

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

9 April 1947

UNITED STATES)

vs.)

Case No. 000-50-2-6

Josef Wolfgang BABLICK,
Willy DORNHEIMTER, Paul
EUBA, Johann HEINTZ,
(Josef KUENEEL), Andreas
LANG, Max STURGARDT, Willy
TUNGER)

REVIEW AND RECOMMENDATIONS

2. TRIAL DATA:

Tried at Dachau, Germany
Date: 22 October 1946
Intermediate Military Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
Josef Wolfgang BABLICK	Age 25 German national SS medical assistant Dachau, out-camps Plansee and Allach, April 1943 to Sep- tember 1944	2 years con- finement from 20 May 1945
Willy DORNHEIMTER	Age 39 German national SS guard at out-camp Allach and Camp Dachau, June 1944 to capitulation	2 years 6 months confinement from 1 May 1945
Paul EUBA	Age 41 German national SS guard Camp Dachau and out- details, March 1940 to capitu- lation	2 years con- finement from 18 June 1945
Johann HEINTZ	Age 40 Yugoslavian national SS guard Camp Dachau and out-camp Allach, February 1945 to ca- pitulation	2 years con- finement from 2 May 1945
Andreas LANG	Age 41 Rumanian national SS guard Camp Dachau, August 1943 to capi- tulation	2 years con- finement from 10 May 1945

ACCUSEDDATASERVICES

Max STARGARDT

Age 40
 German national
 SS guard at out-
 camp Allach, Sep-
 tember 1944 to capi-
 tulation

2 years confine-
 ment from 3 May
 1945

Willy UNGER

Age 55
 German national
 SS guard Camp Dachau
 and out-camp Trost-
 berg, February 1945
 to 10 April 1945

18 months con-
 finement from
 7 May 1945

FIRST CHARGE: Violation of
 the Laws and Usages of War

PARTICULARS: In that Josef
 Wolfgang BABLICK, Willi DOWN-
 HEKTER, Paul EUBA, Johann
 HEINTZ, (Josef KUENZEL),
 Andreas LANG, Max STARGARDT,
 Willy UNGER, acting in pur-
 suance 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 LANDSBERG, Germany,
 between about 1 January 1942
 and about 29 April 1945, wil-
 fully, deliberately and wrong-
 fully participate in the sub-
 jection 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 cus-
 tody of the then German Reich in
 exercise of belligerent control.

	<u>Pleas</u>	<u>Findings</u>
BABLICK	NG	G
DOWNHEKTER	NG	G
EUBA	NG	G
HEINTZ	NG	G
LANG	NG	G
STARGARDT	NG	G
UNGER	NG	G

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

PARTICULARS: In that Josef
 Wolfgang BABLICK, Willi DOWN-
 HEKTER, Paul EUBA, Johann
 HEINTZ, (Josef KUENZEL), Andreas
 LANG, Max STARGARDT, Willy
 UNGER, acting in pursuance of a
 common design to commit the acts
 hereinafter alleged, and as
 individuals aiding in the
 operation of the Dachau Concen-
 tration Camp, did, at or in the
 vicinity of DACHAU, Germany,
 between about 1 January 1942

	<u>Pleas</u>	<u>Findings</u>
BABLICK	NG	G
DOWNHEKTER	NG	G
EUBA	NG	G
HEINTZ	NG	G
LANG	NG	G
STARGARDT	NG	G
UNGER	NG	G

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.

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

EVIDENCE:

For the Prosecution: Prosecution's case was based on extrajudicial sworn testimony as hereinafter indicated. Exhibit P-1 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp case (U.S. vs. Weiss, et al, 000-50-2 March 1945 R 8). Exhibit P-2 to P-8, inclusive, are extrajudicial sworn testimony of each of the accused (R-9 to R-15, inclusive), excepting accused Josef KUNZEL, who had not been served and was not before the Court (R-1).

It was shown that all of the accused with the exception of Josef BABLICK were SS guards at either Camp Dachau or out-camp Allach and various other camps, for a considerable length of time between the dates alleged. Accused BABLICK was a medical assistant at Camp Dachau and at out-camps Plaussee and Allach for a period of one year and five months.

For the Defense: The Defense's case was based on the testimony of one Lt. Peter SUROWIEC on behalf of accused Andreas LANG (R-16), and Exhibit Nos. 1, 2 and 3, which are testimonials on behalf of accused Paul EUBA, regarding his religion, his membership in the SS, his political affiliations and reputation in his community (R-20, R-21). The Defense relied on the evidence contained in the extrajudicial testimony of all the other accused.

Accused BABLICK was a medic in the troop hospital at HAVESBROCK January through April 1943; from April 1943 to August

1943 he was sent to out-detail Plansee, which consisted of 40 to 60 prominent French prisoners. In October 1943 he went to out-camp Allach as a medic where there were 3000 to 4000 inmates under JAROLIN, who was sentenced in the parent Dachau Concentration Camp case (U.S. vs. Weiss, et al, 000-50-2, March 1946). The number of deaths rarely exceeded 100 per day, which were caused by disease and accidents. Prisoners came in for treatment whom, he supposed, had been beaten. He knew of hangings at out-camp Allach (P-2, R-9).

In defense BABLICK denied either beating or reporting prisoners for punishment or preventing them from receiving medical treatment.

Accused DORNHILF was an SS work-detail guard at out-camp Allach during June 1944, and on the Ottbrunn out-detail at MUNICH until March 1945. He went again to out-camp Allach and remained there until the capitulation. The Ottbrunn detail consisted of 400 prisoners of various nationalities working at the German Aeronautics Research Station. Prisoners were beaten by capos and camp eldests. He was a guard on the prisoner march from out-camp Allach, southward on 26 April 1945 (P-3, R 12).

In defense DORNHILF stated he never saw prisoners beaten or beat any himself; neither did he report any for punishment at out-camp Allach or on the Ottbrunn detail (P-3, R 12).

Accused EUBA was a guard at Camp Dachau on various details; at out-camp Bayrisch-Zell and out-detail Lebensborn at MUNICH from March 1940 to May 1943. He was then a guard at Itter Castle in Tyrol where some prominent Frenchmen were confined, until the capitulation. He saw capos slap prisoners at Camp Dachau (P-4, R-13).

By way of defense EUBA denied beating prisoners or reporting them for punishment during his entire tour as guard. The prominent Frenchmen confined at Itter Castle in the Tyrol were

treated with great consideration (P-4, R-13).

Accused HEINTZ was an SS guard at out-camp Allach until the capitulation. He was a guard on the prisoner march from out-camp Allach with 1000 prisoners. Prisoners fell out on the march from exhaustion and were left by the side of the road (P-5, R-14).

In defense HEINTZ stated he was drafted into the SS and transferred to Dachau on 25 February 1945. He was trained at CARLSFELD and was sent to out-camp Allach 12 March 1945. During the short time before capitulation he did not see prisoners beaten nor did he beat or report any for punishment (P-3, R-14).

Accused LANG did guard duty at Camp Dachau on the Wueelfort detail (sausage factory) August 1943 to the capitulation. There were 200 prisoners, all butchers, working there. The prisoners lived at the factory (P-6, R-14).

Defense witness Lt. Peter SUROWIEC, a Security Officer of War Crimes Bunker, Camp Dachau, took the stand and identified accused LANG. He testified that he was a prisoner under LANG at Camp Dachau at the Wueelfort sausage factory detail for approximately 2 years and never saw LANG participate in any beatings (R-19). LANG treated the prisoners well (R-17).

Accused STARCARDT was drafted into the Waffen SS on 1 September 1944 and was sent to out-camp Allach as a guard where he served until 28 April 1945 (P-7, R-14).

In defense he stated he did not make any "violation" against prisoners. He merely stood guard and did not come close to them. He did not observe any mistreatment of prisoners. He was never permitted to enter the camp (P-7, R-14).

Accused UNGER was transferred to the SS at Camp Dachau on 28 February 1945 and was sent almost immediately to out-camp Trostberg as a tower guard. His duties sometimes consisted of standing guard at the wire fence while the prisoners marched from the camp to the plant where they were working, which was

very short distance.

In defense it was shown that UNGER was a guard at Dachau only 1-1/2 weeks. At out-camp Trostberg, a labor camp, his guard duty was mostly at night. He never saw prisoners beaten or otherwise mistreated (P-8, R-14).

4. JURISDICTION: The Court was legally constituted and had jurisdiction of the persons of the accused and of the offenses.
5. COMMENTS: Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused.

The Court was required to take cognizance of the decision rendered in the parent Dachau Concentration Camp case, including the findings of the Court therein that the mass atrocity operation was criminal in nature and that the participants therein, acting in pursuance of a common design, subjected persons to killings, beatings, torture, 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, letters superseded thereby, and U.S. vs. Weiss, et al, 000-50-2 March 1946). 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 Dachau Concentration Camp case or in this subsequent proceeding, in concluding 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.

6. CLEMENCY: There are no Petitions for Review. Consideration has been given to Petitions for Clemency in the form of letters from the accused Willi DORNHEIMER dated 10 January 1947 and from Anny DORNHEIMER, his wife, dated 17 February 1947 with 3 testimonials attached; and from Josef WORSCHING, dated 9 February 1947 on behalf of Paul EUBA. No clemency is recommended.

7. CONCLUSIONS:

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

LOUIE T. TISCHER
Attorney
Post Trial Section

Having examined the record of trial,
I concur.

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

SUBJECT: Execution of Sentence in the Case of the United States
 vs. Josef Wolfgang BABLICH, et al. - (Case No. 000-80-2-6)

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

Reference is made to letter, Hq, USFMP, file AG 383-AGG ,
 subject: "Designation of Prison for War Criminals," 26 February
 1947 and to the inclosed copies of the Order on Review in the above
 above entitled case as to accused Willy UNGER.

Upon compliance with the Order on Review the certificate
 below will be completed and returned to the Deputy Theater Judge
 Advocate for War Crimes, 7708 War Crimes Group, LPO 178, U.S. Army.

BY COM AND OF GENERAL CLAY:

/s/ Wm. E. Bergin
 Wm. E. Bergin
 Brigadier General, USA
 Adjutant General

1 Incl:
 1 Form No. 13 (in dup)

Frankfurt 2-2319 .

CERTIFICATE OF COMPLIANCE

The sentence covered by the above described Order on
 Review was carried into execution at War Criminal Prison No. 1,
 Landsberg, Germany, on _____ at _____
 (Date) (Hour)

The above named was discharged
 upon completion of his sentence
 on 12 Dec. 46.

/s/ George T. Lagish
 (Signature and Rank)

Maj. Inf.
 (Organization)

/s/ Lloyd A. Wilson
 (Countersignature and Rank
 of Witnessing Officer)