). The epidemic was still raging when the Americans came (R 1635). Dr. Hintermayer denied that Dr. Blaha had suggested that the camp be quarantined and denied that he told Dr. Blaha that to do so would be to sabotage the war effort (R 1643).

In April 1945, there were 860 tuberculosis patients (R 1637). Housing conditions for them were poor and no additional space was available (R 1637, 1638).

In January 1945, the Reich Security Office ordered the execution of two pregnant Russian women and Commandant Weiter ordered Hintermayer to kill them by injections which he did with evipanatrium in the arm (R 1640). The effect was they went to sleep in about ten minutes without any pain, but the injection did not kill the women, for he saw them later lying in the crematory with shots in their heads (R 1639). He did not shoot them (R 1640).

Doctor Hintermayer was not present at the execution of the 90 Russians in September 1944 but a Doctor Schmidt was (R 1640). In April 1945 Doctor Hintermayer transferred patients in the psychiatric ward to Allach (R 1641). He did not kill these persons or any other by injection (R 1641, 1642). He attended ten executions as a physician only to take care of the inquest (R 1642).

In March 1945, hygienic supervision passed to a hygienic laboratory under the control of a Dr. Weber (R 1650).

11. Doctor Wilhelm Witteler: The accused, Doctor Witteler, elected to testify and made the following unsworn statement: He was 36 years old, married, and had two children. He joined the Waffen SS in 1936 (R 1290). He served at the SS hospital in Dachau in 1938 (R 1297). He was transferred to a combat unit and served on the fronts until 1 January 1944 when he came to Dachau as head physician (R 1289). He held that position until 20 August 1944 (R 1289, 1304).

Doctor Witteler was in charge of medical care, hygienic conditions, food and disease prevention of the prisoners of Dachau and its subcamps. He had 25 prison doctors and 200 male nurses and assistants (R 1290). He restricted the use of prison doctors solely to medical work (R 1290). There were 28,000 prisoners in Dachau and the 20 out-camps (R 1290, 1295). Later he estimated that there were

31,000 to 34,000 prisoners (R 1307). There were sufficient latrines at Dachau for 15,000 inmates, but there were 18,000 prisoners (R 1291, 1307). However, the water did not run because of lack of pressure (R 1291, 1309). Thus there was a danger of epidemics (R 1291). Witteler told the Commandant (R 1291). A new installation was set up which increased the pressure and relieved the difficulty (R 1291). Witteler increased the disinfection detail from 15 to 40 prisoners whose duty it was to check the hygienic conditions in the camp (R 1291). There were no epidemics while he was there (R 1291, 1292). There were 800 in a block and 400 beds and 10 to 12 latrine stools (R 1310). Witteler protested about this condition (R 1310). The camp was overcrowded (R 1311). He arranged to connect the hospital barracks by passage-ways and to install showers in the hospital (R 1293). He opened up an eye clinic, installed heat and running water in the message station and hot water in the operation room (R 1293). There were 1500 to 1700 prisoner patients in the hospital and 60 to 80 deaths in the camp monthly (R 1318, 1292, 1293). This number is exclusive of those who died on transports and from air raids (R 1318). The deaths were caused by pneumonia, tuberculosis, old age and internal diseases (R 1313). Each patient had his own bed (R 1296). There were about 450 tubercular cases (R 1312). Many prisoners suffered from malnutrition, particularly new inmates, but the first cases of death due to starvation occurred at Allach in the summer of 1944 (R 1313). There were 6 blocks in the Dachau hospital which he visited once a week (R 1315). During his tenure at Dachau five or six transports arrived (R 1294). These came in June and July 1944. One was a French transport which had 498 dead out of 2,000 prisoners (R 1294). The 498 died of suffocation (R 1295). He informed the commandant of this fact (R 1295). The conditions in the hospital were not crowded (R 1296). Witteler visited the outside camps every two weeks.

Doctor Witteler had never worked with Doctor Schilling (R 1300). The malaria station was in operation when Witteler arrived at Dachau (R 1305). He denied that he was informed that requests for inmates for the malaria experiments were approved (R 1305). He had nothing to do with the experiments (R 1305).

Doctor Witteler denied that skin which had been taken from the prisoners was used to make handbags (R 1311, 1312, 1324). Doctor Witteler signed all death certificates which stated the causes of death (R 1317). He denied that any deaths occurred at the hospital as a result of pyramidon (R 1320). There were 12 insane people in the hospital (R 1321). Doctor Witteler claimed they were not killed and were still there when he left (R 1321).

Doctor Witteler had a skull on his desk (R 1312). He obtained it from the pathological department in Dachau (R 1323). Doctor Witteler admitted participating in two executions, in that he had been ordered by the commandant to state whether death had ensued (R 1327).

Doctor Witteler was brought back to Dachau for this trial on 4 November 1945 (R 1296). At that time, he was taken to Lieutenant Guth who interrogated him (R 1297). Doctor Witteler was deprived of anything to eat for a long time and was interrogated by Lieutenant Guth until 1:30 in the morning (R 1297). During his interrogation, Lieutenant Guth turned a spotlight on him, yelled at him, would not let him talk, called him a swine, criminal, liar, murderer, and would not let him answer anything but yes or no (R 1303, 1298). He was made to stand up and stand for seven hours. Doctor Witteler at first refused to sign the statement because it was not written in front of him (R 1299). Lieutenant Guth warned him that he would have a battalion of SS men pass by and spit at him (R 1300). Lieutenant Guth dictated the statement (R 1300). Before the interrogation, he had been a patient in the hospital (R 1301, 1302).

12. Johann Eichelsdorfer.

The accused, Eichelsdorfer elected to testify and made the following unsworn statement: He was 55 years old, had a wife and three children. He was never a member of the SS or Nazi Party (R 1354). He became a member of the German army in November 1940 and came to Dachau on 18 June 1944 (R 1352, 1353). He was sent to a work camp at Augsberg (R 1353). In August 1944 he went to Kaufering. He took over Kaufering Number 8 in October, then Kaufering Number 7, and on 12 January 1945, Kaufering Number 4 (R 1353). Camp Number 4 had 1429 inmates at that time (R 1357). This grew to over 2900 by the end of April 1945 (R 1357, 1368).

Kaufering Number 4 was quarantined at the time and Eichelsdorfer was not permitted to enter the camp (R 1354). However, he did enter the camp twice (R 1367). His only duty at the camp was to post the guard (R 1354). He was commander of the 33 guards only, not of the camp (R 1361). When he took over, he had been told, "You have to give no orders. The camp is under Hauptsturmfuehrer Doctor Blanke." (R 1362, 1368). Dr. Blanke was responsible for the camp (R 1355, 1357). No prisoner was permitted to leave the camp (R 1355). Food and fuel were brought to the gates (R 1355). At a later date a few prisoners who were well were permitted to go out to collect some wood (R 1355, 1356). He never took a detail out himself (R 1357). Eichelsdorfer made a report to Dachau in which he described the conditions which prevailed at Camp Number 4 (R 1358, 1362). Eichelsdorfer also made monthly reports about the camp (R 1365, 1369, Pros Ex 129). In one report he stated there was sufficient food and that the quarters were light, well aired and clean (R 1366). Eichelsdorfer explained that these statements had been made to him by the prisoner physician (R 1366). Eichelsdorfer denied that he ever beat a prisoner and denied that a detail ever went in or out of Kaufering Number 4 on his orders (R 1356). He never carried a rifle but a pistol while at Camp Number 4 (R 1356). He did not procure gasoline which was used to burn the camp at the time of evacuation (R 1356).

Eichelsdorfer did not know the death rate at Kaufering at any time (R 1359). He never admitted to anyone he knew the death average, and he did not know Doctor Fried (R 1360). Eichelsdorfer did not know the true physical condition of prisoners in Kaufering Number 4 at any time (R 1369). The food became worse and Eichelsdorfer reported it to Dachau (R 1302).

Mrs. Rose Rufert stated she has known Eichelsdorfer since 1944 when he was at Kaufering Camp Number 2, 4, and 7 (R 1370). She visited each camp eight or ten times and never saw him mistreat anybody (R 1371). When she asked questions about him, the prisoners spoke well of him (R 1370). She never saw him carry a rifle or a stick (R 1371). Eichelsdorfer tried to improve the food for the Jewish girls in his home (R 1372, 1373).

Mrs. Rufert never heard that Eichelsdorfer beat anyone to death. She only saw Eichelsdorfer in his little home where he also had his office (R 1373). Eichelsdorfer was never reported to her as a beater and once he bandaged a man who had been wounded (R 1374).

13. Otto Foerschner:

The accused Foerschner made the following unsworn statement: He was 44 years old, married, and had three children (R 1300). He had been a professional soldier since 1922 (R 1389). In 1934 Foerschner

joined the Waffen SS (R 1380). He saw combat duty in the East until December 1941 and was sent to the hospital from which he went to Buchenwald where he remained from January 1942 to September 1943 (R 1390). From there he went to Nordhausen where he stayed until January 1945 when he went to Kaufering where he remained until 27 April 1945 (R 1390, 1391).

Foerschner was a camp leader of the Kaufering camps of which there were 7 at first, and later 9 (R 1391). Four of the camps were closed because of typhus (R 1397). He received weekly reports from all the camps (R 1399). His headquarters were at Camp Number 1 (R 1391). There he punished the women by letting them stand a half day on the formation ground and by taking away their food for one day (R 1391). This was prescribed by Commandant Weiter of Dachau and Foerschner himself was not authorized to impose punishments (R 1392). No executions were performed (R 1392). Foerschner knew about Kaufering Number 4 as an isolation camp but he was not permitted to enter it (R 1392). He had no authority whatsoever over the camp (R 1395). He knew the death rate was 100 to 150 weekly (R 1401) and it increased to over 200 (R 1402). Foerschner informed the camp commandant of the type of barracks the sick at Camp Number 4 were housed in and requested they be transferred (R 1393). The commandant replied that it was purely a matter for the doctor (R 1393). Foerschner sent a report about the camp's poor condition to Berlin. As a result a commission under Colonel Lollen of the Medical Department was sent down (R 1393). The commission came to Landsberg and Foerschner showed the commission the bad living conditions at Camps 1 and 2 and was promised that sick prisoners would be transferred (R 1394, 1400). The opposite happened when more sick prisoners arrived (R 1394, 1402). Weiter ordered evacuation on 24 or 27 April (R 1394).

Dr. Blanke was in charge of the evacuation at Kaufering Number 4 (R 1395). At this time, Foerschner was insured by a mine and was hospitalized (R 1395). He suffered a brain concussion and loss of his right eye (R 1395). Several camps were burned by the C.T. on the night of 26-27 April (R 1396). When Camp Number 1 was evacuated he did not hear any shooting (R 1397).

Foerschner denied that he killed an inmate by beating him with an iron pipe, that he ever beat any prisoners, and that he ever killed an inmate by hitting him, in the head with a stone (R 1396). All camps were surrounded by barbed wire which were not electrified (R 1397). Foerschner knew Tempel who was Rapportfuehrer at Camp Number 1 (R 1397). The accused Schoettl was at Kaufering Camp Udek, about 5 kilometers from Number 1, all of March 1945 and he had special duty training a company for front line duty (R 1399). Foerschner saw him there every day (R 1399).

Foerschner did not go along with the commission everywhere they went and they only visited Kaufering Number 1 and 2 (R 1400). Although Foerschner knew conditions were terrible, he did not remedy them on his own responsibility (R 1401). The weekly death rate at Kaufering Number 4 was between 100 and 150 and higher when he left (R 1401). This increase was on account of the typhus epidemic (R 1402).

14. Doctor Kurt Eisele

The accused, Doctor Eisele, elected to testify and made the following unsworn statement: He was 33 years old, married, and

the father of three children. He was drafted into the Waffen SS in 1940 (R 1483, 1484). Doctor Eisele was a troop physician and in 1943 went to Buchenwald. He had front line duty in 1944 on the Russian front (R 1484, 1485). He first came to Dachau at the end of February 1945 and stayed there until the end, being in charge of the Surgical Department in the prisoners' hospital where Doctor Hintermayer was in charge (R 1485). His patients suffered from undernourishment and primarily chest infections (R 1486).

Bandages and medicine were scarce and none could be gotten (R 1485). Eisele's only efforts to obtain drugs were to go daily to the prison druggist and ask for the necessary items (R 1491, 1492). There was a typhus epidemic which Dr. Hintermayer told him was ebbing, but there were many deaths (R 1485, 1486). People were in bed in two's and three's. He presumed the sanitary conditions were insufficient. Otherwise the typhus would not have spread (R 1487). The sanitary and hygienic conditions were not under his supervision. The health of the prisoners was Dr. Hintermayer's responsibility (R 1487).

Dr. Eisele inspected 3 camps at Muhlendorf and informed Hintermayer of the conditions (R 1488, 1492). He went a second time to see if any improvements had been made. Since nothing had been done he complained to two Organization Todt physicians and then to General Tscherassik who later said, "Well, the war will be over in four weeks." (R 1488). Doctor Eisele was ordered by the camp commandant to attend executions to determine death (R 1489). He attended three and had no authority to stop them (R 1489).

Dr. Eisele denied the statement of witness Seibold that he attended eight between October 1944 and January 1945 because he was not even at Dachau at that time (R 1489). He never attended executions prior to 20 February 1945 (R 1490).

At one of the Muhlendorf camps, Langleist was the representative of Commandant Weiter (R 1493). Doctor Eisele went on an inspection tour with Weiss because he had a car (R 1494). He performed mastoid operations from which nobody died (R 1494).

15. Doctor Kurt Klaus Schilling.

The accused Doctor Schilling elected to testify and made the following unsworn statement: He was 74 years old, married, had one son, and was a physician. He had specialized in tropical diseases, particularly malaria, since 1898 (R 1490, 1500). Dr. Schilling studied under Professor Koch of Berlin, and graduated from Munich as a physician in 1894 (R 1498). He did research work in Africa on malaria, sleeping sickness, and tsetse fly diseases (R 1497, 1490). Dr. Schilling worked for the Rockefeller Foundation in Berlin, receiving a grant in 1911 for the study of various diseases and for a trip to Rome (R 1499, 1500, Def ex 19). In December 1941 in Italy Dr. Schilling met Dr. Conti, the Reich physician leader, who invited him to see Himmeler (R 1500, 1501, 1508). Schilling went to Himmeler who gave him the order for him to continue his studies at Dachau (R 1502). Schilling had selected Dachau because it was near his birthplace (R 1568-1569). The question of using prisoners for experiments was not discussed (R 1502). In January 1942 Schilling went to Dachau (R 1502). Schilling only accepted this commission at Dachau because the League of Nations, of which he was a member, told him of the importance of curing the seventeen million known cases of malaria.

He believed it was his duty to humanity (R 1540). He never became a member of the SS or the Nazi Party (R 1503). He was a "free, independent, research man." (R 1568).

Dr. Schilling infected thousands of prisoners with malaria "Benign Tertian" which is not fatal (R 1503). The purpose for this was to find a vaccination against malaria and today there is no vaccination against malaria except the one discovered by Schilling (R 1503). Dr. Schilling used mosquitoes and blood transfusions to infect the patients and received patients already infected (R 1503, 1504). The patients were divided into groups and were constantly watched, one group for the purpose of keeping up the strain and another for immunization purposes (R 1505, 1506). The latter were injected repeatedly to step up their immunity (R 1506). Schilling re-infected about 400 to 500 patients and used quinine, atabrine, and neo-salvarsan, and a dye #2516 which made the patients immune; to prove this he had to test by infecting them again (R 1507).

Dr. Schilling could not work with animals because they are not receptive to malaria and men are used throughout the world (R 1507). He assumed that Admiral Stipp and Mark Boyd, two malaria authorities, used humans in their experiments (R 1508). Infected malaria has been used to cure paralysis (R 1508).

Only about four or five of the patients refused to be immunized, but they consented after Schilling explained the importance of the work (R 1509). The selections of the patients were made as follows: Berlin allowed him thirty patients a month and he would requisition them through the camp physician from the commandant who contacted the labor leader (R 1510). The latter selected healthy prisoners and Schilling's assistants chose the final names and sent them to Berlin, where the selection was approved (R 1509, 1510). These patients were carefully inspected and could not be refused by Schilling by order of Himmler (R 1511).

The doses of neo-salvarsan were 1.54 grams and at no time failed (R 1512). He used pyramidon to lower the body temperature although the drug has a bad effect on the blood corpuscles (R 1513, 1514). He used this drug only in 15 cases and found that two grams were not harmful. This was important so the body could react without fever (R 1515). Nobody died from pyramidon (R 1515). Malaria has been used to cure syphilis and neo-salvarsan can destroy parasites in a fever (R 1515).

Dr. Schilling never dealt with Dr. Blaha on any autopsies involving neo-salvarsan poisoning. Discharged patients were told to report back if they felt sick (R 1516). Periodic checks were made of them and any patient was received back if there were signs of relapse (R 1517). If Schilling were asked to resume his work, he would do so only on volunteers (R 1518).

Dr. Schilling was withdrawn as a witness, at this point, but resumed the stand later and testified as follows: In death through neo-salvarsan all organs are affected (R 1536). Blood cells may die, but nothing like this happened in his cases (R 1536, 1537). It is impossible to determine death by malaria by a mere autopsy without a microscope, especially where there may be other complications (R 1537). Pyramidon is rarely the cause of death (R 1537).

Out of the 100 people infected by Dr. Schilling with malaria, not a single one of them died of uncomplicated malaria (R 1538).

Weight of the patients during experiments increased. Additional food was given and people suffering from contagious disease would be isolated (R 1539). Dr. Schilling never stated the wrong cause of death (R 1539).

Dr. Schilling stated he couldn't experiment on himself because he had had malaria in 1933 and men like him cannot be reinfected in most cases although malaria is a recurring disease (R 1541). If there is chronic malaria, the heart muscles will suffer as in all chronic diseases (R 1543). Malaria will increase the watery substance in the blood and the brain will suffer under chronic malaria (R 1544). Chronic malaria will weaken the body to make it susceptible to other diseases and one may die of another disease while having malaria (R 1546). Schilling had SS doctors helping him and examined all patients personally and supervised the records (R 1546). Schilling recognized Prosecution's Exhibit 131 which stated that 19 cases were treated with pyramidon, three of whom died (R 1547). He declared these patients were suffering from typhus and were removed from the ward (R 1547, 1548).

Although there was a typhus epidemic in November 1944 and he knew that people were dying, he continued his experiments (R 1550). Everyone who was inoculated remained at the station (R 1550). One patient was injected three times and later died of typhus (R 1551). He was given neo-salvarsan, atabrine, and quinine. Pyramidon doses of three grams per day for five successive days were given. Dr. Blaha did not inform Schilling of the deaths due to pyramidon poisoning. If Schilling had been notified he would have stopped the experiment. An Italian named Calveroni was infected with blood and might have gotten typhus (R 1556).

If a man is suffering from malnutrition, a big dose of neo-salvarsan is not advisable (R 1557). If it would save his life, Schilling would give it to him (R 1557). It depended on the physical condition of the man and of what he was suffering; yet, Schilling gave the drug to Father Wicki who only weighed 50 kilos (R 1558), but Schilling says that Wicki was not a severe case (R 1559). Schilling gave three grams of neo-salvarsan in five days, which was the largest dose he ever gave over that period of time. He does not remember giving drugs to sufferers of dysentery (R 1562).

Schilling did not remember specific cases where he did not use caution (R 1566, 1567). He recalled the priest Stachowski who died, but doesn't remember he died from neo-salvarsan (R 1567, 1568).

Dr. Schilling was not under the control of the SS (R 1568). He heard rumors about beatings, but did not concern himself with "things that were not my business" (R 1569). All his records had been burned (R 1570). Schilling denied all accusations against him other than what he admitted as part of his duty (R 1572, 1573). He declared that his work was unfinished and that the court should do what it could to help him finish his experiments for the benefit of science and to rehabilitate himself (R 1574).

Mrs. Hubner, who knew Professor Schilling for thirty years stated that she often saw him in Italy and in Germany and has known him to be of good reputation and of good veracity (R 1519, 1520, 1521). He told her his only aim was to help cure malaria (R 1522). She believed his intentions at Dachau were good (R 1523).

Frau Durck, the wife of a university professor of anatomical pathology who was interested in malaria research, knew Professor Schilling since 1924 (R 1525, 1526). Schilling was always regarded in his field as a serious scientist (R 1527). She knew what he was doing at Dachau but her husband would not have done it (R 1527).

Dr. Eisenberger, a lawyer for 52 years, knew Dr. Schilling for 30 years (R 1527). He considered Schilling highly respectable and reliable, and said Schilling was seeking to benefit science and would never do anything wrong (R 1528).

Heinrich Storr, a male nurse at Dachau, testified it was known that Schilling worked on orders from Himmler (R 1608, 1609). The camp physician's and Schilling's assistants examined the patients prior to experimentation (R 1609). Dr. Brachtel, an SS doctor and assistant to Schilling also performed atabrine experiments (R 1610). If a patient had a relapse from malaria, he was treated by Dr. Schilling (R 1611, 1612). Others were given quinine by some of the hospital staff (R 1611, 1612).

Max Kronenfelder worked in the malaria station under Schilling from February 1941 to June 1943 (R 1614). He knew about a Dr. Brachtel who also made private experiments on malaria without the knowledge of Dr. Schilling (R 1615). Kronenfelder took blood smears and performed minor details such as cleaning up (R 1616). Brachtel experimented with patients who had tuberculosis, being helped by a man named Adam (R 1617). Adam was often in the morgue with Dr. Blaha (R 1618).

Father Rupisper had been subject to the malaria experiment in August 1942 (R 921). Other priests who were also subjected were Peter Bower, Gustav Spitzick, Anton Burkhardt, Fritz Keller and Kasimier Gasimer Rikofsky (R 921).

16. Christof Ludwig Knoll:

The accused, Knoll, elected to testify and made the following unsworn statement: He was 50 years old, divorced, and had two children. He had been a political prisoner at Dachau from September 1933 until the end of the war (R 1587). He had been arrested for delivering a letter for a Jewish friend (R 1593). Knoll was first used as a tailor and became block eldest in 1941 (R 1487).

Knoll admits slapping a few people and did so to save them from being punished worse (R 1588). He slapped because rules were broken as in the case of one man who threw slop at him or another who didn't get out of bed, or some who would not report to work (R 1588). He was required to slap them (R 1588). He admitted using a rubber nose "where it was needed" (R 1597).

Knoll remained block eldest until February 1941 (R 1589). He never was capo in the gravel pit (R 1589). The story that he knocked down a young Pole was invented because he was not even there (R 1590). He was in the hospital then and during Christmas of 1942, as stated by Kaltenbacher, he did not kill 27 Jews (R 1591). He was head capo at the plantation while it was being built (R 1591). At that time Knoll remembered the incident in Christmas 1940 when he was ordered to collect mole skins so that an SS could make a fur coat for his wife (R 1592). Jews helped him dig for moles and one day he was asked how it was going and he answered that he still needed thirteen to kill, referring to the moles and not to the Jews (R 1592).

Knoll had charge of a detail which was constructing the headquarters (R 1595). Because the work did not progress quickly enough he was beaten and kicked (R 1595). He refused to act as capo and worked under another capo and was sent to the punishment camp in Nachtweiler. He explained that a capo was a prisoner selected by the SS who was given a special job and the court does not realize what a capo had to go through and the punishments he would have to undergo from the SS if he disobeyed orders, as, for instance, lapping up spit, receiving beatings with fists and kickings (R 1593, 1595, 1596).

Knoll explained that the inmates were told at their first lecture: "You are in a concentration camp. A concentration camp is no jail, is no penitentiary, and it certainly isn't a vacation camp. Here, there is martial law. The smallest SS man, no matter how young and irresponsible he is, is your superior. And every order of such a man is to be obeyed." He is surprised that SS men now lie about beating prisoners (R 1596). Knoll denies any beatings by him after 1942 (R 1597). He had a thousand men in his block among whom were only Jews and Germans (R 1598). He never beat anybody in the tailor shop and his customers were all Germans (R 1599).

Weikof, a former inmate, stated that the accused Knoll was known as a hangman (R 1240). It was common knowledge that Knoll had killed Jews in Dachau (R 1249).

Mr. Hirner was a member of the SS police at Dachau and knew Knoll (R 1604). In the summer of 1939 he came out to the plantation and saw the mole skins and Knoll told him Hauptsturmfuehrer Zill ordered him to make a jacket for him (R 1604).

Mr. Keller, a political prisoner in Dachau from 1935 to 1939, and knew Knoll, not as a beater but one who is "nuts" and who caught moles and got cigarettes for them (R 1606). Keller was in concentration camps for ten years and stated if the capo at the crematory would have refused to hang somebody, he would have been hanged himself (R 1607).

17. Doctor Fridolin Karl Puhr.

The accused Dr. Puhr elected to testify and made the following unsworn statement: He was a 33 year old Austrian and unmarried. He had been a member of the SA from 1933 to 1937, and a member of the SS from 1937 to 1940 (R 1473). Puhr was a doctor and was drafted into the Waffen SS in June 1940 and went to a Deaths-head combat division (R 1473, 1474). He was with combat troops until he went to Dachau in December 1944, and in between times he was a patient in a hospital for heart trouble for almost thirteen months (R 1474). He stayed in Dachau until 27 April 1945 where he acted as troop physician and had nothing to do with the prisoners (R 1475). His hospital was separated and his work was restricted to SS troops (R 1475). Several times Puhr acted as an assistant at operations on major operations of prisoners (R 1475). No person operated on by him died and he often called in a prisoner's doctor to act as expert in his own cases (R 1476). He didn't know prisoners of war were at Dachau (R 1476).

Puhr was ordered to attend executions by the Camp Commandant Weiter (R 1476). He attended prisoner executions and two executions of SS men (R 1476, 1477). He could not refuse to attend, or he would have been executed himself (R 1477). His duty was to determine the

death and certify the form (R 1477). He could not have saved any of these lives (R 1482). Pühr never mistreated prisoners since he had nothing to do with them (R 1477).

He received the Blood Order in 1944 for bodily harm (§1476). In Dachau he got experience by working on operations (R 1479). He used the X-ray at the prisoners' hospital (R 1479). Once in a while he signed papers as a favor to other doctors who were out of town (R 1480). The duty officer "had no duties at all. He just received some papers which he had to sign" (R 1479). It was a 24-hour duty (R 1479). He recognized Prosecution's Exhibit 130 as a duty roster for April 1945 and noted his name was on it (R 1481). He denied that he served as duty officer on the date specified (R 1482). However, he was on constant duty at the troop hospital and never at any other (R 1481).

18. Franz Boettger:

The accused Boettger elected to testify and made the following unsworn statement: He was 57 years old, married, and had no children. He joined the Waffen SS in 1940 (R 1167, 1174). At Dachau he held the rank of rifleman and became an unterhaupscharfuehrer (R 1167). He was in Dachau from May 1940 to November 1940 and then from June 1941 until April 1945 (R 1167). He was present at the time the 90 Russians were executed in the crematorium in September 1944 (R 1168). The Russians were interrogated by Weiter and the Gestapo official from Munich (R 1168). They were then brought to the crematory in three groups by guards. Seuss had been ordered by Schutzhaftlagerfuehrer Ruppert to report if everyone was present (R 1168). Boettger did not take any of the group down to the crematorium (R 1168). He merely went there, reported everyone was present, and returned, because he was on duty (R 1168). When Boettger arrived at the crematory the first two Russian groups had already been shot (R 1169). A doctor was present but he did not know which one (R 1169).

Boettger was on a transport which left by foot on 26 April 1945 (R 1169). There were about 8000 prisoners on this transport (R 1169, 1170). He accompanied the transport about 30 kilometers up to a woods near Wolfratshausen which is about 30 kilometers from Munich (R 1170), and was assigned to a section which had only German prisoners (R 1170). Degelow, the Battalion Commander, was in charge of the guard detail (R 1171). Boettger's pre-trial statement that the accused Langleist was in command was not correct (R 1171, Pros Ex 105). Boettger denied that he shot a Russian prisoner on that transport (R 1172). He denied that he ever shot anyone anywhere (R 1172). The actual march started in the woods near Gotting at about 7:00 o'clock in the evening (R 1172). The first destination was sturnberg which was about five or six kilometers away (R 1172). Those people who could not walk were driven in cars (R 1173). Boettger collected about 150 such people who were taken away in cars (R 1173). Boettger admitted that he had an order not to leave any prisoners behind in the transport which was going to Wolfratshausen (R 1175). However, prisoners with bad feet were to be collected at the edge of the road and a guard had to remain with them until the next section arrived (R 1175). This process was continued until the prisoners were finally picked up and driven off (R 1175). Boettger did not know the number of cars that was used; he did not know where the prisoners were driven (R 1176). He saw about 20 or 30 prisoners dead in Wolfrathausen (R 1176).

Boettger denied that he gave any orders to kick a chair out from under a Russian who was being hanged (R 1173). Ahl usually put the noose around the prisoners' necks and Oberscharfuhrer Bongartz made the rope fast and kicked the chair over (R 1173). That was the usual procedure (R 1173). With respect to the execution in which Bongartz kicked the stool, Boettger went there on order of the First Schutzhaftlagerfuhrer in order to see that the inmates fell out and were present during the execution (R 1177). So far as Boettger knew this man had been convicted of sabotage (R 1177).

Boettger denied ever receiving food packages of the prisoners or food from the prisoners' kitchen (R 1174). He admitted that he slapped some prisoners in the face but he never beat a prisoner or mistreated one (R 1174). Boettger also stated, "I never beat a prisoner so that he needed medical treatment or so that he was wounded or bleeding" (R 1174).

Boettger admitted that he had attended about 20 executions (R 1177). His participation consisted of leading the person to the crematorium as Rapport Leader in accordance with the commanding officer's order (R 1177). Boettger knew when the people were brought to the crematorium that they would be shot or hanged (R 1178).

Franz Geiger, a catholic priest, who had been an inmate from December 1941 until liberation at Dachau, testified that he started to work in the package detail in January 1943 (R 1199, 1200). Boettger was in charge of that detail until December 1, 1943, when he became Rapport Leader (R 1200). As long as Boettger was in charge of the package detail he treated the prisoners well (R 1200, 1203). He was known as the "mail uncle" (R 1201). During the transport of 26 April 1945, Boettger told Geiger that he could leave the transport (R 1201).

After Boettger left the package detail, the inmate Geiger heard that Boettger did not treat the prisoners well any more and that he beat them (R 1204).

19. Peter Betz

The accused Betz took the stand and made the following unsworn statement: He is married, has one child and joined the SS in 1933 to get employment (R 1435). He was one of a family of seven children, none of whom worked (R 1435). He was at Dachau on 5 August 1935 to 7 January 1944 (R 1435).

At first, Betz was in the office of the Schutzhaftlagerfuhrer, then he worked on outside details and later as a sergeant-major, and on 7 January 1944, he went to Mittelbau and never returned to Dachau (R 1436).

Betz admits giving a statement on 30 October 1945, before he was served with charges, to the effect that he attended two executions in November 1941 as a guard (R 1436). He also admitted slappings of professional criminals who had stolen from other prisoners, but he never slapped or mistreated anybody else (R 1437). Betz never attended any executions other than the two mentioned (R 1437). He was a member of the Death's Head Unit until it became part of the Waffen SS (R 1437).

Betz's duties were to check, on behalf of the Schutzhaftlagerfuhrer, conduct reports of prisoners in protective custody and the punishment

reports which had to go to Gestapo offices (R 1438). There was a regular investigator in the office of the Schutzhaftlager Fuehrer and he recommended punishments and interrogators administered beatings as punishment up until 1941 (R 1439). Betz rarely saw any beatings after 1942 (R 1439, 1440), but admits sending the reports forward to headquarters, although he never made any recommendations personally (R 1440).

Otto Gehring was a German prisoner at Dachau from October 1937 until April 1939 during which time he knew Betz (R 1465). He never knew Betz to beat anybody and saw him often throw cigarettes and bread to the prisoners (R 1465). Betz personally gave bread and cigarettes to him (R 1465). Gehring now works with former prisoners of Dachau and has talked with many about Betz and everyone says that Betz was a fine man (R 1465).

20. Anton Endres.

The accused Endres took the stand and made the following unsworn statement: He is 36 years old, married, the father of three children. He joined the SS 7 September 1939 as a draftee and served at Dachau all the time until the liberation (R 1467, 1468).

Endres was thrown out of the SS 20 May 1944 when he was arrested for letting prisoners visit friends (R 1468). He was put under arrest in November 1943 and stayed there until September 1944. Endres was active in Dachau as a medic and worked in the Augsburg detail up to that time (R 1469). He never helped anyone give injections and never was present and never beat prisoners nor put them under showers (R 1471). He attended two executions prior to January 1942 as a medic being part of the detail to help the doctor (R 1471). He was never in charge (R 1471). Other executions took place on the rifle range, each averaging thirty or forty men executed (R 1472). He never attended these executions (R 1472).

21. Simon Kiern.

The accused Kiern took the stand and made the following unsworn statement: He was 32 years of age, married, and had two children (R 1233). He had been a saddle maker. In 1932 he joined the regular army and remained until 1936 (R 1234). In 1937 he was drafted into the SS because he was a radioman and had been in the army (R 1234). That was unusual because at that time men were not drafted into the SS (R 1234). He was sent to Dachau and was a radioman there until 1939 (R 1235). He was then transferred to Czechoslovakia and in 1941 he returned to Dachau (R 1235). There he went to work at headquarters as a clerk until 3 November 1942 (R 1235). At that time he was transferred to the mail room for a short time when he was arrested for allegedly stealing 10 cigarettes from a letter (R 1235). He was in the concentration camp at Dachau for six weeks, brought to the prison at Munich, and then to the Death Code Department (R 1235). After his imprisonment at Dachau in December 1942, he never returned to Dachau to work. (R 1235). From Munich he was sent to the punitive camp at Danzig July 1943, and on 12 February 1945, he went to the front (R 1236). On the way he escaped and returned to Dachau where he was arrested by the SS (R 1236). He was released after one day and tramped around Ingolstadt and Kulmbeck until the Americans arrived (R 1237).

Kiern was a social democrat from 1929 to 1932 and while a member of the SS had worked actively against it (R 1237). At Dachau he had

attended three executions in the capacity of a clerk (R 1237, 1238). Obersturmfuehrer Zill had demanded that he be present (R 1238). All three executions occurred in 1941 (R 1238). His pre-trial affidavit erroneously stated that the executions occurred in January 1942, but he was sure that they occurred in 1941 because Zill had left at Christmas 1941 (R 1239, Pros Ex 119).

He admitted that he had given mercy shots once at one execution (R 1239). Kiern denied that he at any time ever kicked or beat a prisoner at Dachau (R 1239). Kiern stated that he had told the investigating officer at the time the statement was taken that Zill had ordered him to attend these executions (R 1240). Kiern admitted that he had made the statements in his pre-trial affidavit, had read it and corrected it (R 1240, Pros Ex 119). He denied that he was ever a block leader (R 1241).

Josef Uneberg who had come to Dachau as a prisoner in December 1942 met Kiern there in 1943 (R 1243). Kiern checked the working details (R 1245). Uneberg never saw Kiern mistreat anyone (R 1243). Uneberg next saw Kiern in Bohemia in April 1944 in a punitive company where they worked together (R 1244). Kiern escaped (R 1244). Kiern had told Uneberg repeatedly that he opposed the treatment of prisoners in concentration camps (R 1244). Kiern used dogs to guard the prisoners at Dachau in March or April 1943 (R 1245). When Uneberg met Kiern in 1944 again he stated that he was glad that he was out of the SS (R 1246).

Josef Weikof, an inmate at Dachau from March 1938 until liberation, knew Kiern from April 1940 until March 1941 (R 1247). Kiern did not mistreat any of the prisoners during that time (R 1247).

Willy Herna who had served as a camp policeman and had been a member of the SS at Dachau stated that he had participated in executions with Kiern twice in November 1941 (R 1250). Kiern was good and that was his reputation with respect to the treatment of prisoners (R 1251). Kiern acted under orders (R 1251, 1252).

22. Michael Redwitz

The accused Redwitz elected to testify and made the following unsworn statement: He was 45 years old, married and had four children (R 1178, 1179). His occupation was that of a professional soldier (R 1179) and he had been a soldier since 1918 (R 1179). In 1938 he was transferred into the SS from the Wehrmacht (R 1179). He came to Dachau in November 1942 and was there until 9 March 1944 (R 1179). His job was that of First Schutzhaftlagerfuehrer and as such he was in charge of the discipline, order and cleanliness of the camp (R 1179). He was also in charge of the roll call each morning and night (R 1179). According to the regulations he was at every execution in the capacity of a witness (R 1180). He also had to supervise the carrying out of punishments (R 1180). He read the punishment to the prisoner and saw to it that the prisoners carried out the prescribed punishment (R 1180).

Most of the people who were executed in the camp had been sent there for execution by the Gestapo (R 1180). While he was at Dachau a sports arena was built for the prisoners (R 1181). Furthermore, moving pictures were shown to them (R 1181). These pictures were also distributed to the by-camps of Dachau. (R 1181). Although in his statement he had said that the accused Betz was present at the

executions, he now claimed that he was not sure of that fact (R 1181). He denied that he had ever insulted priests as the witness Breiding had testified (R 1182). He denied that he ever permitted Trenkle or Jarolin to beat inmates and that if they were present at the carrying out of a punishment they were there only in a supervisory capacity (R 1182). Furthermore, the camp commander was present all the time, that is, at the official beatings (R 1182). However, Weiss never attended an execution (R 1185).

On 7 July 1944 a number of American airmen had been shot down during a raid on that day and had been captured by Redwitz (R 1183, 1184). He saw to it that their wounds were taken care of and that they were protected from the civilian population (R 1184). He finally transferred the prisoners to an air corps lieutenant (R 1184).

While at Dachau, Redwitz attempted to attain front line duty three times (R 1185). Finally on 9 August 1944, he was sent to the Western front where he was wounded (R 1185).

He stated that his pre-trial statement made on November 4, 1945, had been dictated by Lieutenant Guth (R 1189, Pros Ex 95). He denied that he directed the executions in the absence of Weiss (R 1189). He claimed that he had only been at the executions as a witness and that this remark had been dictated by Lieutenant Guth (R 1189). Redwitz admitted that he had read over his statement before he signed it, that he made corrections in the statement in his own handwriting after he had read it (R 1191). He stated that he was threatened by Lieutenant Guth while he was making his statement (R 1191), Lieutenant Guth having held an ash tray in his hand (R 1192). He admitted that he had never been struck by Lieutenant Guth but that he had been threatened (R 1192). Because of those threats and insults and the mistreatments which he had endured after his arrest, he had signed the statement (R 1192).

He admitted that he participated in about 40 executions at Dachau (R 1192), and that he was the Schutzhaftlagerfuehrer at that time (R 1193). He stated that no prisoner could leave the camp unless he was under guard (R 1193).

Ernest Spora who had been an inmate of Dachau from September 1942 until liberation had met Redwitz in January 1944 (R 1195). He worked in a slaughter house and once carried into camp some sausage and bacon which was found on him by Ruppert, who took the food and made him stand on his knees out in the cold (R 1195, 1196). Redwitz came along and asked him what he was doing and he explained that he was going to the hospital to see a friend and was bringing the sausage and bacon (R 1196). About 20 minutes later Redwitz returned with the sausage and bacon and gave it to him (R 1196). Redwitz said "Try never to do it again" (R 1196). Spora also helped make repairs on Redwitz's house and Redwitz's wife would give the a soup, coffee and bread (R 1197).

Redwitz was not a sadist like his predecessors (R 936). He liked yell and was frequently drunk (R 936).

He became First Schutzhaftlagerfuehrer under Weiss (R 940). The inmates were permitted to put on their own theatrical performances (R 941). Under Weiss the prisoners in the textile shop were permitted to cook food there (R 942).

23. Wilhelm Welter

The accused Welter elected to testify and made the following unsworn statement: He was 32 years old, married and had three children (R 1010). He worked in civilian life as a locksmith (R 1010). In 1938 he joined the SS and came to Dachau at the end of 1939 (R 1010). He was there until 1 September 1943 when as a result of his application he was sent to the Eastern Front (R 1010, 1011). He had applied since the beginning of the war about every two months to be placed in a fighting unit (R 1011).

He was the labor service leader at Dachau and, as such, was under the labor leader (R 1011). His duties consisted in giving each detail which was to work in the morning and afternoon a slip whereon the strength of the detail and the name of the detail leader was noted (R 1011). Each day he made out a working report which included information about all the details which left the camp (R 1011). The report usually consisted of 7 to 8 typewritten pages and was used by the labor leader to bill the firms where the prisoners worked (R 1011).

Although there had been testimony that he had hit prisoners at the slave market formation at the start of 1943, Welter stated that at that time he was not in Dachau but a soldier in Russia (R 1012). He admitted that while at Dachau he had put together large and small details (R 1012). He only knew the strength of the detail when it left the camp at the gate when the number was called out (R 1012). Hence at the time he would know if anyone was missing (R 1012). Hundreds of details left in short succession and he could never stop to look for an individual man who was not present (R 1013). He denied that he ever had any duties to perform together with Kick and denied that he ever hit a prisoner with a whip or any other object (R 1013). He admitted that he possibly did put together a detail of four Jews for the crematorium in 1942 (R 1013).

Selections of prisoners for the hospitals in connection with experiments, such as malaria, were made by the doctors (R 1013, 1016). The labor leader received that list and checked it with the files of the labor office, but Welter himself had nothing to do with this selection and had never received any orders from the labor leader in connection therewith (R 1014). He denied that he had ever beaten any new inmates which had been brought to the camp and specifically beating 25 new arrivals, described by a prosecution witness (R 1014). He denied that he ever selected prisoners for Doctor Rascher's experiments (R 1014). All prisoners who were brought on a working detail were introduced to a doctor so that he could determine their working capacity but Welter never brought people there because that was not his duty (R 1015). He admitted that he sometimes kicked people and hit them with his hand (R 1015, 1020). "It is possible that I slapped a few prisoners in the face if they did something wrong" (R 1015).

Welter explained that in his pre-trial affidavit he had erred in writing that Weiss had accompanied him to Augsburg in 1942, but that it was Redwitz who had done that (R 1015). However, he had never been given the opportunity to correct this statement (R 1015). Welter also stated that he was never arrested and had returned to Dachau voluntarily (R 1015). He was in the hospital from 17 January 1944 until 28 April 1944 (R 1016, Def Ex 16). In the labor office people were asked for their qualifications and Welter or someone else would pick out non-employed people for special details (R 1018). He did not know whether or not these nonemployed prisoners were used in the doctor's

experiments (R 1019). He did not know what had happened to the Jews who had been picked out to work at the crematorium (R 1019). The prisoners who worked in the labor office were under Welter but all he did was to transmit orders to them (R 1019). He did not take any interest in whether they did the work or not which they had been ordered to do (R 1019, 1020).

Mrs. Welter testified that her husband reported voluntarily to the front in September 1943 (R 1021).

Johann Wolf, a civilian employee at Dachau from 1942 to 1944, worked with the accused Welter in connection with prisoner duties (R 1008). He never saw Welter search or beat a prisoner or report one (R 1009). The prisoners on Welter's detail always told him Welter was all right (R 1009).

24. Rudolf Henrich Suttrop.

The accused Suttrop elected to testify and made the following unsworn statement: He was 34 years old, married and had three children. He joined the SS on 5 September 1933 and came to Dachau on 15 May 1942. (R 1022). He left Dachau on 15 May 1944 (R 1022). He served as Adjutant under Piorkowsky, Weiss and Weiter (R 1022).

When Suttrop came to Dachau he was an Untersturmfuehrer and when he left he was an Obersturmfuehrer (R 1023). His duties were to check on the personnel of the entire staff, composed of 235 non-commissioned officers and men (R 1023). He was in charge of the telephone, signal office and motor pool (R 1023). He had charge of the mail distribution, secret orders and aided the commanding officer in his paper work. Upon the absence of the commandant, the First Schutzhaftlagerfuehrer became the acting commanding officer (R 945, 1023). The commandant might request someone else from his own superior office to take charge (R 1024). Suttrop never acted as commanding officer (R 1024).

Suttrop had nothing to do with the prisoners with the exception of a few private matters when they would come into his office (R 945, 1024). It was not possible for him to issue any orders for executions or punishments (R 1024). The camp commander had no authority to execute or punish people except for minor punishments (R 1025). However in 1944 the regulation provided that the commanding officer could request an execution and Weiss had left on 1 November 1943 (R 1025).

It was not within his power or province to prevent any executions (R 1025). He never attended any. He did supervise three executions of SS members (R 1025, 1031, 1032).

Prisoner executions were ordered by teletype or secret mail by the Gestapo (R 1026, 1027). In most cases the notice arrived before the prisoners did and the orders specified whether or not the man should be hanged or shot (R 1027). The camp's rule provided that the First Schutzhaftlagerfuehrer or his representative, the First Camp Physician, and two witnesses be present at the execution in addition to the individual who was actually to carry it out (R 1027). The camp physician had the duty of determining death and could not stop the execution if he desired (R 1027).

Weiss did not take part in or direct any executions and the regulations did not so provide (R 1028). The orders for execution

came from the Reich Security Main Office, and were always to be carried out immediately (R 1028, 1029). The detail which went out for the execution was made up by the First Schutzhaftlagerfuehrer (R 1029).

Suttrop did not know whether or not there were any Russian PWs at the camp (R 1029, 1030). The Russian PWs had been released from an Army PW enclosure and sent to work in Germany (R 1030). Upon leaving their place of work these former prisoners were put into a work detention camp and then sent to a concentration camp (R 1030).

He was a member of the Deaths Head SS and was active for two years in the Skull Division at the front (R 1033). The accused Trenkle was a Rapport Leader or representative of the Schutzhaftlagerfuehrer. Suttrop denied that invalid transports left Dachau in 1943 and 1944 (R 1034).

25. Wilhelm Tempel.

The accused Tempel elected to testify and made the following unsworn statement: He was 37 years old, married, and the father of five children. He joined the SS in 1932 and arrived at Dachau on 6 August 1944, going to Kaufering Number 4 on 15 August where he stayed until January 1945 (R 1411, 1412). Kaufering Number 4 was declared a sick camp on 15 December 1944 and was quarantined until 26 April (R 1412). At Kaufering Number 4, Tempel was a labor leader and later he went to Kaufering Number 1 and served as Rapport Leader (R 1412). He served there until 26 April 1945 (R 1412).

Tempel admitted the story related by Doctor Fried of beating with a whip, and using his hands and a rubber cable on prisoners at Kaufering Number 4 (R 1412).

Tempel never beat Kussinsky's father so that he died later (R 1413). He was not present when Berger's brother's son was beaten and died, since he was at Camp Number 1 and not Kaufering Number 4 (R 1414). Tempel denied all other beatings described by witness Sandowsky and stated he did not shoot anyone as described by Doctor Katz (R 1414). Tempel used his hands and only beat prisoners where justice required it, so as to prevent stealing (R 1414, 1415). The stealing stopped (R 1415). Tempel declared he did not introduce the so-called "superior system" which was responsibility from prisoner to block elder to capo to camp-elder (R 1416, 1423). Under this system women in Kaufering Number 4 were beaten (R 1415). Tempel only carried a whip occasionally but never used it (R 1416). Tempel had a reputation of going around with a stick but Kastner did not see this (R 1351). Johann Kastner did hear prisoners say that Tempel was a bad man and beat many of them (R 1351).

Tempel joined the SS on 24 May 1940. He went to Lublin concentration camp in October 1942, then to Auschwitz until 27 July 1944 and then to Dachau (R 1418). He remembered a transport of 150 to 200 which left Kaufering Number 4 while he was labor leader there (R 1419, 1420). He recalled the transport which he accompanied as a guard from Warsaw in which only four out of 4,000 fell out (R 1420, 1423). One of his duties was to make up the quotas for work details (R 1417). It was also his duty to collect prisoners for evacuation transports of Kaufering Number 1, and to see that the camp was cleared

in April 1945 (R 1421). Foerschner gave the order to form the transport which was divided into three parts, one each for April 24, 25 and 26 (R 1421). He employed capos and elders appointed by the SS to help him (R 1422).

Martin Lechner, a prisoner at Dachau, went to Kaufering Number 1 in November or December 1944 (R 1424). He stated that it was known that Tempel beat prisoners but he did not see that himself (R 1424). Tempel arranged for shows and music for the prisoners (R 1424). The death rate decreased when Tempel arrived (R 1424). He never heard that Tempel shot anybody or beat anybody to death nor that Foerschner beat anybody (R 1425). Lechner was a capo who worked under Tempel and saw him daily on the detail Moll (R 1425, 1426). He saw Tempel take the shoes of sick prisoners and give them to others (R 1427).

26. Hugo Alfred Erwin Lausterer.

The accused Lausterer elected to testify and made the following unsworn statement: He was married, had six children and was fifty five years of age (R 1122). As a civilian he represented the Singer Sewing Machine Company. He entered the SS on 10 December 1941 (R 1122). He left Dachau on 26 April 1945.

He was a sentry and guarded the prisoners (R 1123). The highest rank he achieved was Scharfuhrer (R 1123). He denied ever having threatened punishment to prisoners if they did not hand over their food packages to him (R 1123). He denied ever mistreating prisoners (R 1123). In his pre-trial statement of 21 October 1945 he described a transport which left Dachau about 26 April 1945 and which had remained at Dachau for two or three days (R 1123, 1124, Pros Ex 111). His job in connection with that transport was as reserve sentry (R 1124). He did not guard the prisoners during that transport (R 1124). That transport left Dachau in the evening of 26 April 1945 and went by rail to Munich (R 1124). As a reserve sentry he stayed in a separate car (R 1124). The transport arrived in Seefeld on Saturday afternoon (R 1124). Everyone got off and food was distributed (R 1125). Orders were then given to march by foot to the Ertz valley.

Lausterer then left the transport and went over to a group of 65 prisoners who were in a pasture (R 1125). The prisoners stated that they could not march and they were ill (R 1125). He told them that they could not stay there because they would die in that terrible weather (R 1125). He searched for coffee and tea for these prisoners and several women in Seefeld helped him. They found an empty barrack where they put the prisoners and tea was distributed among them (R 1125). The next morning coffee and bread and at noon soup and bread were brought to them (R 1125).

He went to the Americans in order to surrender these prisoners but when he returned the barrack was empty (R 1126). He discovered that an Obersturmbannfuhrer had come and led them toward the station toward Garmisch (R 1126). During the previous night two of the prisoners died (R 1126).

The accused Schospp was also a reserve sentry on the same transport and he did as little as Lausterer (R 1126). When the transport had reached Lyon two SS policemen stated that they were the transport leaders and everyone including the guards were ordered to stay on the

train (R 1127). There were about 30 to 35 reserve sentries (R 1127) Lausterer did not receive any orders with respect to shooting prisoners who tried to get off the train but only the guards (R 1127). There were about 120 men in one car (R 1127). There were about 1700 to 1800 people in the entire transport (R 1128). Many of the people died en route from thirst and hunger (R 1128). Lausterer admitted that in his pre-trial statement of 31 October 1945 he did not state that he was a reserve sentry (R 1128, 1129, Pros Ex 111).

Gustave Droste who had been a member of the German Army met the accused Lausterer in July 1944 (R 1131). At that time Lausterer was a commander of the working detail in a factory at Lodenfreye (R 1132). The detail consisted of prisoners of Dachau. Droste's house had been damaged by bombs and he requested Lausterer to help repair his house (R 1132). Lausterer agreed on the condition that his prisoners be cared for and be given food and some liquor (R 1132). On that basis the house was repaired (R 1132). Droste noticed that Lausterer treated the prisoners very well (R 1132). He never spoke to them harshly (R 1132). Droste never saw Lausterer hit or mistreat the prisoners (R 1133).

Josephine Moser who lived in Seefeld recalled a transport which arrived there in April 1945 (R 1133). She attempted to distribute bread to the individual prisoners at the railroad station but an SS man prevented her from doing that and struck her (R 1134). She requested to speak to the transport commander and a Jew told her that he was out in a pasture where some sick ones were (R 1135). She then went there and met Lausterer who requested that she bring something hot for the prisoners (R 1135). She arranged to have coffee brought to them (R 1135, 1136). Lausterer requested her to get a shelter for these people since it was snowing and raining and she suggested that he go over to a farm and request that the barn be used (R 1136). However, the owners would not permit him to use the barn (R 1136). She then suggested that Lausterer use a barrack which had been built for a kindergarten. This barrack was utilized by the people (R 1137). She said, "I would say that he was almost like a father to them, I also saw that the people trusted him very much" (R 1137). There were from about 60 to 80 people in the group (R 1137). The next morning Miss Moser arranged that the people have coffee (R 1139). She did not know how they left. She did not know whether Lausterer went away with them (R 1139). Lausterer did not have a gun (R 1140). Lausterer also asked her for medicine (R 1140).

Mrs. Yeager, a teacher, was living in Seefeld during April 1945 (R 1141). During one afternoon she went to the station and saw 1800 Jews who had arrived on a transport (R 1142). In a meadow nearby there were some sick ones and Lausterer told her that they had come from Dachau (R 1142). He requested a barn or shed (R 1142). She finally located shelter and Lausterer lined them up and walked them to the barracks (R 1143). He hauled many of the sick ones in a cart and made four trips (R 1143). Women arrived who brought warm drinks to the prisoners (R 1144).

27. Fritz M. K. Becher.

The accused Becher elected to testify and made the following unsworn statement: He was a 41 year old German, married, and had one child. He had been a prisoner at Dachau from 12 May 1938 until 26 June 1943 for political reasons (R 1575). Becher became room eldest and later block eldest and his duties were to see to it that everything was clean and orderly, to distribute food, and take prisoners to the hospital if they were sick (R 1576). He never beat anyone to death

and only slapped a prisoner now and then, or he would have been punished himself (R 1576). He never kicked anybody but it is possible that he caused nose bleeds as witness Seibold testified (R 1576).

Becher did not have the power to transfer anybody by transport and never exceeded his authority (R 1577). In the case of the prisoner Krovalsky, the latter became fresh and he slapped him in the face. Later this man had dysentery and Becher took him to the hospital where he died (R 1577).

Becher would punish prisoners for homosexual acts and for stealing, and saw others punished by the SS for not obeying (R 1478). Becher could not understand how the SS today deny the punishments and indignities inflicted (R 1578). Almost every SS man beat prisoners who were of all nationalities (R 1579). Wagner and Seuss beat the prisoners, including Becher (R 1579). Ruppert beat one Pole very badly (R 1580). Becher said, "It was always pretty bad when you were beaten by the SS" (R 1580).

Becher did not choose who would work and denies that the block almost selected the workers (R 1581). He was present when prisoners were selected for invalid transports and only led them out of the block (R 1582). Becher once took part in punitive measures against priests by order of Hoffman when \$700 was found on a prisoner (R 1582). There were young priests and old priests and they were made to fall down and many fell out from exhaustion (R 1583). Becher did not kick any of them but helped some to stand up and was himself beaten for doing this (R 1584). He admitted that he slapped one older priest named Kovaleky (R 1584). Becher stated that when he was in charge of the Russian block he corrected them by beating with his hands (R 1585).

Becher never saw Weiss beat anybody and Weiss was good to him; he does not know Sattrop or Wetzel and only saw Kick when he came in the first time (R 1586).

Becher concluded, "The greatest shame on culture in Germany were the concentration camps and hell was in Dachau" (R 1578-1579). "No one can imagine what it was like in a concentration camp except he who was in a concentration camp. We were completely finished -- in soul, and in every respect" (R 1580).

Dr. Julius Muthig, a German doctor and member of the SS at Dachau from 8 February 1940, was familiar with the form of notification of death sent to the Statics Bureau (R 1600). The cause of death was always put down and if someone had been beaten by a capo, the latter would be brought before the court in Munich where he would be sentenced to jail (R 1601). He knows of no report where Becher was concerned in such a case (R 1602). In 1940 only one man was reported to have died from beatings at Dachau in the summer, but he does not know about the records after March 1942 (R 1603).

28. Alfred Kramer.

The accused Kramer elected to testify and made the following unsworn statement: He entered the Wehrmacht in 1916 and joined the SS in 1939, coming to Dachau on 16 August 1944 (R 1266). Kramer never entered the crematory at Dachau (R 1266). On 8 September 1944, he came to Kaufering Number 1 and attempted to improve the billets and the shoes (R 1267, 1268), and never took part in any executions (R 1268).

Kramer was relieved on 12 November 1944 and never had anything to do with prisoners after that (R 1268).

Kramer was beaten by a CIC officer with sticks and rubber hoses (R 1269). He denied participation in executions (R 1270). The food at Kaufering Number 1 was delivered by the TOT (R 1271). There was a shortage of shoes and clothing (R 1271). Kramer beat prisoners with his hand on certain offenses so that he would not have to report them to higher headquarters (R 1272). Kramer took one transport into Dachau (R 1273). He was in charge of the transport in which fifty died (R 1273).

29. Sylvester Filleboeck.

The accused Sylvester Filleboeck elected to testify and made the following unsworn statement: He was 49 years old, married, and had two children (R 991). He was formerly foreman in charge of a factory (R 991). He had been in the German Army from 1916 to 1918 and from 1943 to 1945 (R 992). He joined the SS in 1932 and went to Dachau in 1933 where he held the position of administrator of the food dump until 1941 (R 992, 996). From 1941 to 1945, he was the investigator for the food (R 992).

Filleboeck received his orders from Wetzel and from the Economic Office (R 992). The rations which were permitted for prisoners were determined by the Main Economic Office in connection with the Reich Food Ministry (R 992). He attempted to supplement the regular food supply (R 992). The office had reduced the amount of vegetables from 3500 grams to 1000 grams per week (R 993). He brought five to seven thousand kilograms of pre-cooked soups despite a prohibition by the Main Office (R 992). Furthermore, he brought 2000 to 3000 kilograms of beef, veal, and big bones for soup and in the years 1943 through 1945, 20,000 kilograms of bean and pea seeds (R 993). It was through his efforts that he obtained for the camp 30 and 40 per cent cheese rather than 10 per cent cheese (R 993, 994).

Filleboeck went to the Food Officer in Dachau and ordered that the rations be maintained (R 994). He took this action on his own because he "knew that something had to be done" (R 994). Toward the end of hostilities the lack of transportation made it very difficult to obtain food (R 994). The problem became more acute in view of the fact that the population of the camp had increased by fifteen thousand (R 994).

Filleboeck denied that he had ever taken the property of any of the prisoners (R 994). He had always instructed those who worked for him that they were not permitted to give away anything that belonged to the prisoners (R 995). He denied taking part in the execution of the 90 Russian prisoners of war (R 995). He had been at the crematory only twice during his stay at Dachau and that was as officer of the day (R 996).

During January and February 1945, there were between 18000 and 20000 prisoners at Dachau who were fed three meals a day, breakfast, lunch and supper (R 996). During the same time the SS received a greater quantity and better quality food (R 997). He was not familiar with the amount of clothes, shoes and food that were stored at Dachau (R 997). Prisoners had reported to him that some of the inmates were dying of malnutrition in December 1944 but he never received a report through official channels (R 998). However, he did see the physical

condition of the prisoners whom he met each day (R 998). The entire time that Filleboeck was at Dachau he worked under Wetzel (R 998). When Filleboeck received a report that prisoners were dying of malnutrition in December 1944, he immediately increased the vegetable ration and went to Dachau and Munich in order to have the ration cutting order rescinded (R 953, 954, 999).

Ulina Ritzler who owned a food business in Dachau had been instructed in 1939 that in the event of war he was to furnish food to Camp Dachau (R 988, 989). As he received requests from the camp, he did that (R 989). Filleboeck requested that Ritzler circumvent a cheese order so that it would have the full fat content of 20 per cent (R 989). This was done so that the camp received cheese with a higher fat content than it would have otherwise received (R 990).

Richard Turber who was an employee of the Bavarian Material and Agricultural Department received requests from Filleboeck for potatoes, vegetables and straw (R 983, 984). Filleboeck requested food without requisitions and Turber did give him beans and pea seeds for sowing purposes (R 984). Filleboeck requested Turber to give him all the vegetables that he could get in the district of Dachau (R 984), and he was furnished with that until an official from the gardening administration stated that the Dachau Concentration Camp had been given too much (R 985). In the last three years, about 20,000 kilograms of seeds had been requisitioned and supplied to Dachau, and they would have been sent whether Filleboeck requested them or not (R 985).

30. Vinzenz Scherz: The accused Vinzenz Scherz elected to remain silent.

1. Albin Gretsck: The accused Gretsck elected to testify and made the following unsworn statement: He was 16 years old. He was drafted into the Wehrmacht on 1 September 1942 and served at Dachau from 2 November 1942 until January 1943 and from 2 March until 26 April 1943 (R 1662). He was assigned to the 5-camp at Neufbeuren (R 1662). Gretsck served as a guard in the tower and also accompanied prisoners (R 1662-1663). He was armed as a guard and was charged with the duty of preventing prisoners from escaping from the camp or details (R 1663).

On 26 April, 1943, he left Dachau with a transport as a guard and arrived at Wolfbratshausen on 2 April (R 1662, 1663). His unit of the transport started with 1500 prisoners of whom 1200 arrived at Wolfbratshausen (R 1664). About 15 or 20 died in Wolfbratshausen from exhaustion (R 1664). The guards had been armed with rifles (R 1664). Guards on the transport who had come from Allach had hand grenades also (R 1664). A dog group was a part of the guard (R 1664). Gretsck saw one case where a dog was set on a prisoner and saw one SS guard beating an inmate with his rifle butt but he neither saw nor heard about any shooting (R 1665, 1670). Gretsck was ordered to prevent escapes (R 1666). Degelow being in charge of the transport (R 1666). Gretsck left collapsed prisoners lying on the side of the road as the march continued (R 1665). There was an order that no prisoner was to be left unguarded (R 1666).

Gretsck identified his pre-trial statement in which he stated that many prisoners too weak to walk were shot on the way (R 1662, Pros Ex 117). Gretsck also asserted that he did not see it with his own eyes (R 1667, 1668, Pros Ex 117). He never fired a shot from the tower and no one ever escaped (R 1670). Gretsck was forced to leave the 15 people who fell out lie where they fell and to keep marching (R 1671).

He declared he never participated in a common design to murder or abduct any prisoners or any persons (R 1669).

32. Johann Viktor Kirsch: The accused Kirsch elected to testify and made the following unsworn statement: He was 54 years old, had been wounded in the last war and re-entered the army in 1942 (R 1275). He recently had had a brain concussion (R 1275). Kirsch finally came to Kaufering Number 1 in June 1944, serving under Foerschner (R 1275, 1276, 1281). He also served at Kaufering Number 3 (R 1276). In January 1945 Kirsch went to the Kuehldorf by-camp where he served under Langleist (R 1277, 1278). Kirsch took charge of a detail (R 1278). There were about 150 prisoners at Kuehldorf (R 1278). They lived in pasteboard huts (R 1278). The kitchen was not clean (R 1278). Kirsch gave the prisoners more food and used up a year's potato supply in three months (R 1278). He had boiling installations provided in order to combat the lice (R 1278). He provided a bath so the prisoners could wash once a week (R 1278). Kirsch obtained more food and medicine (R 1278). Previously there had been 14 deaths in one month and under Kirsch the camp only had three deaths in three and a half months (R 1278). Kirsch admitted he slapped people in the face or kicked them but never hard enough for them to go to the hospital (R 1279, 1284).

The "Children's Action", sending away of children at Kaufering Camp Number 1, was ordered by Dachau and transmitted through Foerschner to Kirsch who thought they were being sent to Dachau to learn a trade (R 1279, 1280). Kirsch was in charge of work details in Kaufering Number 1 (R 1282). He counted the formations, made spot checks, and sometimes led them out the gate (R 1282). He admitted that shoes may have been taken

from sick prisoners for healthy ones to fill out the work details (R 1283). He was forced to carry out official beatings, five to twenty-five lashes, at Kaufering Camp Number 1 (R 1283). Kirsch only punished prisoners to "prevent their getting more severe punishments" (R 1283-1284).

Other Zorbers knew Kirsch as a good soldier and never heard of his mistreating prisoners (R 1262).

33. Emil Erwin Mahl: The accused Mahl elected to testify and made the following unsworn statement: He was a 46 year old mechanic, divorced and had one child (R 1441). From 1940 to the liberation he had been a prisoner at Dachau, wearing a green triangle and working in various details like construction, cleaning up after air attacks, and in the crematory (R 1441). One day in Munich he found some wine and drank it and he was punished with others by being forced to put on wooden shoes and to stand in the cold from 7:30 a.m. to 5:30 p.m.; and he himself was then labelled to be sent out for extermination to Buchenwald, Mauthausen, or Natzweiler (R 1442).

Mahl asked for a job in the crematorium and Bongartz, the administrator, took him to help burn the corpses (R 1442). After two months he and other prisoners were forced to go into camp whenever an execution took place (R 1443). Once he was sent to a camp at Neu Ulm where he was forced to help hang two prisoners (R 1443). Bongartz was in charge (R 1443). Later he had to clear away the bodies and attend at executions (R 1444). Mahl had to put the noose around their necks and remove the bodies and could not refuse to do so (R 1444, 1449). When the 90 Russian officers were shot, he helped remove the bodies on carts but never had a gun in his hand (R 1444). Today was the first day he could describe these things (R 1444).

Boettger was present at the hanging of one Russian in which Bongartz pushed away the chair (R 1445). Mahl was not present when Doctor Hintermayer injected two pregnant women, but assumed this from what he had heard; later he saw Bongartz shoot the women because they were still alive (R 1445, 1446). Mahl remembers that the 90 Russians were undressed behind the crematorium and were shot in the neck, but he never shot anybody (R 1447). He merely helped cart the bodies away (R 1447).

Mahl took part in the execution of two Russians in October 1944 by putting a rope around their neck with Bongartz pulling away the box (R 1449). He declared that when the corpses were brought in on transports the confusion was so great that it was possible that a corpse might have fallen down (R 1449). Mahl says that everybody today claims he did not do anything after 1 January 1942 at Dachau (R 1449).

Mahl remembered a Russian detail liquidated by the Dog Company (R 1450). He recalled that the Jewish details that worked at the crematorium were always hanged and replaced (R 1450). The crematorium detail was killed because they knew too much and he himself was saved because the Americans came before he was finished off. All these things occurred between 1942 and 1945 (R 1451).

Walter put the transports together that went to be exterminated (R 1452). As to the transport that came in in February 1943, 50 or 60 corpses were received every week and from November 1944 they increased to 100 to 150 a week (R 1455).

Mahl knew most of the accused (R 1454). He recalled Doctor Hintermayer killing 18 young people with injections because they had mental disturbances (R 1455). Trenkle once knocked Mahl's teeth out (R 1456). Mahl was a capo from July 1944 to the end and had to work harder and did not get any better privileges (R 1456). Things were better, however, when Weiss became commandant (R 1457). He saw Weiss at Kaufering on an inspection tour (R 1457). Mahl never attended executions other than

those at the crematorium (R 1457).

No living body was ever cremated since all bodies would lie in the crematorium for about eight days before being burned the pile being so high (R 1461). He never saw Kramer at an execution and only saw Trenkle once (R 1460). Mahl remembers the French General Delastraint who was killed by Bongartz (R 1462). Bongartz also shot Dr. Rascher (R 1457). He recalled being treated by Dr. Schilling for malaria (R 1463). However, he refused to take injections for fear of being killed (R 1464).

Leonhard Eichberger, an accused, stated he saw Mahl holding a machine pistol but he knows Mahl carried out all executions as a direct order from the adjutant (R 1043).

34. Walter Adolf Langleist: The accused Langleist elected to testify and made the following unsworn statement: He was the father of one child, and he came to Dachau in August 1943 and stayed until 30 May 1944 as commander of a guard battalion (R 1330). He had not been a member of the staff and had been a patient for three months in 1944 in the hospital (R 1331). He did guard duty over details at Kaufering and was transferred to Muehldorf where he did the same duties in helping to build new camps (R 1332). There were 2,000 prisoners in Muehldorf and food was furnished by the OT (R 1333). Muehldorf was a good camp (R 1334).

Langleist claimed he never touched a prisoner (R 1334). Kirsch served under him and made improvements (R 1335, 1336). Langleist knows Kramer who was a very able man and he cannot say anything bad about him (R 1337). Langleist at one time was a colonel in the SS and was commander at Kaufering Number 4 (R 1337), and was in charge of Muehldorf (R 1338). He recalled the huts at Kaufering Number 3 and Kaufering Number 4 and stated each prisoner had 80-85 centimeters of space (R 1339). Either one or no prisoners died at Kaufering Number 4 while he was in command (R 1339). Langleist does not know Doctor Fried, and never saw Kirsch or Kramer mistreat anybody (R 1340).

Johann Kastner, a former officer at Dachau, knew Langleist from Kaufering Number 4 (R 1343). Langleist was a decent person and ordered all beatings stopped (R 1343). Kastner never heard that Langleist pushed prisoners into a pit (R 1344). Langleist was transferred to Muehldorf because he complained of conditions at Kaufering Number 4 (R 1345). Kastner never saw Tempel or anyone else beat anybody in Kaufering Number 4 where he was for eight months (R 1346). Kastner furnished guards for the camp and held the rank of captain (R 1346). Kastner remembered around January 1945 when dead bodies were brought to Dachau (R 1348).

35. Johann Schoepp: The accused Schoepp elected to testify and made the following unsworn statement: He was a 35 year old Romanian citizen (R 1672). He came to Dachau in August 1943 and was assigned to the SS and stayed there until 2 October 1943 (R 1673). He was hospitalized at first and then went on furlough (R 1673). On 1 November 1943 he was transferred to the by-camp at Feldafing where he was put on guard and was ordered to see that nobody escaped (R 1673). He stayed there until 23 April 1945 when he returned to Dachau and joined a transport going to the Tyrol (R 1673, 1674). Prisoners in the transport were in poor condition and he went along after them in a freight train being together with the reserve guard Lausterer (R 1674).

Schoepp was a reserve guard and not an actual guard (R 1674). He had nothing to do with preventing the escape of prisoners (R 1674). He had no duties on that transport and as a reserve guard went along ready to serve if called upon (R 1675). There were about 100 of these reserve guards and there were plenty of actual guards (R 1675). He was told to go on the transport by a comrade who was not an officer, and he was not under orders (R 1676). Schoepp got off at Garmisch to eat where he received the news that the war was over (R 1676).

The reserve guards had no formation at all and no commanding officer was visible (R 1677). He did not have a gun and did not relieve any guards (R 1677). Schoepp did not volunteer for the German Army but was selected at random because he was in the age-group of 17 to 35 (R 1677).

Sino Feichtner was a political prisoner at Dachau from 3 July 1942 until 1 November 1942 at which time he was transferred to an outside detail in Feldafing (R 1079). While at Feldafing, Feichtner knew Schoepp, "who was very good to us prisoners" (R 1079). He never saw him mistreat or take part in the execution of any prisoner (R 1080). After liberation Feichtner invited Schoepp to his home (R 1080). Schoepp was a guard at Feldafing (R 1080), and was armed with a rifle (R 1081). Schoepp's general reputation with respect to the treatment of prisoners was good (R 1082).

36. Arno Lippmann: The accused Arno Lippmann elected to testify and made the following unsworn statement: He was a 56 year old shoemaker and had served in the German Army from 1918 to 1919 (R 1408). He joined the SS in 1927 (R 1410). His highest rank in the SS was Obersturmfuehrer (R 1411). He had been at Dachau since 1935 and was stationed at the Kaufering by-camps (R 1408). He denied the story of separating a father and a son prisoner and of beating the son, and also of firing into a garbage pit at prisoners and beating them (R 1408, 1409). Lippmann was employed as a Schutzhaftlagerfuehrer and gave orders that no prisoners were to be beaten (R 1408). He was present at only one flogging but had not ordered it (R 1408, 1409). At this flogging, prisoners were beating other prisoners with a stick and Lippmann reported this to Weiss (R 1410).

Maria Lippmann is the 62 year old wife of the accused Arno Lippmann and the mother of his three children (R 1408). She saw and talked to prisoners about her husband (R 1406). They spoke very well of her husband and said he never mistreated anybody and many wanted to accompany him when he left (R 1407). Mrs. Lippmann gave food to the prisoners (R 1407).

Father Pease knew Arnold Lippmann during the time he was in Dachau (R 907). Father Pease never heard of Lippmann mistreating any of the prisoners, and on the average, Lippmann held back and did nothing to them (R 908). Lippmann was generally called "Grandfather" and was feared less than the others (R 930).

Anton Burgmaier, an iron keeper in the town of Dachau, knew Lippmann for six to eight years as a quiet and sincere man who played cards with him and was not cruel to anybody (R 1403).

Johann Forster, a business man living near Dachau, knew Lippmann ten years as a quiet person and never heard or saw him being cruel to anybody (R 1404).

37. Fritz Degelow: The accused Degelow elected to testify and made the following unsworn statement: He was 54 years old and his civilian occupation had been a public accountant (R 1220). In October 1933 he joined the Allgemeine SS (R 1220). He was transferred to Dachau on 23 June 1944 (R 1220). While there, he was battalion commander of a guard company and was only concerned with carrying out outside security measures (R 1221). He had nothing to do with the prisoners (R 1221). He

prescribed certain duty regulations and that the guards were not allowed to carry sticks in their hands and were not allowed to beat the prisoners (R 1221).

Degelow admitted that he was in charge of all the outside SS guards (R 1225). This included Hausfering where he had 600 guards (R 1229). These guards were not permitted to go into the compound (R 1225). However, they did man the towers which surrounded the camp (R 1225). They did have the duty of guarding and preventing the prisoners' escape but they were not in charge of them (R 1225). Degelow never took part in nor did any member of his battalion take part in executions (R 1221).

With respect to a transport which left Dachau on 26 April 1945 he had the task of obtaining resting places for the columns (R 1221). This duty had been assigned to him by the camp commander Weiter (R 1221). The march had been ordered by Weiter (R 1222). The prisoners had been divided into sections by the Schutzhaftlagerfuehrer and the guards had been detailed by the Adjutant, Otto (R 1222, 1226). He denied that he marched with the prisoners because he always drove ahead (R 1222). He denied that he ever beat any of the prisoners with a stick on that march (R 1222). At that time he was a major and the witness Wolf had called him a captain so apparently Wolf had been mistaken in identifying him as the individual who had beaten a prisoner with a stick (R 1222). Furthermore, there was a captain who had a similar physical makeup by the name of Beyer, who was on the transport (R 1223).

On 28 April 1945 he gave the order that there would be no further marching and ordered that food be distributed even though the prisoners had already received their provisions for the day (R 1223). He denied that he ever got out of a car and hit a man with a bottle at Wolfratshausen because he never even stopped at Wolfratshausen (R 1223). He denied that he had ever had a conference in any inn or tavern at Wolfratshausen (R 1223). He denied that he had ever stopped along the way to get some beer or food (R 1224). He turned the prisoners over separately, that is, the Russians and Poles at one time and the Germans and Jews at another time because of an order he had received from his superior officer in the SS, Eberstein (R 1224).

The guards who accompanied the prisoners on the transport of 26 April 1945 were not under his supervision and control (R 1225). At that time the guards were all mixed up (R 1225).

Degelow denied that he was the commanding officer of the march and stated that he only issued the order that the march would stop which was in accordance with the instructions of the camp commander (R 1226). The guards who accompanied the transport were not from his battalion but from Flossenbergl and the command post (R 1226). But these guards were not subject to his direction and supervision (R 1226). The Obersturmbannfuehrer had driven through the transport but did not stop (R 1227). The Obersturmbannfuehrer had only given the order to start the march and had left (R 1227).

Degelow admitted that he was senior in grade and that he had ordered the march to stop on his own responsibility (R 1227). He admitted that, although the commander had ordered the march, he had done nothing since, so that Degelow had to take charge in order to prevent a larger catastrophe (R 1227). He admitted that he arranged the surrender of the transport (R 1228). Degelow stated that if they had marched any further that thousands of individuals would have died because there were not enough provisions (R 1228). As a matter of fact before leaving Dachau he had voted at a meeting that the entire compound be surrendered and was against driving

the inmates into the mountains and letting them die there (R 1228). At that meeting the division leaders and Weiss were present (R 1228). Weiss concurred with Degelow's opinion (R 1231). During the march Hauptmann Schwartz had informed him that the prisoners were dying from exhaustion and malnutrition (R 1228). Upon receipt of that information he said that the prisoners were to be surrendered the first night (R 1228). Degelow stated that at Wolfratshausen he decided to stop the march (R 1230). That was on 2 April. Degelow admitted that the Jews and Germans continued to march to a camp near Bad Tols and did not arrive until 30 April (R 1230). Degelow explained that the march continued because of the order of a police leader through the brigade leader Blesch (R 1230). Degelow did not see Langleist on the march (R 1231).

Panitz, who served with the SS guard company at Dachau under Degelow, was liaison on April 28 and 29 between the staff in camp and Degelow (R 1231). The march was ordered by headquarters and Degelow proceeded to determine places where the prisoners were to rest (R 1232). Degelow had a conference with the brigade leader at Konnsdorf in which he proposed that 6000 prisoners were to be surrendered (R 1232). That was the only time that he saw Degelow on the march (R 1232). When the prisoners left Dachau they were supposed to go to Bad Tols where a camp was to be opened (R 1232). Panitz was an Obersturmfuhrer in the SS (R 1233).

3rd. Otto Moll: The accused, Otto Moll, elected to testify and made the following unsworn statement: He was a 30 year old German. In civilian life he had been a gardener (R 1428). He joined the SS on 30 May 1935 (R 1428, 1432). Moll was at first at Oranienburg and then went to Auschwitz as a gardener where he remained from 1941 until 1945 (R 1433). He never had contact with prisoners at Auschwitz (R 1433). He came to Kaufering Number 4 on 26 February, 1945 (R 1428). Moll served there for six weeks and was a camp leader (R 1428). The Moll company had nothing to do with him though the name was similar to his own (R 1429).

Moll checked building sites for the commandant at the company and once noticed three prisoners neglecting their work and boiling potatoes during working hours (R 1429). He became angry and beat each of them with a stick over their buttocks (R 1429, 1433). The Moll Company through Hans Stroh made reports on prisoners and requested their punishment (R 1429). Foerschner did not want to punish them himself and ordered Moll to do it (R 1429). Foerschner was his commander in Kaufering Number 4 (R 1433).

Moll had had typhus and a fractured arm, had lost the sight of his right eye and was very nervous and excitable (R 1430). He denied Metzler's story about shooting 26 people on an evacuation transport from Kaufering Camp Number 4 (R 1430). On that march he was leading a company of soldiers toward the Tyrol and was ordered to take 150 Ukrainian civilian workers and bring them through the German lines (R 1430). Moll went ahead to investigate and when he came back he did not find any of the prisoners who had presumably been surrendered (R 1430, 1431). This was a troop transport but among them were prisoners from Dachau, a few Germans, one Pole, and two Canadians who had been clothed in German uniforms (R 1431). No one shot the Pole or the Canadians or mistreated them (R 1431).

Moll denied that he had requested work in an Aryan transport because if he had Jews he would have killed them (R 1434).

39. Otto Schulz: The accused, Schulz elected to testify and made the following unsworn statement: He was 42 years of age, married and had three children (R 1057). He was a carpenter by trade (R 1057). He was ordered to the German Armament Works (DAW) at Dachau on 20 February 1943 (R 1057). He had not been in Dachau before that time (R 1058), except for some military training as a member of the Waffen SS in 1942 (R 1058). He denied that he beat any prisoners in September or December 1942 because he was not at Dachau then (R 1058). He was not entirely responsible for the working hours at the DAW but orders would be received from Berlin from people, who had no technical understanding, requiring that work be done in a certain length of time and not realizing that it could not be done (R 1047, 1058, 1059). Thus they were told that a house had to be built for Himmler in a very short time and 60000 ammunition cases had to be constructed in a certain period of time (R 1059). The prisoners were diligent (R 1060). In order to keep within the time schedules allowed, he had to work them over time (R 1053, 1060). Furthermore, the normal working time had not been determined by Schulz but by Obergruppenfuhrer Pohl (R 1060).

It had been stated that the prisoners were to work 84 hours a weeks but Schulz had determined that 72 hours were sufficient (R 1060). They never worked an 84 hour week (R 1065). They did not work exactly 72 hours because they received an hour and a half at lunch and extra ration time (R 1066). Furthermore, in the winter they would work a little later but the prisoners were satisfied with this because they did not have to take part in the formations at 6:30 (R 1066). When Pohl learned that the workers did not work on Sunday he became very excited but was satisfied (R 1065). Schulz admitted that he threw cold water on a prisoner but that he had not intended to do so (R 1061). There had been long smoking recesses in the toilets and Schulz would go on the roof to see if someone was hiding and then would pour a pail full of water, but he did not pour the water on those sitting on the seats but only on those who were standing in groups (R 1061). Schulz admitted that he threw food from one of the stoves into the dirt (R 1061, 1062). "Afterwards I was ashamed that I let myself go like that" (R 1062). Schulz did not know that Weiss had become commandant at that time (R 1062).

Schulz joined the Waffen SS in January 1942, and the Allgemeine SS in May 1943. He was promoted to Unterscharfuhrer in the Allgemeine SS in 1937 (R 1063). He came to Dachau in April 1943 as an SS rifleman but on the basis of his technical position he could not be left as a rifleman but was made an Unterscharfuhrer (R 1063).

The prisoners who worked at the DAW were not hungry in the ordinary sense (R 1065). The average was well nourished except those who were new arrivals or received no packages (R 1065). The average prisoner enjoyed working at the DAW (R 1066).

Karl Steiner, an inmate who worked at the DAW testified that Schulz came to Dachau as the Works Manager of the German Armament Works, known as the DAW in April 1943 (R 1047). Since the DAW worked until 7:00 and sick call at the camp was at 6:00, those who were ill had to get special permission from Schulz as work manager before they could leave (R 1048, 1052). Schulz would make spot checks (R 1048). Obersturmfuhrer Diner was in charge at the DAW and was Schulz's superior and was present at the time these spot checks were made (R 1048, 1049).

Punishment reports were made to the works manager, Schulz (R 1049) 1050). Schulz had been known at least once to tear up such a report since it would have meant death with respect to the men concerned (R 1050).

Upon a request for additional clerical help, certain priests were detailed to help (R 1050). A Berlin order stated that priests could not be used on this sort of work. Litz-Schulz put them into positions as assistants and continued to use them (R 1051).

Miss Elfrida Keller worked at the DAJ from 22 March 1943 until 28 April 1945 and was in charge of the cash register and pay books (R 1054). She only saw Schulz beat one prisoner (R 1055). He slapped him in the face (R 1055, 1057). Extra food was brought to these prisoner-workers each morning and afternoon (R 1056). The camp commander was the work leader but in no other respect had anything to do with the DAJ, that is, he supplied the workers (R 1055).

40. Friedrich Wetzel: The accused Friedrich Wetzel elected to testify and made the following unsworn statement: He was 36 years old and was born in Wittenburg (R 956). He came to Dachau on 1 August 1944 on orders of the personnel section of the Economic Administration Chief Office (R 957). At Dachau he was the leader of the administration and was concerned with the food supply for the camp (R 957). The Reich food office through regulations determined the allotment for the concentration camps (R 957). Wetzel had to follow those rules (R 957). He attempted to obtain food without requisitions and in that manner procured from 5 to 7 kilograms of pre-cooked soups per month (R 958). He attempted to lease new land for the camp for the purpose of growing vegetables and thus supplementing the camp food supply (R 958, 986, 987). In addition, the extra rations which were permitted for heavy workers under the regulations were peddled so that this supplement was received for about 70 per cent of the inmates of the camp whereas by law only about 15 or 20 per cent were entitled to it (R 958, 960, Def Ex 2, 904). Furthermore, the hospital prisoners received special additional rations upon request of the physician (R 958). This was actually accomplished (R 958, 959, Def Ex 3-15).

He had nothing to do with the prisoners' quarters although he did issue the furniture for the barracks (R 961). He was responsible for repairs (R 961). He requested clothing at the Administration Main Office in Berlin (R 961). However, his requests were not filled and he received only a very small percentage of what he sought (R 961). He sent teletypes and letters stating that he needed the clothing very badly and still the requests were not filled (R 961). He was in charge of issuing rations for transports and did so in accordance with the rules of the Administration Main Office (R 962). He was also charged with requisitioning food for the by-camps of Dachau (R 962). This responsibility did not apply to the work camps of Kaufering (R 962). However, the clothing for these camps was supplied by Dachau (R 963).

Wetzel instructed Filleboeck to go to the Food Office in Dachau in order to forestall lowering of the ration unit (R 964). When Filleboeck returned and stated that they would have to go to Munich, Filleboeck and Wetzel went to Munich to the County Food Office (R 965). The official in charge said that there was nothing that he could do about it as the regulation came down from the Reich Food Ministry in Berlin, and as the cut applied not only for prisoners but for civilians (R 965). The official in Munich had stated that the prisoners in the concentration camp received almost as much as the civilian population (R 966). Furthermore, at the very end, the prisoners received the same food rations as the civilians (R 966). Wetzel admitted that he had ordered that the potatoes at the camp should not be peeled. However, this order emanated from the Main Administrative Office and applied to all kitchens (R 966, 967). The vegetables were cleaned and cleared of all bad spots,

cut and washed and then put into the soup to be cooked (R 967, 976). No rotten vegetables were used (R 967).

Wetzel never beat any prisoners (R 967, 968). Nor did he ever steal anything (R 967, 968). He denied that he was ever present at the time new arrivals came to the supply room. He denied that he ever beat prisoners (R 968). He had received an order which stated that because of the loss of large territory in the east and particularly in the west where the large textile supplies were, that they could no longer count on receiving large distributions of clothes (R 969). There was a shoe repair and tailor shop in the camp which maintained old things in good condition (R 969). Wetzel had shoes made from old leather parts which he had found lying outside the camp (R 969). All the prisoners who went to work had overcoats and sweaters and all the details within the camp had overcoats (R 969, 976). Even though an order had come from Berlin which stated that prisoners who worked in closed rooms were not to be issued overcoats (R 969, 970). On the basis of this order, Wetzel had the overcoats turned in for a few days and then reissued them (R 970).

Filleboeck was Wetzel's food expert worker, and he was under his orders (R 970). Filleboeck had to sign out each time he wanted to go anywhere and, so far as Wetzel knew, Filleboeck had never attended any executions (R 970).

With respect to the transport which left Dachau at the end of April 1945 under the leadership of Degelow, Wetzel stated that, when Degelow saw Filleboeck and him, he greeted them by saying, "You are the first ones who are paying any attention to this transport and to myself. The camp commandant and the adjutant and the ordnance officers drove by this morning and didn't even show their faces" (R 971). Degelow stated that the prisoners had sufficient rations until they would be turned over to the Americans (R 971). Each transport which left Dachau was equipped with sufficient rations for the march (R 971). The train transport, the only one of that type which did leave Dachau, had rations for four or five days (R 972).

The destination of the Degelow transport was the Ertz Valley, which was about 40 kilometers away in the vicinity of Innsbruck (R 972). There were two food warehouses at Dachau; one was for the SS and the other for the prisoners (R 973). The warehouse in the SS camp was about four meters wide and eight to ten meters long (R 973). The prisoners' warehouse was two or three times as large (R 973). There were also two warehouses for clothing (R 974). At the time the transports left, these store rooms were practically empty (R 974). Wetzel could not enter the clothing rooms of the SS (R 975). The food for the SS came from the Army Food Office (R 975). The food which the guards received during 1945 was better, but not much better, than that the prisoners received (R 975).

Doctor Friederich Kilian who was a government counselor in the Food Department in Munich, Germany, was visited in 1945 by two SS officials who desired to get higher rations (R 978). He told them that he did not have the power to change the orders of the Reich Food Ministry and that its orders had to be followed (R 978). He identified the two SS officials as Wetzel and Filleboeck (R 978).

Wetzel's secretary took letters which he dictated concerning clothing and which were addressed to the SS Main Administration Office in

Oranienburg (R 980, 981). In these letters were requests for clothing, socks and shoes which were not satisfied (R 981).

Anton Weber who was in charge of the clothing supply room for prisoners also worked for Wetzel for about eight months (R 982). He knew that a teletype had been sent to Berlin in which larger quantities of clothing had been requested (R 982). The response stated that those quantities of clothing had been requested (R 982). The response stated that those quantities could not be received because of the large amount of territory which had been lost by the Germans (R 982, 983). The teletype was sent either in 1944 or in the beginning of 1945 (R 983).

B. Common Design:

The circular of the Reich Ministry for Food for April 1945 indicated a normal adult German would be entitled to about 900 calories per day and a heavy laborer 1300 calories (R 1530-1531, Def Ex 20 and 21). However, these figures do not include vegetables, potatoes, cheese and coffee (R 1531-1532).

1. At Dachau: The Dachau Concentration Camp had inmates termed "special" prisoners who were completely separated from the rest of the camp (R 1000). Each had his own cell (R 1000). In July 1941 there were only three. Pastor Niemöller, Doctor Maack and Father Neuhäusler (R 1000). Gradually the number of special prisoners increased.
2. At Kaufering and Muehldorf: Doctor Erica Flocken, a 33 year old German, formerly chief physician of the OT Field Hospital had been associated with the OT for almost a year and worked at the by-camps Muehldorf and Kaufering (R 1375, 1379). She stated that the OT was responsible for food, shelter, bandages, medicine, and fixtures for these camps (R 1377). Ration Number 4 was provided for the working prisoners and was dispensed by the OT after they had received it from the Army (R 1377, 1378). The SS had Army Ration Number 3 (R 1378). Ration Number 4 was considerably higher than the civilian ration and the invalid ration (R 1379). When there was a surplus in ration Number 4, it would go to the OT (R 1379). The SS had no jurisdiction over the OT (R 1379). In February 1945 as the Americans drew near rations were reduced, the last reduction being in April and at the time Ration Number 4 was not enough for laborers and was equal to the civilian ration (R 1380).

At Muehldorf there were about 2,000 prisoners with whom she had contact (R 1381). She saw them occasionally and watched things regarding the sick as to labor distribution (R 1382). Doctor Flocken was relieved because of too much work (R 1383). The OT had no jurisdiction over the prisoners (R 1384). Army Ration Number 1 and 2 were never issued by the OT and Ration Number 4 contained between 2100 and 2200 calories--this being prior to the reduction (R 1383, 1384). During the reduction the calories were around 1500 (R 1385).

She was not responsible for the medical care of the prisoners which was under the supervision of their own doctor who worked under the supervision of the SS doctor (R 1386). The SS doctor at Kaufering was Doctor Blanke (R 1386). Her hygienic supervision was confined to German laborers in OT camps only (R 1388).

VI. PROSECUTION REBUTTAL EVIDENCE.

Common Design.

Prince Leopold, who was an inmate at Dachau, visited the clothing warehouse in December 1944 and there found bobs in the cellar which were piled up to the ceiling (R 1769, 1770). There were also many overcoats, masses of underwear, shoes and suits (R 1769-1770). The warehouse was about two hundred to three hundred yards long and about 30 to 40 meters wide (R 1771). Adjoining this storeroom was a large barracks which was also filled with suits, overcoats and shoes (R 1771). In April 1945, Prince Leopold again visited the warehouse and there were still large amounts of clothing there (R 1771). He saw several of the SS men from the camp go there and obtain civilian clothes (R 1772). Prince Leopold also saw at that time thousands of sacks of pre-cooked soup and white flour at the canteen (R 1772). Furthermore, there were two railway wagon cars filled with red cross packages which had been received from the international red cross but had not been distributed to the prisoners (R 1773). After liberation, large amounts of medicines, beds and mattresses were found in the store room (R 1721). The medicinal equipment alone was sufficient to last for two weeks (R 1721). The medicines which had come to the prison hospital had been sent from Cranienburg (R 1728). Due to the insufficiency, other drugs were smuggled into the camp (R 1728).

There were no typhoid epidemics in the camp in November and December 1944 (R 1799). However, the first typhus cases were reported in November 1944 (R 1719). About 50 people died in the camp that month from typhus (R 1719). At that time various possibilities for isolation and extension of the hospital into the working blocks existed (R 1719). Block Number 3, which was used to house 12 women of ill repute could have been utilized as well as some store rooms and the ninth block which was empty (R 1719-1720). Many of these facilities were used after liberation (R 1720). Conditions had become very crowded at Dachau in 1945 so that two tents had been erected for storage purposes and other temporary barracks had been built (R 1724). However, many rooms which could have been used were not (R 1724). The typhus epidemic was checked fourteen days after liberation (R 1720). In the year 1945 Dr. Blaha, a prisoner who worked on autopsies, had dissected about 25 SS men of whom six or seven had died of typhus (R 1715). Dr. Blaha estimated that if liberation had not come, not more than one fifth of the 30,000 prisoners would have survived (R 1720).

Up until the end of 1942 autopsies were performed only in interesting cases upon orders from the SS physician of the ward or the ward capo, Bruno, who had been a driver in civilian life (R 1711). And until the beginning of 1944 the cause of death had been determined by the male nursing personnel of the hospital who were all laymen (R 1711). The usual cause stated was heart sickness and failure of circulation (R 1711).

Frick, Funk, Sauckel, Rosenberg, Kaltenbrunner, Gauleiter Saekner, Gauleiter Giesler and Himmler visited Dachau (R 1708, 1709).

Dr. Blaha estimated that he had performed autopsies on 25 to 30 people during the past three years in Dachau who had died as a result of having been beaten (R 1715). This included several high Russian officers who had been brought to the hospital from the Political Department in the summer of 1944 (R 1716, 1732-1733).

Inmates for invalid transports were selected by commissions in 1941, 1942 and 1943 and there was no camp physician present at the time (R 1717). The selection was performed primarily by the block leaders under the supervision of the SS man from the work Distribution

Office and in the hospital by the hospital capos (R 1717). It was only after the entire list had been completely compiled that the SS physician signed it (R 1717). An invalid transport of 20 men left Dachau in August or September 1943, at which time Weiss was camp commander, (R 1749, 1750-1751).

The phlegmon experiments were purely a camp matter and were conducted from the beginning of 1942 until the end of 1943, a period during which both Piorkowsky and Weiss were the camp commanders (R 1716-1717).

In the middle of November 1942 a transport arrived at Dachau from Stutthof upon which cannibalism had probably been practiced (R 1718). The corpses were brought to the hospital and photographed by the SS men (R 1718). Commandant Weiss was present at the time the transport arrived (R 1726).

Kaufering Camp Number 4 had an electrical fence as an inclosure (R 1755). It apparently was charged since a cat was found which had been electrocuted by it (R 1762).

At the end of 1945 no insane people were found at Allach (R 1716).

VI. PROSECUTION REBUTTAL EVIDENCE.

9. Johann Kick.

Lieutenant Guth, who had taken the accused Kick's pre-trial statement, of 5 November 1945, stated that he had not used any light whatsoever during Kick's interrogation which occurred during the daytime and that Kick's affidavit contained his own language (R 1702, 1707, procs ex 96-97).

Colonel David Chavez testified that when he interrogated Kick that he did not force him to make any statement and that Kick appeared to be in good health and revealed no evidences of his having been beaten (R 1670-1680, 1681).

Llewellyn Edwards, a British Prisoner of War who had been interned in Dachau in October 1943 had been interrogated by Kick (R 1669). After he had spoken to Kick for about 20 minutes, Kick struck him with his fists and open hand and knocked out his teeth (R 1669, 1670, 1674).

10. Dr. Fritz Hintermayer.

The disinfecting station was part of the hospital (R 1721). A Belgian Lieutenant named Walraeve, who was an inmate at Dachau, worked in the station from January 1944 until liberation (R 1740-1749). His immediate supervisor was SS Fillmann, who in turn received his orders from Dr. Hintermayer (R 1749). In February 1945, Hintermayer ordered Dr. Schneter to take charge of the disinfecting and delousing (R 1721). In the latter part of 1944 a disinfecting station arrived at Dachau (R 1740, 1748). It had been sent from the Auschwitz Concentration Camp (R 1740). After it arrived it was kept in crates in front of the barracks for weeks (R 1741). Dr. Hintermayer claimed that a special technician from the factory was the only one who could set up the apparatus, even though there were technicians in the camp (R 1741). The typhus epidemic was getting underway at the time (R 1741). A suggestion had been made to Dr. Hintermayer to use the house of ill repute for isolation purposes, in view of the epidemic, but he did nothing about it (R 1742).

Evipinatrium was frequently used as an antiseptic in surgery (R 1714). It must be injected slowly and it may be administered in doses of .5 grams over a long period of time (R 1714). If that amount were injected into the human system at one time it would cause a

paralysis of the respiratory system and possibly result in death (R 1715). If it is used in greater quantities than .5 grams the effect on the human body is more immediate (R 1715).

11. Dr. Wilhelm Witteler.

Lieutenant Guth denied that he shined a spot light in the face of the accused Witteler while interrogating him, denied that he made Witteler stand on his feet for seven and a half hours during the interrogation and denied that he threatened to use any force or violence or that he abused Witteler in any manner (R 1701-1702, 1704, 1707). The interrogation lasted from about seven o'clock until eleven o'clock (R 1703-1704). Lieutenant Guth admitted that he used the most effective tone possible in conducting the interrogation and that, naturally when an educated person was interrogated, a different tone of voice was used than when an uneducated person was questioned (R 1704).

12. Johann Baptist Eichelsdorfer.

Lieutenant Bowser who had obtained the pretrial statement of the accused Eichelsdorfer testified that Eichelsdorfer had read, studied and corrected the statement before signing and that Eichelsdorfer had initialed all the changes which he made in the statement (R 1699-1700 pro ex lib). Furthermore, Lieutenant Bowser had informed Eichelsdorfer of the charges against him (R 1701).

Eichelsdorfer was the camp commander of Kaufering Camp Number 4 in the middle of January 1945 when Dr. Fried, an inmate, was the clerk in the office of that camp (R 1754). Dr. Fried prepared the reports for the signature of Eichelsdorfer as Hauptmannlagerfuehrer (R 1754). Eichelsdorfer had little contact with the people in the camp and the daily death reports were usually taken outside the camp for him to sign (R 1760, 1764). Although Kaufering Camp number 4 had become a sick camp, work details, such as burial, food and wood, left every day (R 1757). Toward the end of January an order was issued that no overcoats were to be worn in the camp (R 1758). The prisoners were finally allowed to keep 120 overcoats, but the rest were piled on the parade grounds where they stayed for weeks (R 1758).

When the camp was evacuated in April 1945, Eichelsdorfer watched the entire affair (R 1762-1763).

At Kaufering Camp Number 7, Eichelsdorfer used to beat the prisoners (R 1764).

15. Dr. Klaus Karl Schilling.

When one of Dr. Schilling's patients died there were orders to report that fact to the malaria station even though the man had died in another section of the hospital (R 1712). Toward the end of 1942 Professor Schilling was personally present at the autopsy of a man who died of neosalvarsan and he requested the brain, liver, kidneys, spleen and a piece of the stomach (R 1712, 1731). In that case Dr. Schilling dictated part of the findings with respect to the cause of death (R 1712). When the first three patients died from pyramidon in February 1945, a member from the malaria station and Dr. Hintermayer were present (R 1713, 1723, 1731). Dr. Blaha stated that in his experience as a physician the average patient could receive 3.3 pyramidon a day, and that the largest dose would be 2 grams per day, but that of course assumed that the individual was healthy and strong (R 1713). In Dr. Blaha's judgement, the prison inmates could not be given more than one and a half to two grams for a few days (R 1714). If those people were to receive three grams per day for three successive days, signs of poisoning would be revealed (R 1714).

Dr. Blaha stated that an autopsy revealed that death from pyramidon was the result of sudden suffocation which was not true in the case of typhus (R 1725). Death from typhus could be determined by certain indicia without a microscope (R 1725).

Dr. Blaha explained that the ordinary model tablet contained .3 pyramidon and that it is sold over the open counter (R 1722). If taken in moderate doses it will not have any ill effects (R 1722).

A leaflet of I. G. Farben, Indiana, which held the neosalvarsan contained the following instructions: "In between the individual infections, spaces of time should be permitted to elapse, from three to seven days." (Pros Ex 134) These were instructions for syphilis (R 1564). In paragraph five in the leaflet it read in part, "Such caution in the use of neosalvarsan is recommended for under-nourished and severe anemic patients, tuberculosis, diseases of the lungs, heart, kidneys, liver and intestines" (R 1564, 1565).

17. Dr. Fridolin Karl Puhr.

Puhr's name appeared regularly in 1945 as the officer of the day on the hospital bulletin board (R 1718, 1723). He was seen at various times in the hospital and sometimes was present at autopsies (R 1718, 1723).

20. Anton Endres.

Endres, a member of the SS, was a first aid man in 1942 at Dachau (R 1735). He kicked and beat prisoners of various nationalities (R 1736). In the spring of 1942 Endres injected a Polish clergyman who was a tuberculosis patient, as a result of which he died (R 1736-1737).

22. Michael Redwitz.

Lieutenant Guth, who obtained the pre-trial affidavit of the accused Redwitz, testified that he never directed a light in Redwitz's face, that he did not use force or violence, and that he did not threaten to strike Redwitz with anything (R 1707, pros ex 95).

23. Wilhelm Welter.

In September 1942 Welter entered Block 15 and ordered the inmates to stand at attention (R 1742). One inmate, a Czech diplomat who was an elderly man and did not have an erect posture, was somewhat stooped (R 1743). Welter yelled at him and struck him in the face twice with his fist (R 1743). The Czech fell down and hit his head on the edge of a locker (R 1743). Welter then forced the people in the block to line up outside in the street and do knee bends for 45 minutes (R 1743). If an older or ill person fell down, Welter would kick them (R 1743). A few days later Welter had the same block lined up again and segregated the Jews (R 1743). He then questioned each Jew and beat almost ever one of them (R 1743, 1744, 1746).

25. Wilhelm Tempel.

Tempel not only struck the prisoners in the face with his hand, but he often knocked them down (R 1756).

31. Albin Gretsich.

The accused Gretsich never stated that anything in his statement was incorrect (R 1662, pros ex 117). The statement was prepared and written by Lieutenant Lawrence (R 1683).

1. Martin Gottfried Weiss.

The accused Weiss made the following unsworn statement: During the year 1943 no invalid transports whatsoever left Dachau (R 1813). Small and large transports did go to various by-camps and other camps (R 1813). People on some of these transports had arrived by invalid transports in Dachau and had been sent out after they had been nursed to health (R 1813). There was no group of twenty insane persons sent out on an invalid transport in September 1943 (R 1814). If there had been, Weiss would have known about it (R 1814). Application for flogging punishments were made by the camp commander to higher authority and the orders to execute the punishments came from Oranienburg (R 1814). The beatings could only be handed out if the order had been given by Oranienburg (R 1814). The exception to that rule was when the prisoners tried to escape and were recaptured (R 1814). In that event, permission had to be obtained afterwards (R 1814). Dachau was a good camp (R 1815).

9. Johann Kick.

The accused Kick made the following unsworn statement: He did not strike or beat Sergeant Edwards. Mrs. Ernst, his secretary, was present during the entire conversation, and he remembered the Edwards case especially because he was the only British prisoner of war who was ever in the camp (R 1804-1805). Kick explained that in the fall of 1943 many prisoners came to Dachau from Italy who were mostly civilians although some military personnel were mixed in among them (R 1805). The prisoners of war were supposed to have been separated from the civilians at a camp near Salzburg and the civilians were then brought to Dachau (R 1805). Somehow Edwards must have been mixed up with the civilians (R 1805). When Edwards, accompanied by a Polish interpreter, came to Kick he showed Kick a photograph of himself with his comrades in British uniform and Kick sent a letter to Salzburg requesting that the prisoner be transferred to a PW camp (R 1806). Kick stated that when he was interrogated at Camp Zuffenhausen by Captain Heller of the prosecution he mentioned Sergeant Edwards' name in response to a question as to whether or not there were any American PWs at Dachau (R 1807). Kick denied that he interrogated four or six other Englishmen in the same week that he interrogated Sergeant Edwards and that an English sailor was transferred with Sergeant Edwards (R 1808). He admitted that if an English sailor had been transferred he, Kick, would have known about it (R 1808). He did state that it was possible that an English sailor was transferred with Edwards but not upon his orders (R 1808-1809).

Kick did not know of any invalid transports in the year 1943 and if such a transport had left in September 1943 he would have had to receive the notification of such an order to fix up the records (R 1808).

Mrs. Walli Ernst testified that she worked for the accused Kick from 16 October 1942 until he left Dachau which was a period of about one year (R 1703). She sat in Kick's room and wrote his mail (R 1703). Kick did very little interrogation (R 1793). When he did question people she remained in the room (R 1793). She recalled an Englishman who was interrogated by Kick for about twenty minutes (R 1794). An interpreter was also present (R 1794). The Englishman requested a transfer to a prisoner of war camp since he was a prisoner of war and not a political prisoner (R 1795). She did not see Kick strike the Englishman at any time (R 1795). She stated that it was possible that she left the room for a few minutes while Kick was interrogating the Englishman (R 1798). Kick dictated a letter to her requesting that

prisoner of war that she could remember in the camp (R 1797). Mrs. [redacted] was not able to identify the English prisoner of war in the court room although Sergeant Edwards, who was in a British army uniform, was in the second row (R 1799). She never saw Kick mistreat any prisoners (R 1796). She stated that some Russians who were interrogated in the early summer of 1944 were questioned in a room three rooms away (R 1797). She heard screams and yells coming from that room (R 1797-1798). The interrogation with the Russians lasted about three months, but Kick did not take any part in them (R 1799).

10. Dr. Fritz Hintermayer.

At the end of December 1944, Rudolf Lichy, who had been a prisoner at Dachau since January 1941, became the clerk for the chief doctor, Hintermayer, and acted as such until liberation (R 1810, 1809). Lichy wrote requisitions to Berlin for medical supplies (R 1810). A request for additional medicine was sent to Berlin just about every month (R 1810). However, Berlin furnished only about one third of the request (R 1810). At Hintermayer's request he had written to Berlin complaining about the crowded conditions of the camp (R 1810). There was difficulty in setting up the delousing station because only the mechanic from the factory was permitted to break the seal as the equipment belonged to the factory and was only loaned to the camp (R 1811). Blood specimens were taken from typhus cases and sent to Berlin because typhus could not be diagnosed in a different way (R 1811). The number of dead were reported exactly as the death register showed (R 1812). However, the number of typhus cases reported was smaller than the actual number because one could only be positive after examination of a blood sample (R 1812). In December 1944 when Lichy first went to the hospital the typhus epidemic had already started (R 1813).

Dr. Bruno Fialkowski who had been in Dachau from September 1942 until liberation was placed in the hospital and worked there while Dr. Hintermayer was chief doctor (R 1800-1801). He stated that Hintermayer made all sorts of efforts to obtain drugs (R 1801). A delousing station was set up at the camp three or four weeks after it had arrived (R 1801). With respect to the typhus epidemic one could not deny the good will of Dr. Hintermayer, but he was "too weak" in the administrative sense (R 1802). Requisitions for drugs were sent to Berlin (R 1802). Dr. Bruno Fialkowski received Hintermayer's permission to use herbs from the plantation although this was probably forbidden by Berlin (R 1802).

11. Dr. Wilhelm Witteler.

The accused Witteler made the following unsworn statement: He testified that on 4 November 1945 he was interrogated by Lieutenant Guth who sined a light in his eyes, that he was kept standing during the entire interrogation, that he was called a murderous swine and other epithets, and that the interrogation lasted from six or six thirty until one o'clock in the morning (R 1818).

12. Johann Baptist Eichelsdorfer.

The accused Eichelsdorfer made the following unsworn statement: He denied that he ever received the death notices at Kaufering Camp Number 4 and that he ever signed anything as Hauptmannlagerfuehrer because he was never a lagerfuehrer (R 1783). Eichelsdorfer admitted that he signed some papers for the camp such as records issued for materials (R 1785). He never heard of the order taking the overcoats away from the prisoners of Camp Number 4 (R 1783). There was a pile of clothing on the parade grounds but that was of dead prisoners (R 1783). This had been accumulated per orders of Dr. Blanke (R 1783). Eichelsdorfer was forbidden to enter the camp (R 1783). Camp Number 4 actually

consisted of two parts, on one side of which was barracks of the traces people who were healthy and he did frequent there about ten times (R 1784). He denied that at the time he signed his pre-trial affidavit that he had been advised of the charges against him (R 1784).

18. Franz Boettger.

The accused Boettger made the following unsworn statement: He denied that he struck Sergeant Edwards while in the company of Commandant Weiter (R 1819). He stated that at that time he was Second Rapportfuehrer, had only had the job for about two weeks and it was unbelievable that he would have accompanied the commandant on an inspection of the camp (R 1819-1820). He admitted that at some times he did strike some of the inmates (R 1820).

20. Anton Andres.

Andres made the following unsworn statement: He denied that he injected any patients in Block Number 1 (R 1780). He denied that he had ever beaten prisoners with his fist or kicked them (R 1781). He admitted that he had slapped prisoners in the face "in order to correct them" (R 1781). Andres stated that he was a runner in the hospital and that he had no ward under his supervision (R 1782).

22. Michael Redwitz.

In January 1942 Redwitz was Schutzhaftlagerfuehrer (R 1821). Karl Horn, who had come to Dachau as a prisoner about the middle of January 1942 and was there until liberation, never saw Redwitz mistreat any prisoners (R 1821-1822). He had known Redwitz from 1932 until 1935 (R 1822).

The accused Redwitz made the following unsworn statement: He was Schutzhaftlagerfuehrer in August and September 1943 (R 1823). He did not see any invalid transport leave the camp in August or September 1943 composed of about twenty people and if there had been such a transport he would have known about it (R 1823).

23. Wilhelm Welter.

The accused Welter made the following unsworn statement: He denied that he beat a Czech in a block in the manner in which the witness Schnabel testified (R 1776). He admitted that he had been in that block, however (R 1777). That was in September 1944 (R 1777). He denied that he beat 200 or 300 people whom he had lined up in the block street (R 1777-1778). He also stated that his right hand had been operated on and it would have been impossible for him to hit so many people with his left hand (R 1778). He admitted that he had slapped prisoners in the face (R 1779). He added, "However I never used any object to do that." (R 1779)

40. Friedrich Wetzel.

The accused Wetzel made the following unsworn statement: He knew of no large warehouses where clothing was kept (R 1789). There were some rooms in which the personal effects of prisoners were kept but which could not be given out (R 1789). Of course, there was an accumulation of items such as shoes to be repaired at the cobblers shop, clothes at the tailor and at the laundry (R 1789). As for the canteen, there was some wheat in a room which was about four by six meters and about as high as a barracks (R 1789). Wetzel could not give out the clothes that belonged to the prisoners because of an order of the main office of administration and security (R 1790). These clothes had to be distributed to the prisoners when they were dismissed (R 1790). SS men were employed in this administration of personal effects (R 1790). At the end this clothing was loaded on transports which went to Otztal because the prisoners were supposed to be there (R 1790).

VIII. PROCEEDINGS.

The charges and particulars were referred for trial to the General Military Court appointed by paragraph 3, Special Orders Number 304, Headquarters Third United States Army and Eastern Military District, dated 2 November 1945, pursuant to request in letter, Deputy Theater Judge Advocate's Office, War Crimes Branch, United States Army, European Theater, subject: "Dachau Concentration Camp and Subsidiary Camps," dated 30 October 1945. The appointment of the court and the proceedings thereof were in compliance with the provisions of letter, Headquarters United States Forces, European Theater, subject: "Trial of War Crimes and Related Cases," 16 July 1945, and pertinent Military Government directives and instructions. The accused were represented by a Lieutenant Colonel, JAGD, a Major, and two Captains, all of whom are experienced attorneys. The accused Knoll, Becher, and Mahl were also represented by special German counsel. A fair and impartial trial was had. Challenges for cause were permitted. The court advised the accused of their rights including the right to have the proceedings translated, and informed the accused that if at any time any statement is not clear, they were to raise their hands so as to call the court's attention to that fact.

IX. JURISDICTION.

The law of nations, established by written agreements and by customs and usages practiced among the civilized nations of the world, recognizes that two or more members of the family of nations may become embroiled in military conflict. Accordingly, it embodies certain rules or laws governing the conduct of land warfare. Thus, it is a well settled principle of land warfare that prisoners of war must be treated with humaneness. This doctrine has been enunciated in Articles 4 and 23, Chapter II of the Annex to the Hague Convention No. IV of 18 October 1907 and in Articles 2 and 3 of the Geneva (Prisoners of War) Convention of 27 July 1929. (The United States and Germany were signatories to both conventions .)

It is also well settled that the civilian population must be "treated leniently," "must not be injured in their lives or liberty, except for cause and after due trial," and must not, as a rule, be deprived of their private property. Par 9, Rules of Land Warfare, FM 27-10. Thus Article 46 of the Annex to the Hague Convention No. IV, supra, provides: "Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected."

It should be noted that the unwritten rules are binding upon all civilized nations, although technically the written rules are binding only between the powers that have satisfied or adhered to the particular treaty or convention, and are binding only to the extent permitted by the reservations, if any, that have accompanied such ratification or adherence on either side (Par 5, Rules of Land Warfare, FM 27-10).

The particulars in the instant case allege that certain individuals, acting in pursuance of a common design, as members of the Staff of Dachau Concentration Camp and subsidiary camps did, at or in the vicinity of Dachau and Landsberg, Germany, between 1 January 1942 and 29 April 1945 encourage, aid, abet, and participate in the subjection of civilian nationals of nations then at war with Germany

mistreatments. It is clear that these acts alleged constitute violations of the laws of land warfare, both written and unwritten, and are properly to be treated as war crimes.

A United States tribunal has jurisdiction to punish an offender, even though the victim was not a member of its forces and the crime was committed in a place over which, at the time of the act, the United States did not have control (United States v. Versosa et al, G.O. 133, Div Phil, 1 Dec 1900, CM 20888; United States v Braganza, G.O. 291, Div Phil, 26 Sep 1901, CM 30036, G.O. 346, Div Phil, 10 Nov 1901; "Universality of Jurisdiction Over War Crimes" by Willard B. Cowles, 33 California Law Review pp 177-218 (1945)).

Further, a military court is a proper forum to try such violations (Ex Parte Quirin, 63 Sup Ct 2; Par 356, Rules of Land Warfare, FM 27-10; pp 831-841, Winthrop's Military Law and Precedents). The fact that the court was entitled a General Military Court rather than a Military Commission appears to be merely a matter of name. In letter, Headquarters US Forces, European Theater, AG 000.5-2 GAF, 16 July 1945, subject: "Trial of War Crimes and Related Cases" it is provided that offenses "against the laws and usages of war or the laws of the occupied territory or any part thereof commonly known as war crimes" "committed prior to 9 May 1945, shall be tried before the specially appointed courts provided for in this directive." Accordingly, a specially appointed military court, such as that in the instant case, has jurisdiction over "War Crimes" offenses committed prior to occupation, and over the offenders.

Further, it should be noted that, as war criminals, the accused are not entitled to treatment as prisoners of war even though their status would otherwise have entitled them to such treatment (See WD, FM, 27-10, par 351; Wheaton's International Law, p 180). It is settled that a person who prior to being captured commits an act in violation of the laws of war is not entitled to the privileges and safeguards accorded to a prisoner of war (P 102, Law of Land Warfare, JAGS Text No 7; Colby, 23 Michigan LR 482; cf SPJGW 1943/3029; p 675, "International Law," Hyde; "Prisoners of War," Flory).

The charge alleged that the accused "acting in pursuance of a common design to commit the acts hereinafter alleged, and as members of the staff of 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 (in Charge No. I) and of captured members of the armed forces of nations then at war with the then German Reich (in Charge No. II), to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such victims being unknown but aggregating many hundreds or thousands" The acts alleged clearly constituted a violation of the laws of war and international law.

It is a well-settled principle of law that where two or more persons combine to perform a criminal act, each may be liable criminally for all of his acts and of his confederates, done in furtherance of the common design, and where the criminal design is actually carried out, then the liability of each person who participated therein is determined by the nature and extent of his participation (Criminal Law, Miller, page 228). Furthermore, all who join in such common design to commit an unlawful act must take responsibility for all the consequences of the execution of that act if done in furtherance of the plan although not specifically contemplated by the parties, or even forbidden by the defendant, or although the actual perpetrator is not identified (See Corpus Juris, Sec 46, page 2073). Thus, the prosecution in the instant case had to establish the following:

- a.) That there was present and in force such a common design or purpose to commit the crime or crimes listed;
- b.) That the accused had knowledge of this common design; and
- c.) That each accused committed acts to encourage, and, abet or participate in the common design of subjection.

That there was present and in full force at Dachau and its by camps from about 1 January 1942 to about 29 April 1945 a common design to commit certain acts unlawful by all the legal and humane standards of civilized nations was not seriously challenged by the defense. It would be absurd to say that it had its origin in Dachau or that it was first conceived in January 1942. The Adjutant, Rudolf Heinrich Suttrop, testifying on his own behalf, declared he had been an adjutant in camps other than Dachau and that common orders governing the conduct of all concentration camps came from Berlin. The accused Peter Metz stated that he had been associated with the Dachau camp since 1933, and the witness Peter Muller testified he had been a prisoner there since the same year. Other accused had served at Dachau long before 1942 and other witnesses had been prisoners there before that date during which period certain atrocities had been committed. Captain Von Lanschott told of mistreatment of himself at other similar types of camps, particularly, Natzweiler. Others described outrages against humanity at the Auschwitz, Mauthausen, and Flossenbürg Concentration Camps. The condition of the prisoners in the transports that came into Dachau gave further forcible evidence of the seemingly common plan for the mistreatment and extermination of human beings at the various camps from which they stemmed. It may be added that in almost all cases the victims were described as one or more of a class that the Nazi hierarchy had judged to be opponent to its doctrines.

However, restricting ourselves to what Dachau itself was, the best evidence of the common design existing within its confines are the things that happened there. It is, of course, obvious that the only occurrences that would concern the accused would be those that happened between the dates mentioned in the charge sheet.

Between December 1940 and 29 April 1945, a total of 161,939 prisoners had been processed at Dachau. Of these, there had been 25,000 recorded deaths and hundreds of others had perished unrecorded. When the Americans took over on 29 April 1945, they found a freight train of 38 cars on a siding within the grounds each car containing from one to twenty dead bodies. These corpses were wasted, emaciated, and illy clad. The photographs of the scene express a silent condemnation of anyone who helped bring about this particular situation. The bodies were identified as a transport that had been about to depart from Dachau but had been tied up for several days due to transportation difficulties. During this interlude the already decrepit human beings that made up the transport had received little or nothing to eat, no warmth or toilet facilities, and no one seemed to have cared whether they lived or died.

The vile living conditions of the camp proper showed definite signs of having existed for a long time prior to the American liberation. The housing facilities were hopelessly cramped at Dachau for the number of inmates that were being detained and the conditions in this respect at the by-camps, notably the Kaufering string of camps, were even worse. The survivors that were found or who furtively stole back from the woods to greet the Americans were mostly skin and bones, inadequately clothed, and consisted of such Nazi victims as Russians, Poles, Jews, and so on. Each came eagerly forward in his own feeble way to tell his own unbelievable story.

The crematoriums were conspicuous examples of Nazi efficiency but even these, four furnaces and five ovens, were soon unable to cope with the volume of business. The witness Mahl stated bodies often remained piled up very high for six to eight weeks at a time. "That's why," he said, "none of these could have been burned while still living." Colonel Chavez, the war crimes investigator, indeed found such large piles of thin, emaciated corpses in the two rooms adjoining the crematoriums on May 1, 1945, when he came to compile a report on the Dachau camps.

An execution area was conveniently located near the crematoriums. The evidence clearly bears out the fact that the greater part of these executions were not legal except in form. The accused, Martin Weiss, a former commandant from September 1942 to November 1943, and others, notably Johann Kiek, former chief of the Political Section, declared all executions at Dachau were "ordered" from Berlin. The sentences had been determined by administrative decrees. However, no claim was ever made by any of the accused that a single victim had had any sort of a trial, let alone a fair, impartial one, which would relegate all such executions to the category of war crimes by all the settled tenets of international law (Cf. FM 27-10, 356 and other citations).

The medical and hygienic conditions at Dachau were abominable. Epidemics were long rampant, and as many as 100 a day, until the middle of May, continued to die from "prior effects" even after the liberation and the introduction of better standards of care. From a typhus epidemic that began in December 1945, about 15,000 inmates had died. Medical supplies had been poor since 1942 yet enough were found in the SS hospital by the Americans to have taken care of all patients for more than fourteen days! Dr. Blaha, a prisoner-doctor from August 1942 until the liberation, declared that 12,000 autopsies had been performed under his direction. The victims had been chiefly

Russians, Poles, Yugoslavs, Italians, French and Jewish and most of the deaths had been caused by typhus, typhoid, tuberculosis, dysentery and malnutrition.

The varied experiments at the prison hospital are further evidence of the general pattern of subjection of the prisoners to cruelties and mistreatment. That the prisoners did not volunteer is undisputed. Humans were subjected to the deadly malaria disease in the same manner as animals are utilized for scientific purposes. The work progressed without regard to the individual rights of the human beings concerned and it was of no consequence should any of these human guinea-pigs perish on the way. Schilling's authorization for his procedure stemmed directly from the Reichsfuehrer Heinrich Himmler. In addition to the malarial experiments, there were the air-pressure tests causing deaths from hemorrhages of the stomach and lungs, the cold water experiments where many perished after being immersed in ice-cold water for from four to thirty-eight hours constantly, the liver puncture experiments, the phlegmon experiments, and the salt-water experiments, all of which had their resultant cases of death.

The systematic beatings, tortures, killings, and heaping of indignities on all prisoners at Dachau are most graphically stated by the various witnesses who testified or whose written statements were admitted before the court. In most cases, these were not denied by the accused themselves except in a matter of degree or because of obedience to an order of a superior.

The general method of abuse used at Dachau was universal exploitation of all inmates to the advantage of the German war effort or the aggrandizement of the Nazi principals. Of those who did not die by the wayside, the remainder would be forced to these purposes in the form of long working hours or other uses until they became recalcitrant or physically unwanted. At that time they would be executed or brought to their untimely end in one of the ways heretofore described. A common method in later days was the use of the transports "to heaven" when it was universally known in Dachau that such transports heading for Auschwitz, Lublin, Lins, and other places meant eventual extermination of the persons contained in them.

It can be seen, therefore, that very little could have been hit-or-miss in such a kaleidoscopic pattern of human exploitation. The design was common for everyone concerned with the running of Dachau and since it was proved to have existed between 1 January 1942 and 29 April 1945, it definitely concerned each of the named accused who, at one time or another during those years, were part of the staff of this notorious concentration camp.

Knowledge of this design by each accused may be inferred since for many years prior to 1942 each had been part of the Nazi world and sometime between 1942 and 1945 had become an integral chain in the furtherance of this design at Dachau. Not a single defendant contended he had been ignorant of all the things transpiring behind the gray walls and the electrified wire fences that surrounded the camp. So, with the flux of humanity and the general mistreatment and abuse of it to be found literally in every nook of the camp, it would strain human conscience to believe anyone who was, at least, a bystander there was not aware of the general state of things. Gretscho and Schoepp, perhaps the least in rank and importance among the accused, in their sole capacity as guards admit at least hearing shooting, witnessing beatings, and seeing corpses. It would seem that any of the goings-on at Dachau along with the prevalent propanganda-machine of the Nazi government itself would have put all the accused on notice that wrongs were being committed here.

The camp was organized to carry out effectively its purposes. It was headed by the camp commandant who was appointed by Berlin. All mail and other business would usually proceed through the hands of the Adjutant of the camp. The commandant was assisted by one or more Schutzhaftlagerfuhrers or Compound Commanders. Next in line came the Rapportfuhrers, the head non-coms over the prisoner blocks, then the Blockfuhrers or inspectors. All these were members of the SS. The so-called Block-aeltestes and Room-leaders were prisoners selected to help with the details. Other subdivisions like the labor office, the political department, and the medical department, in large, were answerable to the camp commandant. Thus everyone from the camp commander down to the capo or room eldest had his niche in the administration of Dachau and in a broad sense all were members of the staff. Everyone operated as a unit in the purposes of the camp, whether lawful or unlawful. As the accused Suttrop stated in his pretrial affidavit: "The above-mentioned administration plan was a closed entity of the SS in Dachau and could not have been effective nor worked without the assistance of the personnel of the six departments for the purpose for which it was built, that is, as was ordered by the superior authorities. Each single one of the above-mentioned coworkers was a link in the chain of entity, without his assistance which was ordered by transfers or commands, the whole thing could not have existed." (Proc ex 106A).

It is in the light of this effective machine that the part each played in the Dachau scheme must be considered.

As a general rule all persons concerned in the accomplishment of an unlawful and criminal purpose are principals (State vs. Scott, 80 Cogn. 317). Furthermore, anyone who commits an offense, or does some act forming a part or one of the steps thereof, or assists in the actual commission, or any act forming a part thereof, becomes a party thereto. So, when one is engaged in doing something in a chain of acts leading to the consummation of an offense, though he is not actually present at the time of its commission, he is a principal. (See Bass vs. State, 55 Tex Cr. 18; Sturgis vs. State, 2 Okl. 362; and Wharton's Criminal Law, page 246 et seq.). However, merely witnessing a crime without intervention does not make a person a party to its commission unless his interference was a duty, or his non-interference was one of the conditions of the commission of the crime (Wharton's Criminal Law, page 246). Nevertheless, if he is present for the purpose of assisting in the commission of a crime, if necessary, he is an aider and abettor, and under the removal of the distinction between them, is liable as a principal. (Brinegar vs. State, 82 Nebr. 588). Wharton further defines participation as follows: "Something must be shown in the conduct of the bystander which indicates a design to encourage, incite, or participate in a certain act. It is not necessary to prove that the party actually aided in the commission of the offense; if he watched for his companions or was in such a situation as to be able readily to come to their assistance, he was aiding and abetting." (See Wharton's Crim Law, v.1, page 333 & 334; cf. State vs. Holder, 153 N.C. 806). In US vs. Ross, Fed Cases No. 16,196, the Court, in dictum, stated: "Where A and B go out for the purpose of robbing C, and A, in pursuance of the plan, kills C, B is guilty of murder. In such cases of confederacy, all are responsible for the acts of each if done in pursuance of a common design." (cf. Wharton's Crim Law, page 344).

The nature and extent of participation of each accused varied and must be considered individually.

1. Martin Gottfried Weiss. The accused Martin Weiss had been the camp commander at Dachau from 1 September 1942 until 1 November 1943. It was undisputed that everyone in the camp was responsible to him. While Weiss undoubtedly affected numerous changes in Dachau, his motives were to increase the labor output of the camp. Accordingly, less emphasis was placed on certain types of punishment and the hangings by the wrists were discontinued. However, it is likewise clear that

punishments of various sorts including beatings, official and unofficial, continued. Mistreatment by any of the members of Weiss' staff was naturally his responsibility. That the members of his staff engaged themselves in numerous and continuous indignities is clear. Experiments, such as cold water and malaria, continued while Weiss was commandant. It is important to note that Weiss' approval for the requisition of prisoners to be used in these experiments was necessary. Executions of various individuals whose punishment had been administratively determined by the Reich Security Office were carried out with his sanction. The orders for these executions and the reports that they had been performed passed over his desk. Conditions in the camp unquestionably became more crowded during Weiss' regime. Sanitary facilities, clothing, medical supplies and food were inadequate. At least one invalid transport left while Weiss was commander. As a matter of fact, the whole orgy that was Dachau continued to run its course under the leadership of Martin Weiss, and it was he who, for more than one year, dominated the scene as a principal.

2. Friedrich Wilhelm Ruppert. Ruppert served at Dachau at two different times, first from April 1933 until September 1942 as a camp guard and electrician, and from August 1944 until 29 April 1945 as Schutzhaftlagerfuehrer. Little evidence was presented with respect to Ruppert's activities during his first stay at the camp. During this period, the accused Kick saw Ruppert beat a Russian until the blood flowed. It was when Ruppert returned as an SS Obersturmfuehrer and held the Schutzhaftlagerfuehrer position that he carried on his work with great enthusiasm. His beatings of prisoners were performed as one witness described it, much like a blacksmith striking with his iron. He saw to it that the executions were performed, including the murder of over 90 Russian prisoners of war in September 1944. It was Ruppert who headed the reception committee for incoming transports, among which was the Hungarian unit which brought the typhus bearing lice. As receptionist he saw to it that all the dead bodies or nearly dead bodies were borne by the Moxt express to the crematory. It is apparent that Ruppert who performed all the essential functions of the first Schutzhaftlagerfuehrer carried out his duties with an enthusiasm and vehemence that was characteristic of his ilk.

3. Josef Jarolin. Jarolin was at Dachau proper from September 1938 until March 1943. From December 1941 until March 1943 he was third Schutzhaftlagerfuehrer. Prior to that he had been a Rapportfuehrer with the rank of SS Unterscharfuehrer. He ultimately attained the rank of Obersturmfuehrer. Jarolin often carried out his sadistic instincts in the bathroom of the administration building where he beat the inmates until they were unconscious. He attended numerous executions and was a principal participant in the execution of a large number of Russian prisoners of war. It is not clear with respect to this latter incident whether it occurred in 1941 or 1942. Ruppert apparently left Dachau in March 1943 and went to the by-camp Allach. Here he saw to it that the various punishments including death were carried out and that the general pattern of cruelties and mistreatment concomitant with the exploitation of the prisoners' services continued to be woven. The individual instances in which Jarolin heaped his vindictiveness upon the unfortunate inmates need not be related here. Suffice it to say he performed the functions of his office, functions which were an integral part of the Dachau scheme.

4. Franz Xaver Trenkle. The accused Trenkle who had received some preliminary training as block leader at Dachau from 1933 until 1936 had returned to Dachau in June 1943 where he held the position of Deputy Schutzhaftlagerfuehrer or Rapportfuehrer until March 1944. After some further training at the Bergen Belsen concentration camp he returned to Dachau and took charge of outside work details. Trenkle not only performed the duties required of his office, such as aiding in the executions, but he added his own individual touch to the Dachau scene. He beat and kicked the prisoners, particularly

the Russians. Although he was not a physician, at times he would hold sick call. He admitted that in April 1945 he had shot and killed four Russian prisoners whom the Gauleiter of Munich ordered executed. In view of all the foregoing, it is apparent that Trenkle participated directly and influentially in the Dachau picture.

5. Engelbert Valentin Niedermeyer. Niedermeyer served at Dachau as a member of the SS from 1934 until 1 February 1943. From January 1942 to May 1942 he worked at the crematorium. After that he became a block-leader and held that job until he left Dachau. At the crematorium he helped to burn the bodies. He was supervised by SS Oberscharfuehrer Bongarz. As a block leader he performed the duties incumbent upon that office to maintain order and cleanliness in the block. Apparently Niedermeyer did not hesitate to use his hands and fists upon the prisoners freely while carrying out his duties. It was undisputed that Niedermeyer was at Dachau and performed these duties as stated above. Accordingly, it must be concluded that by virtue of the nature of the work performed he, too, participated in the scheme.

6. Josef Seuss. Seuss who had joined the Allgemeine SS in 1932 and had been at Dachau from 1933 until 1942 returned to Dachau in August 1942 where he was a Rapportfuehrer. Seuss recalled the execution of 35 Russian prisoners of war in August 1942 in which he was one of the party. He admitted that he had had to treat the prisoners particularly hard, that he had seen various beatings, hangings and tortures of all sorts at Dachau. Seuss stated that he had been forced to sign a statement that he would never talk about the happenings in the camp. He believed this had been required because "they did not want that people came to know how bad things were at the Dachau concentration camp". Seuss had apparently been caught in the web which he had voluntarily entered. After having performed his role, Seuss wrote "I have always been sorry that I have been at the Dachau Concentration Camp and that the people there had such a bad life. I know that 20 or 25 hanged themselves at the dungeon from despair. I also know that people committed suicide in other ways, for instance by cutting their veins. I also know that people died from weakness and that others became insane." In view of the duties he performed and his actions outside the scope of his job, it must be concluded that he too participated in the Dachau scheme.

7. Leonhard Anselm Eichberger. Eichberger who had joined the SS in 1935 came to Dachau on 15 January 1943 and remained there until April 1945. He held the rank of 1st Sergeant and was the chief clerk in the Schutzhaftlagerfuehrer's office. As chief clerk he unquestionably handled all the details in that office. In 1944 he was given the additional duties of rifleman and reporter at executions. He admitted that he had shot about 5 or 6 persons himself at these executions, and the reason that he had not shot more was because at times he was delayed by his work as a clerk. All told, he was present as a recorder when a young Russian was hanged. Certainly Eichberger's work was necessary in order for the office of the Schutzhaftlagerfuehrer to function. Further his additional duties in connection with the executions were essential. In view of the uncontroverted evidence, it is abundantly clear that Eichberger's duties constituted a furtherance of the Dachau purposes.

8. Wilhelm Wagner. Wagner who was an SS Hauptscharfuehrer had served at Dachau from 1933 until 1938 and from 1939 until 1944. At that time he went to the by-camp Allach. On 1 January 1942 he was in charge of the laundry at Dachau. He apparently was extremely vicious with the prisoners, kicking them, striking them, and beating them with sticks. Those who worked under him suffered almost daily. When he was transferred to an outside work detail at Germering his

conduct continued unabated. At one time part of his duties involved the meting out of the official lashings. At Allach he aided in the execution of two prisoners pursuant to orders which he had received from the accused Jarolin. It is clear that Wagner not only performed essential duties, but that he added his own personal touch to the sordid Dachau portrait.

9. Johann Kick. Johann Kick, who was associated with the Gestapo, was chief of the political department at Dachau from May 1937 until August 1944. He returned to Dachau again in January 1945 and was there until the end of March 1945. During his second term of duty at Dachau he was not the chief of the political department but had the duty of registering the prisoners. As head of the department he was responsible for the compilation and registration of prisoners, maintenance of files, correspondence concerning the prisoners' death certificates, and interrogation of the prisoners. In questioning inmates he apparently used severe methods including the extraction of fingernails and toenails. After the interviews the prisoners were often sent to the standing bunker where they endured additional suffering. The execution orders passed through his department. Kick recalled that approximately 300 such decrees and orders had been brought to his attention between January 1942 and August 1944. Kick also aided in the selection of individuals who were to be shipped out on invalid transports. He realized full well that these people would be liquidated. It was not only common knowledge that such would be their fate, but Kick also marked the papers of these people so as to indicate that they had died at Dachau. Kick's position as chief of a staff was unquestionably one of the most important in the performance of the Dachau plan. His participation was shown beyond the shadow of a doubt.

10. Dr. Fritz Hintermayer. Dr. Hintermayer, who was not a registered doctor since he had not finished his thesis, came to Dachau in February 1944. He worked as a medical officer in the prison hospital until September or October 1944, when he succeeded Dr. Witteler as head physician, a position which he held until April 1945. His rank during this period of time was Sturmbannfuhrer. The conditions of the hospital, the typhus epidemic, which raged from the end of 1944 until May 1945, the continued human guinea pig experiments, and the extremely inadequate sanitary facilities were responsibilities of the head physician. Although Dr. Hintermayer may not have originally caused any of the above conditions to exist, he played his part in his capacity as head physician. The requests for inmates to be used in experiments passed through his office. The inadequate medical care existed under his regime. The hospital suffered from a lack of sufficient medical supplies, although many necessary elements were present nearby. His efforts to control the typhus epidemic were pitiful. In addition to his duties as medical officer and head physician, Dr. Hintermayer was present at various executions for the purpose of signing a death certificate. Furthermore, he personally injected fatal venom into two pregnant Russian women. It was Hintermayer who played a prominent role in the death-taking slave market formations. His role in the Dachau scheme of things is clear.

11. Dr. Wilhelm Witteler. Dr. Witteler was Dr. Hintermayer's predecessor as head physician at Dachau. Witteler, who had joined the SS in 1938 and had served with a combat unit on the Russian front, arrived to take charge of the prisoners' hygiene, food, and disease prevention on 1 January 1944. The conditions which existed at Dachau, with respect to these factors during this period of time, are set out in detail in paragraph IVa, "The Common Design At Dachau". Witteler admitted that prisoners to be used by Dr. Schilling were requisitioned on his order. Dr. Witteler also admitted that every prisoner whose condition was considered hopeless by Dr. Schilling was transferred into another ward, and that when such a prisoner died he would state the cause of death to be a heart defect, or circulation difficulties. Furthermore, Dr. Witteler was present at several executions where he signed the death certificate. Thus, it may be seen that he, like Dr. Hintermayer, played an important part in the Dachau scheme.

12. Johann Baptist Eichelsdorfer. On 15 July 1944 Eichelsdorfer, who was a captain in the Wehrmacht, was assigned to Dachau. At first he took charge as camp leader of Kaufering No. 8. In October 1944 he became commander of Kaufering camp No. 7, and in January 1945 he became camp leader of camp No. 4. While he was in charge of camp No. 7, numerous deaths occurred, bodies were merely buried in dirt mounds without any designation. When Eichelsdorfer took charge of Camp No. 4, it was a sick camp. The living conditions and treatment accorded the inmates of that camp are set forth in detail in paragraph IVb, "The Common Design At Kaufering". Eichelsdorfer, apparently, aided in the burning of Camp No. 4 shortly before the American forces arrived. Because of the various positions which he held in these by-camps, a fact which was undisputed, it necessarily follows that his functions were vital in the administration of the Dachau concentration camp. Accordingly, his participation is clear.

13. Otto Foerschner. Foerschner, a Sturmbannfuhrer, took charge of several of the Kaufering by-camps on 1 February 1945. About 2,000 prisoners under his supervision died during his tenure. He placed the guilt primarily on the "fact" that all people were accommodated in such bad billets. Foerschner in no way denies the horrific conditions which existed. He also exhibited his own individualism by hitting prisoners with stones, by killing one inmate, by beating another with an iron rod, and by punishing women who could not physically perform their laborious tasks. By virtue of his positions and his individual acts, Foerschner aided in the Dachau performance.

14. Dr. Hans Kurt Eisele. Dr. Eisele, an SS Sturmbannfuhrer, was in charge of the surgical department of the prisoners' hospital at Dachau from February 1945 until liberation. Apparently he realized the seriousness of the conditions which existed in the hospital and the camp, for he claims that he often requested the head doctor, Doctor Hintermayer, to make improvements. As a matter of fact, he was able to enlarge his own ward and have "several single bedrooms for my patients". As part of his duties he inspected the kitchen and the food which was served the prisoners every day, and recognized that the food was qualitatively and quantitatively insufficient. He also inspected the by-camp Muhlendorf and found that sanitary and medical facilities there were extremely insufficient. Furthermore, Dr. Eisele attended at least three executions at Dachau at which he signed the certificates of death. It is clear that Dr. Eisele aided in the operation of the prison hospital, assisted the head doctor in connection with his responsibility for the prisoners' food and sanitary condition, and also performed a necessary function at executions. His activities were of such a nature that they constituted participation in the administration of Dachau.

15. Dr. Klaus Karl Schilling. Dr. Schilling, at the call of Himmler, began conducting his malaria experiments at Dachau in February 1942. He continued these experiments until liberation of the camp. It was undisputed that the inmates whom Dr. Schilling used in his work were not volunteers. Dr. Schilling's research was performed for the purpose of determining immunization for and treatment of malaria. His requests for inmates were made about every month. These lists were prepared in the camp physician's office and then sent to the camp commander and labor office. About 1000 selectees were thus chosen for subjection. Many of them were priests. The number of people who died from the malaria or from the drugs such as pyremidon or neo-salvarsan is not known. Certainly some died. It is reasonable to infer that the deaths of many of the inmates from tuberculosis, dysentery, typhus, and other diseases were caused in part by the fact that those people had been subjected to malaria. Although Dr. Schilling's motive may have been simply and purely a scientific one, his activities exemplified the Nazi scheme which existed at Dachau. The part he played in that scheme is clear.

21. Simon Kiern. Simon Kiern, who had been a Hauptscharfuhrer in the SS, came to Dachau in July 1941. He was employed as a clerk in the office of the Schutzhaftlagerfuhrer until December 1942, when he was transferred to the mail censor office. He served there until he was given a six month's sentence for having stolen 10 cigarettes, in the same month, and never served at Dachau again. When he was an office clerk he had been ordered to attend three executions, at least one of which occurred in 1941. Once in 1942 Kiern kicked and killed a newly arrived prisoner who was lying on the ground. While he performed his duties at Dachau, Kiern was actively engaged in the administration of the camp. His killing an inmate was an added contribution.

22. Michael Redwitz. Redwitz served as first Schutzhaftlagerfuhrer at Dachau from November 1942 until March 1944. He held the rank of SS Hauptsturmfuhrer. He was "in charge of all affairs concerning the clothing, quartering, and treatment of the prisoners, and of all the prisoners' welfare". He was also "responsible for good order, and the cleanliness of the camp, as well as for the health of the prisoners". Redwitz has recognized his responsibility for the acute conditions which existed at Dachau. He wrote "it is impossible for me to hold any one of my subordinates, especially responsible for any particular condition. So many various leaders and underleaders had a share in the execution of every order that it was impossible to make responsible any one of them for a certain condition". Redwitz directed the public tarashings, carried out the executions and confirmed the request for the experiments at the hospital. It was Redwitz who instituted the practice of having the prisoners administer the public beatings instead of the SS men.

Redwitz's position was an important one in the administration of Dachau, and his acts clearly constituted assistance in the general scheme.

23. Wilhelm Welter. Wilhelm Welter was at Dachau from 1939 until 1 September 1943. He was the labor service leader. He arranged the work details each day, and made out the required reports. He was in charge of the slave market formations, where he beat, hit, kicked and pushed the prisoners. He aided in the selection of people for the transports and work details. He selected the four Jews who worked on the crematory deal and who were then disposed of every eight weeks and succeeded by a new group. Welter chose inmates for the cold-water experiment, and checked the list of inmates requested by Dr. Schilling. Welter often beat and struck the prisoners. He said, "It is possible that I slapped a few prisoners in the face if they did something wrong". It is clear from the foregoing that Welter not only by virtue of the functions of his office but also by his own individual acts actively participated in the mistreatment of the inmates at Dachau.

24. Rudolf Heinrich Suttrop. Rudolf Suttrop, an SS Obersturmbannfuhrer, served as adjutant at Dachau from 15 May 1942 until 15 May 1944. As such he was in charge of 235 non-commissioned officers and men of the Commandant's staff. He was in charge of the telephone, signal office, and motor pool. He was responsible for the distribution of the mail and secret orders, and assisted the Commandant in the paper work. All written matter which was sent to the camp commander went over his desk, including such items as requests for inmates for experiments at the hospital. Without the performance of the duties which Suttrop and his staff performed, Dachau could not have operated. When considered in this light, his participation in the execution of the Dachau scheme becomes apparent.

25. Wilhelm Tempel. Wilhelm Tempel, who joined the SS in 1932, had come to Dachau on 6 August 1944. He was immediately sent to Kaufering No. 4 where he served as the Arbeitsdienstfuhrer. It was his duty to arrange the work details which left the camp. He shot the prisoners,

beat some to death with a stick and rubber cable, kicked them unmercifully, and abused the sick. In January 1945 he left Kaufering Camp No. 4 and went to Kaufering Camp No. 1, where he served as Rapportfuehrer. It was known that Tempel beat prisoners there. He acted as a guard on the transport which evacuated Kaufering No. 1, in April 1945. It is clear from the foregoing that Tempel evinced a vigor in the performance of his duties wholly consistent with the pattern of mistreatment, tortures, cruelties and extermination of the Dachau inmates.

26. Hugo Alfred Erwin Lausterer. Lausterer was an SS guard at Dachau from December 1941 till February 1942. He was then sent as a guard on a work detail to Radolfzell, where he stayed until October 1942. On this detail the prisoners were often struck by one of the other guards. In November 1942 he was sent on another work detail to Bayerisch Zell. Here again the other guards were extremely cruel to the prisoners. The next month Lausterer returned to Dachau and was hospitalized till February 1943. At that time he worked in the Prisoners' Personal Property room. In October 1943 he was sent to Allach, where he took charge of the prisoners' canteen. He remained in Allach until March 1944. While at Allach he witnessed the beating of an old man. He returned to Dachau in April 1944 and worked as a camp guard and as a guard on details that went to Munich until May 1944. He next was in charge of a detail which worked at a factory in Munich until October 1944. From November 1944 till January 1945 he was acting Commandofuehrer in a camp at Feldafing, and in January 1945 he returned to Dachau where he worked as a guard until April 22, 1945. About that time he was assigned to accompany a transport of about 1700 Jewish prisoners who were placed in railroad cars at Dachau. The transport left on about 25 or 26 April 1945. They rode to Seefeld in Austria in about a day and a half. During that time the prisoners received no water and were given a little food. Some of the prisoners died on the way. At Seefeld, Lausterer took charge of about 75 inmates. He arranged some temporary quarters and obtained some food. Lausterer undoubtedly had played a part in the operation of the Dachau camp.

28. Alfred Kramer. The accused Kramer, who was a sergeant in the SS, which he had joined in 1939, arrived in Dachau in August 1944, after having led a transport of prisoners from Warsaw there. Many of the prisoners on that transport had died, and when it reached Dachau, the dead ones who were still with the transport were taken to the crematory. In September 1944, Kramer became the camp leader of Kaufering Camp No. 1. He retained that job until November 1944. There he was in charge of 1800 prisoners, most of whom were Jews. Kramer explained, "I do not like Jews". Some of the punishment, tortures and brutalities which were inflicted on those 1800 prisoners consisted of beating them with whips and sticks, as a result of which some died, imprisonment in a standing cell from 8 to 10 hours a night, undernourishment, contagious diseases, bad living conditions, and hard work, which in some cases led to death. Kramer also attended the hanging of six Jewish prisoners at the camp. Kramer admitted that he struck prisoners with his hands when they had committed certain offenses so that he would not have to report them to higher authorities. Kramer's participation, both by virtue of the duty of his office and his sadistic initiative show that he assisted in the Dachau orgy.

29. Sylvester Filleboeck. Filleboeck, who was an SS Untersturmfuehrer and had come to Dachau in 1933, was in charge of the kitchen administration with the prisoners' mess from 1941 until April 1945. Filleboeck realized that the food which the prisoners received was inadequate and he made some attempts to supplement that supply. He often gave the prisoners' food to other SS men and requisitioned some of their valuables for himself. Filleboeck also participated in the shooting of the 90 Russian prisoners of war in September 1944 by doing some of the

actual shooting. Obviously, Filleboeck's activities were necessary in order for Dachau to function, and accordingly he must be deemed to have participated in the Dachau plan.

30. Vinzenz Schoettl. In 1944 the accused Schoettl was in charge of the details at Kaufering camp No. 3. Once, while in charge of a detail at a water installation when the people could no longer work, he knocked them down and started to kick and beat them. These victims had to be taken to the hospital. In February 1945 he became second in command to sturmbannfuhrer Forchner. Whenever the camp commander was absent, he assumed control. Many of the prisoners under his jurisdiction died from hunger because of insufficient food. Schoettl also heard that many of the prisoners were hanged at some of the Kaufering camps. While assistant commandant, he admitted in his pre-trial statement that he beat 5 or 6 prisoners with a riding crop. In March 1945, Schoettl shot and killed a Polish prisoner. In view of the duties which Schoettl performed, the savagery of his acts and his failure to testify, it is apparent that he participated in the general plan of mistreatment which existed at Dachau and its by-camps.

31. Albin Gretsch. Gretsch was an SS Unterscharfuhrer, and served as a guard at Dachau or at Kaufering from August 1944 until 26 March 1945. At Dachau he served as a tower guard. It was his function to prevent prisoners from escaping. Most of the time while he was at Kaufering he acted as a tower guard. He was a guard on the transport which left Dachau on 26 April 1945, which went to Wolfretshausen. He witnessed the younger guards abuse the prisoners. He saw one guard let his dog loose on a prisoner. Gretsch "left collapsed prisoners lying left and right of the road". Gretsch's activities as a guard at Dachau and at Kaufering consisted primarily of security measures. Not only was it his function to prevent any of the inmates from escaping from the horrors of Dachau, but also to prevent any unauthorized persons from entering Dachau. Furthermore, Gretsch assisted in the last part of the Dachau drama, the merciless marching of ill-clad, undernourished prisoners through snow and wind and cold. Accordingly, it must be concluded that Gretsch, too, had played his part at Dachau.

32. Johann Viktor Kirsch. Kirsch, a member of the SS, arrived at Kaufering camp No. 3 in August 1944. He was an Oberscharfuhrer at the time and was in charge of the work detail which was constructing the camp. He had about 500 prisoners and about 20 to 25 guards under his supervision. When the camp was completed, he then helped to construct another camp, camp No. 1, which was finished in December 1944. He was the Rapportfuhrer and Arbeitsdienstfuhrer. At one time he witnessed the execution of five inmates who had used blankets around their feet due to the fact that they probably did not have shoes. Kirsch himself administered the punishments in the camp for violations of camp regulations. These usually consisted of beatings with sticks and with his hand, or confinement of the prisoner in a standing bunker. While at Kaufering Camp No. 1, Kirsch confined a large number of children in a small wooden hut for a period of two days. These children were then sent to Auschwitz for extermination. Seventy-five of the children were actually burnt to death there. In view of the lack of shoes, Kirsch would have the prisoners at the morning formation who were going out on morning work details take the shoes from those who were unable to go out on the work details. In January 1945 he was the commander of a work detail at Muhldorf. He had between 180 to 200 prisoners on that detail and 18 guards. In view of the positions which Kirsch held, and in view of his own individual acts, it is clear that he participated in the subjection of the Dachau inmates.

34. Walter Adolf Langleist. Langleist, who was an SS Hauptsturmfuhrer, was the commander of the guard battalion at Dachau from August

1943 until 30 May 1944. Langleist became commander of Kaufering No. 4. Langleist mistreated the prisoners by beating them and throwing them into the gravel pits. Once he beat a prisoner to death with a piece of wood. He was transferred then to Muhlendorf where there were 2000 prisoners. It is clear in view of the functions of his office and his individual acts of mistreatment, that Langleist assisted in the carrying out of the Dachau plan.

35. Johann Schoepp. Schoepp, who was a Rumanian citizen and a member of the Rumanian army, had been transferred into the Germany Army. He was sent to the guard battallion at Dachau on 21 August 1943, where he received his uniform and was trained for a period of 10 days. He was hospitalized for a short period and then granted a furlough. Upon his return he was sent to the sub-camp at Feldafing, where he remained until 23 April 1945. There he guarded a detail of 32 prisoners. He was assigned as a reserve guard to the transport which left Dachau on about 25 April 1945. As a reserve guard he had no duties on the transport, and he never did relieve any of the regular guard. The fact that Schoepp helped to guard the prisoners on a detail, and the fact that he was present as a reserve guard on one of the last Dachau transports, supports the conclusion that he aided and assisted in the functioning of the Dachau plan.

36. Arno Lippmann. Lippmann, who was an SS Obersturmfuehrer, returned to Dachau on October 1942 where he served in the office of the Schutzhaft-lagerfuehrer. In September 1943 he left Dachau for 1 month and when he returned he was in the hospital for three months. In January 1944 he was in charge of some prisoners who worked in the Praegifix factory. In August 1944 he was transferred to the Kaufering camp where he became camp commander of camp No. 2. In January 1945 he was transferred to camp No. 7, where he became commander of that camp. While at camp No. 3, he had about 1200 prisoners under him, and at camp No. 7 from 1300 to 1500. While at camp No. 7 there were 20 to 25 deaths monthly. Lippmann wrote "that all of the time I was commander of these camps in the Kaufering area, the prisoners were underfed and underclothed." Lippmann often mistreated the prisoners in these camps, and shot into a group of them who had attempted to find something to eat in a garbage pit. On the basis of the positions which he held and the individual acts of brutality which he committed, it is clear that Lippmann played his part in the Dachau picture.

37. Fritz Degelow. Fritz Degelow had joined the Allgemeine SS in 1933. He came to Dachau as a Major on 23 June 1944 and he served there as commander of a guard company. These guards performed guard duty about the perimeter of the camp and manned the towers. They were charged with the duty of guarding the camp and preventing the prisoners from escaping. At a meeting of several of the leaders of the camp in the latter part of April 1945, at which Degelow was present, it was decided to evacuate a large part of the inmates. On 26 April 1945, a transport of about 11,000 prisoners started off on foot. Degelow had been assigned the duty of going ahead and finding resting places for the columns. The guards who accompanied the transport had been detailed by the Adjutant. Although Degelow was not the commanding officer of the march at the start, he in effect took charge, since the commander did not accompany the transport and since Degelow was the senior officer present. Many of the prisoners collapsed on the way and were beaten and shot by the guard. A large number of the prisoners were lost, some by escaping, but the majority by dying. Degelow was seen beating some of the prisoners as they marched along and striking a prisoner with a bottle. When the columns reached Wolfratshausen on 28 April, Degelow decided to stop the march, and surrender the prisoners. He admitted that he had been informed that the prisoners were dying from exhaustion and malnutrition. However, he continued to march the German and Jewish prisoners for two more days

to a camp near Bad Tolz. It was Degelow who arranged the surrender of the transport. In view of the fact that the duty which his guards performed at Dachau constituted participation in the Dachau scheme, it logically follows that his functions as commanding officer of those guards likewise brings him within the orbit of aiding and assisting in the common design. Furthermore the evacuation transports are not only indicia but a part of the common design of subjection of the Dachau inmates to mistreatment and extermination. Accordingly, the part which Degelow played on the transport of 26 April 1945 likewise was participation in that design.

38. Otto Moll. Moll had joined the SS on 30 May 1935, and had come to Dachau in February 1940. He worked at the Kaufering camps. He was responsible for billeting, feeding, and the clothing of the prisoners, as well as sanitary conditions, labor commitments, and transfer of sick prisoners. At one time he beat three of the prisoners with a stick, and he remarked to a passerby, "You should be glad that the Jews are punished". Once in April 1945 he beat a Russian over the head with a board. At another time he struck a woman with a stick. Moll was in charge of an evacuation transport which left Kaufering Camp No. 2, for Dachau. On the way he shot 26 prisoners who had collapsed from exhaustion. It is apparent from Moll's duties and the brutality which he inflicted on the inmates that he furthered the ends of the common design which existed at Dachau and its by-camps.

39. Otto Schulz. Schulz, who had been a member of the Allgemeine SS since 1933 and attained the rank of Untersturmfuehrer, came to Dachau as the works manager of the German Armament Works in February 1943. The prisoners who worked for Schulz had a regular 72 hour week, although at times in order to keep up with the schedule, Schulz worked them overtime. He was a quick tempered individual, and hit, beat, and kicked the prisoners. At one time he threw some food which some of the prisoners were cooking onto the ground. He poured cold water on people who were in the latrine. He refused to permit the sick prisoners to report to the hospital. Not only did Schulz participate in the Dachau scheme of things by working these prisoners extremely long hours, but his conduct in heaping indignities upon them was also in accord with the pattern of human exploitation.

40. Friedrich Wetzal. Wetzal, a Hauptsturmfuehrer, was the administration leader at Dachau from 1 August 1944 till 29 April 1945. As such he was responsible for the clothing, food, and shelter of the inmates. He inaugurated the practice of not peeling the potatoes and of feeding beet leaves which had usually been fed to the cattle to the prisoners. He mistreated some of the prisoners by slapping them and he often stole their valuables. His attempts to obtain sufficient clothing failed, although there was a warehouse at Dachau which contained large quantities of clothing. The accused Filleboeck and he also made an attempt to obtain some additional food in 1945. In view of the duties incumbent upon his office as administration leader, it is clear that his activities constituted a necessary part of the Dachau machinery so that he must be deemed to have participated in the design of subjection.

- 16. Christof Ludwig Knoll
- 27. Fritz M. E. Becher
- 33. Emil Erwin Mahl.

Christof Ludwig Knoll had been a political prisoner at Dachau from September 1933 until the liberation of the camp. Knoll admitted that he became a block eldest of the camp in 1941, and that he maintained discipline by slapping some people because it was necessary. As block elder he administered unofficial beatings, and once he beat a Pole with a leg of a chair so extensively that the Pole collapsed. He became a Capo and headed a detail which worked at the gravel pits. The inmates who worked

on this detail were Jews and prisoners from the penal company which was composed of those who had broken the camp rules. When Knoll's details returned from work, a cart upon which the dead bodies were piled accompanied him. He would remark, "Well, I accomplished that today". He once stated to Dr. Eisale, "I finished 97 Jews, 3 more and then I shall fetch my bread time." It was common knowledge that Knoll, who was known as the hangman, had killed many Jews at Dachau. One witness stated that Knoll was not a beater but was "nuts", and caught moles for cigarettes.

Fritz M. K. Becher had been a political prisoner at Dachau from May 1938 until June 1943. He became a room eldest and later a block eldest. At one time he was in charge of the block which contained the priests. It was a daily routine for Becher to mistreat and kick them. He used vile language. He beat up one priest so badly that it was necessary to hospitalize him, and he later died. Becher supervised strenuous exercise formations for the priests. During one period of time 8 priests died as the result of the strenuous exercise and the beatings which Becher administered during the drill period. About 400 priests died while he was in charge of their block. When he was transferred to a block containing Russians, he continued his methods. There he beat a young Russian thoroughly with a piece of wood. At another time he smashed a Russian in the face with his fist. Becher himself was also subjected to beatings by the accused Jarolin, Trenkel and Wagner.

Emil Erwin Mahl came to the Dachau concentration camp in 1940 as a criminal prisoner. In 1943 he applied for a position in the crematory which he received, and in July 1944 he became Capo of the crematory detail. He participated in about 800 to 1,000 hangings. He usually put the noose around the victims' necks. In performing this function he was sent to the various Dachau by-camps whenever necessary. Once in 1944, Mahl led a cart detail that carried bodies from the French transport to the crematory. When he was informed that one of the prisoners was moving, he took a wooden pole and pushed the prisoner into the cart.

The actions which have been exhibited by Knoll, Becher and Mahl in the performance of their assigned duties would appear to be participation in the light of the activities of the other accused. Certainly these men held positions on the Dachau staff since their functions were of a supervisory nature. To conclude, however, that every prisoner who served in any supervisory capacity at Dachau was guilty of a criminal act would be a reductio ad absurdum. A distinction must be drawn between the prisoner and non-prisoner categories, for it was the prisoner class which was the object of the unlawful design. Where, however, the actions of a prisoner who had taken a supervisory position were colored by intense malice, he is then to be considered as having been transformed from the prisoner to the non-prisoner category. Thus an additional factor must be considered in the cases of Knoll, Becher and Mahl. The viciousness, savagery, and brutality exhibited by Knoll and Becher and Mahl, each of whom individually accounted for numerous deaths, must be considered to be of sufficient scope to bridge the gap. They acted in concert with their masters against their fellow inmates. They had joined the plan at Dachau.

The defenses offered by the accused resolved themselves into two parts, general denials and the plea of superior orders. The former was a question of fact for the determination of the court. Since as has been seen there was substantial evidence presented to the court on all the essential elements which had to be proven, its decision with respect to those matters was fully justified. The only serious issue presented is the effect to be accorded the defense of superior orders raised by each accused. This plea is a conglomerative term which embraces attendant corollaries such as duress.

It has been stated that the plea of superior orders is a good defense under the German Army Manual. Paragraph 17 of the German Military Penal Code reads as follows: "Complicity (1) If a provision of the criminal law is violated in course of the execution of an official order, the superior who issues such an order alone bears the responsibility for it. However, the subordinate who obeys shall suffer the penalty of an accomplice:

- "1. If he has gone beyond the limits of the given order, or
2. if he knew that the order of his superior involved an act which would result in a general or military misdemeanor or crime.

"(2) In case the guilt of the subordinate is trifling his punishment may be omitted.

"Footnote: The consequences shall be no object"

Thus it appears that even under the German military code responsibility for a criminal act is not avoided by a subordinate where the subordinate knew that compliance with an order would result in a crime. Furthermore, under the German civil service law it is provided in paragraph 7 that: "the civil servant is not permitted to carry out an order which to him is cognizably in contravention of criminal law." It can therefore be contended that the accused were criminally responsible even under German law, for they must have known that the subjection of prisoners of war and enemy nationals in the manner conducted at Dachau and its sub camps was contrary to international law. However it has been indicated that it would be extraordinarily difficult to convict a subordinate under the German interpretation of international law because when the defense of obedience to superior orders is raised, compliance with the order involved might not be considered as resulting in a criminal act. This is said to result in a German rule little better than one which completely exempts from responsibility all subordinates acting upon any orders of military superiors. (See page 154, "War Criminals, Their Prosecution and Punishment", Sheldon Glueck, 1944; Llandovery Castle case).

Accordingly, it must be considered whether the defense of superior orders is available in these proceedings, if it is assumed that under the German law in this case, it would be. The authorities appear to be generally in accord with the rule that action in compliance with a superior order is not a defense to a crime against international law. (Oppenheim's "International Law", volume II, 6th edition, 1940, pp 453, 454; Wheaton's International Law, pp 180) Glueck, seeking to reconcile the dilemma in which a subordinate is placed by an order manifestly unlawful, compliance with which may later subject him to trial for a war crime, or refusal to comply with which may immediately subject him to discipline, perhaps death, which dilemma is recognized by other authorities as providing a basis for mitigation, has suggested that the following rule be applied: "an unlawful act of a soldier or officer in obedience to an order of his government or his military superior is not justifiable if,

when he committed it, he actually knew, or, considering the circumstances, he had reasonable grounds for knowing, that the act ordered is unlawful under (a) the laws and customs of warfare, or (b) the principles of criminal law generally prevailing in civilized nations, or (c) the law of his own country. In applying this rule, whenever the three legal systems clash, the last shall be subordinate." (pp 155 and 156, Glueck, supra).

If Glueck's suggestion is accepted, it is quite clear that in the present case the plea of superior orders must be rejected since the conduct of the accused is unlawful under the laws and customs of warfare and equally so under principles of criminal law prevailing in civilized nations. It has been stated as a general rule of law that: "The fact that a party accused of a crime did the act complained of under the direction or authority of another whose inferior he was cannot be set up as a defense." (See Wharton's Criminal Law, page 376 .

Paragraph 345.1 of Rules of Land Warfare, FM 27-10, provides that "individuals and organizations who violate the accepted laws and customs of war may be punished therefore. However, the fact that the acts complained of were done pursuant to order of a superior or government sanction may be taken into consideration in determining culpability, either by way of defense or in mitigation of punishment. The person giving such orders may also be punished." This appears to be an expression of war department policy rather than law. Previous to the adoption of paragraph 345.1 it was the American policy to treat such a plea with respect to members of the Armed forces as an absolute defense. It is now obvious that the plea, if factually supported, is not necessarily conclusive, but that the effect it will be given lies within the discretion of the tribunal to which it is made, and depends upon the facts and circumstances of each case. Mr. Justice Robert H. Jackson, Chief of Counsel for the United States in the prosecution of axis war crimes in his report of 7 June 1945 has stated the following view:

"With the doctrine of immunity of a head of state usually is coupled another that orders from an official superior protect one who obeys them. It will be noticed that the combination of these two doctrines means that nobody is responsible. Society as modernly organized cannot tolerate so broad an area of official irresponsibility. There is doubtless a sphere in which the defense of obedience to superior orders should prevail. If a conscripted or enlisted soldier is put on a firing squad, he should not be held responsible for the validity of the sentence he carries out. But the case may be greatly altered where one has discretion because of rank or the latitude of his orders. And of course, the defense of superior orders cannot apply in the case of voluntary participation in a criminal or conspiratorial organization, such as the Gestapo or the SS. An accused should be allowed to show the facts about superior orders. The Tribunal can then determine whether they constitute a defense or merely extenuating circumstances, or perhaps carry no weight at all."

It has been stated that the plea of superior orders, if accepted at all, should be accepted with great caution, consideration being given to the nature of the offense, the intelligence of the accused, and the factors indicating the legal malice involved. (Memorandum on military commissions and provost courts

Viewing the principles which have just been stated, one must conclude that under the facts and circumstances of this case the court was warranted in rejecting the plea as a defense and as it did in the cases of most of the accused as a matter of mitigation. Furthermore, the court apparently considered the plea as a mitigating factor with respect to some of the accused, such as Johann Schoepp, and such action would appear to be justified in view of the peculiar circumstances concerning those accused.

XI PROCEEDINGS

1. At the beginning of the proceedings, a German lawyer, Earl von Passern, was introduced as special counsel for three of the accused. The court admitted him as such. In such a case, it would have been preferable that the court satisfy itself, and so indicate in the record, that such counsel has not been prohibited to practice law. A statement by counsel to the court to that effect would have sufficed. (TM for Legal and Prison Officers, 2nd ed., Rules of Procedure in MG Courts, page 33, par 3, and "Outline of Procedure for Trial of Certain War Criminals", Page 7).

2. The defense's motion for a severance was predicated on paragraph 71 (b) of the Manual for Courts-Martial, 1928. The arguments advanced were that the defendants consisted of a large group, that many of the accused intended to avail themselves of the testimony of others among his co-defendants, that a plea would be used that the accused acted involuntarily, and that in this respect, of necessity, antagonistic defenses would have to be offered by the various defendants to the prejudice of a proper defense for each and every one of them. The defense cited the case of United States vs. Anton Schosser (GCMO citation) in which the court granted the motion of severance on the ground that the defenses would be antagonistic.

The prosecution responded to the effect that a trial of the 40 accused would not be prejudicial to any of the defendants, that the essence of the case was a trial of the Dachau Concentration Camp, and that the nature of the offenses of each being in pursuance of a common design was of such character as to indicate that their defenses were not antagonistic.

Due to the interweaving pattern of the offenses charged and because of the impracticality of making forty separate trials necessary in a case of this nature, the discretion of the court could not be said to have been abused in denying the motion. The granting of a severance, at all events, is largely a matter of discretion and unless the abuse of it is obviously flagrant it should not be questioned (cf: Winthrop, Military Law, p 253). In the case of United States vs. Schosser, cited by the defense, the court granted a severance when the prosecution, unlike the trial judge advocate in the present trial, did not seriously contest the argument on behalf of a severance but admitted that "one or two of the accused may lay the entire blame for the crime on the other, the third accused." The court, therefore, had little alternative but to grant the motion. With what the present court had before it, therefore, it cannot be said that it acted arbitrarily in denying a severance of the proceedings into forty trials.

3. Several written documents were introduced into the proceedings in the original German with no English translation furnished or only incompletely translated. The court rightfully admitted these

exhibits where no objections were raised and where the court was satisfied they were what they were purported to be. However, it would have been preferable to have had true and complete translations made and introduced at the same time for the benefit of the reviewing and confirming authorities to facilitate the handling of the record.

4. A claim of immunity from testifying by an ex-German government official as to matters he had sworn never to divulge was properly overruled. The burden of proving that a communication is privileged is upon the one asserting it. (Wharton's Crim. Evidence, p 2069). The test is whether the disclosure would injure the relationship and greater benefit would be gained by sustaining it than by furthering justice. The oath in the present instance was to the German Reich, an outlawed government, and the court exercised proper discretion in ordering the answers without recognizing the immunity claimed.

5. The present case was brought on two similar charges reading, "Violations of the Laws and Usages of War." It would have been better practice to have brought the action under one recited charge with two particulars thereunder. (See: US vs. Franz Strasser, GCMO).

6. The objections of the defense to the forcing of an accused to answer a question, otherwise proper, once he elected to take the stand seem to have been properly overruled. Although the Military Government Manual is not clear as to whether or not an accused can refuse to respond to a question on cross-examination during the course of his voluntary unsworn statement on the witness-stand, the authorities appear to support the fact that his right against self incrimination is waived. The Manual, unlike the procedure in Courts-Martial, specifically permits cross-examination of the unsworn statement and the usual wide latitude should prevail. (See, Wharton's Crim. Evidence, p 2200).

7. Closing arguments were permitted counsel for both sides without limitation as to number with a ruling that the defense shall always retain the right to close. The Military Government Technical Manual for Legal and Prison Officers, Rules of Procedure, par. 10 (1) f, p 38 and the Outline for Procedure, p 15 justifies such a ruling. Elsewhere it was suggested in this case by both the prosecution and the defense that these rules were merely guides and not mandatory upon the court. However the "Directive to Commanding Generals Military Districts, Hq US Forces European Theater on the Administration of Military Government", dated July 1945 states on page 31, "The jurisdiction, powers and procedures of Military Government Courts will be governed by Military Government Ordinance No 2, the Rules of Military Government Courts and the Guide to Procedure, as modified by this directive." The rule as to closing arguments has never been so modified.

8. When prosecution witness Kaltenbacher was put on the stand to testify against Martin Weiss, the trial judge advocate objected to cross-examination concerning conditions before Weiss came to Dachau as new matter not introduced on the direct examination. The defense offered to make the witness its own for that purpose and the court did not rule on this offer and permitted the witness to testify. The evidence was properly admitted. It was relevant and was proper cross-examination since the questions concerned conditions at Dachau of which Weiss actions were a part.

9. In ruling on defense's motion to quash the particulars the court, among other things, upheld the adequacy of the particulars in its recitation regarding the time of commission of the alleged crimes. It would appear that if the accused had committed acts at any time between 1 January 1942 to 29 April 1945 they would have been guilty as charged. Clearly this was uncertain as to time unless the accused were considered

to have been charged with a continuing offense against each for the full period of time which the prosecution did not claim or prove. Although it would have been better practice to amend the particulars to accord with the time that each accused was at Dachau, it cannot be said that the accused were substantially prejudiced thereby.

10. Although the particulars should perhaps have set forth the nationalities of the accused, at the time the defense objected to this phase of the particulars each accused had stated in open court his nationality, each one of which was an enemy national. The fact that the particulars did not set forth this detail in any way affected the preparation of the defense.

11. Denial of the defense's contention that the particulars should have named the victims and their nationalities was proper. In view of the large number of victims, it would have been a practical impossibility to list all their names and nationalities, if known. The defense was not hampered in its preparation of the case because of this factor.

12. The defense's motion to quash the charges and particulars was also based on the assertion that the accused were charged with a number of crimes. Each particular set forth one offense, subsection to cruelties and mistreatment. The forms that the subsection took were varied and a partial description of those forms was expressed.

13. Finally, considering the contention of the defense as to the war status with the then German Reich of the nations involved, it is sufficient to say that the accused were not prejudiced by these allegations in that the sole result was that the prosecution was left to its proof. That the definition as to "war criminals" against each accused was adequately met by the form of the particulars cannot be contradicted.

14. In view of the vigorous defense which defense counsel exhibited, and commendably so, on the issues of the case, it cannot be said that they were misled. Accordingly, the rights of the accused cannot be deemed to have been adversely affected.

15. The prosecution, on rebuttal, offered new evidence not directed to the evidence offered by the defense. The admission of such testimony is largely discretionary with the court. At any rate, where not prejudicial to the accused, and material to the administration of justice, and not objected to, this discretion cannot be said to have been abused.

16. The cross-examination of the accused, Johann Schoepp, who had merely testified to his name and nationality on direct went far beyond the scope of the direct testimony. No objection was raised by the defense. In view of the failure of the accused to claim his right against self incrimination and the fact that counsel made no objection, it cannot be said that prejudicial error resulted or that the rights of the accused were substantially prejudiced.

17. The German special defense counsel, in the midst of the evidence for the defense, and after a motion for a finding of not guilty by the defense had been ruled on in its proper place after the prosecution had rested, offered another motion of similar substance. The court correctly denied the motion, the substance of which would more properly have been presented in the motions for findings of not guilty or in the closing arguments.

18. After the prosecution rested its case, the defense made several motions for a finding of not guilty on behalf of a) all the defendants, jointly and severally, because the prosecution had failed to prove a conspiracy or common design; b.) Mahl, Becher and Knoll, specifically, since the prosecution had failed to show that they were

members of the staff at Dachau; and c.) on behalf of Betz, Lausterer, Suttrop, Pühr, Eisele, Mitteler, and Schnepf because the evidence failed to show they were guilty of the offenses charged. These motions were denied in the entirety. A prima facie case of the crimes charged was sufficiently made out by the prosecution to warrant the denial of the first motion with reference to the common design. Wahl, Becher, and Knoll were proved to have held positions of a supervisory nature in the administration of Dachau and therefore were correctly deemed by the court to be members of the staff. Therefore, the motion in regard to them was properly denied. Regarding the remaining named defendants, there was substantial evidence which together with all reasonable inferences therefrom and all applicable presumptions fairly tended to establish every element of the offense charged.

19. During the proceedings, the question of voluntariness was raised against the admission into evidence of certain pretrial statements of several of the accused. In each case the U. S. Army officer who took the particular statement testified that no coercion, threats or promises of reward were made to obtain the statements and that they had been voluntarily executed. There was competent evidence of the voluntary nature of the statements and their admission was proper.

20. In view of the fact that the government has established a prima facie case of the offenses charged, the government is entitled to have the statements admitted into evidence. The fact that the statements were made in the presence of a lawyer does not make them involuntary. The fact that the statements were made in the presence of a lawyer does not make them involuntary.

21. The government has established a prima facie case of the offenses charged. The fact that the statements were made in the presence of a lawyer does not make them involuntary. The fact that the statements were made in the presence of a lawyer does not make them involuntary.

22. The government has established a prima facie case of the offenses charged. The fact that the statements were made in the presence of a lawyer does not make them involuntary. The fact that the statements were made in the presence of a lawyer does not make them involuntary.

23. The government has established a prima facie case of the offenses charged. The fact that the statements were made in the presence of a lawyer does not make them involuntary. The fact that the statements were made in the presence of a lawyer does not make them involuntary.

24. The government has established a prima facie case of the offenses charged. The fact that the statements were made in the presence of a lawyer does not make them involuntary. The fact that the statements were made in the presence of a lawyer does not make them involuntary.

25. The government has established a prima facie case of the offenses charged. The fact that the statements were made in the presence of a lawyer does not make them involuntary. The fact that the statements were made in the presence of a lawyer does not make them involuntary.

A petition for review on behalf of all the defendants has been submitted by the regularly appointed defense counsel. The special German counsel filed an application for the 3 accused whom he represented, Knoll, Becher and Mahl. Although this application is not in the form prescribed for petitions for review, it in effect is such a petition and will be treated accordingly. Numerous letters from various individuals seeking clemency for individual defendants have also been received, and attached as a part of the case record.

The petition for review filed by the regularly appointed defense counsel alleges that because of certain erroneous legal rulings of the court, and because of the evidence, certain findings be set aside, and that other sentences be modified.

Jurisdiction over the accused, the refusal to grant a severance, and appraisal of the accused of the specific offense with which they were charged are issues which have been discussed above under the paragraphs on Jurisdiction and Procedure. The contention that the great weight of the evidence did not prove a common design and that the prosecution "failed to prove a prima facie case of common design as between any of the two accused" cannot be concurred in, since, as has been pointed out, the court had no alternative, on the basis of the evidence presented, but to infer that a general pattern in which allied civilian nationals and prisoners of war had been subjected to various cruelties and mistreatments existed. Reference is made to the discussion in the paragraph in the section on "Merits and Defenses" concerning common design. The defense in setting forth this contention apparently is of the opinion that there had to be a meeting of the minds, as in the case of a conspiracy, between the accused. It is submitted that the accused were not charged with conspiring or entering into any agreement to commit the acts alleged, but that they participated in a plan which was already in effect.

The contention that the accused Becher, Knoll and Mahl were not on the "staff" at Dachau has been discussed previously in the section on "Merits and Defenses". Furthermore, the fact that these accused had been prisoners at Dachau does not affect the validity of the charge against them. In view of the fact that their acts were of such a nature, as has been discussed in the paragraph devoted to them under the section on "Merits and Defenses", they are deemed to have acted in concert with those who operated Dachau.

The contention that the court erred in denying the motion for a finding of not guilty with respect to all of the accused has been discussed in the paragraph on procedure. In this connection it may be noted that the defense after the denial of the motions presented its case with respect to each of these 11 defendants, all of whom took the stand. Accordingly, even if there had been error, such error would have been deemed waived.

The petition for review contended that the findings of guilty were contrary to the weight of the evidence and that the sentences imposed were too severe. The petition then sets forth a brief resume of the evidence with respect to each accused. Factors which have been raised with respect to the sentences will be considered

infra in the section on sentences. It is believed that there was sufficient evidence in the record, as previously discussed, to warrant the findings of guilty. The defense apparently is of the opinion that the prosecution had the burden of convincing the court of the guilt of each accused beyond a reasonable doubt. This principle of American jurisprudence is not binding in cases of this sort. (See Review of the Deputy Theater Judge Advocate in the case of the United States versus Hartgen et al, 29 September 1945). Furthermore, under the evidence adduced with respect to many of the accused, it is clear that their guilt was established beyond a reasonable doubt.

Particular attention was devoted in the petition to Professor Schilling. It is erroneously stated that under international law, the death penalty may be inflicted only in the event of murder, and, therefore, since the accused Schilling had not committed any premeditated killing with malice aforethought, he could not be sentenced to death. It should be noted that the accused was not charged with murder but with the subjection of various persons to cruelties and mistreatments which included "killings". The facts that the malaria station was a separate section in Dachau and that Dr. Schilling confined his activities there, were nonetheless conclusively shown to be a part of Dachau, for it is undisputed that not only were the experiments conducted at Dachau, but that the Dachau inmates were the ones who were subjected to his experiments. The requisitions for inmates passed through the head physician's office to the camp commander and the labor service leader. The evidence presented in the case was convincing that some patients died because of the treatments administered by Dr. Schilling. Furthermore it cannot be denied that the subjection of inmates to these experiments undoubtedly had an effect, in view of their living conditions and the insufficient amount of food available, on their lives, which in many instances were lost. The third and fourth considerations suggested with respect to Dr. Schilling concerned his eminence as a scientist and his personal beliefs with respect to the Nazis. These factors will be considered infra under the section on sentences.

The petition presented by the special counsel is founded primarily on the fact that the accused Knoll, Becher and Mahl had been prisoners at Dachau, and that all their acts had been committed pursuant to orders from their superiors. Both these factors have been considered above. Further consideration is devoted to their status in the discussion concerning them under the section on Sentences.

XIII. SUFFICIENCY:

The findings of guilty are sustained by the evidence. There are no errors or irregularities affecting the fairness or impartiality of the trial or which are prejudicial to the substantial rights of the accused in proceedings such as these. Two-thirds of the members of the court concurred in the findings and the sentence.

XIV. SENTENCES:

A general military court may impose any sentence up to and including death. The punishment of war crimes must be deterrent. The punishment of war criminals has not been undertaken in the spirit of vengeance nor solely for the purpose of punishing the individuals concerned. Its primary purport is to establish an international standard of conduct and to provide punishment for departures therefrom, so that those who may in the future once more be inclined to engage in the horrors so recently ended may be deterred by the knowledge of inevitable retribution. In carrying this purpose into effect, it may be that there will be "hard cases" in which some individuals, just as in war itself, will suffer. Thus, it has always been recognized that a spy is not punished because he is a war criminal, but in order to make espionage as dangerous, difficult, and ineffectual as possible for the enemy. This policy demands that in a case such as this, particularly where the acts were so cold-bloodedly, efficiently and expeditiously done, the maximum penalty be assessed and executed. For these reasons there appears to be no basis upon which any clemency can be extended in the cases of Martin Weiss, Friedrich Ruppert, Josef Jarelin, Frans Trenkle, Engelbert Valentin Miedemeyer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Johann Kick, Dr. Fritz Hintermayer, Dr. Wilhelm Witteler, Johann Baptist Eichelsdorfer, Otto Foerschner, Dr. Klaus Karl Schilling, Franz Doettger, Anton Endres, Michael Redwitz, Wilhelm Welter, Rudolf Heinrich Suttrop, Wilhelm Tempel, Fritz M. K. Becher, Alfred Kramer, Sylvester Filleboeck, Vinzens Schoettl, Johann Viktor Kirsch, Walter Adolf Langleist, Arno Lippmann, Fritz Degelow, Otto Moll, Otto Schulz, Friedrich Wetzler, Christof Ludwig Knoll.

Dr. Hans Kurt Eisele, who had been drafted into the Waffen SS in 1940, was at Dachau for only a few months beginning in February 1945. He was in charge of the surgical section of the hospital and it appears that he did effectuate some improvements there. The evidence also indicates that he made some attempts to obtain medical supplies, and that he reported the conditions which existed both at Dachau and at several of the by-camps to his superiors, Dr. Hintermayer and the camp commander. Furthermore, the record is devoid of any individual acts of atrocity on his part. Accordingly, it is believed that a sentence of life imprisonment would be sufficient in his case.

Dr. Fridolin Karl Pühr's participation at Dachau was comparatively slight. Other than attending a few executions at which he merely determined that the victims were dead and signed the death certificate, acting as assistant in several operations of prisoners, and acting as officer of the day at the prison hospital, he took no other part in the functioning of the camp. No evidence was presented which revealed that he had committed any particular atrocity. However, he had been a member of an illegal Austrian organization and had joined the SA in 1934. It is believed that commutation of the death sentence and a sentence of confinement at hard labor for 20 years would not condone the offense and would sufficiently serve the purpose of the trial of war criminals such as he.

Emil Erwin Mahl had been a prisoner at Dachau since 1940. Although his duties as Capo involved the executions of various individuals by hanging and the burning of bodies in the crematory, it must not be forgotten that in doing these various acts he was fulfilling the functions of his position. The evidence indicated that he had acted beyond the scope of his duties with respect to the carting of various individuals who had arrived dead or nearly dead at Dachau in that he paid no attention to whether or not they showed signs of life and in that he struck at least one such victim who had definitely shown signs of life. At another time he had pulled the legs of a Russian who was hanging. This act was performed in the presence of his superior Bongartz and may have been an act of mercy since the Russian may have been slowly dying by strangulation. In determining a just sentence, consideration must be given to

the fact that individuals like Mahl had themselves been subjected for years to the indignities, tortures, cruelties, and inhuman living conditions which existed at Dachau. Unquestionably life at Dachau had a devastating effect on the morals and behavior of the prisoners. As Lieutenant Houlot expressed it, "I think for a normal person it is much harder to live in the camp than any other place, not only because of the beatings, but from a moral standpoint." It would appear that an appropriate sentence in the case of Mahl, in view of these circumstances, would be confinement at hard labor for 10 years. Although Becher and Knoll had also been inmates at Dachau, the brutality and grossness of their individual acts of atrocity were so great that the death sentence appears warranted.

Johann Schoepp, who was a Rumanian, had been placed in the German army pursuant to an agreement between Germany and Rumania. The evidence indicated that for a time he acted as a guard of a detail of 32 prisoners of the sub-camp Feldafing, and that he acted as a reserve guard on a transport which left Dachau on 25 April 1945. It may be noted with respect to the latter that he did not serve as a regular guard at any time on the transport. In view of the fact that no individual atrocities were attributed to Schoepp, in view of the nature of his duties, and in view of the fact that he had been drafted into the Army, it is believed that reduction of his sentence from 10 years to confinement at hard labor for 5 years would be sufficient.

It is believed that the sentence of life imprisonment of Peter Betz and the sentence of Albin Gretsch to confinement at hard labor for 10 years are appropriate in the light of the functions which these men performed at Dachau and the individual acts for which they were responsible.

In many respects the accused Schilling was the most reprehensible. He voluntarily came to Dachau fully cognizant of the nature of the work he intended to perform. Being the educated and learned person that he was, Schilling undoubtedly must have realized the manner in which his work suited the needs of the Nazis. Although his personal motives may have stemmed from his desire to aid humanity, he permitted himself to utilize Nazi methods in contrast to other eminent German artists and scientists who either fled or refused to make themselves a part of the Nazi system. It is believed that the sentence of the court, who was aware of Schilling's position in the scientific world, should be approved.

The accused Lausterer was sentenced to confinement at hard labor for 10 years. Lausterer voluntarily joined the SS in 1941. He served at Dachau or its by-camps for over three years. At first he was a guard at Dachau and then on work details. Although no evidence was introduced which indicated that he committed individual acts of atrocities, he did witness beatings by other guards. The record does not indicate that he

ever protested or reported those acts. Later he was commandant at Feldafing. In view of the length of time Lausterer served at Dachau and its by-camps and the importance of the positions he held, a more severe penalty would seem warranted. In this connection it should be noted that the reviewing authority, where a petition for review has been filed, may increase the sentence imposed. The court undoubtedly considered Lausterer's attempts and services to help a group of prisoners on an evacuation transport, the fact that he did not commit any individual atrocities, and the fact that he is 55 years of age in determining the sentence. In view of all the circumstances, it is believed that the sentence should not be disturbed.

XV. RECOMMENDATIONS:

I recommend that:

- a. The findings and the sentence in the case of each accused be approved.
- b. The death sentence of Hans Kurt Eisele be commuted and he be sentenced to confinement at hard labor for life.
- c. The death sentence of Dr. Fridolin Karl Fuhr be commuted and he be sentenced to confinement at hard labor for 20 years.
- d. The death sentence of Emil Erwin Mahl be commuted and he be sentenced to confinement at hard labor for 10 years.
- e. Five years of the confinement at hard labor imposed upon the accused Johann Schoepp be remitted and, as thus modified, the sentence be duly executed.
- f. The following place of confinement be designated for the accused Eisele, Fuhr and Mahl: Zuchthaus and Heishelm.
- g. The sentences in the cases of Peter Detz, Albin Gretsch, and Hugo Alfred Lausterer be duly executed.
- h. The findings and sentence in the case of Weiss, Ruppert, Jarolin, Trenkle, Niedermeyer, Suess, Eichberger, Wagner, Kick, Hintermayer, Witteler, Eichelsdorfer, Foerschner, Schilling, Knoll, Böttger, Endress, Kiern, Redwitz, Welter, Suttrop, Tempel, Becher, Kramer, Filleboeck, Schoettl, Kirsch, Langleist, Lippmann, Degelow, -oll, Schulz, Wetzel be approved and that the record of trial be forwarded for confirmation.

XVI. ACTIONS:

A form of action designed to carry the foregoing recommendations into effect, should they meet with your approval, is submitted herewith.



CHARLES E. CHEEVER,
Colonel, JAGD,
Staff Judge Advocate.