

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

12 June 1947

UNITED STATES

vs

Case No. 000-50-2-22

Ernst ANGERER, Alois WIPPLINGER,
Franz FROMMAPFEL, Alois HIPP,
German nationals.

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried jointly at Dachau, Germany
Date: 26 November -- 3 December 1946
General Military Government Court

ACCUSED

DATA

SENTENCE

ANGERER, Ernst	Age 33 SS blockleader Rank: T/Sgt.	25 years, commencing 18 May 1945
FROMMAPFEL, Franz	Age 33 SS roll call leader Rank: M/Sgt.	Death
HIPP, Alois	Age 36 SS roll call leader Rank: M/Sgt.	Death

Plea Findings

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

PARTICULARS: In that Ernst ANGERER,	ANGERER	NG	G
Alois WIPPLINGER, Franz FROMMAPFEL,	FROMMAPFEL	NG	G
Alois HIPP, acting in pursuance of	HIPP	NG	G

a common design to commit the acts hereinafter alleged, and as individuals 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 1943 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 cruelty 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.

Pleas

Findings

PARTICULARS: In that Ernst ANGERER, Alois WIPPLINGER, Frans FROHNAPFEL, Alois HIPP, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals aiding in the operation of the Dachau Concentration Camp, and camps subsidiary thereto, did, at or in the vicinity of DACHAU and LAUSBERG, 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.

ANGERER

NG

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FROHNAPFEL

NG

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HIPP

NG

C

The accused Alois WIPPLINGER was served but not tried (R 2).

2. RECOMMENDATIONS: That the findings and sentences be approved.
3. EVIDENCE:

For the Prosecution: Prosecution's case was based on the sworn testimony of 18 witnesses, in addition to extrajudicial sworn testimony as hereinafter indicated. Exhibit P-1 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp case (U.S. vs Weiss et al., 000-50-2, March 1946, hereinafter referred to as the "Parent Case"; R 8). Exhibit P-2 is a letter published by Dachau Detachment, 7708 War Crimes Group, 15 November 1946, subject: "Status of Personnel in Concentration Camps" (R 9). Exhibits P-3 - 8, consisting of pages 122, 123, 126, 180, 308, 521 and 528 from the record of the Parent Case, were admitted into evidence (R 10). Physical copies thereof were not required for introduction by the Court as it was directed to and did take judicial notice of the contents of the record in the Parent Case (R 54). Exhibit P-9 is a map of the Dachau Concentration Camp (R 34). Exhibits P-10-a and 11-a are extrajudicial sworn testimony of ANGERER and

FRÖHNAPFEL (R 177, 178). Accused HIPP did not make any such statement. Exhibit P-12, consisting of a paragraph on page 16 of the Review and Recommendations in the Parent Case by the Deputy Theater Judge Advocate for War Crimes, was read into the record (R 183).

All of the accused were, either by their own admissions or by testimony of witnesses, shown to have been members of the SS at Dachau Concentration Camp and/or its outcamps for considerable periods of time between the dates alleged (P-Ex 10-A and 11-A).

Prosecution witness Gattinger testified at length (R 12 - 22), in respect to atrocities committed at Dachau Concentration Camp during the winter of 1941 through March of 1942 (R 18). Russian inmates left camp during the early months of 1942 and it was generally known that they had been shot on the rifle range by members of the SS at Dachau Concentration Camp, assisted by block leaders and roll call leaders (R 24, 25). Accused FRÖHNAPFEL and HIPP were both stationed at Camp Dachau at the same time as Waffen SS master sergeants, holding similar positions as roll call leaders, and engaged in similar acts of brutality. All prosecution witnesses, with the exception of one, testified generally and specifically, as to the personal participation of accused FRÖHNAPFEL and HIPP in the execution of thousands of Russian inmates, prisoners of war, during 1942 and to their individual sadistic tendencies on all occasions.

For the Defense: The defense's case was based on the sworn testimony of eight witnesses on behalf of the accused ANGERER, one testimonial as to the character of accused ANGERER (D-Ex 1-A, R 227), and the extrajudicial sworn testimony of accused ANGERER and FRÖHNAPFEL introduced by the prosecution (P-Ex's 10-A and 11-A). Testimonials offered in evidence on behalf of accused FRÖHNAPFEL related to events long prior to the period covered by the charges. They were very general and indefinite. They were not admitted (R 228, 229). No evidence was introduced on behalf of accused HIPP. None of the accused testified in his own behalf.

Accused ANGERER, a member of the Waffen SS death head unit, was stationed at Dachau Concentration Camp during the spring of 1942 in the position of block leader with the rank of technical sergeant (R 23). During the months of January, February and March 1942, he was seen at the orderly room once, equipped with steel helmet and rifle (R 27), as a member of an execution detail (R 25). It was common knowledge within the camp that ANGERER and the other two accused were among those SS men designated to act as the executioners of five to six thousand Russian inmates during the last two months of 1941 and the spring of 1942 (R 49). The SS men who participated in the executions received as a gratuity, extra rations of bread, schnapps, hard liquor, cigarettes, tea and sandwiches (R 50, 66, 69, 133). Prosecution witness Schuetz testified that he saw ANGERER once on the shooting range between January and March 1942 (R 68), when an execution took place, at which time he saw him as a member of the execution squad shoot naked Russian or Polish inmates (R 65, 66).

Prosecution witness Unthelm testified he saw all of the convicted accused sometime during the latter part of 1941 and during the early part of 1942 at the motor pool garage as members of the details known as "festival of riflemen", equipped with rifles and steel helmets; that the details went out on army buses seating twelve persons accompanied by trucks and when the trucks came back about two hours later they were bloody; and that he particularly saw ANGERER at the garage more than once during the time mentioned (R 79 - 84).

Between 17 December 1943 and 1 January 1944, ANGERER on two occasions was seen to have hung up on poles fixed with hooks in the yard of the arrest building (R 155) 10 or 15 inmates of Russian and Luxemburg nationality. Their hands were behind their backs. While being interrogated in this position, ANGERER beat them with his fists and kicked them with his feet (R 149 - 152, 156). ANGERER participated in the beating of inmates over a table. Witness Schraubel testified that he received 25 lashings administered by ANGERER (R 150).

In February 1944 ANGERER was seen in the crematory with detail leader Ponkartz (apparently the execution detail leader) and it was common knowledge throughout the camp that ANGERER took part in executions (R 153). FROHNAPFEL stated that ANGERER was with him in 1942 during the execution of inmates (P-Ex 11-A). FROHNAPFEL identified ANGERER when confronted with him (P-Ex 10-A), and ANGERER then admitted being present on one occasion when 10 inmates were executed, but that he shot only one inmate, a Russian, through the heart (P-Ex 10-A).

The prosecution in rebuttal as to the character of ANGERER called witness Behr, not affirmatively shown to have been sworn, who testified that ANGERER was a good man and that he shared this opinion with many others up to 1938 (R 243). In 1938 a great many Jewish inmates came to Dachau Concentration Camp and ANGERER was observed kicking them, from which day Behr was of the opinion that ANGERER was not different from the rest of the SS men in any material respect because a good man should not have mistreated inmates (R 243). Until the time ANGERER kicked an inmate, his reputation was comparatively good (R 244).

Eight witnesses testified in defense of ANGERER. Witness Karl testified that ANGERER's name was never mentioned as one of the SS men who beat, tortured and killed inmates (R 188); that the Russian inmates he knew did not identify ANGERER as one of the block leaders who attended the executions; and that ANGERER was good to him (R 189-191). Witness Marixzi testified that he was quartered in the block over which ANGERER was block leader; that ANGERER visited and sat and talked with the inmates; and that when ANGERER made inspections and found anything wrong he merely said, "That has to be brought in order", but that he didn't make a report. It was generally known that whenever ANGERER took inmates out to work, he would provide food for them whenever possible (R 193-194). According to Wagner, ANGERER's general reputation was that he treated inmates humanely (R 198). Frey testified that ANGERER's reputation among the inmates was good; that ANGERER told him in 1942 that he had been listening to foreign . . .

PRODUCING STATIONS; THAT ANGERER warned him about inspections, telling him which blocks were to be inspected on a particular day (R 204); and that his good reputation existed, whether or not he participated in the Russian executions or in the beatings of and the interrogations of inmates while hung up by their wrists, because he did not make punishment reports or beat inmates inside the camp on his own initiative (R 206).

Witness Cieslik testified that ANGERER was interested in the welfare of the inmates, how they were, their family relationships and the conditions at their homes (R 209); that he was not like the other SS troopers as far as treatment of inmates was concerned; that he behaved quite differently and when saluted he nodded his head (R 210); and that he treated him, Cieslik, as a human being. Witness Karper testified that ANGERER never beat anybody in his detail.

ANGERER told him, "You have to behave like a human being and have to treat them like a human", and he acted accordingly. He did not force inmates to work hard and on several occasions brought them bread. Whenever ANGERER made inspections, the inmates were certain that none of them would be reported and, although it was strictly forbidden to have lighters, matches, etc., in their pockets, ANGERER always overlooked it (R 214-216). ANGERER moved out with as many as 250 inmates on work detail without any other guards, showing his confidence in them (R 218).

Karper further testified that, during the years 1942, 1943 and 1944, inmates were strung up in the bath house (R 219); that ANGERER left Dachau Concentration Camp during the summer of 1943 for the front (R 221); and that ANGERER could not have hanged inmates on poles during the period of time between 17 December 1943 and January 1944 because he was with a tank regiment from the summer of 1943 to the summer of 1944 (R 222). Maria Angerer, wife of the accused, testified that her husband was a detail leader of 800 Dachau inmates at St. Lambrecht, Austria, from July to November 1943 (R 236). Early in

January 1943, he was transferred to Mauthausen for a period of four weeks as punishment because he treated inmates humanely. Upon his return from Mauthausen, he stayed in Dachau for fourteen days and on the 28th of February 1943 he was sent to Weimar to an armored replacement division. He was then sent to France and, upon return from France, to troops training grounds in Silesia, in Neuhammer near Gwois, and from there to the front; all of this being in 1943. He didn't come home until 29 April 1944, at which time they were married, and then he went back to the front until December 1944 (R 233-235).

Accused FROHNAPFEL and HIPP were members of the death head unit of the Waffen SS and were stationed at Dachau Concentration Camp during the spring of 1942, doing duty as roll call leaders (R 22, 56, 57). Each held the rank of master sergeant (R 23). During the months of January, February and March 1942, both FROHNAPFEL and HIPP were seen at the orderly room, about ten or fifteen times, equipped with steel helmets and rifles (R 26, 50, 86) as members of an execution detail (R 26, 60, 63). FROHNAPFEL and HIPP were seen very often taking inmates of various nationalities, such as Russians, Poles, etc., into the bath house for corporal punishment and hanging (R 28, 72, 75, 85, 91, 92). An oxtail whip was used by both of them in beating and punishing inmates on the wooden horse in the bath house (R 73).

Administration of punishment by both accused was a daily occurrence, it being impossible to state the exact number of times (R 29, 33, 72, 100). Both accused used similar methods of punishment (R 32, 33, 97, 100), such as when inmates were hanged on a pole, they were swung and slapped in the face (R 32, 92), and when beatings were administered the counting was often interrupted and counting was started again from a low numeral designated by the inmate when he would reply to a question as to his room or block number (R 32, 102). Such punishments were administered throughout the years of 1942 and 1943 (R 33, 76). During roll calls and block inspections, when the inmates had to fall in, both accused slapped and kicked inmates (R 33, 72, 96, 97, 100, 163).

It was common knowledge within the camp that FROHNAPFEL and HIPP were among those SS men designated to act as the executioners of the five to six thousand Russian inmates during the last two months of 1941 and the spring of 1942 (R 49). The SS men who participated in the executions received extra rations of bread, schnapps, hard liquor, cigarettes, tea and sandwiches as a reward (R 50, 66, 69, 133). FROHNAPFEL and HIPP, in their capacities as roll call leaders, had charge of assembling block leaders to attend these executions (R 50). All the block leaders in the compound were under FROHNAPFEL and HIPP, who were the only roll call leaders in the compound at the time (R 57, 118), and who were directly responsible to the lager fuhrer (R 57).

On 31 December 1942 HIPP, in a drunken condition, went from block to block severely beating inmates and later reported for punishment the block and room eldest of Block 14 and Room 1. Prosecution witness Warzecka, a Pole, testified that because he moved in formation he was knocked down and kicked by HIPP, which caused him to lose all his teeth. During the entire year of 1942 HIPP was seen to beat several inmates daily. He was reputed to be responsible for deaths of inmates. Sometimes inmates were beaten and then sent to the hospital where they died. HIPP was commonly known as a Pole hater, because he treated them like sub-human beings. When he came to the camp, all the Polish inmates tried to run for cover and hide from him. FROHNAPFEL held the same position as HIPP and, although not as noisy as HIPP, conducted himself in a similar manner (R 55-60).

Prosecution witness Untheim testified that, while he was employed in the headquarters motor pool garage during the months of January, February and March 1942, he saw all three convicted accused at the garage at intervals of regular times each week, armed with rifles and wearing steel helmets (R 78, 79, 83, 84). Inmates were taken away in buses, seating twelve persons (R 79), accompanied by trucks. When the trucks came back about two hours later, they were bloody (R 79, 80, 82). The trucks were used for details known as "festival of rifles" and upon investigation to determine the

meaning of the term, the witness found identification tags in the trucks. During 1941 and 1942, he collected a sufficient number of such tags covering Russians and Poles to fill a box which was about the size of a shoe box (R 80, 81). Prosecution witness Gormy testified that he was hung up by FROHNAPFEL, swung back and forth, cursed and kicked and, further, that another inmate, a Polish priest, similarly hung, and mistreated at the same time, died the next day (R 91-93). Prosecution witness Eberle testified that he saw FROHNAPFEL six or seven times and HIPP four or five times unloading bodies at the old crematory from a truck which had come there with bodies of inmates who had been shot at the shooting range. FROHNAPFEL and HIPP were the worst beaters and the ones who mistreated the inmates most severely. They would often beat inmates until they were unconscious, bloody all over, toothless, or had broken noses.

Prosecution witness Monnengesser testified that in March 1942, HIPP came to the crematory excited, pistol in hand, and chased the inmates working there into the cellar where they remained for twenty minutes, during which time a shot was heard. After their release from the cellar, he saw a body, still warm, which he was told had been shot. No other SS man was present and no other person except HIPP had a pistol. He found out later that the inmate who was killed was a Yugoslav (R 107-112). Prosecution witness Hofer testified that it was commonly known throughout the camp that the roll call loaders, FROHNAPFEL and HIPP, were required to be present at executions to perform shootings and also that they were required to be present at beatings (R 117, 118). Prosecution witness Weichart testified that he saw both FROHNAPFEL and HIPP about six times during the spring of 1942 returning from the shooting range and that it was common knowledge that they participated in executing Russian inmates, prisoners of war, at the shooting range (R 121, 125). Immediately after their return to camp, trucks would arrive with dead bodies (R 121). In the spring of 1942, prosecution witness Jendrian saw a

formation at which SS block leaders and report leaders were decorated with war merit crosses, which ordinarily were given to men who saw combat service. In his opinion these awards were made in recognition of shooting prisoner of war inmates. The witness particularly remembered that FROHNAPFEL received such an award. He remembered it because he especially looked for him, in view of the fact that he considered him one of the most dangerous and brutal men in the camp (R 129).

Prosecution witness Muth testified that in the summer of 1942 HIPP beat an inmate who subsequently was chosen for cold water tests given by Dr. Rascher; that this victim together with other inmates of various nationalities was hung by his wrists in 1943 upon order of HIPP; and that six weeks prior to this trial he met HIPP who, when he asked him how things were going, replied, "Oh, I figure on two or three years", and when asked, "You were present at the execution of Russians?" HIPP replied, "Yes, that is true, but I did that on superior orders". HIPP also said at that time, "Can I send you a little package of tobacco?", which offer in Muth's opinion was to encourage the witness not to mention what HIPP had done to him (R 131 - 135). Prosecution witness Gieslik testified that on one occasion he saw HIPP, his uniform covered with blood, after he had beaten a Polish priest and others who suffered open wounds from the injuries received; that FROHNAPFEL and HIPP mistreated Polish inmates during block inspections; and that, when FROHNAPFEL and HIPP caught inmates at morning or evening roll calls with paper under their jackets to keep warm, the inmates were beaten and then reported. Similarly, when dirty handkerchief rags, there being no soap to wash them with, were found on inmates by FROHNAPFEL or HIPP, the inmates were beaten and reported. For such incidents the inmates were often hanged for one hour on a pole or received 25 strokes with the stick. Both FROHNAPFEL and HIPP held sick call inspections without a doctor present to decide whether inmates were hospital cases. They denied hospital treatment unless death appeared probable to a layman (R 162 - 166).

Prosecution witness Kupper testified that in March or April 1942 he saw HIPP beat a Polish inmate so severely that he had to be removed to the hospital on a stretcher which Kupper helped carry. When the victim arrived at the hospital, the male nurse said, "Nothing to be done with him anymore. He is dead." Both FROHNAPFEL and HIPP chose inmates to be shipped to other places. They were present when inmates were chosen for a prisoner transport which was sent to Mauthausen during March or April 1942. The guards who accompanied this transport later said that the inmates in the transport were taken to Mauthausen to be gassed. The transport included healthy inmates as well as sick ones (R 170 - 173).

FROHNAPFEL, in his statement, admitted participation in two or three executions in 1942, at which time Russian prisoners of war were executed; that at the first one he shot two inmates; that at the second one he shot one inmate; and that the third one he shot one inmate (P-Ex 11-A).

Neither FROHNAPFEL nor HIPP took the stand in their own defense or introduced any witnesses on their behalf. Accused HIPP made no statement, written or otherwise.

4. JURISDICTION: The Court was legally constituted and had jurisdiction of the persons of the accused and of the offenses.

5. COMMENTS: It does not affirmatively appear in the record that witness Bohr was sworn. However, his testimony is not very material and is not indispensable to the prosecution's case. Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused. The evidence is sufficient to support the findings and sentences of the Court.

The Court was required to take cognizance of the decision rendered in the parent Dachau Concentration Camp 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 Parent Case). All 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 Dachau 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 was such as to warrant the sentences imposed.

6. CLEMENCY: Petitions for Review, one inclosing 9 testimonials on behalf of accused Ernst ANGERER; one inclosing 3 testimonials on behalf of accused Fritz FROHNAPFEL; and one inclosing 11 testimonials on behalf of accused Alois HIPP, were filed on 12 December 1946, by Robert E. L. Welch, defense counsel. Consideration has been given to three Petitions for Clemency on behalf of accused Fritz FROHNAPFEL, dated 12 December 1946, 6 February 1947, and 1 April 1947, all by Dr. Ernst Döhling, German attorney acting on behalf of the accused's mother, Elizabeth Frohnappel. Consideration has been given to Petitions for Clemency on behalf of accused Alois HIPP, 24 April 1947 and 28 June 1947, both by Dr. Frey II, German attorney acting on behalf of Mrs. Elfriede Hipp, wife of the accused. No clemency is recommended.

7. CONCLUSIONS:

a. It is recommended that the findings and sentences be approved.

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

/s/ Thomas L. Nair
THOMAS L. NAIR
Attorney
Post Trial Branch

Having examined the record of trial, I concur,

this 23th day of September 1947.

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