

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

30 July 1947

UNITED STATES )

v. )

Case No. 000-50-2-53

Gottfried Adam WINTER )

REVIEW AND RECOMMENDATIONS

I. TRIAL DATE: The accused was tried at Dachau, Germany, during the period 17-20 January 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

PARTICULARS: In that Gottfried Adam WINTER, 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 CHARGE: Violation of the Laws and Usages of War.

PARTICULARS: In that Gottfried Adam WINTER, 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 aggregating many hundreds.

III. SUMMARY OF EVIDENCE: The accused was, by his own admission, a member of the SS at Camp Dachau for a considerable period of time between the dates alleged, and was shown to have participated substantially in the Dachau



Concentration Camp mass atrocity. Prosecution's P-Ex 1 (R 6) is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp case (U. S. v. Weiss, et al., 000-50-2, March 1946, hereinafter referred to as the "Parent Case"; see Section V. post).

IV. EVIDENCE AND RECOMMENDATIONS:

GOTTFRIED ADAM WINTER

Nationality:	German
Age:	30
Civilian Status:	Farmer
Party Status:	Unknown
Military Status:	SS Master Sergeant
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	20 years, commencing 8 May 1945.

Evidence for Prosecution: WINTER served as a block leader and as a clerk in Department Three at the guard house at Camp Dachau (R 8, 20). Department Three was the orderly room for the camp (R 42). Accused participated in whipping prisoners, using his fist, flat hand or whatever he had. A witness testified that some Frenchmen and several Poles were beaten so severely in WINTER's presence that they rolled downstairs. Executions took place in 1942 (R 9), especially of Russians, Poles, and Frenchmen (R 10). WINTER was among the SS men taking prisoners to the execution grounds (R 11, 16, 17). In the evening these prisoners were brought to the crematory as dead bodies. Members of the headquarters staff at Camp Dachau always participated in these executions. WINTER was a member of the staff. In April 1942 all members of the headquarters staff at Camp Dachau received the War Merit Cross for service at home. WINTER was wearing it (R 12-21, 22). He received it in April 1942. The men wearing it were the same as those who had been seen going out to the rifle range for executions (12). WINTER testified that SS men who did especially well at Camp Dachau received the decoration for meritorious service, and members of the headquarters staff received it (R 42). On several occasions accused struck prisoners. He mistreated them in the bath house



Schaefer, a former prisoner at Camp Dachau, testified he saw prisoners beaten by accused without reasons or orders. One Pole bled from one ear and his nose after a beating by WINTER (R 21, 23). Witness Roemer, a former criminal prisoner at Camp Dachau, testified that he knew WINTER was a block leader there and mistreated prisoners (R 20). In 1942 he saw WINTER strike a Russian civilian prisoner in the face for not removing his cap while passing him (R 27, 28, 29). Accused wore a red, black and white decoration. It was given SS men for special merits. Witness stated that he knew one SS man who wore it who had participated in executions. It was known in camp that SS men wore the decoration had distinguished themselves especially (R 27). Another former prisoner (R 30) testified accused kicked and beat prisoners without reason. They feared him as a beater and tried to avoid him. Prisoners included Russians, Dutch, Luxembourgers, Poles and Czechs, and WINTER made no exceptions (R 31). Witness Jendrian testified that accused at times was detail leader of a garage construction detail in 1941 and 1942 (R 57). There he beat prisoners with a stick as they assembled (R 58, 59, 60). These prisoners were mostly Poles, but there were also Dutch, French, Czechs, Germans and later Russians. Official beatings in 1942 were in the bathroom (R 58). Accused went there with other SS men who were to beat the prisoners. The witness stated he saw WINTER beat prisoners in 1941 and 1942 (R 59). Accused testified in Court that in 1942 he served as a clerk and messenger in Department Three as an SS Staff Sergeant (R 35). In 1939 prisoners who violated rules were beaten and hanged by the wrists or punished by having their food taken away (R 34). He joined the Waffen SS in 1936 and went to station headquarters at Camp Dachau in 1939. As a block leader in 1939-40 he had charge of details (R 40) and accompanied civilian workers and guarded prisoners at construction sites. He served on the headquarters staff from 1939 to December 1942. He knew of the execution of Russian prisoners of war in the Spring of 1942 (R 41).

Evidence for Defense: WINTER testified in Court that he had not mistreated witnesses Roemer, Schaefer, or Kreemer (R 35, 36). He left Camp Dachau on 14 December 1942 and later went to the front at his own request (R 36). He received no decorations at Camp Dachau and wore none there. In 1945 he



(R 37, 38). In 1939 he saw prisoners beaten or hanged by the wrists because of violations of rules (R 39) but saw none of it in 1940 or 1942 and took no part in any of it (R 40). He had nothing to do with punishment reports and did not know there were executions (R 41). As a clerk in Department Three he filled in forms concerning discipline and conduct. They were not punishment reports (R 42). He denied receiving a meritorious service decoration and stated that he did not know what a death book was. He denied being a block leader in 1941 and 1942 or mistreating any prisoners (R 44). Witness Stiller testified that he worked as a clerk with accused at the beginning of 1942 and heard accused say frequently that he disliked Camp Wachen. WINTER was a quiet decent person, and he saw him wear no decorations (R 45, 46). Stiller wrote records of investigation but not punishment reports. He was not aware that Russians were executed in 1942 (R 49). No one was executed in Department Three and he knew of no record of executions being kept there (R 50). He saw no death book (R 51). A second witness testified he never saw accused wear any decorations and he knew him as a quiet person (R 53, 54). If accused had worn any decorations he would have seen them (R 55).

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

Petitions: Defense Counsel Gladstone L. Kohless, Lt. Col., QMC, filed a Petition for Review on 22 January 1947. There are no Petitions for Clemency.

Recommendation: That the findings and sentence be approved.

V. QUESTIONS OF LAW:

Jurisdiction: It is clear that the Court had jurisdiction of the person 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 COQ,5, JAG-AGO, subject: "Trial of War Crimes Cases", 14 October 1946, and the Parent Case). The accused was 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 him that he not only participated to a substantial degree but that the nature and extent of his participation was such as to warrant the sentence imposed.

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

VI. CONCLUSIONS:

1. It is recommended that the findings and sentence be approved.
2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

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

Having examined the record of trial, I concur.

C. E. Straight  
C. E. STRAIGHT ( 15 Sept 1947)  
Lieutenant Colonel, JAGD  
Deputy Judge Advocate  
for War Crimes



HEADQUARTERS  
EUROPEAN COMMAND

AG 383 JAG

APO 757  
Sep 29 1947SUBJECT: Execution of Sentence in the Case of the United States vs.  
Gottfried Adam WINTER (Case No. 000-50-2-53)TO : Commanding General  
First Military District  
APO 1, U. S. Army

Reference is made to letter, Hq. USFET, file AG 383 JAG-AGO,  
subject: "Designation of Prisons for War Criminals," 26 February 1947  
and to the inclosed copies of the Order on Review in the above entitled  
case as to accused Gottfried Adam WINTER.

Upon compliance with the Order on Review the certificate below  
will be completed and returned to the Deputy Judge Advocate for War  
Crimes, 7708 War Crimes Group, APO 407, U. S. Army.

BY COMMAND OF GENERAL CLAY:

s/ Wm E. Bergin  
t/ Wm E. BERGIN  
Brigadier General, USA  
Adjutant General

1 Incl:  
1 Form No. 13 (in dup)

Frankfurt 7175

## CERTIFICATE OF COMPLIANCE

The sentence covered by the above described Order on Review was  
carried into execution at War Criminal Prison No. 1, Landsberg, Germany,

on 3 October 1947, at 0800  
(Date) (Hour)

/s/ Lloyd A. Wilson  
(Signature and Rank)  
/t/ LLOYD A. WILSON  
Captain CMP  
Prison Officer

(Organization)

/s/ David L. Gekker