

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

10 June 1947

UNITED STATES

vs

Case No. 000-50-2-27

Erwin HENNENCKE, Josef-KLONINGER,
Adolf KIEFER, Fritz-Max-KESSLING,
Josef KLINGNER, Friedrich LAMMLE,
Josef LAPOS, Reinhold-Wilhelm
LAUBIKW, Stefan-LEFFEN, Otto LEICHT

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried jointly at Dachau, Germany
Date: 6 - 9 December 1946
Intermediate Military Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCES</u>
HENNENCKE, Erwin	Age 42 German national SS Guard Rank: Pfc	Acquittal
KIEFER, Adolf	Age 59 German national SS Guard Rank: Sergeant	Acquittal
KLINGNER, Josef	Age 56 German national SS Guard Rank: Unknown	Acquittal
LAMMLE, Friedrich	Age 34 German national SS Guard Rank: Corporal	20 months confinement from 2 June 1945
LAPOS, Josef	Age 35 Czechoslovakian national SS Guard Rank: Corporal	2 years confinement from 29 April 1945
LEICHT, Otto	Age 40 German national SS Guard Rank: Corporal	2 years confinement from 12 July 1945

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

PARTICULARS: In that Erwin HENNECKE, Josef-KICKWEGER, Adolf KIEFER, Fritz Max-KIESSELING, Josef KLINGNER, Friedrich LAEMMLE, Josef LAPOS, Reinhold-Wilhelm-LANDBER, Stefan-LEFFM, Otto LEICHT 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,

HENNECKE	NG	NG
KIEFER	NG	NG
KLINGNER	NG	NG
LAEMMLE	NG	G
LAPOS	NG	G
LEICHT	NG	G

Pleas Findings

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

PARTICULARS: In that Erwin HENNECKE, Josef-KICKWEGER, Adolf KIEFER, Fritz-Max KIESSELING, Josef LAPOS, Reinhold-Wilhelm LANDBER, Stefan-LEFFM, Otto LEICHT 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 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.

HENNECKE	NG	NG
KIEFER	NG	NG
KLINGNER	NG	NG
LAEMMLE	NG	c
LAPOS	NG	G
LEICHT	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 or certified testimony as hereinafter indicated, and the sworn testimony of one witness, Jan Warzocha (R 11 - 14). 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 7). Exhibit P-2 is a copy of a letter from W. M. Denson, Chief Prosecutor, Flossenburg Concentration Camp Case, Dachau Detachment, 7708 War Crimes Group, dated 15 November 1946, subject: "Status of Personnel in Concentration Camps," to Counsel Section (R 7) Exhibits P-3 - 8 consist of extrajudicial sworn testimony of each of the accused (R 8 - 11).

For the Defense. There was one witness for the defense, Erwin Geordan, a former prisoner at Camp Dachau (R 19 - 21). In addition, the defense relied on the evidence contained in the extrajudicial testimony of the accused as introduced by the prosecution (P-Ex 3 - 8, R 8 - 11), and a stipulation entered into by and between the prosecution and the defense as to the good reputation of all accused with the exception of LAEMMLE and LAPOS (R 18).

Accused LAEMMLE became a member of the Waffen SS on 13 July 1944 and was a guard at Camp Dachau from that date until 28 April 1945 (P-Ex 6, R 9). Prosecution witness Warzecha, a former prisoner at Camp Dachau, testified that when LAEMMLE was a guard on a work detail in March 1944 he reported Warzecha to the detail leader for fighting with a capo (R 12). He further testifies that the accused had taken bread away from Russian, Polish, Italian and French prisoners. The accused tried to hit him for not running fast enough to the air raid shelter and asked the detail leader to put him on report (R 14). Prisoners were beaten and kicked at Camp Dachau. The accused beat the prisoners when they climbed into the work train in the morning, and, having nothing to eat himself, made an inspection on his own and took bread away from the prisoners (R 13).

In defense, LAEMMLE stated that he was with a field unit from 16 January 1943 to 24 December 1943 (P-Ex 6, R 9). Defense witness Geordan testified that he had several conversations with the accused and the accused stated that he had lost one eye during the war and would be willing to lose another if he could get out of Camp Dachau and go home. He further testified that LAEMMLE was a good guard to whom you could talk, and from whom you could possibly get a cigarette or some bread. He also took care of their mail home (R 20, 21).

Accused LAPOS served as a guard at Camp Dachau from January 1943 to December 1944. From December 1944 to 12 February 1945 he acted as a medical service orderly at Camp Dachau, Mauthausen Concentration Camp and at a Mauthausen outcamp, St. Valentin (P-Ex 7, R 10).

Accused LEICHT was a guard at Camp Dachau from January 1942 to February 1943 (P-Ex 8, R 10).

In defense, LEICHT stated that he was with a field unit from April 1943 to 8 May 1945. A stipulation was entered into by and between the prosecution and the defense that if Wilhelm Kaelber were called as a witness for the defense he would testify that he knew the reputation of the accused, and based on that reputation his character was good (P-Ex 7, R 10, 13).

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.

All of the convicted accused were, by their own admissions, members of the SS at Camp Dachau and/or its outcamps for considerable periods of time between the dates alleged (P-Ex 3 - 8, R 8-11).

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 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 990,5 JAG-AGO, subject: "Trial of War Crimes Cases, 14 October 1946, and Parent Case). All of the convicted 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 as to them that they not only participated to a substantial degree but the nature and extent of their participation was such as to warrant the sentences imposed.

After weighing all the evidence the Court acquitted accused HENNECHER,
MEYER, and KLINGNER (R 22).

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

7. CONCLUSIONS:

a. It is recommended that the findings and the sentences be approved.

b. Local Forms Nos. 15 and 16 to accomplish this result are attached
hereto, should it meet with approval.

/s/ MURRAY J. ANDROVETIE
Attorney
Post Trail Branch

Having examined the record of trial, I concur.

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