

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 407

9 September 1947

UNITED STATES)

v.)

Valentin FORSTER, et al.)

Case No. 000-50-2-49

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, on 9 January 1947, before an Intermediate Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Valentin FORSTER, Gustav NAZEL, Xaver REINHART, Oskar SCHNEIDER, Wilhelm STEINMANN, Erich MACKER, Wilhelm WALTER, Friedrich WULLER, Gotfried Adam WINTER, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals aiding the operation of the Dachau Concentration Camp and camps subsidiary thereto, did, at or in the vicinity of DACHAU and LAUDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, wilfully, deliberately and wrongfully participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, the exact names and numbers of such civilian nationals being unknown but aggregating many thousands who were then and there in the custody of the then German Reich in exercise of belligerent control.

SECOND CHARGE:

Particulars: In that Valentin FORSTER, Gustav NAZEL, Xaver REINHART, Oskar SCHNEIDER, Wilhelm STEINMANN, Erich MACKER, Wilhelm WALTER, Friedrich WULLER, Gotfried Adam WINTER, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals aiding in the operation of the Dachau Concentration Camp, did, at or in the vicinity of DACHAU, Germany, between about 1 January 1942 and about 29 April 1945, wilfully, deliberately and wrongfully participate in the subjection of members of the armed forces of nations then at war with the then German Reich, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to cruelties and mistreatment, the exact names and numbers of such prisoners of war being unknown but aggregating many hundreds.

III. SUMMARY OF EVIDENCE: All of the accused were, by their own admissions, members of the SS at the Dachau Concentration Camp or its outcamps, for considerable periods of time between the dates alleged and were shown to have participated in the Dachau Concentration Camp mass atrocity. Prosecution's P-Ex 1 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp case (United States v. Weiss, et al., 000-50-2, March 1946, hereinafter referred to as the "Parent Case"; see section V, post; R 13).

IV. EVIDENCE AND RECOMMENDATIONS:

1. VALENTIN FORSTER

Nationality:	German
Age:	54
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS, Technical Sergeant
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	21 months, commencing 3 May 1945

Evidence for Prosecution: The accused was an armorer at Camp Dachau from 7 July 1944 to 7 August 1944 and at outcamp Faufering I, Landsberg, Germany, from 7 August 1944 to 27 April 1945 (R 13; P-Ex 2).

Evidence for Defense: The accused did not participate in any prisoner transports or marches (R 13; P-Ex 2).

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

Petitions: A Petition for Review was filed on 18 January 1947 by G. L. Kohloss, Lieutenant Colonel, defense counsel. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

21. GUSTAV HAZEL

Nationality: German
Age: 56
Civilian Status: Unknown
Party Status: Unknown
Military Status: Waffen SS, Private
Plea: NG Charge I; NG Charge II
Findings: G Charge I; G Charge II
Sentence: 21 months, commencing 1 May 1945

Evidence for Prosecution: The accused was a guard at Landsberg I (outcamp Xauffering I) from 7 June 1944 to 15 April 1945 (R 13; P-Ex 3).

Evidence for Defense: The accused did not participate in any prisoner transports or marches (R 13; P-Ex 3).

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

Petitions: A Petition for Review was filed on 18 January 1947 by G. L. Kohloss, Lieutenant Colonel, defense counsel. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

3. YVETTE FEINHART

Nationality: German
Age: 26
Civilian Status: Unknown
Party Status: Unknown
Military Status: Waffen SS, Corporal
Plea: NG Charge I; NG Charge II
Findings: G Charge I; G Charge II
Sentence: 22 months, commencing 5 May 1945

Evidence for Prosecution: The accused was a guard in the Death Head Regiment at Camp Dachau during June and July 1944. From July 1944 until the capitulation he was quartermaster sergeant and

guard at Landsberg labor camp (outcamp Kaufering). He was also a guard on the prisoner evacuation transport from Landsberg to Dachau on 23-25 April 1945, with 500 to 600 prisoners under 25 guards (R 14; P-Ex 4).

Evidence for Defense: Prosecution witness, Vera Sora, a former inmate in outcamps Kaufering XI, Turkheim, Kaufering III, Kaufering I, and in Camp Dachau, testified she was on a prisoner evacuation transport which left outcamp Kaufering I for Dachau on 26 April 1945, and described the ordeal of the trip in detail (R 20-22). It was not shown, however, that the accused was on this particular transport, as the transport he escorted as guard departed from Kaufering I on 23 April and arrived at Dachau on 25 April 1945 (R 14; P-Ex 4).

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

Petitions: A Petition for Review was filed on 18 January 1947 by G. L. Kohless, Lieutenant Colonel, defense counsel. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

4. OSKAR SCHNEIDER

Nationality:	German
Age:	48
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS, Corporal
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	21 months, commencing 8 May 1945

Evidence for Prosecution: The accused was a guard at Landsberg (outcamp Kaufering) from August 1944 to 25 April 1945. He was also a guard on the evacuation prisoner march from Landsberg to Dachau, 25-27 April 1945, with 900 prisoners and 50 guards (R 14; P-Ex 5).

Evidence for Defense: No defense was offered on behalf of the accused.

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

Petitions: A Petition for Review was filed on 18 January 1947 by G. I. Kohlmar, Lieutenant Colonel, defense counsel. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

5. WILHELM STEINMANN

Nationality:	German
Age:	41
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS, Corporal
Plea:	MG Charge I; MG Charge II
Findings:	G Charge I; G Charge II
Sentence:	21 months, commencing 4 May 1945

Evidence for Prosecution: The accused was a guard at Camp Dachau from 21 May 1944 to 4 May 1945. He served as a guard on a prisoner evacuation transport from Dachau to outcamp Kempten 5-6 October 1944, with 500 prisoners and 25 guards. He also served as a guard on a prisoner evacuation transport of 300 prisoners under 20 guards from Dachau to Wasseralfingen 28-30 October 1944 (R 15; P-Ex 6).

Evidence for Defense: No defense was offered on behalf of the accused.

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

Petitions: A Petition for Review was filed on 18 January 1947 by G. E. Kohloss, Lieutenant Colonel, defense counsel. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

6. ERICH WACKER

Nationality:	German
Age:	38
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS, Corporal
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	21 months, commencing 2 May 1945

Evidence for Prosecution: The accused was a carpenter at outcamp Allach from March 1944 to 26 April 1945. He was a guard on the prisoner evacuation march from outcamp Allach to Wolfratshausen, 26-28 April 1945, with 1500 prisoners under 120 guards (R 15; P-Ex 7).

Evidence for Defense: No defense was offered on behalf of the accused.

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

Petitions: A Petition for Review was filed on 18 January 1947 by G. L. Kohless, Lieutenant Colonel, defense counsel. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

7. WILHELM WALTER

Nationality:	German
Age:	38
Civilian Status:	Unknown
Party Status:	Allgemeine SS, Staff Sergeant
Military Status:	Waffen SS, Master Sergeant
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	2½ years, commencing 6 July 1945

Evidence for Prosecution: Accused was a first sergeant at Camp

Dachau from 1 January 1945 to 28 April 1945 (R 16; P-Ex 8).

Evidence for Defense: The accused did not participate in any prisoner transports or marches (R 16; P-Ex 8).

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

Petitions: A Petition for Review was filed on 18 January 1947 by G. L. Kohloss, Lieutenant Colonel, defense counsel. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

8. FRIEDRICH WELER

Nationality:	German
Age:	46
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS, Corporal
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	21 months, commencing 4 May 1945

Evidence for Prosecution: The accused was a guard in outcamp Kaufering I from 1 September 1944 to 24 April 1945. He was a guard on the evacuation prisoner march from Landsberg to Wolfratshausen, 24-30 April 1945, with about 600 prisoners under 30 guards (R 16; P-Ex 9).

Evidence for Defense: No defense was offered on behalf of the accused.

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

Petitions: A Petition for Review was filed on 18 January 1947 by G. L. Kohloss, Lieutenant Colonel, defense counsel. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

9. GOTTFRIED ADAM WINTER

A nolle prosequi was entered in favor of this accused.

V. QUESTIONS OF LAW:

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

Application of Parent Case: The Court was required to take cognizance of the decision rendered in the Parent Case, including the findings of the Court therein, that the mass atrocity operation was criminal in nature and that the participants therein, acting in pursuance of a common design, subjected persons to killings, beatings, tortures, etc. and was warranted in inferring that those shown to have participated knew of the criminal nature thereof (Letter, Headquarters, United States Forces, European Theater, file AG 000.5 JAG-AGO, subject: "Trial of War Crimes Cases", 14 October 1946, and the Parent Case). All the accused were shown to have participated in the mass atrocity and the Court was warranted by the evidence adduced, either in the Parent Case or in this subsequent proceedings, in concluding as to them that they not only participated to a substantial degree, but that the nature and extent of their participation were such as to warrant the sentences imposed.

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

VI. CONCLUSIONS:

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

/s/ Louie T. Tischer
/t/ LOUIE T. TISCHER
Attorney
Post Trial Branch

Having examined the record of trial, I concur, this 10th day of
October 1947.

/s/ C. E. Straight
/t/ C. E. STRAIGHT
Lieutenant Colonel, USAF
Deputy Judge