

17 July 1947

UNITED STATES)

Case No. 000-50-2-75

August Richard RUENKE, et al.)

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Mönchengladbach, Germany, during the period 16-18 April 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that August Richard RUENKE, Wilhelm Karl HECKER, Anton EICH, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual(s) aiding in the operation of the Dachau Concentration Camp and camps subsidiary thereto, did, at or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately and wrongfully encourage, aid, abet and participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such civilian nationals being unknown but aggregating many thousands who were then and there in the custody of the German Reich in exercise of belligerent control.

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

Particulars: In that August Richard RUENKE, Wilhelm Karl HECKER, Anton EICH, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individual(s) aiding in the operation of the Dachau Concentration Camp and camps subsidiary thereto, did, at or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately and wrongfully encourage, aid, abet and participate in the subjection of members of the armed forces of nations then at war with the then German Reich, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such prisoners of war being unknown, but aggregating many hundreds.

III. SUMMARY OF EVIDENCE: The convicted accused were, by their own admissions, at Camp Dachau and/or its outcamps for considerable periods of time between the dates alleged, and were shown to have participated to a substantial degree in the Dachau Concentration Camp mass atrocity. Prosecution exhibit P-Ex 1 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp case (U.S. v. Weiss, et al., 000-50-2, March 1946, hereinafter referred to as the "Parent Case"; see Section V, page R 11).

IV. EVIDENCE AND RECOMMENDATIONS:

1. AUGUST RICHARD RUPNKE

Nationality:	German
Age:	56
Civilian Status:	Unknown
Party Status:	SA and NEDAP
Military Status:	SS; 1/Sgt.
Pleas:	NG First Charge; NG Second Charge
Findings:	G First Charge; NG Second Charge
Sentence:	Death by hanging

Evidence for Prosecution: Accused RUPNKE was Deputy Camp Leader at outcamp Kaufbeuren Rodelsee (R 30) and was the factual camp leader (R 63). There were originally 800 inmates. Five hundred are in two mass graves (R 67); 300 went to Camp Dachau. Of those, 250 were totally disabled as a result of beatings. All prisoners at outcamp Kaufbeuren Rodelsee had mouth inspections, and anyone with gold teeth disappeared. They were beaten to death, and RUPNKE and his capo removed the teeth (R 68). Prisoners with less than 40 degree fever were required to work (R 64). Many deaths resulted from the heavy work, poor food, lice and general living conditions and beatings by RUPNKE, the block leaders and the capos (R 66). One or more of the illegal killings in which the accused was involved occurred within the period covered by the particulars (R 29, 31, 37, 52, 64, 65, 66, 75, 80, 107, 108).

Prisoners had to stand in snow in subzero weather (R 46) sometimes two to four hours. When prisoners died, others took their clothing (R 47). If caught, they were punished by loss of meals or by beating by RUHNKE, the capos or block elders. They were punished for having lice, though for two months there was no laundry and they could not wash. In one block there were no doors or beds and the concrete floors were covered only with a little straw (R 48). Meals consisted of potato peelings and work was heavy (R 50). Block Two was used for prisoners who were sick. From five to ten dead were taken from there daily. Some prisoners there had fleck fever. They received one-third to one-quarter rations. It was common knowledge that prisoners sent there would die within a few days (R 45). They had to assemble for roll call though they had little clothing and were driven out by force. RUHNKE beat them. There was no water in Block Two. The prisoners were not allowed to use the latrine. Two or three prisoners lay in one bed. Sweaters and overcoats were taken away from them. Lice ate holes in their flesh. When any prisoner not able to work reported to the hospital he was sent to Block Two. RUHNKE always decided who would go there (R 29, 32). Prisoners were beaten when they left camp and when they returned from work. There was a "free Sunday" every two weeks at which time barracks were to be cleaned. Prisoners had to stand outside in the cold nearly all day and were beaten when they returned. Accused RUHNKE always took part (R 98). One witness testified that prisoners were so weak that five blows would have killed them (R 67). A witness testified that accused mistreated prisoners and beat many of them to death with a stick (R 31). On one occasion accused's dog frightened a prisoner causing him to drop some bricks. The prisoner was beaten in the head and chest with a stick and kicked by RUHNKE and later was carried back on a stretcher (R 32) and was buried the next morning (R 33). Accused also beat prisoners with a rubber stick filled with wire (R 34). He beat a Czech

prisoner until he became unconscious, then he was thrown into the snow and never got up again (R 35). The witness never saw the victim again in the camp. Other prisoners told the witness that any prisoner with gold teeth could not go on living. The witness' father had gold teeth and RUMKE beat him with a stick and the victim died three or four days later (R 36, 37). Most of the prisoners beaten by RUMKE died later (R 38). On one occasion witness carried out the body of a prisoner who had been healthy the day before. His gold teeth were missing, and there was blood on his face. Previously he had seen accused and the hospital staff go to the morgue with a pair of tongs (R 39). On one occasion the accused beat several prisoners in the supply room with a rubber stick. Later the witness saw three dead bodies there (R 40). He had seen accused beat two or three prisoners in open areas outside the building (R 41). The bodies were carried to the morgue at roll call the next morning (R 44). RUMKE conducted the roll call (R 47). The accused beat a block eldest, a Russian, for a mistaken report. Next morning the victim was transferred to Block Two and died there. The witness testified that RUMKE was a "big sadist" and the "horror of the camp" (R 49). One time when 20 dead prisoners were reported to RUMKE he said: "So few dead? That spoils my holiday. I hope that by New Year's I will be able to enjoy the food myself." The accused once ordered two blocks of prisoners to fight each other and whipped into the crowd if they did not throw each other into the snow the way he liked (R 50). There were almost daily beatings and they were the most horrific things in the camp (R 54). One witness testified that he was relieved as camp eldest by the accused for not beating prisoners (R 52). The roll call passed without RUMKE's having beaten some prisoners with a club. He beat 15 death prisoners who reported too weak to go to work (R 63).

He saw the accused beat a Polish prisoner until the victim fell, bleeding. Witness heard that this prisoner was in the morgue that evening (R 64) and later he helped bury him. He saw accused beat another prisoner to death with a rubber hose for wearing extra clothing (R 65). RUMKE picked out prisoners too weak to work and sent them to Block Two (R 69). Overwork weakened the prisoners and beatings caused their death (R 70). Another witness testified that accused did not treat any prisoners well (R 75). He beat some prisoners who came to the supply room with a steel filled rubber hose. Next morning the witness saw the accused had killed three people (R 77). One morning at roll call accused beat a Polish prisoner who had a doctor's slip saying he had to rest. Accused said, "You will have to die." The victim fell to the ground and that afternoon it was reported that he had died (R 79). One time prisoners who had eaten poison mushrooms were beaten by RUMKE with a rubber hose filled with cable. One prisoner fell and died immediately (R 80). A witness saw his body in the morgue (R 83). Accused would not allow wool caps to be issued to the prisoners saying they were going to die anyway (R 80). At first six to eight prisoners died daily, later as many as 28 (R 83). There were Czechs, Poles, and Lithuanians (R 87, 90). Accused mistreated prisoners almost daily by beating them with an ox-tail or stick (R 80). Once accused beat a 12 year old boy and sent him to Block Two (R 90). A witness testified that he saw RUMKE beat to death three Polish prisoners (R 89, 90, 91). Accused RUMKE and the camp doctor inspected the prisoners' deaths and several were recorded including one witness' father who was later beaten to death by RUMKE after being sent to Block Two as an "unnecessary human being" (R 94, 95, 101). When the victim's body was carried out, his jaw was completely disconnected from the rest of his face. RUMKE drove the burial column with his cane and a dog (R 93). The bodies of prisoners were thrown into graves two meters deep and RUMKE struck a prisoner with his cane for yelling at the sound of breaking bones (R 96). The accused relieved a doctor at the hospital

teeth from prisoners (R 171). His only witnesses were from Hungary and he knew no addresses (R 172). He never gave any beatings on principle (R 173). Food in the camp was good but there were long marches to work and the prisoners were not accustomed to that type of work and just died off because they had to work hard (R 174). He stated that cold dwellings may have been a factor. He "presumes" the case is a frame-up (R 175). He joined none of the organizations voluntarily (R 176).

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

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

Recommendations: That the findings and sentence be approved.

2. WILHELM KARL BECKER

This accused was acquitted (R 189, 190).

4. ANTON EIGN

Nationality:	German
Age:	39
Civilian Status:	Locksmith
Party Status:	NSKK
Military Status:	None
Plas:	NG First Charge; NG Second Charge
Findings:	G First Charge; NG Second Charge
Sentence:	Five years, commencing 7 September 1945

Evidence for Prosecution: EIGN was foreman of the Maintenance and Utilities section at the BMW Plant at outcamp Kaufbeuren from 28 May 1944 to 27 April 1945 as a civilian employee (R 151, 152). A witness described him as the horror of all for his inhuman treatment of prisoners. EIGN forced them to work in rain and snow in insufficient clothing and urged capos to beat them. His detail became the penal detail of the factory.

Once a sergeant threatened to shoot him if he continued his abuse of prisoners (R 116; P-Ex 2). He constantly drove prisoners who were too weak to work (R 10). Accused told his subordinates to beat prisoners when they did not obey (R 19) and prisoners were beaten on his detail several times per week. There were members of all nations there, and prisoners of war among the Russians (R 20). Accused often beat and kicked prisoners of Russian, French, Belgian and Dutch nationality. He used pieces of iron and wood in addition to his hands. One prisoner had to go to the dispensary (R 118; P-Ex 3). Accused admitted that he was a member of the NSKK (R 151, between March 1934 and March 1936. He admitted that he slapped a prisoner's face as a result of a theft charge (R 152). The NSKK, "National Socialist Motor Transport Corps", was an arm of the Nazi party (R 153). Accused stated he did not investigate the charges before slapping an Italian prisoner. It is possible that he slapped two different prisoners (R 158) in violation of his orders (R 159). In a sworn statement accused admitted beating prisoners when others told him they stole. He used his flat hand on their faces. There were Russians, French, Dutch, and Latvians. He beat a Polish prisoner (R 158; P-Ex 5). There were also Italian prisoners and once, he admitted, he boxed the ears of two prisoners whom he had no right to punish (R 178; P-Ex 6).

A statement of one Dr. Klock was received in evidence to the effect that accused tortured prisoners by striking them and kicking them and always threatening them with punishment. Once when it was 20° below zero he refused to distribute gloves which the factory had procured. After he had prisoners punished and once imposed 500 knee bonds for alleged negligent execution of his orders. Once a report leader rescued a prisoner from EIGN'S mistreatment by holding a pistol under EIGN'S nose (R 124; P-Ex 4). A certified copy of this statement was furnished at the request of the reviewer and is attached to the record in its proper position.

Evidence for Defense: EIGN testified he was not a Nazi or member of the Allgemeine or Waffen SS (R 151). He slapped one prisoner because others complained he was a thief (R 152, 178; P-Ex 5). He resigned from the NSKK in 1936 (R 153). It was known that the prisoner he slapped had broken into tool lockers and taken cigarettes, shoes and other property (R 158) and said the witness Dr. Klock must have hated him to make such statements. Dr. Klock wore Nazi insignia (R 159). Accused denied the correctness of Dr. Klock's statements about gloves and said there were none for anybody. He denied being threatened by a sergeant for abuse of prisoners (R 160, 178; P-Ex 5). He made no punishment reports and knew of no other beatings. It was not known to him that any prisoners had to be carried from work. He treated prisoners well. The food was good and prisoners worked Saturday and Sunday only in exceptional cases (R 178; P-Ex 5). A witness testified that he worked with accused EIGN and never saw him beat or slap any prisoners. His reputation was good among the prisoners, and he ordered premium slips given so that they could get extra food at noon and at night (R 129). A second witness testified that accused EIGN did not mistreat prisoners and he never saw or heard of any prisoner dying from beatings (R 134, 135). A third witness testified that prisoners never mentioned EIGN (R 141) and there was talk that treatment was not bad at the plant (R 144). A fourth witness who had worked under EIGN testified that he had never seen EIGN beat or slap any prisoners (R 146). He had never heard any prisoners say anything about mistreatment and once he requested wooden shoes and overcoats for his detail from EIGN and got them (R 147).

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

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

Recommendations: That the findings and sentence be approved.

V. QUESTIONS OF LAW:

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

Application of the 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). Both of the convicted accused were shown to have participated in the mass atrocity and the Court was warranted by the evidence adduced, either in the Parent Case or in this subsequent proceeding, in concluding as to them that they not only participated to a substantial degree but that the nature and extent of their participation was 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/ William C. Craft
/t/ WILLIAM C. CRAFT
Attorney
Post Trial Branch

Having examined the record of trial, I concur.

/s/ C. E. Straight
/t/ C. E. STRAIGHT (19 Sept 47)
Lieutenant Colonel, JAGC
Deputy Judge Advocate
for War Crimes