

13 June 1947

UNITED STATES)
))
) vs.)
))
Anton WEBER and Josef WOLF)

Case No. 000-50-2-25

REVIEW AND RECOMMENDATIONS

TRIAL DATA:

Tried jointly at Dachau, Germany
Date: 6-11 December 1946
General Military Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
WEBER, Anton	Age 56 German national SS supply administrator Rank: 1st Sgt.	18 years confinement from 26 May 1945
WOLF, Josef	Age 44 German national SS Supervisor of shoe department Rank: M/Sgt.	20 years confinement from 4 May 1945

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

Pleas Findings

PARTICULARS: In that Anton Weber and Josef Wolf, 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 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 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.

WEBER NG G
WOLF NG G

PARTICULARS: In that Anton Weber and Josef Wolf 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 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.

WEBER
WOLF

NG G
NG G

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

3. EVIDENCE:

For the Prosecution: The prosecution's case was based on the sworn testimony of nineteen witnesses; 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, hereinafter referred to as the "Parent Case"; R 54). Exhibits P-2 and P-3 are extrajudicial sworn statements of the accused WEBER (R. 153, 155).

For the Defense: The defense's case was based on the sworn testimony of four witnesses; one statement as to the conduct of accused WEBER (D-Ex 1, R 180) and the extrajudicial sworn testimony of the accused WEBER introduced by the prosecution (F-Ex 2, 3).

Accused WEBER joined the Nazi party in 1927 and became a member of the SS in 1931 (P-Ex 3, R 155). He served in Camp Dachau from 1938 on and became chief administrator of the clothing warehouse in 1941. He became a first sergeant in 1944. Fifty prisoners worked under his supervision in the warehouse, from 120 to 200 in the tailor shop, the same number in the shoe shop and 160 to 180 in the sock repair shop.

washed and redistributed (P-Ex 2, R 153). During 1942 and 1943 clothing arrived from the Auschwitz Concentration Camp four or five times, sometimes two or three car loads per day. There was women's and children's clothing, and accused said he thought that it was out of order. The clothing was searched and money, gold and valuables found were turned in. Inmates who did not turn over valuables were punished by 10 to 25 blows or sent to the bunker. During 1942 four or five prison transports left Camp Dachau and their clothing was returned after four to eight weeks. In 1943 he learned that the people who were sent away had been gassed. They included prisoners of almost all nationalities who were not able to work. The accused knew about a roll call in 1942 at which Commander Weiss and a doctor selected prisoners for invalid transports (P-Ex 3, R 155). An individual clothing card was kept for each prisoner and when a prisoner died a cross was put on his card, and it was filed separately (P-Ex 2, R 153). During one month in 1943 over 1100 cards were placed in a separate file (R 51). Prolonged parts were sewed on mittens for use at the crematory. They were used for handling dead bodies (P-Ex 2, R 153). Prosecution witness Drier, a former inmate of Camp Dachau, testified that on one occasion accused WEBER slapped two Russians who stole a shirt. He took them out and when they came back they had to show their buttocks. They looked terribly beaten and were all colors of the rainbow (R 9). The prisoners were crying (R 13) and WEBER said, "This is an example for the next one who does something like this" (R 25). There were Poles, French, Italians, Ukrainians and Russians employed in the tailor shop (R 9, 10). The witness had to handle clothing from prisoners which contained lice and was dirty. Lice ran across his sewing machine, but WEBER did nothing about complaints of the danger from typhus. There were four cases of typhus at the time of liberation, and one man died from it (R 14). The clothing came from Lublin and Auschwitz and letters were found in the pockets from Poland or France. There were 60 people working on the night shift from 6:30 to 6:00 AM, and it was said that this shift would have been unnecessary

if the accused WEBER had not had some of the prisoners working private for him (R 15). At one time 10 to 15 railroad cars came with shoes, underwear and striped clothes from Lublin. These got wet and were left piled for a month without airing. When the Americans came, there was a reserve of 5 cars of clothing and one of shoes. There were 10 to 15 thousand coats. Prisoners were clothed in wooden shoes, socks, jacket pants and shorts (R 17). Groups of 3000 to 4000 prisoners from France had to stand on the parade ground nude waiting for clothes (R 18). They marched to the supply room 20 to 30 at a time and clothing in wrong sizes was thrown to them. The same procedure was followed in the winter and prisoners stood from five minutes to one hour (R 19). Prisoners who wrapped themselves in paper bags to keep warm were beaten and slapped. The accused WEBER for doing it (R 22, 58, 59, 86). Accused WEBER ordered the prisoners to undress at the supply room (R 25). Witness Hoffer, a former inmate of Camp Dachau and tailor Capo under accused WEBER, testified that WEBER often struck people in his presence, and that executions occurred behind the supply room in 1942. Prisoners had to go to the cellar of the supply room or to their barracks during executions and could hear shots from both places (R 36). When the executions of the Russians occurred in the spring of 1942 the supply room received "lots of clothes" (R 38). Special gloves ordered by the supply room were issued for the handling of dead people (R 40). When the Russians were executed in 1942 buckets of water and long gloves were issued. Towels came back bloody. That occurred ten times between 1942 and 1945. The expression "rifle shooting festival" was customary among the SS and prisoners (R 41). Accused WEBER issued gloves to the "rifle shooting festivals". The supply room was always well stocked (R 42). In many civilian suits turned over by new arrivals there was gold, money, watches, papers and documents (R 43). On one occasion the accused WEBER beat and threw out a young Russian for having a watch. He always beat prisoners who were caught taking clothing. All nationalities were beaten (R 44). As a result of reports by the accused, prisoners were punished by being

anged " one hour on the tree and removal of extra rations" (R 46). The tree punishment was by hanging by the arms tied behind the back (R 47). Accused gave instructions regarding clothing for transports. He was moody and excitable and struck prisoners with keys if they came at odd hours. Once he used a stick (R 51, 52, 56). Clothing for the prisoners was in poor condition (R 52). During 1942, 1943 and 1944 the whole supply room was louse infested. Clothing contained lice during the typhus epidemic (R 53). After 1942 sweaters were issued, but the prisoners wrapped in paper because the sweaters were thin (R 58). The witness heard that accused WEBER mistreated prisoners for wearing paper packs (R 59). There were prisoners of war and civilian prisoners (R 60). Witness Jendrian, a former inmate of Camp Dachau, testified that he saw prisoners with dirty clothing pushed down and sent home by the accused WEBER. He threatened to report a prisoner for sabotage for having a hole in his jacket, then pushed him off the steps. Most prisoners became too intimidated to make exchanges (R 71). WEBER reported his detail for having unauthorized wooden shoes, and each member received 25 lashes (R 72, 76). He denied special clothing to those who had to handle contaminated corpses (R 73). When prisoners tried to take snuff, accused WEBER beat them (R 74). On one occasion in 1945 he beat and kicked a Russian until he bled. Generally clothing issued was lice infested (R 75). A Russian prisoner to whom WEBER refused protective gloves died from typhus (R 84). Witness Welanta testified that he saw accused WEBER beat prisoners with keys on 2 occasions. He himself was struck on the head with them (R 89). Prisoners beaten by WEBER included Russians, Poles, Yugoslavs, French, Luxembourgers and others (R 104). There was no disorder that caused him to beat the prisoners (R 113). One witness testified that he saw accused WEBER beating prisoners exchanging clothing on at least 30 occasions (R 118). He reported people for wearing unauthorized clothing (R 134). A witness testified that the sock repair detail under WEBER was allowed no rest periods, and latrine privileges were restricted (R 136). WEBER beat those who left without

authority, or work details that did not work fast enough (R 107). Witness Klein, a former inmate, testified he was thrown out frequently by accused WEBER for trying to get shoes and gloves for his detail (R 143). A witness testified that the accused took part in executions (R 149).

In defense, WEBER stated that he was told that the children who left Camp Dachau were being sent to a Youth Home (P-Ex 2, R 153). At the times in 1942 and 1943 that clothing came in from Auschwitz Concentration Camp he did not know that people were killed there but thought the clothing had been replaced by regularly issued clothing. These clothes were disinfected and stored in the attic of the supply building. The poorer clothing was issued, and the better was kept for those who were released. It was checked under a physician's supervision before sorting. He did not take anyone's rest time away but usually relieved prisoners for misconduct in the supply room. He had nothing to do with the selection for transports and tried to keep his prisoners from going after he learned they did not go to rest homes. He did not know what head gear non-commissioned officers wore at executions (P-Ex 3, R 155). Prosecution witness Drier testified that punishment given on WEBER's reports was for violations of Camp rules (R 26). Work at the tailor shop was comparatively easy and most prisoners wanted to work there (R 31). Prosecution witness Hoffer stated he did not believe that WEBER ever put anyone on a transport. He was not personally mistreated by WEBER and stated that he was a "nice guy" and could be influenced (R 5). The accused had nothing to do with the issue of rations (R 56). Most punishments he saw were for violations of rules (R 60). Prosecution witness Titze, a former inmate, testified that others usually handled clothing distribution as WEBER was not always there (R 87). After 1943 the room eldest or block eldest received the clothing for the prisoners (R 91). Prosecution witness Heinrich Weber testified that there was disorder at the issuance of clothing as everyone tried to get a "heap" of clothing (R 104). A defense witness testified that his son in the German Army wrote to him that accused WEBER was a "good fellow" (R 159).

He himself was a prisoner at Camp Dachau (R 156). He never heard prisoners say that the accused mistreated them, but they said that he was all right or that he was too lazy and too fat to beat anybody (R 157). He never heard or saw that the accused struck prisoners (R 161). Defense witness Kronfeldner testified that during his five years in the dispensary at Camp Dachau, he never heard of any beating or mistreatment at the supply room (R 168). Two priests who were special prisoners at Camp Dachau testified that they heard no complaints from the prisoners at the supply room (R 170, 176). The special prisoners received good treatment from WEBER (R 171, 177). Among the special group the accused was considered one of the good SS men (R 174). Pastor D. Martin Nieholler in a statement dated 1 July 1946 said that he had known the accused WEBER from the summer of 1943. WEBER treated him with decided kindness and treated the prisoners working in the supply room with kindness as far as he could get an impression (Exhibit D-1, R 180).

Accused WOLF worked under accused WEBER. Accused WEBER stated that on two or three occasions in 1942 WOLF left and did not return to work. He talked about executions and said that they had shot "so and so" many and that he himself had shot at Russian commissars among those executed (P-Ex 2, R 153). Prosecution witness Hoffer testified that WOLF remarked after the execution of the Russians in 1942 that "These aren't human beings, these are beasts." (R 36). WOLF made punishment reports (R 47). He was a Master Sergeant in charge of the shoe shop and was also in charge of transports that picked up clothing from Auschwitz. He issued shoes for outgoing transports and took shoes away from incoming transports. The prisoners arrived with good shoes and were given worse ones (R 49). The witness stated that WOLF was a hypocrite (R 55) and was ruthless in making reports. Once he ordered a prisoner's extra rations taken away for 14 days for making a cap for himself (R 56). Witness Kramer testified that he himself and others were beaten by WOLF (R 96). He saw the accused WOLF go with the execution detail after picking up his steel helmet. It was always two or three hours later when

returned. Two or three times per week a truck came to the linen room loaded with bags of hot water (R 94). Upon their return the towels and aprons were bloody (R 95). During 1941, 1942 and 1943 WOLF left frequently with his steel helmet. He got into the execution car at the gate house. It was common knowledge that it was an execution detail when a car picked up water and later SS men came with steel helmets (R 97). The car came back later with the water bags and torn and bloody uniforms (R 99). Witness Heinrich Weber stated that he heard that WOLF did beatings (R 103). Prosecution witness Klein testified that on one occasion accused WOLF slapped and threw his men down on to concrete when he took them to get new shoes. There were 7 to 10 Frenchmen, Poles, Czechs and Russians (R 140, 142). Witness Poland, a former SS Master Sergeant and now a prisoner at Camp Dachau, testified that accused WOLF took part in executions (R 149). He was told that WOLF was there to take the ones to be executed from one place to another (R 150, 151).

In defense, there were no statements by the accused WOLF and no witnesses were called on his behalf. Prosecution witness Hoffer testified that there were no good shoes in Camp Dachau to issue (R 49). He stated that WOLF did no beatings and had nothing to do with issue of rations (R 56). Prosecution witness Poland testified that when WOLF attended executions he was a Master Sergeant or Technical Sergeant, and ranks like that did not participate in executions (R 150).

1. JURISDICTION: The Court was legally constituted and had jurisdiction of the persons of the accused and of the offenses.

2. COMMENTS: Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused.

Both the accused were members of the SS at Camp Dachau between the dates alleged (P-Ex 2, 3).

Legal Sufficiency of Evidence: The evidence is sufficient to support the findings and sentences of the Court. The Court was required to take cognizance of the decision rendered in the Parent Case, including

riminal in nature and that the participants therein, acting in pursu-
nce of a common design, subjected persons to killings, beatings, tor-
ures, etc., and was warranted in inferring that those shown to have
articipated knew of the criminal nature thereof (Letter, Headquarters,
nited States Forces, European Theater, file AG 000.5 JAG-AGO, subject
Trial of War Crimes Cases", 14 October 1946, and the Parent Case.)
oth of the accused were shown to have participated in the mass atroci-
nd the Court was warranted by the evidence adduced, either in the
arent Case or in this subsequent proceeding, in concluding as to them
hat they not only participated to a substantial degree but the nature
d extent of their participation was such as to warrant the sentences
mposed.

. CLEMENCY: Petitions for Review were filed on 20 December 1946 on
half of accused Josef WOLF and Anton WEBER by Lt. Col. Gladstone L.
hloss their regularly appointed defense counsel.

Consideration has been given to a Petition for Clemency dated 5
ebruary 1947 on behalf of the accused Josef WOLF signed by his father
agnus Wolf, his mother Kreszinz Wolf and his brother Johann Wolf and t
n attached statement by Mathilde Bloechinger dated January 1947. No
lemency is recommended.

. CONCLUSIONS:

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

/s/ William C. Craft
WILLIAM C. CRAFT
Attorney
Post Trial Branch

Having examined the record of trial, I concur.

/s/ O. E. Straight
O. E. STRAIGHT (26 Sept 47)
Colonel, JAGD
Deputy Judge Advocate
for War Crimes