



participated substantially in the Dachau Concentration Camp mass atrocity. Prosecution's P-Ex 1 (R 15) is a certified copy of the charges, particulars, findings, and sentences in the parent Dachau Concentration Camp case (United States v. Weiss, et al., March 1946, hereinafter referred to as the "Parent Case"; see Section V, post.)

IV. EVIDENCE AND RECOMMENDATIONS:

1. HEINZ LOTHAR BAECHSTAEDT (The surname actually spelled BÄCHSTÄDT. R 16; P-Ex 2)

Nationality:	German
Age:	26
Civilian Status:	Glass maker
Party Status:	Hitler Youth since 1933; DAF (German labor party)
Military Status:	SS Corporal; General SS since 1938
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	20 months, commencing 30 April 1945

Evidence for Prosecution: The accused served as a clerk in the administration office of the clothing factory of the Waffen SS at Camp Dachau from 23 July 1943 until the end of the war (R 16; P-Ex 2; R 19; P-Ex 3). His duties were to record incoming shipments in a card index file, compare them with bills and send the bills on for payment. (By his statement to the Court it could be inferred that he was in charge of the filing system, R 54). Inmates of Camp Dachau worked as clerks in clothing supply (R 19; P-Ex 3).

Evidence for Defense: Accused did not participate in any transports of inmates (R 16; P-Ex 2). There were no inmates in his office. He neither participated in nor heard about any mistreatments or shootings of inmates (R 19; P-Ex 3). The accused stated in Court that he did not issue clothing; that he contacted inmates who worked in the clothing factory only when necessary to clarify his records and usually did this by telephone (R 54); and that he did not have any inmates under him (R 55).

Petitions: A Petition for Review was filed on 8 January 1947 by defense counsel Lieutenant Colonel Gladstone L. Kohloss. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

2. GOTTLÖB BECK

Nationality:	German
Age:	53
Civilian Status:	Electro-machinist
Party Status:	Unknown
Military Status:	SS Sergeant
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	20 months, commencing 3 May 1945

Evidence for Prosecution: The accused served as a guard at outcamp Radolfzell from 2 July 1941 to February 1943 and at outcamp Augsburg from February 1943 to 27 October 1944. He was an SS prisoner at the Dachau Concentration Camp from October 1944 to 6 March 1945. He served as a guard at outcamp Augsburg from 7 March 1945 to 3 May 1945. He participated as a guard in an inmate evacuation march from outcamp Allach to Koenigsdorf on 27-29 April 1945 (R 20; P-Ex 4). He stated in Court that at outcamp Augsburg he served in the armory as a guard and as sergeant of the guard. There were approximately 1200 to 1400 inmates there who worked at the Messerschmitt factory at outcamp Augsburg. The guards were in a guard chain around the factory "halls" (apparently meaning buildings)(R 33). Accused heard that inmates were mistreated at outcamp Augsburg (R 33-36):

Evidence for Defense: The accused stated in Court that he never had contact with inmates (R 33). He only stayed with the inmate evacuation march from outcamp Allach to Koenigsdorf for two or three hours because he could not walk any more (R 34). He tried to get out of guard duty (R 35). On the inmate evacuation march to Koenigsdorf he was in front of the column and did not know how many inmates were in the group (R 37).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: A Petition for Review was filed on 8 January 1947 by defense counsel Lieutenant Colonel Gladstone L. Kohloss. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

3. GEORG von HAAREN

Nationality: German  
Age: 40  
Civilian Status: Shoemaker  
Party Status: Unknown  
Military Status: SS Corporal  
Plea: NG Charge I; NG Charge II  
Findings: G Charge I; G Charge II  
Sentence: 2½ years, commencing 9 May 1945

Evidence for Prosecution: The accused served as a guard at the Dachau Concentration Camp from 1 October 1944 to 15 April 1945. He participated as a guard on an inmate transport of 200 inmates with ten guards from Camp Dachau to Gotenhafen on 1-3 November 1944; from Camp Dachau to Auschwitz Concentration Camp, 4-7 February 1945 with 2000 prisoners and 40 guards; on an inmate evacuation march from Camp Dachau to Bad Tolz 26-29 April 1945 (R 21; P-Ex 5). He stated in Court that at Camp Dachau he served as a guard at the plantation and at the nursery (R 39). He often heard shots fired in the column behind him during the inmate evacuation march to Bad Tolz (R 46).

Evidence for Defense: The accused stated in Court that the inmate transport to Gotephafen consisted of electricians and locksmiths who were to work in the shipyards. None was mistreated. He did not hear of any mistreatment of inmates nor did he mistreat any inmates on the inmate transport to Camp Auschwitz (R 40). On the inmate evacuation march to Bad Tolz, 26 April 1945, inmates and guards received the same food.

(R 42, 46). He did not know if any inmates died. At Bad Tolz the inmates were transferred to the Red Cross (R 43). He did not know why shots were fired in the column (R 46). While serving as a guard at Camp Dachau, he did not see or hear of any inmates being beaten (R 43).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: A Petition for Review was filed on 8 January 1947 by defense counsel Lieutenant Colonel Gladstone L. Kohloss. A Petition for Clemency was filed by accused's wife, Frieda von Haaren, 7 July 1947.

Recommendation: That the findings and sentence be approved.

4. WALTER HOFFMANN

Nationality:	German
Age:	47
Civilian Status:	Administrative clerk
Party Status:	NSDAP
Military Status:	SS Captain
Fisa:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	2 years, commencing 3 May 1945

Evidence for Prosecution: The accused served at Dachau Concentration Camp in post administration in the finance office from 1941 to 1945 as manager (R 22; P-Ex 6). The accused stated in Court that he had the "feeling" that things were not right at Camp Dachau (R 59). He lived at 39 SS Strasse at Camp Dachau (R 57).

Evidence for Defense: No inmates worked at the finance office. The accused did not do guard duty or participate in any inmate marches (R 22; P-Ex 6). The accused stated in Court that he was never employed in Dachau Concentration Camp. He transferred to Camp Dachau because he was unfit for combat duty and took charge of the finance office. No inmates were allowed to work there. He was never a guard, but his duties were purely administrative, for military personnel only, including officers

with the expenditures for inmate supplies as the Concentration Camp had its own finance department (R 60). Sometimes inmates came to him with requests and he took care of them (R 58, 64). He always lived alone (R 58, 59). He did not hear of any inmates being shot in Camp Dachau or of any experiments being conducted there (R 62).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: A Petition for Review was filed on 8 January 1947 by defense counsel Lieutenant Colonel Gladstone L. Kohloss. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

5. KURT GUSTAV HORBEL

Nationality:	German
Age:	39
Civilian Status:	Butcher
Party Status:	Unknown
Military Status:	SS Corporal
Flea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	20 months, commencing 10 May 1945

Evidence for Prosecution: The accused served at the Bavarian Motor Works at outcamp Allach as a guard from 20 May 1944 to 30 March 1945 (R 23, 65; P-Ex 7). He stated in Court that guards took the inmates from the camp to the factory and then formed a guard chain around the factory (R 65). There were inmates of all European nationalities at outcamp Allach, however, they were mostly Russians (R 57). The accused heard that an inmate was beaten at outcamp Allach (R 66).

Evidence for Defense: The accused did not participate in any transports of inmates (R 23; P-Ex 7). He stated in Court that he was transferred to the SS against his will. He did not see any mistreatment of inmates (R 66).

Sufficiency of Evidence. The findings of guilty are warranted by

Petitions: A Petition for Review was filed on 8 January 1947 by defense counsel Lieutenant Colonel Gladstone L. Kohloss. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

6. OTTO WITTMANN

Nationality: German  
Age: 22  
Civilian Status: Printer  
Party Status: Unknown  
Military Status: SS Corporal  
Plea: NG Charge I; NG Charge II  
Findings: G Charge I; G Charge II  
Sentence: 20 months, commencing 28 April 1945

Evidence for Prosecution: The accused served as an escort detail guard at Dachau Concentration Camp from 20 September 1944 to 30 March 1945 (R 23; P-Ex 8). He participated as a guard on an inmate transport of 300 prisoners with 30 guards from Camp Dachau to Uberlingen on 26-28 October 1944 and an inmate transport of 500 prisoners with 40 guards from outcamp Allach to Bergen-Belsen Concentration Camp during the period 21-25 November 1944 (R 23; P-Ex 8). He stated in Court that he knew there was punishment administered with sticks at Camp Dachau. He served as guard on work details at the plantation, warehouse, work construction site, the clothing factory and on other details at Camp Dachau (R 47).

Evidence for Defense: The accused stated in Court that he saw no beatings in Camp Dachau. He did not know of any mistreatment of inmates on the inmate transport to Uberlingen (R 48) or on the inmate transport to Bergen Belsen (R 49). It was hopeless to try to get a transfer because he was told that the only way was to volunteer to operate a one-man torpedo against an enemy war ship (R 50). At Uberlingen inmates left the train and were marched to the camp (R 48). At Camp Bergen-Belsen, inmates left the train at night and were marched half way and then were

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: A Petition for Review was filed on 8 January 1947 by defense counsel Lieutenant Colonel Gladstone L. Kohloss. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

7. ALFRED OTTO WOLF

This accused was acquitted (R 31).

8. FRIEDRICH ZERBIAN

This accused was neither served nor tried.

9. FRIEDRICH ZIMPELMANN

Nationality:	German
Age:	32
Civilian Status:	Farmer's helper
Party Status:	Unknown
Military Status:	SS Corporal
Place:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	2 years, commencing 2 May 1945

Evidence for Prosecution: The accused served as a guard at outcamp Redlitzell from 17 May 1941 to 15 July 1942 and at Dachau Concentration Camp from 16 July 1942 to 29 May 1945 (R 24; P-Ex 10). The accused stated in Court that he heard of mistreatment of inmates at Camp Dachau (R 68).

Evidence for Defense: The accused did not participate in any transports of inmates (R 24; P-Ex 10). He stated in Court that he did not see any mistreatment of inmates at Camp Dachau (R 68). He had nothing to do with feeding or clothing inmates. In 1944 he volunteered for duty at the front (R 69).

Sufficiency of Evidence: The findings of guilty are warranted by



defense counsel Lieutenant Colonel Gladstone L. Kohloss. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

10. MATTHIAS ZWICK

This accused was neither served nor tried.

V. QUESTIONS OF LAW:

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

Application of Parent Case: 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 000.5, JAG-AGO, subject: "Trial of War Crimes Cases," 14 October 1946, and the 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 proceedings, in concluding as to them that they not only participated to a substantial degree, but that the nature and extent of their participation were such as to warrant the sentences imposed.

Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused. No return of service appears on the charge sheet. However, all the convicted accused stated in open court that they had been served with the charges and particulars prior to trial and that they were ready for trial (R 9-11). The defense counsel stated he had not had adequate time to prepare his case but did not object to the prosecution going ahead to put on its case (R 7, 8). It is believed that this defect was corrected by a continuance granted the defense (R 31). Furthermore, the defense counsel did not include