

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

21 May 1947

UNITED STATES)

vs)

Case No. 000-50-2-7

Rudolf DIPPE, August DRECHSEL,
Georg GOETZ, Roland GROSSMANN,
(Josef HOELL), Ernst HOLLER,
Benno LEIMINGER, Robert LENZ,
all German nationals)

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried at Dachau, Germany
Date: 25 - 29 October 1946
Intermediate Military Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
DIPPE, Rudolf	Age 41 Porcelain factory manager, SS, out-camp Allach Rank: 1st Lieutenant	5 years confinement from 19 May 1945
DRECHSEL, August	Age 37 Porcelain factory foreman, SS, out-camp Allach Rank: Unknown	Acquittal
GOETZ, Georg	Age 41 Shoe shop foreman, SS, Camp Dachau Rank: Unknown	5 years confinement from 12 May 1945
GROSSMAN, Roland	Age 25 Factory clerk, SS, Camp Dachau Rank: Unknown	Acquittal
HOLLER, Ernst	Age 43 Shoe shop worker, SS, Camp Dachau Rank: Pfc	2 years confinement from 9 May 1945
LEIMINGER, Benno	Age 44 SS, laborer, Camp Dachau Rank: Unknown	Acquittal

ACCUSEDDATASENTENCE

LENZ, Robert

Age 45
SS guard, Camp Dachau
Rank: Unknown2 years confinement
from 2 May 1945FIRST CHARGE: Violation of the
Laws and Usages of War.Pleas Findings

PARTICULARS: In that Rudolf DIPPE, August DRECHSEL, Georg GOETZ, Roland GROSSMANN, (Josef HOELL), Ernst HOLLER, Benno LEIMINGER, Robert LENZ, 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 LANDSBERG, 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.

DIPPE	NG	G
DRECHSEL	NG	NG
GOETZ	NG	G
GROSSMANN	NG	NG
HOLLER	NG	G
LEIMINGER	NG	NG
LENZ	NG	G

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

PARTICULARS: In that Rudolf DIPPE, August DRECHSEL, Georg GOETZ, Roland GROSSMANN, (Josef HOELL), Ernst HOLLER, Benno LEIMINGER, Robert LENZ, 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

DIPPE	NG	G
DRECHSEL	NG	NG
GOETZ	NG	G
GROSSMANN	NG	NG
HOLLER	NG	G
LEIMINGER	NG	NG
LENZ	NG	G

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. RECOMMENDATIONS: That the findings and sentences be approved except that the sentence imposed in the case of Rudolf DIPPE be reduced to confinement for a period of 3 years.

3. EVIDENCE:

For the Prosecution. The prosecution's case was based on the testimony of two witnesses, WORCHOLSKI (R 10) and KALUGA (R 13), former inmates of Camp Dachau, and 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 1946; R 9). Exhibits P-2 thru 8 are extrajudicial sworn testimony of each of the accused with the exception of Josef HOELL, whose name was stricken from the charges and particulars (R 3).

All of the accused were, by their own admissions, members of the SS at Camp Dachau and/or its out-camps, with varying ranks and duties, for considerable periods of time between the dates alleged (P-Ex 2 thru 8).

For the Defense. The defense's case was based on oral testimony on behalf of some of the accused and sworn extrajudicial testimony of the accused. Accused DIPPE took the stand in his own defense. All of the accused denied having mistreated prisoners and some claimed to have no knowledge of the operation of the concentration camp.

Accused DIPPE. A porcelain factory employee since 1939, was made manager of the porcelain manufacturing plant at Allach in May 1944, where 100 prisoners worked. He joined the SS in 1940 (P-Ex 2, R 21); was promoted to 1st Lieutenant in the SS in April 1943, and wore the SS uniform from May 1943 (R 71). The use of inmates in the Allach porcelain factory began in 1941. Polish, Czech, Dutch,

Belgian, Russian and Austrian political prisoners were assigned to work there (R 72). He heard of beatings and executions inside Camp Dachau. He knew of Dr. SCHILLING'S malaria experiments and the transports to and from Camp Dachau (R 74). He was a member of the NSDAP since 1935 (R 85). Georg ROEDELSPERGER, a defense witness and a former inmate, testified from the stand that DIPPE chose the SS in order to avoid going to the front lines with the armed forces (R 63).

In defense, DIPPE stated that prisoners in the porcelain factory at out-camp Allach were never beaten, mistreated or reported for punishment by him (P-Ex 3, R 21). Defense witness Karl SCHWENEMANN, a former inmate, testified that he worked at the porcelain factory under DIPPE and that DIPPE'S treatment of his workers was excellent; that he procured extra rations for them and interceded for them when reported by others for punishment (R 39, 40). Defense witness Georg ROEDELSPERGER, a former inmate, testified he worked for a while in the porcelain factory under DIPPE and that he got better treatment at the porcelain factory than on other details. Prisoners were treated as human beings and were protected (R 48).

Accused Goetz was manager of the shoe shop at Camp Dachau where 60 to 170 prisoners made shoes for the Waffen SS. Reports of offenses by prisoners came to GOETZ from a civilian foreman and he passed them on to the manager of the clothing factory. Prisoners were then punished (P-Ex 4, R 22). Josef SANDECK, a former inmate, testified that it was the duty of GOETZ as manager of the shoe shop to report prisoners for punishment (R 96).

In defense, it was shown that GOETZ was manager of the shoemaker's shop at Camp Dachau. He claims no prisoners were beaten by the capos, SS men, or by him (P-Ex 4, R 22). Defense witness Georg STEINBECKER, a former inmate on the shoe shop detail, testified GOETZ never beat anyone or reported anyone for punishment; that he was liked by the majority of prisoners (R 100). Josef SANDECK, a defense witness, testified GOETZ treated prisoners well. SANDECK talked

with other prisoners on the detail about mistreatment and no one denounced GOETZ (R 93). Peter BOGDAMSKI, a defense witness, testified he never saw GOETZ mistreat anyone nor did GOETZ mistreat him (R 140). Defense witness, Jan UFEL, a former inmate, testified GOETZ supervised the entire factory (R 147).

Accused HOLLEH was taken into the SS in October 1942 and was assigned to the shoemaker's shop, Camp Dachau, where there were 68 to 72 prisoners of German, Italian, Yugoslavian, Polish, Ukrainian and French nationalities (P-Ex 6, R 24). Prosecution witness Josef KALUBA testified he saw HOLLEH at the hanging of two Russians near the clothing shop and HOLLEH, as well as other guards, were laughing. HOLLEH was a capo in the shoe shop (R 15). All guards and prisoners, 400 in all, were present at this hanging (R 19).

In defense, HOLLEH stated that he was a cutter and stitcher in the shoe factory, and that he never saw prisoners beaten or mistreated. He had no connection with the concentration camp itself (P-Ex 6, R 24). Defense witness STEINBECKER testified he knew HOLLEH well, worked under him, and was never mistreated by him, nor did he ever hear of HOLLEH mistreating prisoners (R 153). Peter BOGDAMSKI, a defense witness, testified he never saw HOLLEH mistreat anyone, nor did HOLLEH mistreat him (R 140). Jan UFEL, a former inmate, testified HOLLEH not only treated prisoners well but helped them. He did not hear of HOLLEH making reports of misconduct of prisoners (R 146, 147).

Accused LENZ was sent to Camp Dachau in July 1941 to become a work detail guard at the tailor and shoemaker's shop. There were about 200 prisoners of various nationalities in the two shops with 3 to 10 guards over them. LENZ was a guard on the prisoner march from Dachau to Bad Toelz, 28 - 29 April 1945 (P-Ex 8, R 25). Defense witness Franz WKAZ testified that LENZ was a guard in the tailor and shoe shops where beatings and mistreatment occurred (R 165).

In defense, LENZ stated he never saw prisoners beaten or mistreated by guards. He claimed to know nothing about the operation of the concentration camp itself and made no inquiries to learn

(R-2X 8, R 23). Defense witness Steiert ADAMUS, a former inmate, testified he never saw or heard of LENZ mistreating prisoners during LENZ'S tour as a work detail guard (R 157). Franz WHAZ, a witness for the defense and now a prisoner, was a capo in the tailor shop. He testified LENZ never beat any prisoners and that none of the prisoners were afraid of LENZ (R 163). LENZ did not denounce or file a report against the two Russians who were hanged (R 164).

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.

After weighing the evidence the Court acquitted accused BRECHNER, GROSSMAN and LEIMINGER.

Concerning accused DIPPE, it is true he was shown to have been manager of the Albeck porcelain factory, that he joined the SS in order to retain his position in his chosen profession, the manufacture of porcelain ware; however, it was shown by competent testimony

that his conduct with respect to the prisoners working in his factory was such as to cause many inmates working on other details to want to be assigned to work there, because of the fact that DIPPE did not allow mistreatment in the porcelain factory. It is therefore believed that the sentence imposed by the Court as to DIPPE is excessive.

6. CLEMENCY: A Petition for Review, inclosing 11 testimonials, was filed on 11 February 1947 on behalf of accused Rudolf DIPPE, Georg GOETZ, Ernst HOLLEK and Robert LENZ by Dr. Max RAU. Consideration has been given to a Petition for Clemency, dated 14 April 1947 on behalf of accused Georg GOETZ, signed by his brother Adam GOETZ. No clemency is recommended.

7. CONCLUSIONS:

a. It is recommended that the sentences be approved except as to Rudolf DIPPE.

b. It is recommended that the sentence imposed in the case of Rudolf DIPPE be reduced to confinement for a period of three years.

d. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

s/ Louis T. Tischer
t/ LOUIE T. TISCHEK
Attorney
Post Trial Section

Having examined the record of trial, I concur.

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

MILITARGERICHT

ORDER ON REVIEW
Verfügung nach ÜberprüfungCase No. 000-50-2-7
Strafsache Nr. 000-50-2-7Order No. _____
Verfügung Nr. _____Whereas one Rudolf DIPPE
(Name of Accused) (Name des (der) Angeklagten)was convicted of the offence of participation in Dachau Concentration Camp
mass atrocity.wegen der folgenden strafbaren Handlung Teilnahme an Massengreuelkeiten in
Konzentrations-lager Dachau.~~by~~ ~~the~~

by the *Intermediate Military Court

~~at~~

at Dachau; Germany

~~in~~in Dachau, Deutschland

vom *Mittleren Militärgerichte

(Address of Court)

(Anschrift des Gerichts)

and sentenced to imprisonment for 5 years commencing 19 May 1945.

schuldig erkannt und zu 5 Jahren Gefängnis verurteilt, mit Wirkung ab 19 Mai
1945.

by Judgment dated the 29 October 1946

durch Urteil vom 29 Oktober 1946

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and

(Date)

(Datum)

Whereas the case has now come before me by way of review and after
Diese Strafsache ist mir zur Überprüfung vorgelegt worden und nach
due consideration and in exercise of the powers conferred upon me, I hereby
entsprechenden Studium des Sachverhaltes und in Ausübung der mir übertragenen
order:

Befugnisse verfüge ich:

That the findings and sentence are approved (but the period of
confinement is reduced to 3 years). The Commanding General, First Military
District, will confine the individual in War Criminal Prison No. 1, Landsberg,
Germany, for a period of 3 years commencing 19 May 1945.Dass der Befund und das Urteil bestätigt werden (die Dauer der Haft
jedoch auf 3 Jahren vermindert wird). Der kommandierende General, Militär-
bezirk 1, wird die Inhaftierung des Betroffenen in Kriegsverbrechergefängnis
No. 1, Landsberg, Deutschland, für die Zeit von 3 Jahren mit Wirkung ab 19 Mai
1945, veranlassen.

Dated this

Gegeben am 16 June 1947/s/ J. L. HARBAUGH, Jr.,
(Signature of Reviewing
Authority)

*Strike out words not applicable.

*Nichtzutreffendes ist zu durchstreichen.

Colonel JAGD

Judge Advocate

(Title)

(Titel)