

30 January 1948

UNITED STATES)

v.

Ludwig FISCHER

Case No. 000-Buchenwald-31

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, during the period 20-31 October 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Ludwig FISCHER, a German national, did, at or in the vicinity of Weimar, Germany, in or about December 1944, wrongfully encourage, aid, abet and participate in the killing of an unknown non-German national, an inmate of Buchenwald Concentration Camp, who was then in the custody of the then German Reich.

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

Particulars: In that Ludwig FISCHER, a German national, did, at or in the vicinity of Weimar, Germany, in or about April 1945, wrongfully encourage, aid, abet and participate in the killing of approximately five non-German nationals, inmates of Buchenwald Concentration Camp, who were then in the custody of the then German Reich, the exact names and numbers of such persons being unknown.

III. DATA AS TO ACCUSED:

Ludwig FISCHER

This accused was acquitted (R 136).

IV. SUMMARY OF EVIDENCE: One witness testified that the accused was a block leader in the Nordlager, a part of Ohrdruf, a subcamp of Buchenwald Concentration Camp (R 9, 10, 16, 23); and that in September 1944, the accused struck one French and one Polish inmate with a shovel handle, causing their deaths (R 10-13, 20). Four witnesses, testified that in April 1945, the accused was a dog leader on an inmate evacuation march from Concentration Camp Buchenwald to Concentration Camp Flossenburg (R 27, 28, 29, 53, 68, 80). The foregoing witnesses, evacuees on the said march, further testified that the accused set a dog upon inmates

who were too weak to walk (R 32, 54, 69, 80). One of the foregoing witnesses testified that during the march the accused shot an inmate who was attempting to hide in a ditch (R 33). The other three witnesses testified that on various occasions during the march the accused shot inmates who were too weak to walk (R 54, 70, 71, 80).

The accused testified that although he was stationed in Buchenwald Concentration Camp, he was assigned to a motorized battalion, helped train recruits, and did charge of quarters and train control duty. He denied any connection with the inmates and also denied beating and killing them (R 89-91). He further testified that sometime in August or September 1944, he was transferred to Kurmark, a troop training station located in the vicinity of Frankfurt-on-the-Oder, and that he never returned to Concentration Camp Buchenwald (R 90, 91, 96). After various assignments in the same vicinity, he left Kurmark in February 1945, and was finally sent into combat in the vicinity of Ingolstadt and captured by American troops in early May 1945 (R 92, 93). He denied being on the inmate evacuation march from Buchenwald to Flossenburg (R 95). Four witnesses, former members of the motorized battalion in Buchenwald Concentration Camp, testified that the accused was a member of the battalion and was transferred to Kurmark sometime in August 1944 (R 107, 108, 110, 113, 115). A fifth witness testified he was with the accused in the training center at Kurmark from September to November 1944 (R 104). A sixth witness, accused's fiancée, testified that the accused left Weimar in August 1944, and that she received letters from him through the regular mail, postmarked at Kurmark, from September 1944 to February 1945 (R 118-121; D-Exs 1A-33A). In April 1945, the accused was in Ersberg (R 123, 124; D-Exs 25A, 26A).

The Court apparently concluded from the evidence adduced that the accused sufficiently proved an alibi and could not have committed the atrocities attributed to him at the places and at the times charged.

V. JURISDICTION:

It is clear that the Court had jurisdiction of the person of the

accused and of the subject matter.

VI. CONCLUSIONS:

It is recommended that the record of trial be filed in the records of this office and that a copy of this Review and Recommendations be forwarded to the Judge Advocate, European Command, for his information.

RONALD DADAMIO
2nd Lt Inf
Post Trial Branch

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

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