

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

14 April 1947

UNITED STATES)

vs)

Case No. 000-50-2-8

(Jacob AU), Wilhelm BERGLER,
Hans Fritz BEYER, Richard
BRUNN, Hermann BUEHLER, Adolf
DREHER, Otto GA'SCHOW, Albert
GRISSE, all German nationals)

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried at Dachau, Germany
Date: 29 -30 October 1946
Intermediate Military Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
BERGLER, Wilhelm	Age 45 SS guard out-camps Kaufering III and Kaufering I, June 1944 to 28 April 1945 Rank: Unknown	Acquittal
BEYER, Hans Fritz	Age 55 SS guard out-camp Kaufering, June 1944 to capitulation Rank: Sergeant	18 months confinement from 4 May 1945
BRUNN, Richard	Age 55 SS guard out-camp Kaufering III, June 1944 to capitulation Rank: 1st Sergeant	18 months confinement from 24 June 1945
BUEHLER, Hermann	Age 65 SS guard out-camp - - - - - Elslebach, September 1944 to 28 April 1945 Rank: Non-commissioned officer	Acquittal
DREHER, Adolf	Age 60 SS guard, Dachau and out-camps, August 1944 to capitulation No rank	Acquittal
GA'SCHOW, Otto	Age 49 SS truck driver out-camp Kaufering III and VII, September 1944 to capitulation	18 months confinement from 16 June 1945

ACCUSEDDATASENTENCE

GRISSE, Albert

Age 47
 SS guard out-camp Mauer-
 fering III, Mar 1944 to
 capitulation
 Rank: Private

18 months con-
 finement from
 27 April 1945

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

PARTICULARS: In that (Jacob AU),
 Wilhelm BERGLER, Hans Fritz REYER,
 Richard BRUNN, Hermann BUEHLER,
 Adolf DREHER, Otto GANSCHOW,
 Albert GRISSE, 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.

	<u>Pleas</u>	<u>Findings</u>
BERGLER	NG	NG
REYER	NG	G
BRUNN	NG	G
BUEHLER	NG	NG
DREHER	NG	NG
GANSCHOW	NG	G
GRISSE	NG	G

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

PARTICULARS: In that (Jacob AU),
 Wilhelm BERGLER, Hans Fritz REYER,
 Richard BRUNN, Hermann BUEHLER,
 Adolf DREHER, Otto GANSCHOW,
 Albert GRISSE, acting in pursuance
 of a common design to commit the
 acts hereinafter alleged, and as
 individuals aiding in the opera-
 tion 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 sub-
 jection of members of the armed
 forces of nations then at war with
 the then German Reich, who were
 then and there surrendered and un-
 armed 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.

	<u>Pleas</u>	<u>Findings</u>
BERGLER	NG	NG
REYER	NG	G
BRUNN	NG	G
BUEHLER	NG	NG
DREHER	NG	NG
GANSCHOW	NG	G
GRISSE	NG	G

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

3. EVIDENCE:

For the Prosecution. The 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 1946, R 7). Exhibits P-2 to P-8, inclusive, are extrajudicial sworn testimony of each of the accused except Jacob AB, who was set before the Court.

It was shown that during the period 1 January 1942 to 29 April 1945 each of the accused was an SS member at Dachau Concentration Camp and/or its out-camps (P-2 to P-8, inclusive).

For the Defense. There were three witnesses for the defense, Dr. Josef HELMER, a Roumanian physician and former inmate of out-camp Kaufering III; Samuel LEBMAN, a clerk and former inmate; and Arthur STEIN, a farmer. In addition, the defense relied on the evidence contained in the extrajudicial testimony of all the accused.

Accused BEYER was an SS transport guard from Auschwitz Concentration Camp to out-camp Kaufering in June 1944. At out-camp Kaufering he was a work-detail guard until the prisoner march Kaufering to Koenigsdorf, 23 to 29 April 1945. He was an NCO of the guard and had 8 to 10 guards under him (P-3, R 9).

In defense, accused BEYER did not see any beatings at out-camp Kaufering, but knew of campos mistreating prisoners there. He could not say anything about mistreatment and shootings on the prisoner march (P-3, R 9).

Accused BRUNN was an SS transport guard from Auschwitz Concentration Camp to out-camp Kaufering III, with 1500 prisoners in June 1944. He was a 1st Sergeant in charge of all the guard units at Kaufering III. He participated in the prisoner march Kaufering III to Ludwigsfeld with 700 prisoners on 24 April 1945 (P-4, R 10).

guards beating prisoners nor did he beat any prisoners or report any for punishment at Kaufering III. None of the prisoners in his detail on the prisoner march from Kaufering were beaten (P-4, R 10). Defense witness Dr. WELLMER knew BRAUN at Kaufering III and testified that BRAUN did his work in the office and had the reputation of being good and that he (WELLMER) never heard anything bad about him (R 23).

Accused GAMBACH was an SS driver at out-camp Kaufering III for seven months. There were 1300 Jewish prisoners, 150 of them women, at Kaufering III. He participated in the prisoner march on the evacuation of Kaufering VII in April 1945 (P-7, R 13).

In defense, accused did not see any prisoners beaten at out-camp Kaufering III or VII, nor did he beat or report any prisoners for punishment (P-7, R 13).

Accused GRISSE was an SS work-detail guard and came to out-camp Kaufering III in May 1944. He was a work-detail guard over prisoners on various details in the whole Kaufering-Landsberg out-camp area (P-8, R 14).

In defense, accused never mistreated or did anything against any prisoners. He purchased food for them, paying for it with his own money (P-8, R 14). A defense witness testified that the reputation of GRISSE in his home village, where they grew up together, was good (R 33).

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 errors or omissions which resulted in injustice to the accused. All of the accused, by their own admissions, participated as SS members at Camp Dachsen and/or its out-camps for considerable periods of time between 1 January 1943 and 29 April 1945 (P-2 to P-8, inclusive).

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, 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, letters superseded thereby, and U.S. vs Weiss et al., 000-50-2, March 1946). All of 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 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 BERGLER, BUEHLER and DREHER.

6. CLEMENCY: There are no Petitions for Review nor Petitions for Clemency.

7. CONCLUSION:

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

LOUIE T. FISCHER
Attorney
Post Trial Section

Having examined the record of trial, I concur.

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