

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

29 May 1947

UNITED STATES)

vs)

Ernst August BEHRENS, Albert
BLECHSCHMIDT, Josef BOSCH,
Martin GALL, Stefan GRASSIE,
Johann HACK, Rudolf HINZE,
Joseph HUHN, Jakob JELINEK,
Alfred JUNG)

Case No. 000-50-2-26

REVIEW AND RECOMMENDATIONS

1. TRIAL DATA:

Tried jointly at Dachau, Germany
Date: 5 December 1946
Intermediate Military Government Court

<u>ACCUSED</u>	<u>DATA</u>	<u>SENTENCE</u>
BEHRENS, Ernst August	Age 34 German national SS Guard Rank: Sergeant	2 years confinement from 6 May 1945.
BLECHSCHMIDT, Albert	Age 44 German national SS guard Rank: Sergeant	2 years confinement from 21 May 1945
BOSCH, Josef	Age 38 Roumanian national SS guard Rank: Corporal	2 years confinement from 1 May 1945
GALL, Martin	Age 48 German national SS guard Rank: Sergeant	2 years confinement from 30 April 1945
GRASSIE, Stefan	Age 41 German national SS clerk Rank: Master Sergeant.	3 years confinement from 20 August 1945
HACK, Johann	Age 37 Hungarian national SS guard Rank: Private	2 years confinement from 4 May 1945
HINZE, Rudolf	Age 30 German national SS guard Rank: Corporal	2 years and 6 months confinement from 30 April 1945

<p>HUHN, Joseph</p> <p>JELINEK, Jakob</p> <p>JUNG, Alfred</p>	<p>Age 38 Hungarian national SS guard Rank: Private</p> <p>Age 32 Yugoslavian national SS guard Rank: Private</p> <p>Age 37 German national SS guard Rank: Private</p>	<p>2 years confinement from 5 May 1945</p> <p>2 years and 6 months confinement from 26 June 1945</p> <p>Acquittal</p>
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FIRST CHARGE: Violation of
the Laws and Usages of War.

		<u>Pleas</u>	<u>Findings</u>
<p>PARTICULARS: In that Ernst August BEHRENS, Albert BLECHSCHMIDT, Josef BOSCH, Martin GALL, Stefan GRASSIE, Johann HACK, Rudolf HINZE, Joseph HUHN, Jakob JELINEK and Alfred JUNG, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals aiding 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 1942 and about 22 April 1945, willfully, deliberately and wrongfully participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, 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 then German Reich in exercise of belligerent control.</p>	BEHRENS	NG	G
	BLECHSCHMIDT	NG	G
	BOSCH	NG	G
	GALL	NG	G
	GRASSIE	NG	G
	HACK	NG	G
	HINZE	NG	G
	HUHN	NG	G
	JELINEK	NG	G
	JUNG	NG	NG

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

		<u>Pleas</u>	<u>Findings</u>
<p>PARTICULARS: In that Ernst August BEHRENS, Albert BLECHSCHMIDT, Josef BOSCH, Martin GALL, Stefan GRASSIE, Johann HACK, Rudolf HINZE, Joseph HUHN, Jakob JELINEK and Alfred JUNG, acting in pursuance of a common design to commit the acts hereinafter alleged, and as individuals</p>	BEHRENS	NG	G
	BLECHSCHMIDT	NG	G
	BOSCH	NG	G
	GALL	NG	G
	GRASSIE	NG	G
	HACK	NG	G
	HINZE	NG	G
	HUHN	NG	G
	JELINEK	NG	G
	JUNG	NG	NG

aiding in the operation of the Dachau Concentration Camp, did, at or in the vicinity of DACHAU, Germany, between about 1 January 1942 and about 29 April 1945, wilfully, deliberately and wrongfully 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, the exact names and numbers of such prisoners of war being unknown but aggregating many hundreds.

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

3. EVIDENCE:

For the Prosecution. The prosecution's case was based on extrajudicial sworn questionnaires hereinafter indicated. Exhibit P-1 is a 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 10). Exhibits P-3 thru 12 are extrajudicial sworn questionnaires of each of the accused (R 11 - 20).

For the Defense. The defense's case was based on the sworn testimony of one witness on behalf of accused GALL (R 22 - 28); the unsworn testimony of accused JUNG in his own behalf (R 37 - 48); the unsworn testimony of accused HINZE in his own behalf (R 30 - 36); certificate of age and testimonials as to the character of accused GALL (D-Ex 1, 2); two testimonials as to the character of accused JUNG (D-EX 3, 4); and extrajudicial sworn questionnaires of each accused as introduced by the prosecution (P-Ex 3 - 12).

Accused BEHRENS joined the Allgemeine SS in 1933 and transferred to the Waffen SS in 1940. He was transferred to Dachau Concentration Camp 19 April 1941, where he performed guard duty with the detail Radolfzell (Vol I, p 28, 61, Parent Case) until 18 April 1942. From

19 April 1942 until May 1945 he performed duty as company clerk and administrative clerk at Camp Dachau. He also participated as guard in a prisoner transport from Camp Dachau to Friedrichshafen in July 1943 (P-Ex 3, R 11, 12).

In defense, BEHRENS relied solely upon his extrajudicial sworn questionnaire (P-Ex 3, R 11, 12).

Accused BLECHSCHMIDT joined the Allgemeine SS in 1931 and transferred to the Waffen SS on 16 November 1939. He was transferred to Dachau Concentration Camp from Buchenwald Concentration Camp 8 August 1942. He performed duty as a guard and as baker until his transfer from Camp Dachau 18 February 1943 (P-Ex 4, R 14).

In defense, BLECHSCHMIDT relied solely upon his extrajudicial sworn questionnaire. He participated in no prisoner marches (P-Ex 4, R 15, 16).

Accused BOSCH was transferred from the Roumanian Army to the Waffen SS 15 January 1942 and assigned to Dachau Concentration Camp as a guard on that date. He remained as a guard at Camp Dachau until 18 March 1943 (P-Ex 5, R 15, 16).

In defense, BOSCH relied solely upon his extrajudicial sworn questionnaire (P-Ex 5, 15, 16). He participated in no prisoner marches.

Accused GALL was assigned to Allach, an outcamp of Dachau Concentration Camp, 2 May 1944 (Vol I, p 24, 32, 62, 146; Vol VI, p 1154, 1155, 1159, 1160, 1207, 1211, 1313, Parent Case). He was transferred from the Luftwaffe to the Waffen SS 5 December 1944. He participated as a guard on a prisoner march from outcamp Allach 28 April 1945 (P-Ex 6, R 16, 17).

In defense, GALL made no statements as to his participation in or knowledge of atrocities committed at outcamp Allach (P-Ex 6, R 16, 17). Defense witness Eichinger testified that he knew GALL for six months while GALL was a guard at outcamp Allach, that accused treated prisoners well, that prisoners spoke well of him and that accused

ROBERTO VILLER joined the Waffen SS 2 November 1942. He performed guard duty at Dachau Concentration Camp from 11 November 1942 to 20 December 1944 when he was transferred to Buchenwald Concentration Camp. He was transferred from Buchenwald to Camp Dachau in April 1945, and participated in a prisoner march from Camp Dachau to Wolfratshausen 26 April 1945 (P-Ex 11, R 20).

In defense, JELINEK relied solely on his extrajudicial sworn questionnaire (P-Ex 11, R 20).

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

5. COMMENTS: Examination of the entire record fails to disclose any error or omission which resulted in injustice to the accused.

All of the accused were, by their own admissions, members of the SS at Camp Dachau and/or its outcamps for considerable periods of time between the dates alleged (P-Ex 2 - 8).

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-AGO, subject: "Trial of War Crimes Cases," 14 October 1946, and the Parent Case). All of the convicted 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 proceeding, 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.

After weighing all the evidence the Court acquitted accused JUNG.

6. CLEMENCY: There are no Petitions for Review. Consideration has been given to Petition for Clemency submitted 10 February 1947 signed by accused GRASSIE. No clemency is recommended.

7. CONCLUSIONS:

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

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

/s/ George M. Lentz
/t/ GEORGE M. LENTZ
Captain, JAGD
Post Trial Branch

Having examined the record of trial, I concur.

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