

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

14 January 1948

UNITED STATES )

v. )

Case No. 000-50-2-104

Karl August LIPPMANN, et al. )

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, during the period 30-31 July 1947, before a General Military Government Court.

II. CHARGES AND PARTICULARS:

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

Particulars: In that Karl August Lippmann and Rudolf Schmieder, 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 LANESBERG, 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 Karl August Lippmann and Rudolf Schmieder, 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 LANESBERG, 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 were members of the SS at Camp Dachau and/or its outcamps for considerable periods of time between the dates alleged, and were shown to have participated as guards in the Dachau Concentration Camp mass atrocity. Prosecution's Exhibit P-Ex 3 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; R 12).

IV. EVIDENCE AND RECOMMENDATIONS:

1. Earl August LIPPMANN

Nationality:	German
Age:	57
Civilian Status:	Merchant
Party Status:	NSDAP
Military Status:	Waffen SS Sergeant
Plan:	NG Charge I; NG Charge II
Findings:	G Charge I; NG Charge II
Sentence:	Life imprisonment

Evidence for Prosecution: The accused stated in an extrajudicial sworn statement that from 3 August 1944 to 14 January 1945, he served as a guard at Camp #2, Landsberg, an outdetail of Kaufering which was an outcamp of Dachau Concentration Camp; that from 14 January 1945 to 29 April 1945, he served as guard and assistant camp commander at Camp #10, Utting, an outdetail of Kaufering; and that his duties at Utting included counting the inmates at roll call, inspecting the camp and controlling the guards at the work site (R 14; P-Ex 5). (The outdetails at Landsberg and Utting, described in the preceding sentence, are hereinafter referred to as Kaufering 2 and Kaufering 10 respectively.)

One witness testified that Kaufering 10 contained 650 male inmates who worked at various tasks connected with the making of large cement blocks for construction work. In Kaufering 10 the inmates lived in long barracks, half sunken into the ground, with only two small windows per



barrack. About 50 inmates lived in each barrack. The inmates were very poorly clothed inasmuch as they were issued very lightweight inmates' clothing, with wooden clogs for shoes, for wear both in winter and in summer. Food consisted of only coffee, watery soup, and a small piece of bread each day (R 15-17). This witness testified further that the accused was a block leader and roll call leader; that, in addition to these duties, he was on duty at the construction site; that the accused beat a total of six or seven inmates with a stick approximately three feet long and two inches thick; and that the accused beat inmates whenever he saw them resting (R 18, 19, 27).

A second witness testified that during a delousing process at Kaufering 10 in January or February 1945, the accused forced sick inmates, some of whom had high degrees of fever, out of the dispensary into the snow, without blankets (R 38, 40, 41). This witness testified further that when sick inmates had at least 39° of fever (this witness did not state what scale) they were permitted to go to the hospital which had a limited quota, but if the quota was filled they were not admitted to the hospital (R 47).

A third witness, a former inmate and doctor, testified that the medical facilities in the dispensary at Kaufering 10 were very primitive (R 53). During the time he was a doctor in Kaufering 10, at least 50 to 60 inmates came to him for treatment of injuries caused by beating; the victims told him that their injuries were caused by beatings given them by the accused (R 54, 55). This witness testified further that some inmates died in Kaufering 10 as a result of pneumonia caused by difficult living conditions, working on the outside, poor clothing, and lack of sufficient food (R 56). Inmates received only 400 calories per day whereas they should have received 4000 calories per day considering the type of work they performed (R 61). There were no prisoners of war in Kaufering 10 (R 62). This witness saw the accused carry a stick approximately two and one half inches thick and about three feet long while in Kaufering 10 (R 63).



Another witness, a former inmate and doctor, testified that the refusal of the accused to permit him to escort an exhausted inmate from the work site to the dispensary resulted in that inmate's death a few days later (R 65). The accused was in charge of the detail and had the authority to grant permission to take the inmate to the hospital (R 66).

A fourth witness testified that he was placed in Kaufering 2 in July 1944; that he was transferred from Kaufering 2 to Kaufering 10 on 24 December 1944; and that he remained in Kaufering 10 until it was evacuated (87, 88). This witness testified further that the accused was a column leader at Kaufering 2, escorting the inmates from the camp to the work site. He beat the inmates with a stick when they got out of line in the march column. After a beating, the accused usually took the inmate's number and reported him to the camp authorities which resulted in additional punishment of 50 strokes (R 88, 89). This witness was beaten by the accused on two occasions because he was not working fast enough (R 90, 91). Another witness testified that the accused was roll call leader and sometimes deputy to the camp commander at Kaufering 10 (R 98, 99). On one occasion in Kaufering 10 he saw the accused beating a sick inmate to drive him out to roll call (R 99).

A sixth witness stated in an extrajudicial sworn statement that in Kaufering 2 about October 1944 the accused beat inmates with a blackjack filled with lead (R 106; P-Ex 6). Four of the foregoing witnesses testified that in the winter of 1944-1945 at Kaufering 10 the accused beat an inmate, Davidovitz, so severely that he died a few days later (R 19-21, 55, 56, 74, 82, 96). Two of the foregoing witnesses testified that the accused and Arno Lippmann, sentenced to death in the Parent Case, were not one and the same persons; and that they were not in Kaufering 10 at the same time (R 37, 67, 68).

One of the foregoing witnesses testified that in the late fall of 1944, under the supervision of the accused, an inventory was made of all the gold teeth in Kaufering 10. When an inmate with gold teeth died,



the teeth were extracted for delivery to the SS (R 100).

Evidence for Defense: A witness, a former first sergeant of the SS at Kaufering 10, testified that he knew the accused there; that he never heard of anyone having been beaten to death; and that he did not know an inmate by the name of Davidovitz (R 108, 109). This witness testified further that an inspection of gold teeth of the inmates of Kaufering 10 was made in November 1944 by Lieutenant Arno Lippmann, then the camp commander, but not by the accused. When Lieutenant Arno Lippmann was transferred from Kaufering 10 in the middle of December 1944, Sergeant Wipolinger became its commanding officer (R 110, 111). The accused was not present at the inspection of gold teeth (R 112). He never saw the accused beat or hit an inmate (R 118).

The accused testified that his duties were to guard inmates on work details, about 20 men at a time. He did not carry a stick while he was at Kaufering 2, but occasionally cut off a branch of a tree and carved rings in it with his knife. He did not use this stick for beating inmates. He was not permitted to beat inmates. He remained in Kaufering 2 until 14 January 1945 when he was transferred to Kaufering 10, arriving there by train the same day. His duties at Kaufering 10 were that of sergeant of the guard every third or fourth day and guard in the chain of guards around the inmates while they worked. After the first of April 1945 he was ordered by the camp commander to call the roll of inmates in the evening when they returned from work. He did not participate in the inspection and registration of the gold teeth of the inmates (R 124, 125). He did not know any of the former inmates who were prosecution witnesses and did not beat any of them, nor any other inmates (R 129). The accused was in Kaufering 2 with 1st Lieutenant Arno Lippmann, but not in Kaufering 10 (R 130, 131).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive. It was satisfactorily proved by eye witnesses, former inmates of outcamps Kaufering 2 and 10, that the accused was an habitual beater and was directly responsible



for the death of many inmates who were slave laborers at these two work camps. His substantial participation in the Dachau Concentration Camp mass atrocity was a motivating force in the operation of the infamous Kaufering group of outcamps.

Petitions: A Petition for Review was filed by Chief Defense Counsel, Major L. F. Benson, 4 August 1947. A Petition for Clemency was filed by Doctor Johann Neuhausler, 15 September 1947.

Recommendation: That the findings and sentence be approved.

2. Rudolf SCHMIEDER

Nationality:	German
Age:	43
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS, Private
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; NG Charge II
Sentence:	2 years and 4 months, commencing 29 April 1945.

Evidence for Prosecution: A witness testified that he knew the accused slightly; and that the accused was a guard at Kaufering 10, whose duties were to guard the young inmates in this camp (R 18). A second witness testified that the accused was a guard in Kaufering 10; that the accused beat him and other inmates; that the accused struck a young inmate with a rifle butt, breaking his front teeth; and that he did not remember the exact date of the beatings (R 39, 40).

Evidence for Defense: The accused did not take the stand in his own behalf.

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 sentence be approved.



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-AGC, subject: "Trial of War Crimes Cases", 14 October 1946, and the Parent Case). Both of the 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 that the nature and extent of their participation were such as to warrant the sentences 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 sentences be approved.
2. Legal Forms Nos. 13 and 16 to accomplish this result are attached hereto, should it meet with approval.

LOUIE T. FISCHER  
Attorney  
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