

Camp Dachau, Germany

13 June 1947

MORNING SESSION

A General Military Court appointed by Special Order No. 76, Paragraph 9, dated 29 May 1947, Headquarters European Command APO 757, met at Camp Dachau, Germany, on 13 June 1947 at 0900 hours, as directed by the president thereof.

The court proceeded in open court to the trial of Erick Schuettauf, Wilhelm Grill, Willi Jungjohann, Oskar Tandler, Herbert Hartung, Alfons Hugo Heisig.

* * *

PRESIDENT: Court will come to order.

PROSECUTION: The prosecution is ready to proceed with the case of the United States against Erick Schuettauf, et al. The accused, all males, are present together with their regularly assigned defense counsel.

PRESIDENT: The Court has appointed as interpreter Rudolph Schubert. He will be sworn.

(Whereupon Rudolph Schubert, U. S. Civilian, was sworn as court interpreter.)

PRESIDENT: The court has appointed as court reporter Augusta Lapins. She will be sworn.

(Whereupon Augusta Lapins, U. S. Civilian, was sworn as court reporter.)

PRESIDENT: When does the accused desire to introduce as counsel in addition to the regularly assigned defense counsel?

DEFENSE COUNSEL: The accused desire to introduce as special defense counsel, Doctor Wilhelm Kluge, nationality German, profession attorney.

He is duly qualified to practice before this court.

PRESIDENT: That is acceptable to the court.

PROSECUTION: The following members of the court are present:

Colonel Andrew C. Gardner, President
Colonel William C. Hensch, Legal Member
Colonel Claude C. Murch
Lieutenant Colonel Julius V. Sims
Lieutenant Colonel Carlisle L. Irvin

The following members are absent, having been duly excused by the appointing authority or his delegate:

Colonel Rafael L. Selzmann
Lieutenant Colonel Harold L. Milan
Lieutenant Colonel Charles D. Wiley
Lieutenant Colonel John T. Keeley
Lieutenant Colonel Vestrey S. Wilson

(Whereupon the prosecution stated the general nature of the charges and particulars.)

PROSECUTION: Is any member of the court fundamentally opposed to capital punishment?

PRESIDENT: Is any member opposed to capital punishment? No.

PROSECUTION: The prosecution will not call any member of the court as a witness. Will the accused call any member of the court as a witness?

DEFENSE COUNSEL: No.

PROSECUTION: Has any member of the court a personal interest in the case?

PRESIDENT: Does any member have a personal interest in this case? No.

PROSECUTION: Colonel William C. Hensch, a member of the court, is an officer with legal training.

PRESIDENT: I wish you would quote the order appointing the court and the endorsement directing the trial.

PROSECUTION: This court has been appointed by Special Order No. 76, Headquarters European Command, 29 May 1947, signed by Command of General Clay, C. R. Huebner, Lieutenant General, GSC, Chief of Staff; by letter headquarters 7708 War Crimes Group, European Command APO 178, dated 21 May 1947, signed by C. E. Straight, Colonel, JAGD. The following counsel have been appointed, as chief prosecutor, Mr. Lewis Horwitz, as chief defense counsel, Lieutenant Paul Hughes. By letter Headquarters 7708 War Crimes Group, European Command, APO 178, dated 10 June 1947, signed by C. E. Straight Colonel, JAGD, Deputy Judge Advocate for War Crimes, this case has been referred for trial.

PRESIDENT: The court has satisfied itself that it is properly constituted under the laws and rules governing Military Government Courts and has jurisdiction over the persons and offenses of the accused. If either the prosecution or the defense has any ground for challenge of any member, it is requested that it be disclosed now.

PROSECUTION: No challenge.

DEFENSE COUNSEL: The Defense has no grounds for challenge.

PRESIDENT: There being no grounds for challenge, the court is declared to be properly constituted. The trial will be conducted in open court. All interlocutory questions arising during this trial will be ruled upon by the president, subject to objection by any members of the court.

The accused will now be interrogated as to name, age, residence, nationality and status. When your name is called, rise and answer to the following questions.

PRESIDENT: Schuetttauf, Erick, give your name, age, residence, nationality and status.

ACCUSED ERICK SCHUETTAUF: Schuettauf, Erick; 60 years of age; Dresden; German nationality; civilian internee.

PRESIDENT: You may be seated.

(Whereupon the accused resumed his place in the dock.)

PRESIDENT: Grill, Wilhelm, give your name, age, residence, nationality, and status.

ACCUSED WILHELM GRILL: Grill, Wilhelm; 30 years of age; Bayreuth; German nationality; civilian internee.

PRESIDENT: You may be seated.

(Whereupon the accused resumed his place in the dock.)

PRESIDENT: Oskar Tandler, give your name, age, residence, nationality, and status.

ACCUSED OSKAR TANDLER: Tandler, Oskar; 57 years of age; Crimmitschau. (They spell it here, Crimetschau.) German nationality; civilian internee.

PRESIDENT: You may be seated.

(Whereupon the accused resumed his place in the dock.)

PRESIDENT: Herbert Hartung, give your name, age, residence, nationality, and status.

ACCUSED HERBERT HARTUNG: Hartung, Herbert; 41 years of age; Neukirchen, Saxonia; German nationality; Civilian internee;

PRESIDENT: You may be seated.

(Whereupon the accused resumed his place in the dock.)

PRESIDENT: Alfons Hugo Heisig, give your name, age, residence, nationality, and status.

ACCUSED ALFONS HUGO HEISIG: Heisig, Alfons; 42 years of age; Neesen, Westphalia; German nationality; Civilian internee.

PRESIDENT: You may be seated.

(Whereupon the accused resumed his place in the dock.)

PRESIDENT: Johann Willy Jung, give your name, age, residence, nationality, and status.

ACCUSED JOHANN WILLY JUNG: Jung, Johann, Willi; 45 years of age; Osterrennfeld, Molestein; German nationality; Civilian internee.

THE INTERPRETER: One moment please, I think there is something wrong with his name. The name is J-U-N-G-J-O-H-A-N-N, and the first name is Willi.

PRESIDENT: That name is correct in this.

THE INTERPRETER: Well the surname, that is one word, Sir, J-U-N-G-J-O-H-A-N-N. The first name is Willi.

PRESIDENT: The Charge Sheet hasn't shown that.

The record will indicate that the correct name of the last defendant is Jungjohann, one word, altogether, not hyphenated.

You may be seated.

(Whereupon the accused resumed his place in the dock.)

PRESIDENT: The accused will all stand. You are advised that under the law of Military Government you are entitled by this court to the following:

1. To have, in advance of trial, a copy of the charges upon which you will be tried.
2. To be present at your trial, to give evidence, and to examine or cross examine any witness.
3. To consult counsel before trial and to conduct your own defense or to be represented at the trial by a lawyer of your own choice, subject to the right of this court to debar any person from appearing before it.

4. In any case in which a sentence of death may be imposed to be represented by a member or civilian attorney of the United States Forces and such other counsel as the accused may designate.

5. To bring with you to this trial such material witnesses in your own defense as you may wish, or to have them summoned by the court at your request, if practicable.

6. To apply to the court for an adjournment where necessary to enable you to prepare your defense.

7. To have the proceedings translated when you are otherwise unable to understand the language in which they are conducted.

8. In the event of conviction, to file a petition for review to the appointing authority setting forth grounds why the findings and sentence should be set aside or modified.

Do you, Schuettauf, Grill, Tandler, Martung, Heisig, and Jungjohann, understand the instructions the court has just given?

DEFENSE COUNSEL: They do.

PRESIDENT: Are you all now ready for trial in this case?

ACCUSED ERICK SCHUETTAUF: We did get the charge sheet on only such a short time ago that we had very little time to make any preparation for our defense.

DEFENSE COUNSEL: If the court please, the Defense is ready to proceed.

PRESIDENT: Has a copy of the Charge Sheet been served upon you prior to trial?

DEFENSE COUNSEL: Yes.

PRESIDENT: Were you photographed and fingerprinted at the time you were served with the charges?

ACCUSED ERICK SCHUETTAUF: Yes.

ACCUSED WILHELM GRILL: Yes.

ACCUSED CYRIL TANDLER: Yes.

ACCUSED HERBERT HARTUNG: Yes.

ACCUSED ALFONS REISIG: Yes.

ACCUSED WILLI JUNGJOHANN: Yes.

PRESIDENT: You may be seated.

(Whereupon the defendants resumed their places in the dock.)

PRESIDENT: You will now offer in evidence as Exhibit P-1, the accomplished WOG Form No. 38.

(The documents referred to were marked Prosecutions Exhibits P-1, P-2, P-3, P-4, P-5, and P-6, for identification.)

PROSECUTION: I offer in evidence P-1, P-2, P-3, P-4, P-5, and P-6, Form No. 38 for all the accused.

DEFENSE COUNSEL: No objection.

MR. MEER: No objections, Exhibits P-1 to P-6 will be received in evidence.

PRESIDENT: The accused will stand.

ARRAIGNMENT:

PRESIDENT: I will now read to you the Charges and Particulars.

(Whereupon the president read the charges and particulars.)

PRESIDENT: The accused may be seated.

(Whereupon the defendants resumed their places in the dock.)

PRESIDENT: Is there any objection on the part of the Defense to correcting the Charge Sheet to read, in the case of one of the accused, J-U-N-G-J-O-H-A-N-N, and his first name Willi?

DEFENSE COUNSEL: No, Sir.

PRESIDENT: There being no objection, let the record so indicate that the Charge Sheet and the records submitted in this case will show the name of the accused as indicated.

As your name is called, all of the accused will stand.

PLEAS

PRESIDENT: Schuettauf, Grill, Jungjohann, Tandler, Hartung, and Heisig, how do you plead to the particulars and charges? Guilty or not guilty?

ACCUSED ERICH SCHUETTAUF: Not guilty.

ACCUSED WILHELM GRILL: Not guilty.

ACCUSED WILLI JUNGIJOHANN: Not guilty.

ACCUSED OSKAR TANDLER: Not guilty.

ACCUSED HERBERT HARTUNG: Not guilty.

ACCUSED ALFONS HEISIG: Not guilty.

PRESIDENT: You may be seated.

(Whereupon the defendants resumed their places in the dock.)

PRESIDENT: Does the Prosecutor desire to make an opening statement?

PROSECUTION: No, Sir.

The court reporter has marked for identification as Prosecution's Exhibit P-7, a letter headed Mauthausen Concentration Camp subsequent proceedings trial data, from parent case dated 10 June 1947. This is a letter containing the direction of the Theater Commander, and a certified copy of an excerpt from the Review and Recommendations of the Deputy Judge Advocate for War Crimes, constituting a general digest of the Prosecution's evidence relative to general conditions of the Mauthausen Concentration Camp and its subsidiary camps.

(The document referred to was marked Prosecution Exhibit P-7 for identification.)

PROSECUTION: I offer this in evidence.

DEFENSE COUNSEL: The defense has no objection, Sir.

LAW MEMBER: Subject to objection by any members of the court, Prosecution Exhibit P-8 may be received in evidence.

(The document heretofore marked Prosecution Exhibit P-7 for identification, was received in evidence as Prosecution Exhibit P-7, is attached hereto, and made a part of the record.)

PROSECUTION: The Prosecution calls as its first witness, Joseph Kowalski.

DEFENSE COUNSEL: If the court please, while the witness is appearing, I would like to suggest that the defendants be placed in the docket according to the way their names are listed on the Charge Sheet, for purposes of identification.

PRESIDENT: The court desires that it be so arranged. Have the defendants placed in the docket the way they are enumerated in the Charge Sheet.

(Whereupon the defendants were seated in the dock in the order their names appear on the Charge Sheet.)

PROSECUTION: A Polish interpreter will be needed for this witness.

PRESIDENT: The court has appointed Boguchwal Kolodziejczak as Polish interpreter. He will be sworn.

(Whereupon Boguchwal Kolodziejczak, Allied Civilian, was sworn as court interpreter.)

JOSEPH KOWALSKI, called as a witness by the Prosecution, being first duly sworn, testified through a Polish and German interpreter as follows:

DIRECT EXAMINATION

QUESTIONS BY PROSECUTION:

1. State your full name.

A Kowalski, Joseph.

Q Your address?

A Linz, Austria.

Q Your occupation?

A I am a locksmith.

Q Your age?

A 37 years of age.

Q Your nationality?

A I am Polish.

Q Do you know one or more of the accused?

A Yes.

Q State those whom you know, according to the number they have on them.

A Number 6, Heisig; I know No. 5, Hartung; No. 4, Fandler; No. 3, Jung; No. 2, Grill; No. 1, Schuettauf. His nick-name in the camp was General Bauch.

Q General Stomach, isn't it? Were you a prisoner in Gusen?

A Yes.

Q From what date to what date were you a prisoner there?

A From 2nd of August, 1940, until the 5th of May, 1945, the liberation.

Q What details did you work on?

A I worked in nearly all of the details.

Q What was Schuettauf's rank in the camp?

A He was an officer, a company commander. I don't know what rank he had. He had the same rank as Seidler. He had some stars on his collar and on his shoulder straps.