

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

6 January 1948

UNITED STATES )  
                  ) )  
                  v. )  
Karl Erich WEYRAUCH )

Case No. 000-Buchenwald-6

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, on 27 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 Karl Erich WEYRAUCH, a German national, did, at or in the vicinity of Weimar, Germany, in or about December 1939, 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 Karl Erich WEYRAUCH, a German national, did, at or in the vicinity of Weimar, Germany, in or about June 1943, wrongfully encourage, aid, abet and participate in the killing of approximately 20 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.

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

Particulars: In that Karl Erich WEYRAUCH, a German national, did, at or in the vicinity of Weimar, Germany, in or about May 1943, wrongfully encourage, aid, abet and participate in committing an assault upon approximately 12 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. SUMMARY OF EVIDENCE: The prosecution offered no evidence in support of Charge I or Charge II or the particulars under both charges and the Court accordingly found the accused not guilty of both charges and particulars thereunder.

The accused was a first sergeant in the Waffen SS and the

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Buchenwald Concentration Camp. The record does not reveal the period of time that the accused served in this position. In May 1943, while in charge of a work detail, the accused threw bricks at Russian inmates in his detail.

IV. EVIDENCE AND RECOMMENDATIONS:

Karl Erich WEYRAUCH

Nationality:	German
Age:	35
Civilian Status:	Mason
Party Status:	Nazi Party, since 1933
Military Status:	Waffen SS first sergeant
Plea:	NG Charge I; NG Charge II; NG Charge III. At the end of the prosecution's case, the accused changed his plea as to Charge III from not guilty to guilty.
Findings:	NG Charge I; NG Charge II; G Charge III
Sentence:	10 years, commencing 17 April 1945

Evidence for Prosecution: The accused was a first sergeant in the Waffen SS and in charge of a work detail composed of Russian inmates in Buchenwald Concentration Camp. A witness, a former inmate, stated in his unsworn pretrial statement that in May 1943 he saw the accused throw bricks at Russian inmates who were working on his work detail. This witness stated further that the accused was considered by the inmates as a man who used brutal methods to increase the rate of work of the inmates under him (R 7; P-Ex 6A). After the prosecution rested, the accused changed his plea as to Charge III from not guilty to guilty (R 8, 9).

Evidence for Defense: The accused did not testify.

Sufficiency of Evidence: While the conviction as to Charge III which is bottomed upon a plea of guilty is obviously appropriate, an examination of the statements and evidence reveals little information as to the consequences of the assault. However, it is clear that the accused assaulted the victim with bricks, instruments likely to produce great bodily harm. The sentence

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

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

V. QUESTIONS OF LAW:

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

Plea of Guilty: The plea of guilty by the accused was properly accepted by the Court (R 9).

Section 5-328, Title 5, "Legal and Penal Administration," of "Military Government Regulations," published by Office of Military Government for Germany (US), Change 1, 27 March 1947, provides in part as follows:

"The procedure in Intermediate and General MG Courts shall be the same as that provided herein for Summary MG Courts except that: \* \* \*

"c. A plea of guilty to an offense punishable by death may be accepted provided the court is satisfied from the nature of the case that the punishment of death would be clearly excessive and that a lesser punishment which it is within its power to impose would suffice."

Section 5-325, a, Title 5, supra, provides in part, with respect to the procedure in Summary MG Courts, as follows:

"Upon a plea of guilty of all offenses charged, a Summary Court will hear such statements for the prosecution and the defense and such evidence as it requires to enable it to determine the sentence to be imposed. \* \* \*"

The Court complied with the above prescribed procedure in accepting the plea of guilty.

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 sentence be approved, but that the sentence be reduced to four years.

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

RONALD DADAMIO  
2nd Lt., Inf  
Post Trial Branch

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

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

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