

DEPUTY JUDGE ADVOCATE'S OFFICE
7708 WAR CRIMES GROUP
EUROPEAN COMMAND
APO 207-1

26 August 1947

UNITED STATES)

v.)

Christian Georg HELLER, et al)

Case No. 000-50-2-107

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, during the period 24-25 July 1947 before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Christian Georg HELLER and Otto SCHEELZIE, 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 CHARGES: Violation of the Laws and Usages of War.

Particulars: In that Christian Georg HELLER and Otto SCHEELZIE, 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 approximating many hundreds.

III. DATA AS TO ACCUSED:

1. CHRISTIAN GEORG HELLER

This accused was acquitted (R 87).

2. OTTO SCHMELZIE:

This accused was acquitted (R 88).

IV. SUMMARY OF EVIDENCE: Accused HELLER, a German national, was a capo at Hallein, an outcamp of Dachau Concentration Camp, for a considerable period of time between the dates alleged. As a capo over a small number of prisoners at the outcamp he had immediate disciplinary supervision over them (R 14). Outcamp Hallein kept an average of 50 prisoners (R 64). On several occasions the accused slapped prisoners for violations of the rules of the camp (R 14-18). On one occasion he struck a prisoner named Myrda across the face with a broom stick, causing some blood to flow (R 27, 31). It was shown, however, that Myrda did not hold this against accused HELLER since Myrda admitted it was his own fault (R 63). Accused SCHMELZIE, also a German national, was a detail leader at outdetail Schleissheim, working out of Camp Dachau, and had 32 prisoners under his supervision (R 35). On several occasions he slapped prisoners for violations of camp regulations (R 43, 44). Prosecution's P-Ex 3 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 46; R 10). The Court apparently concluded that the evidence concerning the nature and extent of their participation in the mass atrocity operation was inadequate to form a proper basis for sentencing the accused.

V. JURISDICTION:

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

VI. CONCLUSIONS:

It is recommended that the record of trial be filed in the records of this office and that a copy of this Review and Recommendations be forwarded to the Judge Advocate, European Command, for his information.

LOUIE T. FISCHER
Attorney
Post Trail Branch

Having examined the record of trial, I concur.

/s/ C. E. STRAIGHT (17 Oct 47)
Lieutenant Colonel, JAGD
Deputy Judge Advocate
for War Crimes