

DEPUTY JUDGE ADVOCATE'S OFFICE  
7708 WAR CRIMES GROUP  
EUROPEAN COMMAND  
APO 407

5 March 1948

UNITED STATES )  
                  ) v. )  
Edgar STILLER, et al. )

Case No. 000-50-2-67

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, during the period 18-24 March 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Kurt Konrad Stirnweiss, Edgar Stiller, Oswald Hoegg, Ernst Reuter and Heinrich Witt, 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 Kurt Konrad Stirnweiss, Edgar Stiller, Oswald Hoegg, Ernst Reuter and Heinrich Witt, 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.

(Surname of HOEGG actually spelled HÜGG, R 9; P-Ex 3)



III. SUMMARY OF EVIDENCE: The accused were members of the SS at Dachau Concentration Camp or its subcamps for considerable periods of time between the dates alleged and were shown to have participated in varying degrees in the Dachau Concentration Camp mass atrocity. Prosecution's Exhibit P-Ex 1 (R 7) is a certified copy of the charges, particulars, findings and sentences in the Parent Dachau Concentration Camp Case (United States v. Weiss, et al., Case No. 000-50-2, opinion DJAWC, March 1946, hereinafter referred to as the "Parent Case"; see Section V, post).

IV. EVIDENCE AND RECOMMENDATIONS:

1. Kurt Konrad STIRMWEISS

This accused was neither served nor tried.

2. Edgar STILLER

Nationality:	Austrian
Age:	43
Civilian Status:	Policeman
Party Status:	Nazi Party, Austria, 1933; Allgemeine SS, 1938
Military Status:	SS First Lieutenant
Flee:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	7 years, commencing 9 May 1945

Evidence for Prosecution: The accused stated in an extrajudicial sworn statement that he was at Dachau Concentration Camp from 1 January 1941 until the capitulation. He was at first an SS master sergeant and served in the local headquarters at Dachau until 1942. From 1942 until 25 April 1945 he was welfare officer. He was promoted to SS second lieutenant on 12 November 1943 and to SS first lieutenant, 20 April 1945. From some time in 1943 to 1 May 1945 he was in charge of the special inmate detail (R 8, P-Ex 2).

Heynol, a former inmate of Dachau, testified that the accused was in charge of special or prominent inmates and in command of the camp prison at Dachau Concentration Camp (R 23); that he beat inmates while interrogating them; and that after the interrogations he sent them to the "stand-



ing bunker" for five to seven days as further punishment. In the standing bunker inmates received only coffee and bread (R 25, 26). Scholz, an inmate of Dachau from 18 April 1939 to 1 May 1945 (R 30), testified that he saw the accused with an execution party at the crematorium in the presence of interrogation leader Bach and roll call leader Boettcher, and that Russian and Polish inmates were executed (R 31).

Schmitt testified that he was an inmate at Dachau Concentration Camp and knew the accused during 1942 and 1943; that when he first came to the camp, the accused was welfare officer; but that later he was in charge of the special inmates in the camp prison (R 36). He further testified that he was employed across the hall from the guard room, in the kitchen; that through the thin walls he could hear the yelling of the inmates and also beatings; that inmates were bleeding from the nose when they left the guard room; that the accused was in the guard room at this time and called the inmates to be interrogated from their cells; and that when the interrogations were finished, the inmates emerged at various times, with bruises and bloody faces (R 36, 37). Schmitt further testified that those beaten by the accused were of Russian, Polish, Czechoslovakian, French and Dutch nationalities (R 40).

Witness Erich von Treskow, a German, stated in an extrajudicial sworn statement that he was a political inmate in Dachau from 17 October 1944 until the liberation by the Americans. The witness knew the accused as a second lieutenant and later on as a first lieutenant in April 1945 in charge of the headquarters arrest building with control over special inmates and ordinary inmates who were sentenced in arrest, as well as SS personnel in arrest. Approximately four weeks before the liberation, the French General Delestraint, a special inmate, was shot from behind while under the control of the accused and on the way from the headquarters arrest building to the crematorium. The accused was in camp at the time and was the man who conducted and carried out the interrogations. Von Treskow further stated that the accused was present at all interrogations



or any instrument available; that he heard the striking of the blows and the screaming of the inmates during the interrogations; and that these interrogations and the accompanying outcries of inmates occurred almost daily. The accused was present when the witness was beaten, after which he was given one day in the standing bunker. The accused was greatly feared and was severe in the punishment he administered to inmates (R 222, P-Ex 7).

Witness Petro, a sergeant in the United States Army, stated in an extrajudicial sworn statement that upon his arrival at Dachau from Moosburg, in company with 12 other American prisoners of war, the accused met them at the train and took them to the camp where the group was interrogated. The accused struck one of the American's in the mouth with his pistol, cutting his lips and causing him to lose his front teeth (R 14, P-Ex 6, pp. 3, 4). This witness corroborated the statements in his testimony in Court, further testifying that after the interrogation he, with the other Americans, was taken to the gas chamber for billeting, which building has since disappeared (R 258).

In an extrajudicial sworn statement, the accused stated that he served as transport leader on three inmate evacuation transports just prior to the liberation; one from Dachau to Innsbruck, Austria, 18 April 1945, with 60 inmates and four guards; a second from Dachau to Innsbruck, 25 April 1945, with 100 inmates and 30 guards; and a third from Innsbruck to Niederdorf, 26 April 1945, with 160 inmates and 34 guards (R 8, P-Ex 2A).

Evidence for Defense: Dr. Weber, a professor at Brussels University and a former inmate at Camp Dachau, testified that he was secretary to the accused from February 1944 until December 1944 (R 70); that he did not see any oxtail whips in the office of the accused (R 71, 72); and that the accused was instrumental in having one of his friends transferred from a tunnel digging detail to the laboratories of another friend as scientific collaborator, although this man was not qualified for the job (R 72). He further testified that he never heard of the accused beating inmates (R 74); and that the accused assisted one of the prominent inmates



escaping from Dachau Concentration Camp two or three days before the liberation (R 75). He knew about the standing bunker punishment given by the accused to an inmate for engaging in black market activities within the camp. However, the inmate was not beaten and, upon his release from the standing bunker, stated it was not so bad (R 79, 80).

Dr. Rohde, a former prominent inmate at Camp Dachau, testified to the effect that the accused was in charge of the special inmates; that he knew the accused from the time he entered Camp Dachau in November 1944 until five days before the Americans liberated the camp; and that he saw the accused every day and never saw him do harm to anyone. This witness had two ordinary or common inmates working with him (R 113, 114). He further testified that the accused had no connection with the Gestapo. Inmates were beaten in the interrogation room, but the witness never saw the accused present at such beatings nor did he ever see him strike or mistreat any inmate. Rohde also testified that he had a secret short wave radio in his laboratory, which the accused apparently knew about, and on one occasion the accused gave him notice to be more careful because some of the guards told him they thought the witness had listened to a British radio broadcast (R 115, 116). Dr. Rohde further testified that he never heard anything bad about the accused or that he ever initiated misconduct reports against inmates (R 122).

The accused testified that he conducted seven or eight interrogations, while he was welfare officer, which involved the misconduct of the wife of a front line soldier and one of the inmates. He admitted that on one occasion one of the SS men slapped an inmate in his presence during an interrogation. However, the interrogation was immediately terminated, the inmate dismissed, and SS man discharged from work in his office (R 172-174). He further testified that on another occasion he walked into the interrogation room while an inmate was being beaten by the SD, Security Police, and immediately stopped the beating, and admonished the non-commissioned officer by telling him that beatings would be conducted at some other place. The accused was reprimanded by the camp commander and told



not to interfere with the Gestapo (Secret Police) or the SD (Security Police) (R 180). He knew of the beatings, mistreatments and cremation of inmates at Camp Dachau, but whenever it was possible he always took steps against it. He never saw an inmate killed by an SS man (R 188, 189). He denied that he ever attended any executions of inmates (R 190). He once reported prosecution witness Schmitt for taking valuables from inmates. Later Schmitt was imprisoned for stealing from other SS men (R 174).

A statement was received in evidence by stipulation to the effect that if Father Hofmeister were present in Court he would testify that he was a special inmate at Dachau under the supervision of the accused, whom he believes had additional duties; that, so far as he knew, the accused never mistreated anybody; and that, although he knew of mistreatments by others, he knew of none connected with the accused (R 200, 201).

The accused upon recall to the stand denied that he knew witness von Troskow. He testified that French General Delestraint came to Dachau as a political prisoner and was not a special inmate; and that the general was not under his supervision. He further testified that he was with the special inmates in south Tyrol when he learned the general had been shot; that witness Dr. Rohde knew the general and would not have testified in his favor had he had anything to do with his death (R 223); and that he had nothing to do with any interrogations, except those involving the misconduct of a soldier's wife (R 224). Another SS man named Bach was the man who conducted the interrogations and not he (R 225).

Sufficiency of Evidence: Austria was a co-belligerent of Germany. The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: No Petitions for Review were filed. Petitions for Clemency were filed by Koppany Julius, 18 March 1947; ~~Frag~~ Senator Ettore Tolomei, 26 March 1947; and Senatore Conte Vittorio Cini, 21 and 25 April 1947.

Recommendation: That the findings and the sentence be approved.



3. Oswald HÖGG

Nationality:	German
Age:	42
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Sergeant
Flea:	NG Charge I; NG Charge II
Findings:	C Charge I; G Charge II
Sentence:	2 years, commencing 16 May 1945

Evidence for Prosecution: The accused stated in an extrajudicial sworn statement that he served as a machine gunner in the infantry from 1 June 1940 to 23 March 1944, and as a guard at subcamp Augsburg-Pfersee from 1 September 1944 to 20 April 1945 (R 9, P-Ex 3A).

Sergeant John Petro, United States Army, stated in an extrajudicial sworn statement that, while he was an inmate at subcamp Augsburg-Pfersee, he saw the accused shoot a 14 year old female Polish inmate with his rifle, without provocation; that there were female inmates at the Augsburg-Pfersee subcamp as well as males; that the women had a separate barrack, which was separated from the men's barracks by a barbed wire fence; and that the men would talk to the women until nine o'clock. He further stated therein that, on the day the Polish girl was shot by the accused, he and the girl were walking out of a building at the Messerschmitt plant at the noon hour, with their food, toward a wall where they usually ate; that the accused, who was approximately 20 feet straight in front of them, shot the girl in the abdomen with his rifle; that she fell on the spot and died shortly afterwards; that the accused shouted no warning before he fired nor did he make any statement afterwards; and that three other Americans, a Pole and a Russian witnessed the shooting (R 14, P-Ex 6, pp. 10, 11). He further stated that the American witnesses were no longer in the European Theater (Ibid. p. 7). He also stated that the accused punished him by permitting him to have only bread and water for seven days. Other inmates were struck by the accused with his rifle butt because



they got too close to the warning fence (Ibid. p. 16).

Petro further testified that the distance from which the accused shot the girl was 15 feet and that she was hit between the breasts. He further testified that there were four other Americans and two Polish inmates who witnessed the shooting (R 262-264). On cross-examination Petro testified that his nationality is Russian (R 280).

Evidence for Defense: Muschenheim, a former inmate, testified that he had at times worked under the accused at subcamps Haunstetten and Pfersee; that he did not see the accused every day as he changed details quite often; but that the accused was considered by the inmates to be "all right" (R 55). He further testified that he was in a position to either see or hear about most everything that went on in the Messerschmitt factory at Augsburg-Pfersee; that he never heard about any Polish girl being killed there; and that there were no women in the camp, nor were there any quarters for women (R 59, 60). This latter was corroborated by Euchner (R 69). There was no fence in subcamp Pfersee, except the barbed wire fence toward the street; and the plant was not surrounded by a wall of any kind (R 61).

The accused testified that he was transferred to Dachau Concentration Camp on 27 June 1944 from the infantry with 20 men from his company; that on 1 September 1944 he was transferred to the 33; and that later he was sent to subcamp Augsburg-Pfersee with 20 others as guards and worked at the Messerschmitt factory until the end of October 1944 (R 84, 85). He further testified that, at an interrogation at the line-up and the identification by the American Sergeant Petro, no mention was ever made of any Polish girl. He was in the line-up four times and Sergeant Petro never accused him of anything. He never had anything to do with Polish girls and no shot was ever fired by him or the guards who were working with him (R 87). There were no Americans in the Messerschmidt detail (R 88). The accused further testified that there were no female inmates at this camp (R 96).

Corporal William W. Gallant, United States Army, testified as a



Court's witness that he had known witness Sergeant Petro for approximately three weeks and that during a conversation in matters brought out in the trial were being discussed by Petro, he was asked twice, "Did you ever actually see anyone killed while you were a prisoner?" and each time Petro answered, "No" (R 291-294).

Sufficiency of Evidence: Irrespective of the non-persuasive testimony by Sergeant John Petro, the Court was warranted from the evidence as to the nature and extent of his participation in its findings of guilty. The sentence is not excessive.

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

4. Ernst REUTER

Nationality:	German
Age:	57
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Staff Sergeant
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	3 years, commencing 3 May 1945

Evidence for Prosecution: The accused stated in an extrajudicial sworn statement that he was a guard at subcamp Kaufering III from 2 August 1944 to 28 February 1945 and that he was sentry leader at subcamp Allach from 1 March 1945 to 27 April 1945 (R 9, P-Ex 4).

A stipulation was received in evidence to the effect that, if one Joel Meot were present in court, he would testify that while he was working on the Hanobeck and Grinzig details the accused beat inmates when they did not walk fast enough; that he and other inmates were slapped in the face by the accused; that every day many of the inmates were beaten hard; and that the accused and his comrades participated in these beatings (R 45).

The accused admitted, upon questioning by the Court, that he worked



at the railroad station at Ingling where he was accused at the line-up of beating inmates by a former inmate of outcamp Kaufering IV (R 129, 139).

In an extrajudicial sworn statement, Sergeant John Petro, United States Army, stated that the accused was a guard inside the camp at subcamp Kaufering III; that in the kitchen he saw the accused hit a girl with a black jack; and that he threw her in a vehicle and took her to the camp prison (R 14, P-Ex 6, p. 19).

Evidence for Defense: Witness Alfred Sorge, a former guard at subcamp Kaufering III, testified that he knew the accused there and that he never was seen to guard female inmates, neither did the witness know of any American inmates being there (R 96, 97). He knew of no trouble by the accused with the inmates. He further testified that there were 1500 to 2000 inmates at subcamp Kaufering III (R 98); that the accused did not work on the inside of the camp (R 99); and that he never saw the accused mistreat an inmate (R 101). Roth testified that he never saw or heard of the accused mistreating an inmate (R 102). Neither did he know of any Americans being in this camp, which contained mostly Jewish inmates (R 103). On cross-examination this witness testified that he was not in a position most of the time to observe the conduct of the accused (R 105).

A stipulation was received in evidence to the effect that if two additional available witnesses testified their testimony would corroborate, and be substantially the same as, that of three other witnesses to the effect that they did not know of the Hanoback and Grinzig details (R 111). This was corroborated by the testimony of Sorge (R 97); Roth (R 103), Kusters (R 107) and WITT (R 144).

The accused testified that, at subcamp Kaufering III where he was a guard, he never knew of work details Hanoback and Grinzig (R 126). He never had any American prisoners under his guard (R 127). He further testified that the American sergeant who testified against him called him Arthur while his real first name is Ernst. He never went by the name of Arthur (R 128). The accused further testified that he never saw any in-



He denied that he beat inmates at the railroad station at Ingling (R 133). He also testified that it was strictly forbidden in subcamp Kaufering III to touch anybody and, if and when this did happen, the inmate was entitled to complain about it; that the beating of inmates was done by the organization Todt; and that the guards escorted the inmates from the camp to the work site and turned them over to the OT. When asked by the Court why the guards did not protect the inmates with their rifles from being beaten by the OT men, the accused explained that this was done in several places by withholding the work detail. A report was made to the highest command which had supervision (R 137).

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

Petitions: No Petitions for Review nor Petitions for Clemency were filed.

Recommendation: That the findings and the sentence be approved.

5. Heinrich WITT

Nationality:	German
Age:	50
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Master Sergeant
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	11 years commencing 25 June 1945

Evidence for Prosecution: The accused stated in an extrajudicial sworn statement that he was at subcamp Kaufering III from 18 June 1944 to 23 April 1945 with duties as detail leader, roll call leader, and camp commander (R 10, P-Ex 5).

Szobel, a former inmate, testified that the accused was deputy camp commander to a captain named Hoffmann at subcamp Kaufering III and that on one occasion during roll call he saw the accused hit an inmate so hard that the victim fell and as a result was taken to the hospital the next



day; and that on a punishment detail the accused once ordered a capo to put 20 to 30 men through a punishment drill in which they were forced to roll about on the ground and do knee bends until they collapsed. He further testified that the lack of food and the poor physical condition of the inmates caused them to collapse during rigorous exercise (R 46, 47); that the general physical condition of the inmates became worse after the accused became acting commander (R 48); and that the accused was acting commander of subcamp Kaufering III for four months (R 49). The witness also testified that there were, at first, about 1,000 inmates in this camp and later the number increased to approximately 2,800; and that 20 to 30 inmates died each day and were carried away like animals (R 51).

Accused REUTER testified that the testimony of witnesses to the effect that accused WITT never went outside the camp, nor on details, and that he always stayed in camp, was not correct, as he saw the accused frequently while he was on other work details. The accused usually went to non-commissioned officers to get information (R 138).

The accused admitted on cross-examination that he was a guard on the Moll detail at subcamp Kaufering III; that this detail was a heavy construction job and required very hard work (R 153); that inmates were beaten on both the Moll and Stoehr details; and that in some cases the inmates wore wooden shoes (clogs) issued to them at subcamp Kaufering III (R 154, 155). He further testified that while he was camp commander at the subcamp his roll call leader caused some inmates who had stolen food to stand in the barbed wire for at most an hour at a time with a potato in their mouths, and upon being questioned about this the accused answered, "Whenever they had stolen anything, and they stole things from their comrades, they were not allowed to beat them, so how else could you educate these people? If they put them in barbed wire this definitely did not hurt them" (R 159-161).

Witness Chudacek, an inmate at subcamp Kaufering III from June 1944 until the capitulation, testified that he knew the accused following July 1944 as a roll call leader. The accused later became camp commander and



under him the conditions at this subcamp became worse than they were under his predecessor (R 202, 203). He testified further that the accused made male and female inmates stand at the fence during winter weather, as well as ordering sick inmates to the so-called "sick camp" Kaufering IV; that the inmates at Kaufering III received no medical attention; and that the accused sent food from the camp to his home (R 207, 211). He further testified that before the accused became camp commander he was friendly to him but that afterwards the accused forbade the witness to talk to him any more (R 213).

The accused stated in an extrajudicial sworn statement that he accompanied a transport of 1500 inmates and 150 guards from Auschwitz Concentration Camp to Kaufering 15-17 June 1944, and also that he was leader on the evacuation march from Kaufering to Furstenfeldbruck 24-25 April 1945 with 145 inmates and 40 guards (R 10; P-Ex 5A).

In an extrajudicial sworn statement, Sergeant John Petro, United States Army, stated that after he had been at Augsburg-Pfersee approximately one month he was sent to subcamp Kaufering III, which he described as 30 or 40 kilometers north of Augsburg. While there he saw the accused, as roll call leader, require female inmates to do knee bends when they were late for work. He also saw the accused strike quite a few female inmates frequently with a swagger stick without regard to where he hit them (R 14; P-Ex 6, pp. 17, 18).

Evidence for Defense: Sorge, a former SS guard at subcamp Kaufering III, testified that the reputation of the accused as to treatment of inmates under him was good and that he never saw the accused mistreat an inmate (R 98, 101). Both testified that inmates preferred subcamp Kaufering III to other camps (R 103). He did not see any SS men mistreat inmates at subcamp Kaufering III (R 105). Kusters, a former medical sergeant at subcamp Kaufering III (R 107) testified that he never heard of an SS guard mistreating an inmate (R 110).

The accused testified that he was transferred to the Waffen SS 10 June 1944 and was sent to subcamp Kaufering III 18 June 1944; that for the first



three weeks he was on the Moll work detail; that he was roll call leader at this subcamp from 15 July to 6 December 1944; and that later, after his superior Captain Schwartz was transferred, he took charge of the camp for two months until 10 February 1945. He further testified that there was no Captain Hoffmann at the camp; and that he was not a member of the Nazi Party (R 163). The accused's testimony that there was no Captain Hoffmann at subcamp Kaufering III was corroborated by testimony of accused REUTER (R 134); of Roth (R 103); and Auster (R 107) and also by a stipulation (R 111).

The accused denied that he supervised penal exercises by inmates. He testified that he stopped them. He instructed inmates to report mistreatments to him so he could take the proper steps. He improved conditions for inmates (R 141, 142). He denied that he beat inmates (R 148), or that he stole food or sent any home (R 162). Several times he reported his roll call leader for mistreating inmates (R 163). He never ordered any kind of punishment or reported any inmates to headquarters (R 164). Monthly instructions were given to the guards against beating (R 165). He further testified that if he had not done anything wrong or had beaten anyone, or had he been responsible for any inmate having been beaten or mistreated, he would readily admit it (R 167). When he discovered inmates standing in the barbed wire he ordered them out and reported the guard who put them there (R 229). For seven weeks after the collapse he lived at Kaufering where hundreds of inmates knew him and nobody said anything against him (R 230).

Sufficiency of Evidence: The Court was warranted from the evidence as to the nature and extent of his participation in its findings of guilty. While some of the positions held by the accused were relatively important, it does not appear that his personal acts or directions resulted in much mistreatment. The sentence is excessive.

Petitions: A Petition for Review was filed by Donald J. Ross, defense attorney, 21 April 1947. Petitions for Clemency were filed by Wilhelm Lehmann undated; Karl Staudenraus, 18 June 1947; Karl Datz, 16 July 1947;



Georg Wagner, 18 July 1947; Mrs. Eugenie Witt, 26 July 1947; and Josef Kirschbaum, United States civilian investigator, 29 September 1947.

Recommendation: That the findings and the sentence be approved, but that the sentence be reduced to imprisonment for 8 years.

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 the nature and extent of their participation were such as to warrant the sentences imposed, except as to accused WITT. The sentence as to accused WITT is believed excessive.

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

VI. CONCLUSIONS:

1. It is recommended that the findings and the sentences be approved, but that the sentence as to accused WITT be reduced to imprisonment for 8 years.



2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto should it meet with approval.

LOUIE T. TISCHER  
Attorney  
Post Trial Branch

Having examined the record of trial, I concur, this \_\_\_\_\_  
day of \_\_\_\_\_ 1948.

C. E. STRAIGHT  
Lieutenant Colonel, JAGC  
Deputy Judge Advocate  
for War Crimes