

DEPUTY JUDGE ADVOCATE'S OFFICE  
7706 WAR CRIMES GROUP  
EUROPEAN COMMAND  
APO 207-1

22 July 1947

UNITED STATES )

vs. )

Case No. 000-50-2-39

Friedrich OREND, et al. )

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused were tried at Dachau, Germany, on 26 December 1946 before an Intermediate Military Government Court.

II. CHARGES AND PARTICULARS:

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

PARTICULARS: In that Georg MATT, Friedrich OREND, Julius PANKE, Karl PUSSEK, Johann REMLINGER, Georg ROTH, Walter SCHEIDHAUER, Franz SCHWEIDL, Franz SCHREINER, Martin Konrad SPERLING 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 29 April 1945, wilfully, 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.

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

PARTICULARS: In that Georg MATT, Friedrich OREND, Julius PANKE, Karl PUSSEK, Johann REMLINGER, Georg ROTH, Walter SCHEIDHAUER, Franz SCHWEIDL, Franz SCHREINER, Martin Konrad SPERLING 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, 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 force of nations then at war with the then German Reich, who were then and there surrendered and unarmed prisoners of war in 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.



III. SUMMARY OF EVIDENCE: The convicted 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, and were shown to have participated in the Dachau Concentration Camp mass atrocity. Exhibit P-Ex 1 is a certified copy of the charges, particulars, findings and sentences in the parent Dachau Concentration Camp Case (United States v. Weiss et al., 000-50-2, March 1946, hereinafter referred to as the "Parent Case"; see Section V, post; R 7, 8).

IV. EVIDENCE AND RECOMMENDATIONS:

1. GEORG MATT

This accused was neither served nor tried.

2. FRIEDRICH OREND

Nationality:	Rumanian
Age:	40
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Pfc.
Flea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	2 years, commencing 2 May 1945

Evidence for Prosecution: Accused was a guard at Camp Dachau from 1 December 1943 to 28 November 1944 and from 7 January 1945 to 21 April 1945, and at outcamp Kaufbeuren from 28 November 1944 to 7 January 1945 (R 8; P-Ex 2-a).

Evidence for Defense: It was stipulated between the prosecution and the defense that accused OREND was drafted by the state into the Waffen SS (R 17). Accused participated in no prisoner transports or marches (P-Ex 2-a).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive. Rumania was a co-belligerent of Germany.

Petitions: No Petitions for Review nor Petitions for Clemency



Recommendation: That the findings and sentence be approved.

3. JULIUS PANKE

Nationality:	German
Age:	46
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Sergeant
Plea:	NG Charge I, NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	2 years, commencing 28 May 1945

Evidence for Prosecution: Accused was a guard at Camp Dachau from 1 August 1941 to 1 August 1943 and on special detail at outcamp Plans, n/Reutte, Tyrol, from 1 August 1943 to 28 April 1945 (R 9; P-Ex 3-a).

Evidence for Defense: It was stipulated between the prosecution and the defense that accused Julius PANKE was drafted by the state into the Waffen SS (R 17). Accused participated in no prisoner transports or marches (P-Ex 3-a).

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.

4. KARL PUSSEK

Nationality:	Czechoslovakian
Age:	32
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Pfc.
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	20 months, commencing 6 May 1945

Evidence for Prosecution: Accused was a guard, orderly, clerk e

28 May 1945 to 28 April 1945 (R 11; P-E



Evidence for Defense: It was stipulated between the prosecution and the defense that accused Karl PUSSEK was drafted by the state into the Waffen SS (R 17). It was further stipulated between the prosecution and the defense that if defense witnesses Dreier and Krawczuk were present in Court testifying under oath, they would testify as follows: that they had been prisoners in Camp Dachau and worked in details over which the accused PUSSEK was one of the guards. In their opinion the accused was the best one of all the guards and was equally kind toward all the prisoners. Accused PUSSEK was the only SS guard who did not search the prisoners for food or clothing and did not prevent them from making caps or other items of clothing for their personal use. Dreier would also testify that a Czechoslovakian prisoner had told him that occasionally the accused PUSSEK would smuggle letters out of the camp on behalf of the prisoners (R 19, 20). Accused participated in no prisoner transports or marches (P-Ex 5a).

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.

5. JOHANN REMLINGER

This accused was neither served nor tried.

6. GEORG ROTH

Nationality:	Rumanian
Age:	40
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Corporal
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	2 years, commencing 2 May 1945

Evidence for Prosecution: Accused was a guard at Camp Dachau from

1941 to 1945 (R 18; P-Ex 4-a). Accused participated



s a guard in the evacuation prisoner march from Camp Dachau 26 April 1945 (P-Ex 4-a).

Evidence for Defense: It was stipulated between the prosecution and the defense that accused Georg ROTH was drafted by the state into the Waffen SS (R 17).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive. Rumania was a co-belligerent of Germany.

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

Recommendation: That the findings and sentence be approved.

7. WALTER SCHEIDHAUER

This accused was neither served nor tried.

8. FRANZ SCHMEIDL

Nationality:	Czechoslovakian
Age:	40
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Corporal
Flea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	2 years, commencing 3 May 1945

Evidence for Prosecution: Accused was a guard at Camp Dachau from 25 February 1941; at outdetail Hausham from 5 March 1943 to June 1943; at outcamp Plansee from 1 September 1943 to May 1944; and at outdetail Quelfert from 15 September 1944 to 28 April 1945 (R 11; P-Ex 6-a).

Evidence for Defense: Accused did not participate in any prisoner transports or marches (P-Ex 6-a).

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.

9. FRANZ SCHREINER

Nationality:	Austrian
Age:	34
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Corporal
Plea:	NG Charge I; NG Charge II
Findings:	G Charge I; G Charge II
Sentence:	20 months, commencing 24 June 1943

Evidence for Prosecution: Accused was a training guard at Camp Dacnau from 20 May 1940 to May 1941; from October 1941 to January 1942 and for the months of April and May 1942. Accused was also a guard at outdetail St. Johann/Tyrol from May to September 1941 and for the months of February and March 1942, and at outdetail Bayrisch Zell from June 1942 to 18 February 1943 (R 12; P-Ex 7-a).

Evidence for Defense: It was stipulated between the prosecution and the defense that accused Franz SCHREINER was drafted by the state into the Waffen SS (R 17). Accused did not participate in any prisoner transports or marches (P-Ex 7-a).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive. Austria was a co-belligerent of Germany.

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

Recommendation: That the findings and sentence be approved.

10. MARTIN KONRAD SPERLING

Nationality:	German
Age:	24
Civilian Status:	Unknown
Party Status:	Unknown
Military Status:	Waffen SS Sergeant



Plea: NG Charge I; NG Charge II  
Findings: G Charge I; G Charge II  
Sentence: 2 years, commencing 5 May 1945

Evidence for Prosecution: Accused was a clerk at outcamp Allach from October 1943 to end of April 1945 (R 13; P-Ex 8-a). Accused participated in an evacuation prisoner march from outcamp Allach to Starnberg at the end of April 1945 with an unknown number of prisoner and 150 guards (P-Ex 8-a).

Evidence for Defense: It was stipulated between the prosecution and the defense that accused Martin Konrad SPERLING was drafted by the state into the Waffen SS (R 17). It was further stipulated between the prosecution and the defense that SPERLING's duties from December 1942 to May 1943 was that of a hospital inmate and that he was an SS hospital patient since confinement from 15 August 1946 to 18 September 1946, suffering from a chronic condition caused by lethargy of muscles in the blood vessels, which expresses itself in a high or low blood condition (R 18).

Sufficiency of Evidence: The findings of guilty are warranted by the evidence. The sentence is not excessive.

Petitions: Defense counsel, Bigelow Boysen, Major, filed a Petition for Review on 1 January 1947 on behalf of the accused. No Petitions for Clemency were filed.

Recommendation: That the findings and sentence be approved.

#### V. QUESTIONS OF LAW:

Jurisdiction: A question not raised during the course of the trial merits discussion, viz., did the Court have jurisdiction of the persons of the accused who are allegedly nationals of other United Nations. Karl FUSSEK and Franz SCHMEIDL are nationals of Czechoslovakia. War Criminals, brigands, and pirates are the common enemies of all mankind and all nations have an equal interest in their apprehension and punishment for their violations of international law. Concerning this question, it is stated in "Wheaton's International Law" that every independent state has



the judicial power to punish "piracy and other offenses against the common law of nations, by whomsoever and wheresoever committed." Nationals of other United Nations were sentenced, which sentences have been approved and carried into execution in the Mauthausen Concentration Camp case (United States v. Altfuidisch, et al., February 1947), and in the Eelsen Concentration Camp case, British Army of the Rhine, December 1945. Apparently, all concerned with the reviews and approval in those cases considered the universality of jurisdiction over war crimes to be so well recognized that discussion was not necessary. Military Government Courts have jurisdiction over the nationals of any country who are in the United States Zone of Occupation, except as to certain classes of American and other nationals, e.g., military personnel, which are not pertinent to the jurisdictional question here involved. Concerning jurisdiction over war crimes, no limitation is imposed. (See Sections 5-300.2 and 5-300.3, Title 5, "Legal and Penal Administration", of "Military Government Regulations", published by Headquarters, US Forces, European Theater, 30 November 1945). Concerning the general question of universality of jurisdiction over war crimes see "Universality of Jurisdiction Over War Crimes", by Cowles, California Law Review, Volume XXXIII, June 1945, No. 2, pp. 177-218.

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

2. 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.

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



LEGAL FORM NO. 16  
HEADQUARTERS  
EUROPEAN COMMAND

AG 383 JAG

AFD 757  
2 Sep 47

SUBJECT: Execution of Sentence in the Case of the United States vs.  
Friedrich OREND, et al. (Case No. 000-50-2-39)

TO : Commanding General  
First Military District  
APO 1, U.S. Army

Reference is made to letter, Hq. USFET, file AG 383 JAG-AGO,  
subject: "Designation of Prisons for War Criminals," 26 February 1947  
and to the inclosed copies of the Order on Review in the above entitled  
case as to accused Friedrich OREND.

Upon compliance with the Order on Review the certificate  
below will be completed and returned to the Deputy Judge Advocate for  
War Crimes, 7708 War Crimes Group, APO 178, U.S. Army.

BY COMMAND OF GENERAL CLAY:

/s/ Wm. E. Bergin  
Wm. E. BERGIN  
Brigadier General, USA  
Adjutant General

1 Incl:  
1 Form No. 13 (in dup)

Frankfurt 7175

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CERTIFICATE OF COMPLIANCE

The sentence covered by the above described Order on Review  
was carried into execution at War Criminal Prison No. 1, Landsberg,  
Germany, on \_\_\_\_\_ 1947, at \_\_\_\_\_  
(Date) (Hour)

Prisoner Friedrich OREND has been  
released from confinement at  
Landsberg War Crimes Prison No. 1  
on 1 May 1947 per expiration of  
sentence.

/s/ George T. Lagish  
\_\_\_\_\_  
(Signature and Rank)  
GEORGE T. LAGISH  
Major Infantry  
Prison Officer  
\_\_\_\_\_  
(Organization)

/s/ Lloyd A. Wilson  
\_\_\_\_\_  
(Countersignature and Rank of \_\_\_\_\_)