

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

16 December 1947

UNITED STATES)

v.)

Julius STRAUB)

Case No. OCO-Flossenburg-15

REVIEW AND RECOMMENDATIONS

I. TRIAL DATA: The accused was tried at Dachau, Germany, on 3 October 1947, before a General Military Government Court.

II. CHARGE AND PARTICULARS:

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

Particulars: In that Julius STRAUB, a German national, did, at or in the vicinity of Stamsried, Germany, in or about April 1945, wrongfully encourage, aid, abet and participate in the killing of three unknown non-German nationals, inmates of Flossenburg Concentration Camp, who were then in the custody of the then German Reich.

III. SUMMARY OF EVIDENCE: In April 1945 the accused was a guard on an inmate transport and march composed of Polish Jews being evacuated from Flossenburg Concentration Camp. At Stamsried, the last place the evacuation march column halted over night prior to its disintegration, the accused beat some of the inmates with a stick of firewood. Shortly after the evacuation march left Stamsried on the morning of 23 April 1945, three Polish inmates in the column were removed and shot to death by the accused.

IV. EVIDENCE AND RECOMMENDATIONS:

Julius STRAUB

Nationality	German
Age:	40
Civilian Status:	Unskilled laborer
Party Status:	None
Military Status:	None
Plea:	NG

NARA Date 3/21/60
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Findings:

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Sentence:

Death by hanging

Evidence for Prosecution: In April 1945 the accused, then a criminal inmate in Flossenburg Concentration Camp (R 7, 22, 33), was made a member of the camp police and assigned as a guard (R 8, 34, 42, 43) on an inmate evacuation transport and march composed of 2,000 to 2,700 Polish Jews (R 7, 20, 22), which departed Flossenburg on 16 April 1945 (R 7, 22, 33). He was equipped by the SS with a grey green uniform with SS insignia on the coat lapel, a field cap with death head insignia, and a carbine (R 8, 24, 27, 28, 30, 34, 35, 41, 42).

It was impossible to proceed beyond Schwarzenfeld by rail, and the inmates were unloaded at that point (R 9). In a barn at Stamsried, the last place the march column halted over night prior to its disintegration, the accused beat several inmates with a stick of firewood because one of them was too weak to go outside to relieve himself (R 23, 24). The next day, the march column containing only 200 to 400 inmates (R 11, 24, 35), was marched up a hill, along a field path into a wooded area (R 11, 24). The accused was marching on the right side of the column towards the rear (R 24), armed with a carbine (R 17, 24, 35, 36). In the last row of the column were three weak and exhausted Polish inmates (R 12, 26, 38), who were supporting each other as they marched (R 11, 12, 24, 36). The accused told them that, if they were unable to continue marching, they could step out of the column (R 11, 25, 36). Three witnesses testified that, when the three inmates moved out to the roadside on the right and sat down, they saw the accused fire several shots striking each of them in the head (R 11, 12, 25, 26, 29, 36, 37, 41). They further testified that shortly thereafter the accused and other guard personnel abandoned the march column (R 12, 25, 26, 38) because of the imminent approach of liberating troops (R 12). Then the three inmate witnesses who had witnessed the shooting retraced their steps to give aid to the three inmates who had been shot by the accused. Each of the three witnesses observed that the three inmates were dead (R 12, 26, 38).

Evidence for Defense: The accused did not elect to testify or make any statement to the Court. A defense witness, a former political inmate of Flossenburg Concentration Camp, testified that when he last saw the accused in Camp Flossenburg on 6 April 1945, his makeshift uniform bore no insignia (R 53).

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

Petitions: No Petitions for Review were filed. A Petition for Clemency was filed by the accused, 26 October 1947.

Recommendation: That the findings and sentence be approved.

V. QUESTIONS OF LAW: It is clear that the Court had jurisdiction of the accused and of the subject matter.

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

SAMUEL P. ROACH
Major, AGD
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

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