

## INTRODUCTION

On the six rolls of this microfilm publication are reproduced the records of case files 12-226 and 000-50-2, the Dachau Concentration Camp war crimes case (*United States of America v. Martin Gottfried Weiss et al.*) which was tried by a general military government (U.S. Army) court at Dachau from November 15 through December 13, 1945. In this trial, 40 individuals associated with the administration and operation of Dachau Concentration Camp and subcamps in the area of Dachau and Landsberg, Germany, were prosecuted under the general charge of having violated the laws and usages of war. Particulars of the charge specified that the defendants were "acting in pursuance of a common design" by subjecting civilians of nations then at war with the German Reich and prisoners of war to cruelties and mistreatment, including "killings, beatings, tortures and starvation," between January 1, 1942 and April 29, 1945. The inclusive dates of the records are 1942 to 1957.

Included in this publication are German- and English-language pretrial investigation records, orders of appointment of tribunal and counsel, a charge sheet, trial transcripts, prosecution and defense exhibits, sentence reviews and recommendations, clemency petitions, and selected prison records that were filmed to supplement the trial record. Some records were not filmed because of personal privacy considerations. Pretrial records include papers of a physician, Sigmund Rascher, pertaining to illegal medical experiments that he performed at the Dachau camp hospital.

Most of the records of European and Japanese war crimes cases tried by the U.S. Army are part of one or more of the following three record groups (RG): Records of the Office of the Judge Advocate General (Army), RG 153, which includes case records and other files pertaining to war crimes trials maintained by that office in Washington, D.C.; Records of the United States Army Commands, 1942- , RG 338, which contains the records generated by Army war crimes agencies subordinate to the Office of the Judge Advocate General in Europe; and Records of the Allied Operational and Occupational Headquarters, World War II, RG 331, which contains the war crimes records created by the Supreme Allied Commander Allied Powers and subordinated units in the Far East. In addition to these record groups, the National Archives Collection of World War II War Crimes Records, RG 238, consists of war

crimes records produced by war crimes agencies other than those of the U.S. Army. Most of the records of the Dachau Concentration Camp case are part of RG 338, supplemented by some files from RG 153. The records are identified by record group number in the table of contents and on each roll of film.

## Background

### Jurisdictions and Cases

In Europe, the United States participated in war crimes trials under three jurisdictions: that of the International Military Tribunal (IMT), that of the U.S. military tribunals at Nuernberg, and that of U.S. Army courts. General authority for the proceedings of all three jurisdictions derived from the Declaration of German Atrocities (Moscow Declaration), released November 1, 1943, which expressed Allied determination to arrest and bring to justice Axis War criminals.

#### *International Military Tribunal*

The IMT tried 24 major Nazi war criminals and a number of organizations in 1945 and 1946. Specific authority for U.S. participation in the IMT is found in Executive Order 9547 of May 2, 1945, which authorized Supreme Court Justice Robert H. Jackson to represent the United States in war crimes matters and to act as Chief of Counsel; the London Agreement of August 8, 1945 (as amended by the Berlin Protocol of October 6, 1945), in which the United States, France, the United Kingdom, and the Soviet Union agreed to hold the IMT; and the IMT Charter (an annex to the London Agreement), which outlined the rights and obligations of defendants, judges, and prosecutors.

#### *U.S. Military Tribunals at Nuernberg*

From 1946 to 1949, U.S. military tribunals at Nuernberg tried 185 individuals in 12 separate proceedings grouped according to type of crime or organization as follows:

Case No.	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
I	<i>Karl Brandt et al.</i>	Medical Case	23
II	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1

Case No.	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
III	<i>Josef Altstoetter et al.</i>	Justice Case	16
IV	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
V	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
VI	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
VII	<i>Wilhelm List et al.</i>	Hostage Case	12
VIII	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
IX	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
X	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
XI	<i>Ernest von Weizsaecker et al.</i>	Ministries Case	21
XII	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Specific authority for the U.S. tribunals, which tried these 12 cases, is found in Allied Control Council Law 10 of December 20, 1945, which outlined trial procedures patterned after those of the IMT; Executive Order 9679 of January 16, 1946, which authorized the establishment of U.S. military tribunals; Office of Military Government for Germany (U.S.) (OMGUS) Ordinances 7 and 11 of October 18, 1946 and February 17, 1947, respectively, which spelled out details of trial procedures outlined by Allied Control Council Law 10; and United States Forces, European Theater (USFET), General Order 301 of October 24, 1946, which appointed Brig. Gen. Telford Taylor as Chief of Counsel for War Crimes for the 12 U.S. military tribunals at Nuernberg.

#### *U.S. Army Courts*

From 1945 to 1948, U.S. Army courts (military commissions and special or general military government courts) tried 1,672 individuals in 489 proceedings. Specific authority for these proceedings is found in Joint Chiefs of Staff Directive 1023/10 of July 8, 1945, which placed

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responsibility for certain war crimes trials in Germany on the Commander, USFET. The Commander, in turn, empowered the commanding general of the Western Military District (territory occupied by the U.S. 3d Army (Bavaria)) to appoint military courts, predominantly at the site of the former concentration camp Dachau, for the trial of war criminals not heard at Nuernberg. This was done in a letter on the subject of "Trial of War Crimes and Related Cases" of July 16, 1945. The commanding general of the Eastern Military District (territory occupied by the U.S. 7th Army (Hesse, Baden-Wuerttemberg, and Bremen)) was similarly authorized to commence war crimes trials, mainly at Ludwigsburg. In order to streamline operations, the Commander, USFET, revoked this division of authority in a letter of October 14, 1946 and assigned responsibility to prosecute war criminals to the Deputy Judge Advocate for War Crimes, USFET. Henceforth, all cases were tried at the site of the former concentration camp Dachau because centralization of war crimes activities appeared necessary in view of the large body of cases and investigations.

The 489 cases tried by the U.S. Army in Germany can be divided roughly into 4 categories: main concentration camp cases, subordinate concentration camp cases, flier cases, and miscellaneous cases. The first category (to which this case belongs) comprises 6 cases with about 200 defendants, mainly staff members and guards of Dachau, Buchenwald, Flossenbu~~rg~~, Mauthausen, Nordhausen, and Muehldorf concentration camps. The second category includes about 250 proceedings against approximately 800 guards and staff members of the outcamps and branch camps of the major camps. The third category encompasses more than 200 cases in which about 600 persons, largely German civilians, were prosecuted for the killing of some 1,200 U.S. nationals, mostly airmen. The fourth category consists of a few cases including the Malmedy Massacre Trial, in which more than 70 SS men were tried for murdering large groups of surrendered U.S. prisoners of war; the Hadamar murder factory case, in which a number of Hadamar Asylum staff members stood trial for the killing of about 400 Russian and Polish nationals; and the Skorzeny case, in which some members of the German Armed Forces were charged with wearing U.S. Army uniforms while participating in the Ardennes offensive. The records of all 489 cases are being filmed by the National Archives and Records Service; the Related Records section of this publication lists those published to date.

On November 2, 1945, the Dachau Concentration Camp case was referred for trial to the general military court that

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had been appointed under the authority of Special Order 304, paragraph 3, dated November 2, 1945, Headquarters, U.S. 3d Army and Eastern Military District.

### The Dachau Concentration Camp Case

The concentration camp at Dachau was established in March 1933, soon after the Nazi Party came to power, and was used by the Germans until April 29, 1945, when the camp was liberated by the U.S. 7th Army's 42d and 45th Divisions. Originally intended as a camp for German political prisoners and Jews, by 1940 the Dachau Concentration Camp accommodated an increasing influx of prisoners of war and political prisoners from France, Eastern Europe, the Balkans, and the Soviet Union. In addition to the main camp located southeast of the town of Dachau in Bavaria, the Dachau camp system grew to include a network of 85 subcamps scattered throughout southern Germany and Austria. Most of these subcamps were "Arbeits Kommandos," or work camps. The camp was staffed by members of the SS (Schutzstaffel), the armed branch of the Nazi Party.

The size of the camp population fluctuated continually throughout the war because large groups of prisoners were moved in and out to satisfy changing labor demands of the German war industry. Although the main camp was equipped to accommodate a maximum of only 10,000 prisoners, by August 1944 the camp's population was about 22,000, and by the spring of 1945 it had risen to more than 30,000. In April 1945, the total camp population of Dachau and its subcamps was established at 65,613 prisoners, representing virtually every European nation. The largest groups were Polish (14,053 prisoners) and Russian (12,363 prisoners). Political prisoners included religious leaders, members of political and intellectual elites, and military officers from Nazi-occupied Europe. Jews were largely confined to the 11 subcamps of the Landsberg-Kaufering area, which were considered the worst from the standpoint of overcrowding, malnutrition, disease, and brutality.

War Crimes Investigating Team #6823 reported that, because records kept at Dachau were incomplete and statistical evidence had been systematically destroyed by camp authorities, the exact number of deaths at Dachau Concentration Camp was impossible to ascertain. Fragmentary records salvaged by prisoners cited 32,979 deaths between 1940 and 1945, a figure which excludes the unrecorded deaths of thousands of Jews and other prisoners who died in

transports to or from the camp. The largest number of deaths were attributed to starvation and disease directly related to malnutrition, such as tuberculosis, typhus, and dysentery. The unusually high death rate from disease at Dachau was attributed also to extreme overcrowding, lack of sanitary facilities, exposure to the elements without adequate clothing, and absence of preventive medicine or treatment of disease. Aside from these "natural causes," uncounted numbers died as a result of beatings, torture, and illegal medical experiments.

The following 40 defendants were indicted and listed on the formal charge sheet:

Fritz M. K. Becher, political prisoner at Dachau:  
block elder, or supervisor.

Peter Betz, SS Hauptscharfuehrer (technical sergeant):  
responsible for checking camp arrivals and  
departures, as well as death cases of invalids.

Frank Boettger, SS Oberscharfuehrer (staff sergeant):  
labor leader, responsible for work details,  
transports, and crematory duty.

Fritz Degelow, SS Hauptsturmfuehrer (captain): com-  
mander of company guard, leader of evacuation  
transport.

Leonard A. Eichberger, SS Rapportfuehrer (1st sergeant):  
interrogator at camp headquarters, rifleman,  
and reporter at executions.

Johann Eichelsdorfer, captain in the Wehrmacht: camp  
leader at subcamps Kaufering Nos. 4, 7, and 8.

Dr. Hans Kurt Eisele, SS Sturmbannfuehrer (major):  
responsible for surgical department of prisoners'  
hospital; attended executions at crematory where  
he signed death certificates.

Anton Endres, SS Oberscharfuehrer (staff sergeant):  
first aid attendant at prisoners' hospital.

Sylvester Filleboeck, SS Untersturmfuehrer (2d lieu-  
tenant): food supply officer responsible for food  
supply room and prisoners' kitchen.

Otto Foerschner, SS Sturmbannfuehrer (major): com-  
mander of several of the Kaufering subcamps.

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Albin Gretsch, SS Unterscharfuehrer (corporal): served as camp guard at Dachau and Kaufering, and on transport, responsible for security.

Dr. Fritz Hintermayer, SS Sturmbannfuehrer (major): medical officer and head physician in prison hospital.

Josef Jarolin, SS Obersturmfuehrer (1st lieutenant): supervised executions, punishment reports, and interrogations. Camp leader at subcamp in Allach.

Johann Kick, Gestapo officer: head of political department at Dachau in charge of interrogation of prisoners and punishment investigations.

Simon Kiern, SS Hauptscharfuehrer (technical sergeant): office clerk, censor, and block leader at Dachau camp.

Johann Kirsch, SS officer: commander at Kaufering Camp No. 1 in 1944-45.

Christof Ludwig Knoll, political prisoner at Dachau: block elder and Kapo responsible for discipline and work details.

Alfred Kramer, SS sergeant at Dachau, camp leader at Kaufering No. 1: responsible for transports to Dachau and for atrocities at the Kaufering subcamp.

Walter A. Langleist, SS Hauptsturmfuehrer (captain): commander of guard battalion at Dachau and camp commander at Kaufering No. 4.

Hugo Lausterer, SS guard: responsible for guard duty on work details and transports.

Arno Lippman, SS Obersturmfuehrer (1st lieutenant): responsible for work details and camp commander at Kaufering subcamps Nos. 2 and 7.

Emil Mahl, criminal prisoner at Dachau: detailed to executions and crematory duty.

Otto Moll, member of SS: responsible for work details at Kaufering No. 1. Also in charge of billeting, feeding, and clothing of prisoners; sanitation; and evacuation transports at Kaufering subcamps.

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Engelbert Niedermeyer, SS Unterscharfuehrer (corporal):  
block leader and leader of work detail at Dachau  
crematory.

Dr. Fridolin Puhr, SS Hauptsturmfuehrer (captain):  
physician for SS troops at Dachau.

Michael Redwitz, SS Hauptsturmfuehrer (captain): camp  
security leader responsible for prisoners' welfare  
as well as order and cleanliness of the camp.

Friedrich Ruppert, SS Obersturmfuehrer (1st lieutenant):  
responsible for security services at Dachau.

Dr. Klaus Schilling, physician in charge of an experi-  
mental malaria station at Dachau.

Johann Schoepp, Rumanian citizen transferred into German  
Army: guard at the subcamp at Feldafing.

Vinzenz Schoettl, member of SS: responsible for work  
details at subcamp Kaufering No. 3.

Otto Schulz, SS Untersturmfuehrer (2d lieutenant):  
responsible for supervising Dachau inmates working  
at the German armament works in the town of Dachau.

Josef Seuss, SS Hauptscharfuehrer (technical sergeant):  
guard and work detail leader.

Rudolf Suttrop, SS Obersturmbannfuehrer (lieutenant  
colonel): adjutant at Dachau responsible for  
telephone communications, distribution of mail,  
and paper work of the Commandant's office.

Wilhelm Temple, SS Arbeitsdienstfuehrer (labor service  
leader): responsible for arranging work details  
at Kanfering subcamp No. 4.

Franz Trenkle, SS Hauptscharfuehrer (technical sergeant):  
responsible for work details outside camp and  
participation in executions.

Wilhelm Wagner, SS Hauptscharfuehrer (technical  
sergeant): in charge of laundry at Dachau;  
responsible for outside work details and adminis-  
tering official punishments.

Martin Gottfried Weiss, Camp Commander at Dachau and its



subcamps from September 1942 to November 1943: responsible for complete operation of the camp and all personnel.

Wilhelm Welter, SS Hauptscharfuehrer (technical sergeant): responsible for selection of people for slave labor formations, work details, medical experiments, and transports.

Friedrich Wetzel, SS Hauptsturmfuehrer (captain): administrative leader at Dachau responsible for clothing, food, and shelter of inmates.

Dr. Wilhelm Witteler, SS doctor: head physician at Dachau, responsible for prisoners' hygiene, nutrition, and disease prevention.

By Special Order 304 (U.S. 3d Army, November 2, 1945), the following officers were appointed to the court: Brig. Gen. John M. Lentz; Col. George E. Bruner; Col. George R. Scithers; Col. Laird A. Richards; Col. Wendell Blanchard; Col. John R. Jeter; Col. Lester J. Abele; and Col. Peter O. Ward. Four officers were appointed members of the prosecution: Lt. Col. William D. Demson; Capt. William D. Lines; Capt. Richard G. McCuskey; and Capt. Philip Heller. Four additional officers were appointed to serve as counsel for the defendants: Lt. Col. Douglas T. Bates; Maj. Maurice J. McKeown; Capt. John A. May; and Capt. Dalvin J. Niles.

All defendants pleaded "not guilty" to the general charge and particulars. The defense opened the proceedings with a motion to quash the charges and particulars on the grounds that the court had failed to allege the nationality of the accused or to acquaint them individually with the offenses charged. The defense also introduced a motion for severance, arguing that trial of so large a group lessened the likelihood that the interests of each accused would be adequately represented. Both motions were denied.

The defense offered by the accused fell into two parts: general denials of the charges and the plea of superior orders. That the defendants were jointly guilty of a "scheme of extermination" at the Dachau camps was established by the prosecution on the basis of substantial evidence submitted during the proceedings. However, the plea of superior orders raised by each of the accused presented a serious issue. Although the prosecution rejected the plea as a legitimate defense, the court did consider it

as a mitigating factor for certain defendants of lower rank or position.

On December 14, 1945, the court found all defendants guilty as charged, and pronounced sentences. Of the 40 accused, 36 were sentenced to death by hanging, and 28 were executed by hanging at Landsberg Prison, Landsberg, Germany on May 28, 1946: Becher, Boettger, Eichberger, Eichelsdorfer, Endras, Erschner, Hintermayer, Jarolin, Kick, Kiern, Kirsch, Knoll, Kramer, Langleist, Lippmann, Moll, Niedermeyer, Redwitz, Ruppert, Schilling, Schoettl, Seuss, Suttrop, Temple, Trenkle, Wagner, Weiss, and Welter. The remaining eight death sentences were reviewed and commuted in March-April 1946; that of Eisele to life imprisonment; those of Witteler, Schulz, and Puhr to 20 years imprisonment; and those of Filleboeck, Degelow, Wetzel, and Mahl to 10 years imprisonment. Subsequently, their sentences were reduced further, along with those of the four remaining defendants, Peter Betz, who was sentenced to life imprisonment, and Lausterer, Gretsche, and Schoepp, who were sentenced to imprisonment for 10 years.

Betz's life sentence was reduced to 15 years in June 1950; he was released on parole on July 9, 1955, and discharged on July 10, 1957. Degelow and Filleboeck were discharged on December 7, 1951. Eisele's sentence was commuted to 20 years on November 29, 1950, and he was discharged on February 26, 1952. Gretsche's sentence was reduced to 7 years in June 1950, and he was discharged on August 25, 1950. Lausterer, after his sentence was reduced to 8 years in June 1950, was discharged on January 4, 1951. Puhr was discharged on April 28, 1950, and Mahl, on February 16, 1952. Schulz's sentence was reduced to 15 years on October 18, 1951; he was released on parole in December 1953 and discharged on June 20, 1957. Schoepp was discharged on February 12, 1950, and Wetzel, on January 11, 1952. Witteler's sentence was reduced to 15 years on July 3, 1950; he was placed on parole in March 1954 and discharged on July 10, 1957.

#### Records Description

The Dachau trial authorization documents are filmed at the beginning of roll 1. These consist of the Moscow Declaration, the Joint Chiefs of Staff Directive 1023/10 of July 8, 1945, and the USFET Commander's letter of October 14, 1946, transferring responsibility for prosecuting war criminals from the commanders of the 3d and

7th Armies to the USFET Judge Advocate General's Office. Filmed with these documents is the Headquarters, 7th Army directive, dated May 7, 1945, authorizing the investigation of the Dachau concentration camp by War Crimes Investigation Team #6823.

Four finding aids--a list of the accused, a roster of officers appointed to the court, a witness testimony index, and an index to prosecution and defense exhibits--are filmed after the authorization documents.

Records of the Dachau Concentration Camp trial comprise three groups filmed in the following order: pretrial records, trial transcripts and trial exhibits, and posttrial documents. Within these groups, the records are arranged and filmed chronologically, except for trial exhibits (which are filmed in numerical sequence) and posttrial case review files and clemency appeals (which are filmed alphabetically by defendant). Target sheets have been prepared and filmed to identify groupings of documents and to provide information from original file folder covers. The English-language version precedes the German-language version in cases where both are available. Duplicate copies of records were not filmed.

#### Pretrial Records

Records making up the pretrial documents include the report of War Crimes Investigating Team #6823 (the "Chavez Report") with two items from the original exhibits, witness interrogation reports, U.S. Army Signal Corps photographs of Dachau Concentration Camp, newspaper clippings pertaining to the liberation of Dachau camp and pretrial investigations, and the files of Dr. Sigmund Rascher concerning medical experiments performed at Dachau.

#### Trial Records

The trial transcripts are in English and are arranged chronologically in five volumes. At the front of Volume 1 are a roster of the officers detailed for the court, a witness testimony index, an index to the trial exhibits, and the charge sheet. (The roster and indexes have also been filmed with the finding aids on roll 1.) The text of the transcript is numbered sequentially from page 23 through page 1990. (Pages 1 through 22 of Volume 1 consist of a petition for review dated December 21, 1945. For the sake of chronology, this document has been placed at the beginning of the posttrial records.) The trial transcripts

are immediately followed by trial exhibits, photographs taken during the trial, and newspaper clippings pertaining to the trial, and miscellaneous correspondence pertaining to the trial.

Prosecution exhibits are arranged sequentially, Nos. 1 through 139, and consist of affidavits, atrocity photographs, death records, hospital reports, prisoner transport lists, and other camp records. The following exhibits, listed in the index, are missing from the records: Nos. 49-55, death registers and a chart showing different insignia worn by prisoners; Nos. 58-59, daily reports of security officers at Dachau; and No. 85, a diagram of the organizational scheme at Dachau.

Defense exhibits are numbered sequentially 1 through 22. They include camp rules and orders, medical certificates, food rationing documentation, and personal statements. Although the index cites two items numbered 26 and 27, described as letters from civilians in regard to defendants, these items are missing.

#### Posttrial Records

The posttrial material includes three categories of records: sentence reviews and related documents, clemency petitions and related documents, and parts of the prison files. The first category contains "review and recommendations" of the Office of the Judge Advocate, U.S. 3d Army and Eastern Military District, and of the Deputy Judge Advocate, European Theater; as well as certificates of execution of sentences.

Clemency petitions and related documents are arranged alphabetically by defendant's surname, and chronologically thereunder. Included with defendant's records are German-language clemency petitions and letters of appeal by or on behalf of defendants (with English translations), and petition acknowledgments.

The prison records filmed in this publication comprise a number of items selected to document more fully the outcome of the trial and to portray the evolution of the legal process. They include case review files of the War Crimes Modification Board, European Command; applications and orders for parole; and discharge papers.

## Related Records

Microfilm publications of related records in RG 153 and RG 338 include:

- United States of America v. Alfons Klein et al. (Case Files 12-449 and 000-12-31), October 8, 1945-October 15, 1945, M1078 (Hadamar case);*
- United States of America v. Kurt Andrae et al. (and Related Cases), April 27, 1945-June 11, 1958, M1079 (Nordhausen cases);*
- United States of America v. Franz Auer et al., November 1943-July 1958, M1093 (Muehldorf case);*
- United States of America v. Ernst Dura et al., June 9-23, 1947, M1100 (Wiener-Neudorf outcamp case);*
- United States of America v. Kurt Goebell et al., February 6-March 21, 1946, and United States of America v. August Haesiker, June 26, 1947, M1103 (collectively known as the Borkum Island case);*
- United States of America v. Otto Skorseny et al., July 13, 1945-December 13, 1948, M1106 (Skorzény case);*
- United States of America v. Johann Haider et al., September 3-12, 1947, M1139 (Haider case);*
- German Documents Among the War Crimes Records of the Judge Advocate Division, Headquarters, United States Army, Europe, T1021.*

The records of the Dachau case also are closely related to other microfilmed records in National Archives Collection of World War II War Crimes Records, RG 238, specifically:

- Prosecution Exhibits Submitted to the International Military Tribunal, T988;*
- Records of the Office of the United States Chief of Counsel for War Crimes, Nuernberg Military Tribunals, Relating to Nazi Industrialists, T301;*
- Records of the United States Nuernberg War Crimes Trials:*
  - NOKW Series, 1933-1947, T1119;*
  - NG Series, 1933-1948, T1139;*
  - NM Series, 1874-1946, M936;*
  - NP Series, 1934-1946, M942;*
  - WA Series, 1940-1945, M946;*
  - Guertner Diaries, October 5, 1934-December 24, 1938, M978.*
- Records of the United States Nuernberg War Crimes Trials:*
  - United States of America v.:*
    - Karl Brandt et al. (Case I), November 21, 1946-August 20, 1947, M887;*
    - Erhard Milch (Case II), November 13, 1946-April 17, 1947, M888;*

Josef Altstoetter et al. (Case III), February 17-  
December 4, 1947, M889;  
Oswald Pohl et al. (Case IV), January 13, 1947-  
August 11, 1948, M890;  
Friedrich Flick et al. (Case V), March 3-December  
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Carl Krauch et al. (Case VI), August 14, 1947-  
July 30, 1948, M892;  
Wilhelm List et al. (Case VII), July 8, 1947-  
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Ulrich Greifelt et al. (Case VIII), October 10,  
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Otto Ohlendorf et al. (Case IX), September 15, 1947-  
April 10, 1948, M895;  
Alfried Krupp et al. (Case X), August 16, 1947-  
July 31, 1948, M896;  
Ernest von Weizsaecker, et al. (Case XI), November  
4, 1947-October 28, 1948, M897;  
Wilhelm von Leeb, et al. (Case XII), November 28,  
1947-October 28, 1948, M898;  
*Records of the United States Nuernberg War Crimes Trials  
Interrogations, 1946-1948, M1019.*

In addition, the record of the IMT at Nuernberg has been published in *Trial of the Major War Criminals Before the International Military Tribunal (Nuernberg, 1947)*, 42 vols. Excerpts from subsequent proceedings have been published as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10 (U.S. Government Printing Office, 1950-1953)*, 15 vols. Detailed published finding aids with computer-assisted indexes for the microfilmed records of the Ohlendorf Case (Special List 42) and the Milch Case (Special List 38) have also been published. The National Archives and Records Service holds motion pictures and photographs of many sessions of the IMT and of the 12 U.S. Nuernberg proceedings, as well as sound recordings of the IMT proceedings only.

Amy K. Schmidt arranged the records of the Dachau case for microfilming and wrote these introductory remarks.

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	Anton Endres, Dec. 21, 1945-Feb. 23, 1946	
	Sylvester Filleboeck, Jan. 24, 1946-June 11, 1951	
	Otto Foerschner, Feb. 4, 1946-Mar. 10, 1946	
	Fritz Hintermayer, Dec. 21, 1945-Apr. 8, 1947	
	Josef Jarolin, Jan. 22, 1946-Oct. 13, 1950	
	Johann Kick, Dec. 18, 1945-Jan. 23, 1946	
	Simon Kiern, Dec. 19, 1945-May 14, 1946	
	Johann Kirsch, Feb. 20, 1946-May 16, 1950	
	Christoff Ludwig Knoll, Dec. 21, 1945-Feb. 6, 1946	
	Alfred Kramer, Jan. 18-Feb. 11, 1946	
	Walter Langleist, Jan. 22, 1946-Apr. 30, 1953	
	Hugo Lausterer, Nov. 24, 1946-Mar. 29, 1948	
	Arno Lippman, Feb. 8, 1946	
	Emil Mahl, Dec. 16, 1945-July 25, 1947	
	Otto Moll, Jan. 20, 1946	
	Engelbert Niedermeyer, Dec. 24, 1945-Feb. 10, 1946	
	Fridolin Puhr, Jan. 21, 1946-Jan. 14, 1949	
	Michael Redwitz, Jan. 16-May 10, 1946	
	Friedrich Ruppert, Dec. 21, 1945-Feb. 9, 1946	
	Klaus Schilling, Jan. 17-May 21, 1946	
	Johann Schoepp, Nov. 8, 1946-July 20, 1948	
	Vinzenz Schoettl, Jan. 14-Feb. 10, 1946	
	Otto Schulz, Jan. 10, 1946-Mar. 4, 1948	
	Josef Seuss, Jan. 8, 1946	
	Rudolf Suttrop, Jan. 10-Feb. 24, 1946	
	Wilhelm Temple, Oct. 20, 1947	
	Franz Trenkle, Jan. 23, 1946	
	Wilhelm Wagner, Dec. 21, 1945-Feb. 9, 1946	
	Wilhelm Welter, Dec. 24, 1945-Feb. 9, 1946	



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Roll 3

Target 1

Trial Transcripts (RG 338)  
Vol. 3 (pt), Nov. 30-Dec. 1, 1945



Dachau, Germany

30 November 1945

The court met, pursuant to adjournment, at 8:45 o'clock a.m., all of the personnel of the court, prosecution and defense, who were present at the close of the previous session in this case being present.

All the accused, the reporter and the interpreter were also present.

Defense: The defense calls as its next witness Sylvester Filleboeck.

Sylvester Filleboeck, one of the accused, took the stand and testified as follows:

DIRECT EXAMINATION

Questions by defense:

Q What is your name?

A Sylvester Filleboeck.

Q How old are you?

A 49.

Q Where were you born?

A In Pfronten.

Q Are you married - do you have a family?

A Yes, I am married, 2 children.

Q What was your occupation?

A Foreman in charge of the factory.

Q What education have you had?

A Public school.

(Filleboeck-direct)

Q When did you enter the German army?

A I was in the German army from 1915 to 1918 and from 1933 to 1945.

Q When did you come to Dachau?

A In 1933.

Q What position did you hold at Dachau?

A From 1933 to 1941 I was administrator of the food dump and from 1941 to 1945 I was investigator for food.

Q From whom did you receive your orders and instructions?

A I got my orders from my superior Wetzel and from the economic office.

Q Who set the amount of food that you were permitted to give the prisoners?

A The rations were determined by the main economic office, in connection with the Reich food Ministry.

Q Did you make any effort to supplement this food supply?

A Yes.

Q What did you do?

A In November of last year I obtained vegetables consisting 13000 zentner of wheat and carrots.

Q What did you do about this food supply?

A In November of last year I obtained through the county food offices, that is the farmer community office which requisitioned vegetables, and this  
(Filleboeck-direct)

office reduced the amount of vegetables from 3500 grams to 1000 grams per week. Then I increased that ration again from 1000 to 2600 grams and from these 1300 zentner of carrots which was requisitioned, I got 10,000 zentner of carrots. Besides that, we got six wagon loads of one kind of grain, an inferior kind, and two wagon loads of a better kind.

Q Did you say this was requisitioned or was taken away from you?

A The vegetables or the grain?

Q The vegetables.

A That was for the city of Munich.

Q What else did you do?

A Besides that, despite prohibition by the main office, I bought five to seven thousand kilograms of pre-cooked soups. Weekly we bought two to three thousand kilograms of beef, veal and big bones which was used for putting in the soups. Besides that, we got 20 thousand kilograms of seed beans or peas which was brought to the camp since 1943, 1944, 1945.

Defense: I believe he said additionally.

Interpreter. Yes, sir, I beg your pardon, additionally.

A Besides that, the cheese, which the concentration camp was permitted only cheese of 10 per cent. We were permitted to buy 30 or 40 per cent cheese.

Q Would you have gotten that extra cheese if you hadn't have done that yourself?

(Filleboeck-direct)

A No, it was prohibited.

Q What else did you do?

A I got in contact with the food officer in Dachau and ordered that they not shorten the rations any more.

Q Were you required to do that, or did you do it all on your own?

A I did it out of my own will because I had the food problems in my hand since many years and I knew that something had to be done.

Q Did you have more food or less food toward the end of the war?

A Towards the end of the war obtaining food for the camp was very difficult because of the complete lack of transportation. It was difficult to obtain certain things. Besides, during March and April the winter vegetables had to be used up and the spring vegetables were not there yet. Besides that, the population of the camp was almost doubled. There were 30 thousand in the camp whereas before that only 15 thousand, therefore it was very difficult to obtain food supply.

Q The food supply was shortened but there was an increase in the number of people to feed is that correct?

A Yes.

Q Filleboeck, there was a man named Opitz that testified that you and Wetzel took some of the personal (Filleboeck-direct)

property of the prisoners, what do you say about that?

A Never in my life. I was wearing valuables from home but never in my life did I take some from anybody there - I never got any prisoner's valuables.

Q You didn't take anything from the prisoners, then?

A No.

Q This same man Opitz said that on Saturday night you would allow Boettger and others to take the prisoners' food, what do you say about that?

A I always said to the people who worked under me that they were not permitted to give anything away that belonged to the prisoners. If it happened, it happened without my knowledge.

Q There was a man named Jendrian that testified that you took part in an execution of 90 Russians in September of 1944, will you tell us if that is true or not?

A I did not partake in the execution of these 90 Russians and I can take an oath on that.

Defense: No further questions.

#### CROSS EXAMINATION

Questions by prosecution:

Q You did not take part in the execution of these 90 Russians, did you take part in the execution of 90 other Russians?

(Filleboeck-direct)



A No.

Q How many times were you over there by the crematorium?

A During my lifetime I was at the most twice at the crematorium and that is as officer of the day.

Q Filleboeck, when did you join the SS?

A 1932.

Q And you have been a member of the SS continuously up to the time that you were apprehended, is that correct?

A Yes.

Q During the months of January, February and March approximately how many prisoners did you have here at Dachau?

A During the time January and February there were between 18 and 20 thousand.

Q And at that time, how many meals a day were you feeding the prisoners?

A They received breakfast, lunch and supper.

Q You were familiar were you not of the condition of the food given the prisoners as compared with what the SS received here at Dachau?

A Yes.

Q And is it not a fact that during the time that the rations for the prisoners were so short the SS were getting good food, both as to quantity and quality, is that true?

(Filleboeck-cross)

A SS got its rations according to the amount issued.

Q Is it not a fact that the food the SS got was both good as to quality and as to quantity?

A Since the SS got a greater quantity, it could have been a better quality too.

Q Now, Filleboeck, you are also familiar with the amount of clothes and shoes that were in storage here at Dachau were you not?

A No.

Q You never at any time went into the personal effects rooms of the prisoners, is that correct?

A Once I was in the personal effects room with Wetzel.

Q And it is a fact that you were in the warehouse that stored the clothing that had been taken away from the prisoners? In the effects room of the prisoners?

A I was in the effects room with Wetzel.

Q And when was that Filleboeck?

A I cannot remember the date any more.

Q You do know as a fact that at the time you left here that there was lots of overcoats and lots of clothes and lots of shoes that were stored here at Dachau?

A I was not informed as to the amount of clothing.

Q You were not informed but isn't it a fact that you knew the amount of clothes that was here?

(Filleboeck-cross)

A No, I did not know the amount.

Q While you were here isn't it a fact that prisoners died of starvation?

A My prisoners reported to me that there was talk in the camp that prisoners were supposed to be dying of malnutrition in December 1944. I never received a report through official channels.

Q But you did see the physical condition of these prisoners that you came in contact with?

A Yes, in camp every day.

Q You saw that the prisoners were lean and gaunt did you not?

A Mostly the new arrivals.

Q And the whole time that you were there you were working under Wetzel?

A Yes.

Prosecution: No further questions.

#### REDIRECT EXAMINATION

Questions by defense:

Q It is true that you heard in December 1944 that prisoners were suffering from malnutrition?

A My prisoner co-workers reported that.

Q And is that the same time that you went to the people in Dachau and Munich to get these rations?

Prosecution: I object to the question on the grounds that it is a leading question.

Whereupon there was argument from the defense and the prosecution:

President: The objection is overruled, but we caution the defense to follow the usual procedure (Filleboeck-cross, redirect)

a little more closely.

A When I received a report from the prisoners I immediately increased the vegetable ration. I went to the Dachau and Munich people when the shortening order came in order that it would not be cut.

Defense: No further questions.

There being no further questions, the witness was excused and resumed his place in the prisoners dock.

Defense: May it please the court, the defense calls as its next witness Johann Neuhaeusler

Johann Neuhaeusler a witness for the defense, affirmed he would tell the truth that/ and testified through the interpreter as follows:

#### DIRECT EXAMINATION

Questions by defense:

Q Father, will you state your full name please?

A Johann Neuhaeusler

Q And your profession, Father?

A Priest and counsel of the bishop.

Defense: Father, I realize that you understand English but I think that it is better if you speak through the interpreter so that all would be understood and nothing would be missed.

Q Counsellor of the bishop or of the cardinal of Munich?

A The same person.

(Filleboeck-redirect)  
(Neuhaeuslerdirect)

Q The cardinal and the bishop is the same person?

A Yes.

Q How long have you been a priest, Father?

A Since 1913.

Q How long have you been counsellor to the bishop and cardinal?

A Since 1932.

Q Were you a prisoner in Dachau, Father?

A At first in Munich, Berlin, Saxonhausen and then in Dachau.

Q When did you become a prisoner in Dachau?

A 12 July 1941.

Q For how long a period of time did you remain a prisoner in Dachau?

A Until transported away on 24 April 1945.

Q What kind of a prisoner were you while here in Dachau, Father?

A I was a special prisoner?

Q And what was a special prisoner?

A At first there were only three of us, Pastor Niemöller, Doctor Heck and myself. As such, we were put into the arrest of headquarters, it was also known as bunker. As such, we were completely separated from the rest of the camp. We were to be kept secret during the first months. As special prisoners, we each of us had our own cell. It was open during the day time and we could also go to the back yard and take a walk. At the beginning only during certain times.

(Neumauslerdirect)

Q Why were you and Pastor Niemöller called as special prisoners?

A We were never told that.

Q. How many special prisoners were there altogether in your block, Father?

A At first there were three and then an English major, and an Irishman, and then seven Italians, a Polish, two Czechs, thirteen Rumanians. Later again two Italians and during the last times a great number of great personalities arrived, Halder, Schuschmied and others.

Q While you were a prisoner here, Father, you served as a prisoner under Piorkowski, did you not?

A At first.

Q And then following Piorkowski came Commandant Weiss did he not?

A Yes.

Q And after Weiss came Weiter?

A Yes.

Q In your own words tell the court exactly whether or how conditions changed when Weiss became commander and would you compare the the conditions in the camp when Weiss was commandant, compared with when Piorkowski and Weiter were here.

A In general, it remained a prison and we also remained special prisoners. We kept our privileges but we obtained several improvements. For instance, (Neuhaeusheirect)

a big window in our dining room and a cellar as kitchen. We were permitted to go to the park frequently during the summer months. Several times we were permitted to go into the SS bath house, that was the most important thing. We were also permitted to have more frequent contact with members of other nationalities. This was prohibited before that, I think it was prohibited by Berlin, but later on it was prohibited again.

Q Did you ask for these additional privileges from Weiss?

A We asked for several things, for instance, the big window and the kitchen.

Q And was the kitchen set up for you in your cell block?

A The only thing that had to be done was the cell cleaned up and electricity hooked up.

Q Did you talk directly to Weiss for those conditions, Father?

A Yes.

Q After you talked with him, the requests you made were granted, were they not?

A He agreed to it immediately and after several days it was fixed.

Q Father, did you observe Weiss making inspections of the camp?

A At the beginning he came more frequent, every two or three weeks and then it took a longer time.

(Neuhaeusl direct)

Q After Weiss arrived you had more frequent opportunities to speak with other prisoners didn't you, Father?

A Yes.

Q And as a result of that did any of the prisoners speak to you as to the conditions under Weiss or not?

A Maybe that was a misunderstanding. Before I thought the question meant other special prisoners, now I understand it to mean whether we had more opportunity to speak with other prisoners in the camp.

Q Did you have opportunity to speak with the prisoners in the camp?

A No.

Q Did you hear from the prisoners in the camp?

A A very few times only. If we went to the dentist for instance, or if workers came to us to do something.

Q During these occasions, Father, did you hear of anything about Weiss as commandant of the camp?

A Several times prisoners told us that things were better under him.

Q Did you know the man in charge of the political department by the name of Kick?

A Yes.

Q How did you come to know Kick, Father?

A Whenever I had visitors they were presented to me in the room of Kick.

(Neuhäusel direct)



Q You have a large number of nephews, don't you  
Father?

A More than twenty of my nephews were in the army  
and they were permitted to visit me when they  
were home on furlough.

Q And whose office did they visit you in Father?

A In the room of Kick or the room next to it.

Q What was the length of time allotted for any  
visits, Father?

A In individual cases we were not told how much  
time we were allotted. In one case Mr. Kick  
shortened the time allowed, only a half hour,  
but I did not know whether this time it was pre-  
scribed by Berlin or not. In these other visits  
we usually had one hour's time or a little more.

Q During these visits were you permitted to re-  
ceive packages, medicines and other things, from  
the people who visited you?

A Yes.

Q Father, do you know a man by the name of Hinter-  
mayer?

A Yes, the doctor.

Q When, and under what circumstances, did you ~~some~~  
to know Doctor Hintermayer?

A Whenever a new doctor arrived he was introduced  
to us generally. One doctor was usually given  
the task of taking care of the special prisoners.

Q And did Doctor Hintermayer have the task of taking  
care of the special prisoners?

(Neuhaeusledirect)

A During the last months.

Q Did he particularly prescribe anything for you?

A Several times.

Q Did he ever visit the block or bunker where you were in prison?

A Yes, especially when we asked for the visit.

Q Was that often or not often?

A He came to me twice and several times to Pastor Niemöller and to the Abbot of Metten .

Defense: That is all.

#### CROSS EXAMINATION

Questions by prosecution:

Q You were known as a prisoner of honor were you not Father?

A I do not want to be known as a prisoner of honor. It was a prisoner, without liberty and human dignity, without the common human dignity and without my profession. It was much better than the prisons of Berlin or Sachsenhausen.

Q These special prisoners were kept apart from the rest of the Lager, is that right?

A Yes, we were kept apart so much that during the first few months that we were brought to the hospital only for examinations it was in closed ambulances and when we were examined all prisoners had to leave the hospital.

(Neuhäusledirect, cross)

Q So you had no opportunity to know what was going on in the camp?

A Only very little. We heard several things from the prisoners. We heard the beatings which were dealt out since our bunker was separated only by a little yard from the bath house where the beating was taking place.

Q And you heard the beatings taking place in the bath house, is that correct?

A I am very sorry to say that we not only heard beatings but also the yelling of the prisoners, being able to hear what was going on and not being able to do anything.

Q That took place all the time that you were a prisoner there in the bunker is that correct?

A I cannot state that it was always - that beatings did not take place every week, it must not have taken place always in the same place and especially during the first time we were located in our cells whenever there was an execution because in the years of 1941 and 1942 the executions took place in the yard next to our yard, and therefore, we were transferred from the first cells into the last ones. That was under Piorkowski.

President: The court will take a recess of about 15 minutes.

Whereupon the court then took a recess until 9:35 o'clock, at which hour all members of the court, the prosecution and defense, all the accused, reporter and interpreter were present.  
(Neuhaeusledirect)

Q Father, isn't it a fact that some of these special prisoners were also executed while you were there?

A. I only assume that very strongly of one of them, who had something to do with the incident of the Burger Brau Keller. That was in November 1939. The name was George Elser.

Q Father, what is your nationality?

A German.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by defense:

Q Father, were you a prisoner<sup>with a man</sup> by the name of Simon Kiern in 1943?

A No.

Q Will Kiern stand up. (Whereupon the accused Kiern stood up) Do you recognize that man, Father?

A No, there were many prisoners in the bunker, nearly a hundred but we were not permitted to have contact with these prisoners, even if we gave them food, but that was not permitted. We did that through the janitor, a prisoner who brought the food from cell to cell.

Defense: That is all.

There being no further questions, the witness was excused and withdrew.

Defense: May it please the court, the defense calls as its next witness Johann Wolf.

Johann Wolf, a witness for the defense, was sworn and testified through the interpreter as follows:

(Neuhaeusledirect, cross, redirect)

DIRECT EXAMINATION

Questions by defense:

Q Will you state your full name and address?

A Johann Wolf, Dachau, Spitalstrasse number 2.

Q What is your present occupation?

A Business man.

Q Were you ever a member of the SS?

A No.

Q Were you ever a prisoner at Dachau?

A No.

Q What was your work during the years of 1942 to 1944?

A I was a business employee here.

Q When you say "here" what do you mean?

A In the concentration camp.

Q During the time that you were employed here did you know the defendant Wilhelm Welter?

A Yes.

Q Tell the court what connection you had with him and what you know about him.

A I worked with Mr. Welter in connection with prisoner duties.

Q When you worked with him did you see him here in camp?

A Yes.

Q Did you see the way he treated the prisoners?

A Yes.

Q Will you tell the court what you saw?

A Many times I asked Mr. Welter for increase of the men working on the detail who was always very decent. I never saw Mr. Welter search a

(Wolf-direct)

prisoner, that he never beat them, or that he handed in a report about them.

Q Did you have occasion to talk with some of the prisoners that Welter-brought over on your detail?

A Yes.

Q What did they tell you about their treatment at the hands of Welter?

A That Mr. Welter was all right.

Defense: No further questions.

#### CROSS EXAMINATION

Questions by prosecution:

Q Where was your office located, Mr. Wolf?

A In the so-called construction camp.

Q Where is that with reference to the shutzhaft-lagerfuhrer's office?

A It was in the SS training camp.

Q And how far was that, Mr. Wolf, from the schur house?

A Five minutes.

Prosecution: No further questions.

There being no further questions, the witness was excused and withdrew.

Defense: Defense calls as its next witness, Wilhelm Welter.

Wilhelm Welter, one of the accused, then took the stand and testified through the interpreter as follows:

#### DIRECT EXAMINATION

Questions by defense:

Q What is your full name?

A Wilhelm Welter.

(Wolf-cross; Welter-direct)

Q Are you one of the defendants here on trial?

A Yes.

Q What is your home address?

A Dachau, Klosterstrasse number 8.

Q When and where were you born?

A On 24 January 1913 in Bonn at the Rhine.

Q Are you married?

A Yes.

Q How many children?

A I have three children of the years five, three and a half and eight months.

Q Who were your parents?

A John Welter and Katherina Krenarlum.

Q Do you have any other living relatives?

A The brother of my father is a professor in an American university and two catholic priests in the same town.

Q What was your civilian occupation?

A I worked at the locksmith trade.

Q When did you join the SS and under what circumstances?

A I joined the SS in 1938 in order to earn my living as a soldier.

Q When did you come to Dachau?

A The end of 1939, beginning of 1940.

Q When did you leave Dachau?

A I left Dachau at the end of August and the first of September 1943 and I was transferred to the eastern front.

Q What was the circumstances surrounding your transferr?

(Welter-direct)

A Since I started my duty I asked several times for transfer to a fighting unit. Without the knowledge of my superiors I sent in an application to Berlin which was approved suddenly.

Q How many applications for active duty at the front did you submit?

A Since the beginning of the war nearly every two months I made an application orally and written.

Q What were your duties at Dachau between the 1st of January 1942 and the time you left Dachau?

A I was labor service leader, this is a TO position of a clerk in the office of the labor service.

Q Will you explain briefly the set up of the labor service office?

A Yes. The labor service leader was under the labor leader. My task consisted of giving the details which went out for work in the morning and the afternoon a labor service slip, whereupon the strength of the detail was noted and the name of the detail leader was noted. My daily task consisted of making out a so-called working report. This report includes information about all working details which left the camp. It is divided into skilled workers and helpers and then again the total number of guards which again is subdivided into the NCO's and men. This report consisted of 7 to 8 typewritten pages and this served the labor leader for making out bills to the places where these prisoners were employed.

(Welter-direct)



- Q The witness for the prosecution, Doctor Blaha, accused you of hitting prisoners with your hands at the so-called slave market in the beginning of 1943, what do you have to say about that?
- A During the time which Doctor Blaha was there, I was at the front in Russia or in several hospitals as a badly injured soldier.
- Q Will you repeat that answer?
- A During the time which he stated I was not in Dachau but a soldier in Russia and in several hospitals where I was as a badly injured.
- Q Were you at any time at the so-called slave market formations in front of the hospital?
- A If you call the making of smaller and bigger details as slave market, it is true. I put together the details.
- Q The witness Rudolf Wolf stated that you beat prisoners with your fists and feet. He stated further that you had beaten a young Russian with a whip because he had stayed away from a work detail, what do you have to say about that?
- A The strength of the working detail which left the camp was only told me at the gate where someone called out the number. Before that, I could never know whether a man was missing at a detail or not. If the witness stated that, it is not according with the facts. The details - there were over ahundred details - left the camp in short succession and the place where I was standing in order to note down the strength of  
(Welter-direct)

the detail was right next to the gate. If I would have to look for an individual man who was not present, the leaving of the details would have to come to a stop and in order for that not to happen, I could never leave my place.

Q The witness Rudolf Wolf also stated that you put up the list for transports with Kick.

What do you have to say about that?

A I never had duties to perform together with Mr. Kick. Whenever larger or smaller details had to be picked out, I would do it with the several prisoners or the detail service but never with Mr. Kick.

Q Did you ever hit a prisoner with a whip or other object?

A No.

Q The witness Breiding stated that in February 1942 you selected four Jewish inmates for the crematorium, what do you have to say as to that?

A There is a possibility that I received such an order to put together such a detail.

Q The witness Breiding also identified two prosecution's exhibits, number 47 and 48, which were lists at the malaria station. He stated that he himself had typed one of those lists. What do you know as to the connection of the labor office with these lists?

A I know that such selections of prisoners were taken care of by the doctors themselves. It is also possible that the schutzhaftlagerfuhrer handled that. Not I received such a list, but the labor  
(Welter-direct)

leader received such a list in order to check that with the files of the labor office.

Q Did you or the labor service office have anything to do with the selection of these prisoners?

A No. I myself had nothing to do with the selection for experimental stations and I never received any order from the labor leader to do something similar like that.

Q The witness, Eugen Seibold stated that in April of 1942 a couple of days after he entered the camp, 25 out of a group of prisoners were beaten by you with your hands.

A The new inmates were brought into the camp by the block leaders. I was never present when new inmates arrived. I can't explain to myself why the witness Seibold would say such a thing, that I beat 25 out of 27 new arrivals. I never had any reason to beat these prisoners.

Q The witness, Tzepla, stated that you selected prisoners for Doctor Rascher's experiments.

A No, I never was able to select prisoners for that station and I never had to select prisoners for that station. As I said, the physicians themselves took care of that and the labor service leader received a written notification.

Q The witness Tzepla also stated that he saw you leading a group of prisoners to Doctor Rascher's station, what do you say about that?

A All prisoners who were brought on a working detail were introduced to the doctor so that he could determine their working capacity and also

(Welter-direct)

I never brought people to the station of Rascher because it was not my duty. In order to enter the experimental station you had to have a pass.

Q Did you ever have a pass to enter Rascher's station?

A No.

Q The witness Kaltenbacher stated that you sometimes kicked people and hit them with your hand, what do you have to say to that?

A That is true. It is possible that I slapped a few prisoners in the face if they did some-

Q thing wrong. In the statement, Welter, that you made to the prosecution on 30 October 1945, you stated that Weiss accompanied you to Augsburg in 1942?

A No, I myself made that statement but on the next morning I told them that it was a mistake. In the morning I reported it to a non commissioned officer who was present and in the afternoon I told that to Lieutenant Guth in the presence of three witnesses and I asked him to correct that mistake that not the name Weiss belonged to that place but the name Redwitz should be there.

Q Did you make that correction in your statement?

A I myself could not change it but it was said that they would take care of it.

Q Was it handed back to you after you made the request so that you yourself could change the name?

A No.

(Welter-direct)

Q Welter, under what circumstances were you arrested by the American authorities?

A I was not arrested. After I was discharged from the discharging unit I migrated back to Dachau and I reported voluntarily at the city hall to the American authorities because I could do that with a good conscience.

Q Did you then come to Dachau?

A I reported voluntarily at the city hall in Dachau to the American authority.

Q I hand you a document marked as defense's exhibit number 16 for identification and ask you to state what that is.

A That is a certificate which states that I was discharged by the hospital by the hospital unit of Rheinsbach which certifies that I was discharged as not being able to be used at the front again.

Q Does this instrument state the date of your hospitalization?

A Yes.

Q What is that date?

A 17 January 1944 until 28 April 1944 and the dates of my recuperation and that I was not present again at the unit.

Q Where did this slip come from?

A I received that from the chief doctor in the hospital in Rheinsbach.

Q Was it given to you when you left?

A Yes.

Defense: At this time I offer this as defense exhibit number 16 in evidence.

President: Received.

(Welter-direct)

Defense: You may take the witness.

CROSS EXAMINATION

Questions by prosecution.

Q Is it correct that you did take these details to the hospital and there the doctors would make the selection for the experiments?

A I don't understand.

(The question was repeated to the witness)

A No, people which were led to the hospital were the ones used to supplement the old details and to create new ones, ~~but~~ these prisoners were not taken there by myself but by the <sup>prisoners</sup> Breiding, Schetzer, and Joiner.

Q You tell the court that you never took a detail of prisoners to the hospital is that correct?

A As I said before, the people which were selected for this detail were introduced to the doctors which I named before. I myself asked the doctors which I introduced to the prisoners whether or not they were capable of working.

Q Did you yourself take any of these details to the hospital?

A No.

Q Who was your immediate superior?

A At first the Obersturmfuhrer Stumpf and later Pflaum

Q It was your duty to take the requests for these details and see that they were filled with prisoners, is that correct?

A The request for prisoners went to the camp commandant and then to the labor service leader and then they were handed down to me, and the

(Walter-cross)

labor leader then gave the orders to pick out the experts and the helpers.

Q The list you got was for so many experts and so many non experts, is that correct?

A No, I did not get any lists, it was done orally. He gave an order for 10 locksmiths and so many helpers.

Q And you would go to your records and select 10 locksmiths for this detail, is that correct?

A No, it was not done in this way.

Q All right, tell the court how it was done.

A In the labor office at the camp office there were available at the camp people who knew these things and these people were then asked who was not employed at the camp and they were brought up and asked as to their professional qualification. They were asked how long they had worked at their job, what knowledge and so forth, and if they knew enough they were used for these working details.

Q Well, Welter, you still haven't told us what you did with respect to that detail.

A The non-employed prisoners were picked out by myself or someone else in the labor service.

Q What happened to those non-employed prisoners.

A The non-employed who were picked out for details were sent for work.

Q So you would then pick out the men to go on these details, is that correct?

A Yes.

Q And you also stated that it is possible that you picked out this detail of eight Jews who worked at the crematorium, is that correct?

(Welter-cross)

A Yes.

Q What happened to those Jews that worked at the crematorium?

A I don't know, if I would have known about what Breiding talked I would have known how to get out of picking them.

Q Isn't it a fact that the non-employed prisoners were used in the experiments of these doctors?

A I don't know.

Q Isn't it a fact that you made up details of the non-employed prisoners?

A All new details were picked out of the non-employed prisoners.

Q And they were picked out by you, is that correct?

A Not only by myself but by everybody who was employed in the labor office and prisoners.

Q And they were under your supervision?

A No, under the labor leader.

Q You had no supervisory command in that labor office at all, is that correct?

A The prisoners working in the labor office at camp headquarters were under me but I only had to transmit the orders to them.

Q And when those orders were transmitted to them you also saw that those orders were carried out, did you not?

A I assume that they carried them out.

Q You not only assumed it, Welter, you also saw that it was done, didn't you?

A No, the people were not under me and I did not take any interests whether they did the work or  
(Welter-cross)



not which the labor leader ordered.

Q You said that you possibly slapped some prisoners while you were here, don't you know that as a fact that you did beat prisoners while you were here?

A If you call slaps in the face beatings, then this is true.

Prosecution: No further questions.

#### REDIRECT EXAMINATION

Questions by defense:

Q Welter, when you stated on cross examination that you picked men out for details, what type of details did you mean?

A Working details were picked out for all types of offices, SS, private industries and for the armament industry.

Q Your job was to pick out working details?

A Yes.

Defense: No further questions.

There being no further questions, the witness was excused and resumed his seat in the prisoners dock.

Defense: The defense calls as its next witness Mrs. Welter.

Mrs. Hanna Welter, a witness for the defense, was sworn and testified through the interpreter as follows:

#### DIRECT EXAMINATION

Questions by defense:

Q State your full name and address.

A Hanna Welter, Dachau, Klosterstrasse number 8.

Q What relation are you to the previous witness, Wilhelm Welter?

(Welter-cross, redirect)  
(Mrs. Welter-direct)

A He is my husband.

Q How many children do you have?

A Three.

Q During the time that Welter was stationed at Dachau were you living in the town of Dachau?

A Yes.

Q Did you live with your husband at that time?

A Yes.

Q What was his treatment as to you and the children?

Prosecution: May I please the court I object to the question as being immaterial and irrelevant to the things of interest to the court.

Defense: May it please the court, I feel that it is material to show the type of man that this defendant is.

President: The objection is sustained.

Q Will you state when your husband left Dachau?

A My husband reported in the autumn, I think September 1943, voluntarily to the front.

Q When you say voluntarily what do you mean?

A That he went to the front as a volunteer.

Defense: No further questions.

Prosecution: I have no questions.

There being no further questions, the witness was excused and withdrew from the court room.

Defense: If the court please, the defense calls as its next witness Rudolf Suttrop.

Rudolf Suttrop, one of the accused, then took the stand and testified through the interpreter as follows:

(Mrs. Welter-direct)

DIRECT EXAMINATION

Questions by defense:

Q State your full name.

A Rudolf Heinrich Suttrop.

Q How old are you?

A 34.

Q How long have you been in the SS?

A Since the 2nd of November 1936 I have been in the Waffen SS.

Q And prior to that time when did you join the Allgemeine SS?

A On 5 September. 1933.

Q Are you married?

A Yes.

Q How many children do you have?

A Three children.

Q When/you <sup>did</sup> come to Dachau?

A On 15 May 1942.

Q When you came to Dachau on 15 May 1942 what were your duties?

A I was transferred to Dachau as adjutant.

Q And you were the adjutant to the commanding officer in May 1942?

A I was adjutant in the command post of the concentration camp of Dachau. My first commanding officer was Pierkowski.

Q What other commanders of Dachau did you serve as adjutant?

A The first one was Pierkowski, then Obersturmbannfuhrer Weiss and Weiter.

Q When did you leave Dachau?

A 15 May 1944.

(Suttrop-direct)

Q What was your rank in the SS?

A When I came to Dachau I was Untersturmführer - when I left Dachau I was Obersturmführer.

Q That Obersturmführer is the equivalent of First Lieutenant in the American army, is it not?

A Yes.

Q What were your duties as adjutant under Pierkowski Weiss and Weiter?

A My duties and tasks were to watch over the personnel of the entire staff of the command post with the 235 ~~non~~-commissioned officers and men. Then I was in charge of the telephone and the signal office and then I was in charge of the motor pool. I had to work on all incoming mail and I was in charge of distributing it to the various departments. I was in charge of all secret orders, then I had to support the commandant in his paper work, especially the personnel records and the TO organization. That was all.

Q With reference to the 235 non-commissioned officers and men, were they the personnel of the headquarters staff?

A That was the staff of the command office, including the outside camps.

Q Now, when the commandant, Pierkowski, Weiss, or Weiter, left the camp while you were adjutant did you become his actual representative?

A No.

Q Who did?

A According to the regulation of the concentration camp that was the first schutzhaftlagerführer (Suttrop-direct)

and if this was not the case the commandant had to request someone else at his superior office, that was then acknowledged by the superior office. That was determined in the regulation for concentration camps.

Q During your tour of duty had you ever been requested as the representative of the camp commander, as his representative?

A No.

Q During your tour of duty here in Dachau from 15 May 1942 until 15 May 1944 did you ever have anything whatsoever to do with the inmates or prisoners of the camp?

A I had nothing to do with the prisoners, with the exception of some private matters, when they would come into the office where I was or I once went into the gardening spot which was in the compound where they were breeding Angora cats, and then again, which were all in the compound.

Q As adjutant of camp Dachau would it be possible for you to require or to issue orders for any executions?

A No.

Q As adjutant of Dachau during the period of two years that you were here was it possible for you in your capacity as adjutant to order or require punishments for any of the prisoners?

A No.

Q As a matter of fact, Suttrop, while you were here could punishments or executions be imposed by the camp commander without authority from Berlin?

(Suttrop-direct)

A Those were minor punishments which the commandant could order and that was within the regulations.

Q Could the commandant order an execution?

A That was not so in the beginning but then at the beginning of 1944 the regulations came that the commandant could ask for executions to be executed.

Q During the period of time that you served here under Weiss, such regulations were not in effect were they?

A No, Weiss left the 1st of November 1943.

Q As adjutant of Camp Dachau was it within your power or province at any time to prevent any executions?

A No, impossible.

Q During your tour of duty here as adjutant, from 1942 to 1944, did you take part in or attend any executions?

A No, not at executions of prisoners.

Q Did you attend executions of any other people?

A I supervised three executions but these executions were of SS members. The sentences came from the SS court of Munich and were acknowledged by the SS Reichsführer.

Q When were these executions, Suttrop?

A They must have been the end of 1943 or the beginning of 1944.

Q How do you know that the executions you supervised involved SS personnel?

(Suttrop-direct)

A Because the day before I had been notified through the SS court, that is, the commander of the camp, that the next morning at 6:00 o'clock the execution would take place and the personal records had already been sent. Everything else I had to take care of, the execution detail had to be set up and the honor guard had to be taken care of, and the next morning a judge came from the police court of Munich who brought the sentence with him and then we drove on to the rifle range together to Ebertshausen.

Q Did you happen to know one of these SS men who were executed?

A I didn't know any - I only saw them about ten minutes before we left for the rifle range the next morning.

Q Did one of them come from your own home town?

A Two of them had been sentenced because of desertion and one had fallen asleep in a forward guard post, and this one was an 18 year old SS man who was from my home district. After the sentence had been carried out I immediately notified the parents and they came the next day.

Q While you were here as adjutant, executions did occur did they not?

A Yes.

Q Would you tell the court how the executions were ordered?

A They were sent here by teletype or through the mail under secret, the personal records were noted, that is, in each teletype or mail it was noted

(Suttrop-direct)

down which gestapo office ordered it. Too, which gestapo office the man was sent to, being sent, or had already been sent. In most cases the teletype arrived here before the prisoner did. It was also ordered whether he should be hanged or shot, but most of the time through hanging, and always referred to the orders which were given out by the Reich Security Minister.

Q Did the orders designate the number of persons who were to attend the execution?

A No, that is the reason that they referred to these rules because in these rules were the execution rules and they state who had to take part and how many.

Q What did the rules provide as to who should take part and how many?

A The first schutzhaftlagerführer or his representative, the first camp physician, two witness<sup>es</sup> and the one who was to carry out the execution.

Q What was the part that the physician was supposed to take in the execution?

A The camp physician had to determine death.

Q Does the camp physician hold any position whatsoever to control the execution if he so desired?

A To control?

Q Influence.

A Influence, you mean stop?

Q Yes.

A No.

(Suttrop-direct)



Q During your tour of duty as camp adjutant do you know of your own knowledge whether or not Commandant Weiss took part in or directed any executions?

A No, and the regulations did not say that the commandant had to take part and I certainly would know it because the commandant, Weiss, told me where he was going and where he could be found every time he left his office. He told me every time when he was going into the camp to supervise a punitive measure.

Defense: No further questions.

#### CROSS EXAMINATION

Questions by prosecution:

Q Suttrop, when these orders for execution did come in did I understand you to say that they would come from the various gestapo offices throughout the country?

A They came here from the Reich Security Main office, in which it said that the man will be transferred to Dachau on such and such a day and at the same time it was noted from which Gestapo office he was coming and how he was to be executed.

Q The designation of the time of the execution was left up to the camp commandant, is that not so?

A It was always to be carried out immediately.

Q And "immediately" would be determined by the camp commandant, is that not correct?

(Suttrop-cross)

A No, it was in the teletype that it had to be carried out immediately after the prisoner arrived.

Q You also got orders for executions of prisoners who were already here at Dachau?

A Yes, it would be possible that the concerned prisoners were already here.

Q And with respect to those prisoners that were already here, the time of the execution was designated by the camp commandant, is that not so?

A Yes, the ones concerned were already here and the execution could be carried out and there was no need for waiting.

Q With respect to the detail that had to be sent out for the execution, whose duty was it to make up that detail?

A The first schutzhaftlagerführer did that because he also had to determine the witnesses.

Q Were you here, Suttrop, when they had a part of this camp occupied exclusively for Russian PWs only?

A No.

Q You came to Dachau on 15 May 1942 is that not correct?

A Yes.

Q Did they have Russian prisoners of war here while you were here as adjutant?

A I saw several of them who had the initials SU on their clothing but whether they were (Suttrop-cross)

prisoners of war or not I don't know.

Q As a matter of fact you had prisoners of war of practically all nations that were then at war with the then German Reich, is that correct?

A Not prisoners of war. The facts about the Russian prisoners of war was as follows. They were released, for instance, from an army prisoner of war inclosure, were sent to work in Germany and then it happened as I read on the teletypes and that is how I know it. That these former prisoners of war had lost their place of work without reason, that that was possibly repeated two or three times and then these former prisoners of war were put into a work detention camp for six or eight weeks. After they were released then and something else happened, then they were sent to a concentration camp.

Q And that is how these prisoners got here to Dachau, is that not correct?

A Those were former prisoners of war who had been released from army prisoner of war enclosures.

The court then took a fifteen minute recess until 11:10 o'clock a.m., at which hour the personnel of the court, the prosecution and defense, all the accused, reporter and interpreter resumed their seats. The witness, Suttrop, resumed the stand and was reminded that he was still under oath.

Q I believe you stated that during your time as adjutant you only attended three executions, is that correct?

(Suttrop-cross)

A Yes, these three executions of SS members.

Q And you didn't at any time attend the execution of any person who was not an SS man?

A No.

Q These three executions that you headed, these men were executed by shooting at the rifle range, is that correct?

A Yes.

Q Where was this rifle range located with respect to the concentration camp?

A The rifle range was five minutes away from the concentration camp by vehicle.

Q And was it any where near the crematorium?

A No. That was on the rifle range of all troops of the command.

Q Who was present at these three executions of these SS men?

A The judge who read the sentence, I only saw him a short time, as long as the execution lasted. He had another officer or non commissioned officer with him.

Q And what was his name?

A I don't know the names - they were from the SS police court in Munich.

Q Who else was there?

A Then one noncommissioned officer and ten men.

Q Who was that noncommissioned officer and ten men that you mentioned?

A They were from the guard battalion of the Concentration Camp of Dachau.

(Suttrop-cross)

Q They were all SS men?

A They were all SS - then there was an officer there who was in charge of the so-called honor guard.

Q What is the name of this officer in charge of the honor guard?

A I think Obersturmführer Panitz was there one time.

Q Who were the officers in charge of the honor guard of the other two occasions?

A I don't remember whether this Panitz was there once or three times.

Q You mentioned a noncommissioned officer who was in charge of the detail that did the shooting, what is his name?

A I don't know that, they were detailed from the guard battalion of the concentration camp.

Q Didn't you know, Suttrop, that while you were here as adjutant the fact that people who could not work were put in these gas chambers located in different parts of the country?

Defense: I object to the question as irrelevant and out of the scope of the direct examination. If prosecution wants to assume this witness for his own and vouch for his credibility he can follow this line of questioning.

Prosecution: It is perfectly proper. This man, as adjutant, in this position of Dachau, we have a right to test his ability to remember, his ability to ascertain the things that he saw here, his memory and recollection. I feel that the question is proper.  
(Suttrop-cross)

President: The objection is overruled.

A Yes, when I arrived in Dachau on 15 May 1942 my predecessor, Obersturmfuhrer Detmers, told me that transports had already gone to Alkofen near Linz, and that it was possible that the commission of Alkofen would again come to Dachau.

Q Is it not a fact that you were a member of the Death-head SS?

A I was active for two years in the Skull division at the front.

Q Did you know a man by the name of Redwitz?

A Yes.

Q Do you know a man by the name of Mahl?

A No, I just became acquainted with him here since the trial.

Q During the time that you were adjutant you didn't know that there was a prisoner by the name of Emil Erwin Mahl?

A No, I did not know that.

Q Do you know a man by the name of Trenkle?

A Yes.

Q What did he do at Dachau while you were here as adjutant?

A That was Report leader, and leader, or representative of the schutzhaftlagerfuhrer.

Q You say that the camp physician's was to determine if the person who was executed was dead, is that correct?

A Yes.

(Suttrop-cross)

A And isn't it also not a fact that if a man was executed and was not dead, the camp physician would direct that another shot be made on this man?

A I don't know that.

Q While you were here as adjutant there were a number of invalid transports that left Dachau were there not?

A Yes, as I mentioned before, my predecessor told me that this commission would return then he said that the commission in 1942, that is shortly after I came here, was here in Dachau. The commission consisted of a captain and a doctor.

Q There were also invalid transports that left Dachau in 1943 were there not?

A No.

Q In 1944?

A No.

Q In 1945?

A I wasn't here then, I don't know.

Q Did the orders for these invalid transports come into the headquarters by teletype or by secret orders.

A No, this was not a written order, but an oral one.

Q Who would transmit that oral order to you?

A I was not then in Dachau, I was in Grossrosen as adjutant then. I was told that the adjutant would talk with Obersturmführer<sup>bann</sup> Lieber, that was the 14th or 15th of January 1942.

Q And that procedure was one that was followed by (Suttrop-cross)

all concentration camps, is that not true?

A In all concentration camps I presume.

Q The orders that you had here that governed the concentration camp of Dachau were the same as the orders you had that governed you at Grossrosen?

A In this respect, I presume so.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by defense:

Q Suttrop, this ~~dear~~ and skull outfit was a combat outfit was it not?

A Yes.

Defense: That is all.

There being no further questions the witness was excused and resumed his place in the prisoners dock.

Defense: The defense calls as its next witness Leonhard Eichberger.

Leonhard Anselm Eichberger, one of the accused, took the stand and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q State your full name?

A Leonhard Anselm Eichberger.

Q When and where were you born?

A 22 January 1915 in Prinzberg, Germany.

Q Are you married?

A Yes.

(Suttrop-cross, redirect; Eichberger-direct)



Q How many children do you have?

A One child four years old.

Q When and under what circumstances did you join the SS?

A I joined the SS the 1st of April 1935 because I resolved to become a professional soldier.

Q Have you ever served in the regular army?

A From 3 November 1937 until 17 June 1941, then because of my injury I was released.

Q What happened to you after your release from the regular army?

A I was again drafted into the SS because I had been a member previously.

Q When did you come to Dachau?

A On 15 January 1943.

Q When did you leave Dachau?

A I was in Dachau until the end.

Q During the time that you were at Dachau, from 15 January 1943 until the end what were your duties?

A I was chief clerk in the schutshaftlagerfuhrer's office. Later on there was added to my work that I was to take part as rifleman and recorder during executions.

Q When and under what circumstances were these duties added to your duties as clerk?

A That was in August 1944, on that day when I had to take part the first time in an execution when on that same day the 90 Russian officers were executed. I was called that same day early in (Eichberger-direct)

in the morning about 8:00 o'clock by the camp commander, that was at that time Obersturmbannführer Weiter, that I was supposed to report to his office immediately and bring along the list of prisoners that was to be executed. I then went to the prison clerk and asked for the list and went to the office of the camp commander. After the camp commander looked through the list he gave me the order that I was to take part, beginning today, in all executions as recorder and if necessary as rifleman. I at that time asked the camp commander that he would not put me into these executions whereupon he answered me "An order is an order". I again tried and then told him that because of my amputation I could not do that kind of work and then he answered me that he didn't have another man for it. I then again asked the camp commander to at least give me the order in written form, which he did and I asked him furthermore that at each execution that he should give his written order in addition to the order of the Reich Security Main office which in the future was always done because we did not carry out any executions without his expressed order.

Q Do you have any of those orders?

A No, at the time when the records were burned they were also burned.

Q Who was the commanding officer that gave you these orders?

(Eichberger-direct)

- A That was Weiter.
- Q What was the date of the first execution in which you participated?
- A The end of August or the beginning of September 1944, at the execution of these 90 Russians.
- Q Was that the only group of 90 Russians in which you participated?
- A Yes.
- Q Was Weiter your superior officer at the time he gave you this order?
- A Yes, he was here at the camp my highest superior officer.
- Q The witness, Jendrian, has testified as to the execution of these 90 Russians that you and Filleboeck were present - were you present?
- A Yes.
- Q Was Filleboeck?
- A No.
- Q Who was present there at that execution?
- A At the execution at that time there was the adjutant, that was Otto then, the schutzhaft-lagerfuhrer which was Ruppert, then the doctor on duty was detailed there, that was Schmidt, then as rifleman, I was detailed, Bongartz, Kuhn, Wilhelm, one came from the SD.
- Q Did Filleboeck ever participate in any executions at which you were present?
- A No.
- Defense: I have no further questions.

(Eichberger-direct)

CROSS EXAMINATION

Questions by prosecution:

Q How many executions have you participated in while at Dachau?

A When I would do the recording, all in all it may have been 150 to 200.

Q And over what period of time were these executions carried out?

A That was including the 90 Russians, that was from August 1944 when I took part the first time until the end.

Q What was the greatest number executed at one time Eichberger?

A 90.

Q And of those executions that you have mentioned how many men can you tell this court you yourself personally executed?

A About 15.

Q And how did you execute them?

A I was only detailed as a rifleman during executions, it was done by snooting.

Q Well, did you shoot them?

A Yes.

Q And you shot Russians did you not?

A Yes.

Q And you shot Poles did you not?

A There might have been one or two.

Q And you shot Lithuanians did you not?

A No.

Q You shot Czechs, haven't you?

A No.

(Eichberger-cross)

Q You shot Frenchmen didn't you?

A No.

Q You shot Belgians didn't you?

A No.

Q All right, who were the other persons that you did shoot?

A It might have been six or seven Russians and one or two Poles and five to six Germans.

Q You know Franz Boettger don't you?

A Yes.

Q He was present at the execution of the 90 Russians at the crematorium was he not?

A Boettger was not present, that is, he led the last 30 Russians into the crematorium.

Q Do you know Doctor Puhr?

A Yes.

Q Doctor Hintermayer?

A Yes.

Q Do you know Eisele?

A Yes.

Q How many people have you ever hanged, Eichberger?

A I didn't hang anyone.

Q How many people did you kick the box from under who had a noose around their neck?

A None.

Q Do you remember when a Russian was hanged next to the Messerschmidt factory?

A Yes.

Q When did that take place?

A I can't give you the time because I don't remember when it was.

(Eichberger-cross)

Q But you were there were you not?

A Yes, I was there.

Q Do you know a man by the name of Mahl?

A Yes, he was also there.

Q And Mahl put the noose around the Russian's neck didn't he?

A Yes.

Q And you kicked the box out from under him didn't you?

A No.

Q What did you do?

A I was recorder.

Q You remember when the French general was executed, don't you?

A Yes.

Q You were there at that execution were you not?

A Yes.

Q And who was the doctor that was present at that time?

A I believe Doctor Schmidt.

Q As a matter of fact don't you know that it was Doctor Puhr?

A I can't say, I don't believe that it was Doctor Puhr.

Q You stated that you knew Doctor Eisele, you've seen him at these executions haven't you?

A Yes, he was detailed several times as physician on duty.

Q And also you've seen Doctor Puhr there at these executions haven't you?

(Eichberger-cross)

- A He might have been there two or three times.
- Q And Doctor Hintermayer was also present at these executions wasn't he?
- A Yes.
- Q Would the camp commandant always look through the list of men that was to be executed?
- A Since the time that I have taken part in these executions the order always came from the camp commander. That was introduced since the time I refused and since that time the camp commander always gave the order.
- Q Do you know a man by the name of Michael Redwitz?
- A Yes.
- Q You've seen him participate in these executions have you not?
- A No, I did not see that.
- Q You never saw Redwitz at an execution?
- A In that case he wasn't present.
- Q What was Redwitz's position here in Dachau?
- A He was schutzhaftlagerfuhrer, my first.
- Q And isn't it a fact that the schutzhaftlagerfuhrer must attend the executions?
- A How it was before that I don't know but since the time when this came up with Weiter the schutzhaftlagerfuhrer had to be present.
- Q The schutzhaftlagerfuhrer had to be present, is that correct?
- A Beginning with this matter of Weiter, he even received written orders for it. That was the same thing with the doctor on duty.

(Eichberger-cross)

Q Isn't it a fact that Weiter called you and had you bring this even before you objected to going out and participating in the execution?

A I don't know.

Prosecution: Nothing further.

REDIRECT EXAMINATION

Questions by defense:

Q Eichberger, did you state that you were present at between 150 and 200 executions - do you mean 150 to 200 separate occasions or at the execution of 200 people?

A No that was all together, that included the 90 Russians. 150 to 200 executions.

Q In this execution of the 96 Russians did you see other persons do the shooting other than those which you mentioned?

A There was no one else allowed to go to the rifle range other than those that I mentioned.

Q Did you see the accused Mahl with a machine pistol?

A I never saw Mahl with a machine pistol.

Q Did Mahl, as hangman, ever have any other type of weapon?

A No.

Q Did Mahl carry out these hangings on his own or because he was told to?

A He was determined for that specifically. Moreover, the adjutant told Mahl repeatedly that he was to do that himself.

Q So that was an order?

A Yes, an order.

(Eichberger-cross-redirect)



RE-CROSS EXAMINATION

Questions by prosecution:

Q The adjutant then was always present at these executions?

A He was there as a representative of the camp commander. That was the beginning of August, I don't know how it was before that, that was August 1944.

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his seat in the prisoners' dock.

President: The court will take a recess until 1:15 o'clock. (Time 11:50)

The court met pursuant to adjournment at 1315 hours on the 30th of November 1945 at Dachau, Germany.

Prosecution: Let the record show that all members of the court, personnel of the defense, personnel of the prosecution, the reporter, and all the accused are present.

Defense: The defense calls as its next witness Dr. Karl Steiner.

Dr. Karl Steiner, a witness for the defense, was sworn in and testified as follows.

#### DIRECT EXAMINATION

Questions by the Defense.

Q Doctor, what is your name?

A Karl Steiner

Q Where do you live, Doctor?

A Salzburg Bismarck St., 6, Austria

Q What position do you hold?

A I am an independent business man.

Q Were you ever confined at Dachau Concentration Camp?

A Yes

Q From what time?

A I was arrested on the 9th of August 1940 by the Gestapo in Salzburg and was there for 239 days in solitary confinement and was retained in the concentration camp from 2 April 1941 until liberation.

Q What kind of a prisoner were you?

A I was a political protective custody prisoner.

(Steiner-direct)

Q What kind of work were you assigned when you were a prisoner at Dachau?

A On the 3d day after I came to Dachau I was ordered as a clerk to the German armament works

Q Is that known as the DAW?

A Yes, DAW.

Q While you were a clerk in the DAW did you have occasion to know a man by the name of Otto Schulz?

A Yes

Q Who was Otto Schulz?

A As I said I came to the DAW about the 6th or 8th of April and Schulz came to the works in Dachau as works manager about April 1943.

Q Are you sure that Schulz did not come to Dachau before April 1943?

A Yes

Q Now, Doctor, what position did Schulz occupy in this DAW?

A Schulz was employed as works manager in the Dachau works.

Q Did you have an occasion while you worked there to know the man Schulz very well?

A Yes

Q Will you tell this court what type of man he was?

A There is nothing to be kept secret

Q Was he a brutal man, as some people would describe as a brutal sadist?

A Schulz was a man who, let us say, yelled a lot but we prisoners always told ourselves that dogs that bark don't bite. Speaking broadly, let us say that he wasn't the worst.

(Steiner-direct)

Q Well, Doctor, do you know whether or not the hours of work in that plant were set by Schulz or were they set by some higher authority?

A The work hours were set and ordered by Berlin. I can say that because as a clerk in the works office I had an opportunity to see the orders from the central office.

Q You saw those orders from the central office. Where was that office?

A The central office was in Berlin. There are about 10 or 12 works of the DAW of which Berlin was in control.

Q Did Schulz have the power to change those orders?

A No, he did not, because he was under the control of the camp commandant at that time. The respective camp commandant was automatically works director of the DAW. The working time, as such, was almost the same in all details.

Q Doctor, there has been some testimony here that Schulz did not permit the sick prisoners to go to the hospital. Do you know anything about that?

A During the last half or three quarters of a year it happened that many of the prisoners of the DAW were in the hospital. The current standing in the DAW was about 800 to 1000 men. These were chiefly technical works, that is, carpenters and smiths, etc. We had a so-called ordered work sometimes which could not be completed--I mean exceeded. Sometimes it happened that 120 to 130 people were missing who were in the hospital or ill.

(Steiner-direct)

Consequently, we had to request people from the work distribution office in order to supplement the work standards. Whereupon we were frequently told by the work distribution office that the DAW could not claim people because they had their usual standing. Therefore, these people had to be taken, who were reported as ill. Let me correct this. All the other work details had their working time till 6 o'clock and at 6:30 there was a formation called. The DAW had to work until 7 o'clock. These people who wanted to go to sick call had to register at 6 o'clock which was earlier than the prescribed working time. These people had to report to Obersturmführer D<sup>o</sup>ñner, who was the works manager of the carpentry shop. They had to report and tell him that in order to get permission to leave earlier for sick call there it sometimes happened that works manager Schulz made tests among the people who had lined up as sick--I am sorry--spot checks.

Prosecution: Just one minute please, we object to that translation. Reporter, please read the question.

Question: Doctor, there has been some testimony here that Schulz did not permit the sick prisoners to go to the hospital. Do you know anything about that?

A The people had to report to Obersturmführer D<sup>o</sup>ñner, and Schulz, as works manager, was there and made spot checks. It could be possible that one person who was really ill could not go to sick call on that evening. However, since he came back at 7 o'clock he had the opportunity to go to the hospital at 7 o'clock.

(Steiner-direct)

Q Now this man Diner was in charge of the sick report?

A Yes

Q Now, Doctor, do you know anything about reports that were made against the prisoners for not working--reports that would be sent into headquarters for punishment?

A These reports--so-called punishment reports--were made by the works manager. These reports would have to be submitted to the work manager for his signature ~~and~~ for sending on to the schutzhaftlagerfuhrer

Q You said these reports were made by the works manager. Whom do you mean?

A I said by the workshop leader--that is, there was a workshop leader in the carpentry shop, in the smith shop and the storehouse.

Q I see, go right ahead.

A It also happened that the bad spirit of the DAW SS Oberscharfuhrer Merckel made his reports read ~~that~~ sabotage had been committed. Such reports were frequently made--let us say a report was made by a Pole, in that case a country--man would come to me, if I were works manager, and asked me not to pass on this report to the works--they asked me that I speak to the works manager and not to submit these reports to the schutzhaftlagerfuhrer.

Q What did you do then, Doctor?

A This report that was given in to our office by Merckel and which read that sabotage had been committed I brought this to the works manager,  
(Steiner-direct)

Schulz, for his signature and added to it saying, "Mr. Works Manager, if you transfer this report then it is possible that the man would receive the death punishment. I don't think you can have that on your conscience that a report of sabotage would be made by Merckel." It is true that he was yelled at by Schulz, but I found this report on the next day torn up in his paper basket.

Q And the report wasn't sent in?

A No, it was destroyed.

Q Now, doctor, did this happen once or several times?

A Frequently

Q Doctor, do you know anything about the employment of prisoners in that office?

A In the year 1943 I told the works manager that we needed clerical help and I proposed that since some country people were here in the concentration camp whether they could be used. Schulz permitted this and I had a total of four prisoners working in that office where I worked. Later on a letter came from the work distribution office in which they referred to an order from Berlin as to which prisoners would not be used as clerical help--that is, priests could not be used. The priests working there as clerks had to be put at the disposal of the works distributing office immediately. Thereupon, Schulz dictated a letter to the works distribution leader to which he stated he acknowledge this com- (Steiner-direct)

munication and that he had removed the priests from the position as clerks but that they would be --or had been--continued to be used as assistants and, therefore, a transfer to the work distribution office could not be considered.

Q What work did these priests do then?

A The priests were continued to be used in the office. However, they were carrying on the work as assistant workers.

Q Doctor, do you recall the names of any of these priests?

A Yes

Q Could you give us the names of some of those?

A Emil Kesel, Alfred Berchtold, Hans Tause, Joseph Stengel.

Q Now, doctor, do you know anything about the regulations--whether or not they permitted cooking in that plant?

A The cooking in the works was strictly prohibited by the camp commandant. I can remember very well the case when the camp commandant of that time--Pierwofski--came to the works and when he saw that when a pot with potatoes or vegetables was standing on the oven he threw the pots down from the oven and demanded the names of the prisoners who had put those pots there. They were all punished with flogging or binding to a post.

Q Now, doctor, why is it that you are so certain that you remember that Schulz came to Dachau in 1943?

A That was in February--then there was the quarantine at that time and the works were closed for (Steiner-direct)



one month. When we came out again there was a new works manager. That was in February 1943.

Q It could not have been 1942, could it?

A I may be mistaken--it may have been 1942--I was in the DAW over four years. It is possible. It was the first typhoid quarantine but after that we weren't quarantined anymore.

Defense: No further questions.

#### CROSS EXAMINATION

##### Questions by the Prosecution

Q Dr. Steiner, I believe you stated that you were familiar with the regulations that were sent down from Berlin that covered the hours of work, is that not correct?

A Yes

Q And those regulations only prescribed the minimum number of hours that prisoners were permitted to work, is that not correct?

A I do not understand completely

Q The regulations that you mentioned prescribed only the minimum number of hours that prisoners were required to work, is that not correct?

A Yes

Q And the hours for work at the DAW were 24 hours a day, was that not so?

A From six in the morning until seven at night. At 6 o'clock the work started and 11:30 to 12:45 was dinner, then until 7 o'clock.

Q And it was not at all uncommon, was it, doctor, that people worked on the night shift?

A That had been done now and again. Sometimes when important work had been done, say for Him-

(Steiner-cross)

mler, it was possible that part of the detail would have to work in special groups until 11 at night.

Q What kind of work were these people doing who had to work until 11 o'clock at night?

A Special carpentry work

Q Now you mentioned this matter of cooking in the DAW. Is it not a fact that upon occasions you were required to cook for the SS?

A Have I understood it as the prisoners

Q No, you yourself. Is it not a fact that you yourself were required to cook for the SS at the DAW?

A I, myself, never cooked for them, but there were certain people, the so-called holca, they cooked for the SS

Prosecution: No further questions

#### REDIRECT EXAMINATION

Questions by the Defense

Q Doctor, these late hours of work, would that depend upon the amount of work that had been done or not?

A No, that was frequently a post work--for example, special furnishings had been built for Himmler's car--it had to be in, say, a few hours.

Q Where did it come from--Berlin or Schulz?

A The order to make these things, and to have them done at a certain time, came from Berlin

Defense: No further questions

Prosecution: No questions

President: The witness is excused

(Steiner-cross and redirect)

Defense: May it please the court, this witness desires permission to go home if the court has no further need for him.

Prosecution: I have no objections as long as he is available.

Defense: The defense calls as its next witness Elfride Keller.

Elfride Keller, a witness for the defense, was sworn in, and testified as follows:

DIRECT EXAMINATION

Questions by the Defense

Q What is your name please?

A Elfride Keller

Q Where do you live, Miss Keller?

A In Dachau, Grossebach St., Barracks

Q Miss Keller, did you ever work in Dachau Concentration Camp?

A Not in the concentration camp but in the German Armament Works

Q The German Armament Works was separate from the camp, was that true?

A The German Armament works were directed from Berlin and the concentration camp was not connected with it.

Q When did you work in the DAW, Miss Keller?

A From 22 March 1943 until 28 April 1945

Q What type of work did you do?

A I was in charge of the cash register and the books covering pay.

Q While you were working there, did you know a man by the name of Otto Schulz?

A Yes

(Keller-direct)

Q Do you know anything about Schulz, as to whether or not he mistreated prisoners working in the DAW?

A No, I only saw once how he beat one.

Q Tell us about that?

A I saw it from the window of my office and I saw how he slapped someone in the face

Q Did you say how he beat one or how he slapped one?

A Slapped

Q Miss Keller, do you know anything about the purchase of food from the funds of the cash department where you worked?

A Yes, the so-called additional bread was bought for the prisoners, morning and afternoon

Q Was this brought for the prisoners?

A Yes

Q Was this the regular food for the prisoners or was it extra food?

A It was extra food

Defense: No further questions

#### CROSS EXAMINATION

Questions by the Prosecution

Q Now, Miss Keller, you said that the DAW had no connection with the concentration camp, is that correct?

A Yes, whoever was camp commandant was work leader but no other connection

Q In other words, the camp leader of Dachau gave you the prisoners to work?

A Yes

(Keller-direct and cross)

Q And he punished the prisoners that did not work, did he not?

A I don't know that

Q All the prisoners then worked in the DAW, is that correct?

A Those that were sent to us from the work distribution office

Q And you never had any trouble with them in regards to the work that they did?

A I don't think so, I can't say

Q And no one was ever guilty of sabotage in the DAW?

A I can't say, I was in the office

Q Now, as a matter of fact, you don't know very much about the working conditions at all around the DAW, do you?

A I only know that the prisoners didn't dislike for us

Q And they got this extra bread for working for you, didn't they?

A Yes

Q And how much was that extra bread?

A I can't say about the quantity, I only saw that it was about that much bread and then some days there was sausage or margarine

Q And that was the extra food that these prisoners were supposed to get for working harder, is that correct?

A As far as I know all the prisoners got it  
Defense: Do you remember when Schulz came to Dachau?

A Yes

(Keller-cross and<sup>re</sup> direct)

Defense: When was that?

A In February 1943

Questions by Prosecution

Q Now you only saw Schulz one time, is that correct?

A I saw how he once gave a slap in the face

Q And you don't know what he did the other times?

A I only saw him once

Q Prosecution: No further questions

Defense: No questions

President: Witnesses excused

Defense: The defense calls Otto Schulz to the stand

Questions by the Defense

DIRECT EXAMINATION

Q What is your name?

A Otto Schulz

Q How old are you?

A 42 years

Q Where were you born?

A In Mischfeldau, Silesia

Q Are you married and do you have a family?

A I am married; I have a wife and three small children

Q What was your occupation?

A I am a carpenter by trade

Q Did you ever serve at Dachau Concentration Camp or any factory or plant connected with it in any way?

A I was ordered to Dachau to the German Armament Works on the 20th of February 1943

(Schulz-direct and Keller<sup>re</sup>-direct and <sup>re</sup>cross)

Q Did you serve at Dachau any time during the year 1942?

A No, I was not in DACHAU before that. I only served in Dachau when I was called in the Waffen SS in February 1942 for military training of eight weeks--from the 19th of January until 15th or 16th of March 1942.

Q And when was the first day you came to Dachau?

A To the German Armament Works on 20 February 1943.

Q There was a man by the name of Rudolf Wolf who testified that between September and December 1942 that he saw you beat some prisoners at that time, is that true?

A No, that cannot be as he said because I came to Dachau in February 1943.

Q It has also been testified here in court by a man named Wilzynski that you were responsible for prolonging working hours at that plant. What do you say about that?

A I was responsible for the carrying out of the determined periods--that I was not entirely responsible--the works leader that was my direct superior--and the conditions were such, I think I can say that in Berlin there were people who had no technical understanding--I am thinking of Obergruppenfuhrer Pohl, on lime materials, that even a layman knows that it needs time to dry, said that in 14 days they would be ready.

(Behuls-direct)

Obergruppenfuhrer Pohl did not know that cannot be done. "Such things didn't exist"--he said there are no such words. I am further thinking of the construction of the house for Himmler at the Koenigsee, where the period or time was given to us, the matter was treated as secret and they said that on such and such a day it had to be done. Furthermore, we had a large order for 60,000 ammunition cases and there came letters and teletypes from Berlin, which a technical man in private industry would not have tolerated. The orders for 60,000 cartridge cases were made and negotiated with Berlin with the corresponding army officers that so much would be delivered per month-- on the basis of the fact that the army quartermaster received during the periods of time I was forced to keep these prisoners. Partly I could not keep within those periods and then a telegram from the army ammunition dump in Bamberg would come and say, "Where are those cases." It was a threat that the ammunition works need not count/ <sup>on further orders</sup> on those ammunition cases. Furthermore, large orders, when you had to make 180 writing tables and so many book cases, etc., would come for the headquarters of Hitler. These things were all inlaid with oak. A good job of inlaying needs three

(Schulz-direct)



weeks in which to dry. And these large quantities of writing desks which I mentioned had to be at the place of destination within two months. The prisoners were diligent--I have to recognize that---in regards to this work, but through the circumstances which I have mentioned, and in order to keep within the periods I mentioned, I was forced to work overtime.

Q Did you ever catch up to these orders?

A Most of the time the periods were exceeded, that is, the deliveries could not be made as Berlin thought they should be. Besides that the normal working time was not determined by me but by Obergruppenfuhrer Pohl. First, in writing, it said that armament works in which prisoners work should work 84 hours. That was unpleasant to us from the beginning and we determined the working hours as 72. That is, in the 6 days everyday about 11 1/2 hours were worked. One Saturday afternoon Obergruppenfuhrer Pohl called up--that is, he was here in the plant--"Schulz, I am coming in tomorrow morning to look over the plant." I answered, "Pohl--Obergruppenfuhrer--that is all right, but we are not working on Sunday." Whereupon, he was very excited until I said that we have to leave some time for the prisoners in which to get their things in order, and that is Sunday. Then he asked me how many hours of work got done in a week. I answered, "72 hours".

(Schulz-direct)

It was extraordinary that Obergruppenfuhrer Pohl, as we knew him, would go into such a long conversation. The Saturday afternoon he still came to the plant.

Q Now, Schulz, there was a man by the name of Kveten testified that you threw some cold water on him while he was in the latrine. What do you say to that?

A Yes, that is correct, but it was not meant for the prisoner. That is, I told the foreman and the capos, "See to it that the long smoking recesses in the toilets are stopped." I can say that most of the time there were 30 to 40 men who were smoking. If I was on the roof to see that if somebody had hidden himself or something like that then I poured a pail full of water down, but not on those sitting on the seats, but those that were standing in groups. I don't want to say that I do not understand smoking because I, myself, am a passionate smoker. I closed both of my eyes when they were smoking in the plant when it was time for food. According to the regulations of the woodworkers association and the fire insurance there can't be any smoking.

Q Now, Schulz, one of these witnesses testified that you threw some food in the fire or on the floor. Will you tell us about that?

A I want to say first that I said this act to somebody that I should be ashamed of myself--  
(Schulz-direct)

I don't remember whether it was peas or beans but that was in my excitement. The prohibition came from the works leader probably in the agreement of the camp commandant at that time.

Defense: Will the reporter please repeat the question.

Reporter: Now, Schulz, one of these witnesses testified that you threw some food in the fire or on the floor. Will you tell us about that?

A It is true that I once threw down--I don't know whether it was peas or beans--from the oven. Afterwards I was ashamed that I let myself go like that, but the prohibition had come from the works leader, probably on the basis of agreement with the camp commandant. I came to the German Armament Works in February 1943. In the end of April I had scarlet fever and I had to go to the hospital for six weeks and did not know that the commandant Sturmbannführer Weiss had at the time of entrance in his office permitted the cooking of food. When I came out of the hospital, upon my repeated sayings the Capo Brenen told me--and everyone who is just and who came into the DAW--must say lots was cooked there on the limestone. I cared little about the cooking but most of the time there was five or six prisoners standing near the stove, in spite of the fact that I had put one prisoner at the stove.

(Schulz-direct)

Q Now, Schulz, these prisoners standing around the stove cooking, were they cooking for themselves or for the SS?

A No, that cooking was for themselves.

Defense: That is all

#### CROSS EXAMINATION

Questions by the Prosecution

Q When did you join the SS?

A In the Waffen SS--19 January 1942. In the Allgemeine SS in May 1933.

Q And what was your rank in the SS?

A In the Allgemeine, or general, SS, I was promoted to unterscharfuhrer in 1937.

Q What was your rank you got to in the Waffen SS? I became untersturmfuhrer "F" on 1 April 1943. That is, I came to Dachau in reality as an SS rifelman. On the basis of my technical position, I could not be left as a rifelman but as untersturmfuhrer "F".

Q And that is an officer in the SS, is that right?

A From the outside it might be correct, but it isn't so. This untersturmfuhrer was connected only with my service position. If tomorrow I were to be relieved or sent to the front, the rank would be taken away from me and I would be sent out. And that is the thing about which we talked and which we like.

Q Now, Schulz, just answer my questions, please.

Q You stated that you felt ashamed of yourself for throwing the food on the ground. Were you not ashamed of yourself because the prisoners were not getting enough to eat?

(Schulz-direct and cross)

A No, that is not correct. I was ashamed of myself because of my act, because I had let myself go.

Q It is a fact that these prisoners were not getting enough to eat, is that not so?

A That is partly correct--

Defense: If it please the court, I respectfully submit that the witness has a right to complete his answer.

Prosecution: May it please the court, I let it go so the court would see what would happen, and he took at least five minutes to answer his question. If I frame my question for an answer of "yes" or "no", he should answer that way.

Defense: If it please the court, I submit that Schulz is a defendant in this case. The prosecution has the right to frame his question as he chooses. However, I petition the court for protection for the right of the witness to frame his answer.

Prosecution: He could frame his answer at the proper time. If my question calls for "yes" or "no" he should give it that way, which is on redirect examination.

President: The objection is sustained. However, the court feels that the right to qualify an answer is in direct relationship to the propriety of the question and cannot be two-sided. We will permit the qualification in the case where the questions deserve it.

Q Now, I ask you this question, Schulz. Is it not a fact that the prisoners that worked there

(Schulz-cross)

in the DAW were not receiving enough to eat?

A Not enough, I cannot say that. They probably were no longer hungry in the ordinary sense. The average was well-nourished with the exception that we saw some who looked worse and most of the time we could determine that those were new arrivals that came here that were worst, mostly those that received no packages.

Q Now, Schulz, is not a fact that in order to satisfy Himmler and Pohl that you continued to work these new arrivals and those that did not receive packages and those new prisoners did not receive enough to eat 84 hours a week?

A No, that is not correct--we never worked 84 hours a week.

Q Is it not a fact that you worked those men 11 hours a day?

A Yes

Q And you worked them 11 hours a day for 7 days?

A No, 6 days

Q Didn't you tell this court that Obergruppenfuhrer Pohl told you that you had to work on Sunday?

A Yes, I said that, but I said Obergruppenfuhrer Pohl was here, that he wanted to look at the plant on Sunday and that because of that being some excitement I said that we don't work on Sunday and he then came on that same afternoon, towards evening, and I also told Obergruppenfuhrer Pohl that we worked 72 hours and he was satisfied.

(Schulz-cross)

Q And you were working them 72 hours a week.  
is that right?

A Not entirely 72 hours, as I said, in the summer, minus 1 1/2 hours for lunch and extra ration time, and in the winter it became even a little later then because they were not out at 6:30. This working time from 6 to 7, the majority of the prisoners greeted. According to this, they did not have to take part like the other details that came back at 6 for the formation at 6:30, which was largely took a lot of standing that it was 7 when they got on the block. They did not have to take part in the different formations--we know, that, as a soldier, it is not pleasant to stand in the rain or snow.

Q So, as a matter of fact, as I understand your testimony, these prisoners enjoyed working in the DAW?

A Yes, the average certainly.

Prosecution: No further questions

Defense: No questions

President: The witness is excused

Defense: The defense calls as its next witness, Willhelm Wagner.

#### DIRECT EXAMINATION

Questions by the Defense

Q State your full name.

A Wilhelm Wagner

Q When and where were you born?

A November 28, 1904 in Augsburg  
(Schulz-cross and Wagner-direct)

Q What is your present home address?  
A Dachau Concentration Camp, No. 10.  
Q And what was your civilian occupation?  
A Electric mechanic.  
Q When did you join the SS and under what circumstances?  
A In 1933 in Augsburg and hoped to do mechanical work there.  
Q When did you come to Dachau?  
A I was ordered to Dachau on 18 September 1933 by the SS.  
Q When did you leave Dachau?  
A In August 1938.  
Q Did you return to Dachau?  
A Yes, on 30 November 1939 I came back to Dachau.  
Q When did you leave Dachau for the second time?  
A I left Dachau the second time in January 1944.  
Q Where did you go then?  
A In the vicinity of Munich.  
Q How long did you stay there?  
A Approximately until April 1944.  
Q Then where did you go?  
A Then I came to Allach.  
Q How long did you stay there and where did you go from there?  
A In Allach I remained until approximately August 1944.  
Q And where did you go from Allach?  
A To Kaufbeuren .  
Q How long did you stay there?  
A Until 18 October 1944.  
(Wagner-direct)



Q And where did you go then?

A Then I came to the out camp at Sonneberg.

Q How long did you remain there?

A Until the capitulation.

Q What was your job from 1 January 1942 until you left Dachau?

A On 1 January 1942 I was working here in Dachau as head of the laundry. In August 1943, upon my own request I got out of the laundry and was transferred to Section No. 3. Here, in the middle of October 1943, I received a detail which left Dachau everyday for Germering and returned towards six in the evening. From 3 January 1944 I remained in Germering with the detail.

Q During the time that you were leader at the laundry, as you have testified, what were the conditions at the laundry?

A In the laundry I had to see that the prisoners' clothes were brought to the cleaning room in time.

Q What was the time it took the clothes to be washed during the time you were at the laundry?

A One may say that, on the average, one day was necessary to wash a shirt, so that the shirt which was taken in in the morning could leave the laundry in the evening.

Q Was the laundry for the SS personnel or for the prisoners?

A It was washed for the prisoners and the SS troops.

Q The witness, Helmut Breiding, testified that he saw you kick two young Russians in 1942, whom you

(Wagner-direct)

caught stealing potatoes, what do you say to that?

A It is possible that I kicked two prisoners, but I cannot say with certainty that they were Russians.

Q Now, Father Stvarek testified that he had occasion to go to the laundry a few times a week and that you were brutal with the prisoners there, what do you say to that?

A Because of the loud noise due to the machines, I had to give my orders in a rather loud voice --in exchanging laundry, laundry would very frequently be kept back. This led me to great severity. True that the impression might have been created that I was brutal. However, I never refused a prisoner who came to me with a wish. If it was within the realm of my possibility to fulfill that wish, I would do it. The prisoners in the laundry received from me, since 1943, an additional piece of soap. This soap was soap which had been saved from previous years and, in general, such soap did not exist any longer.

Q Did the SS get this soap ration?

A No

Q Now, the witness, Haulot, testified that in 1942 you hit him when he was standing outside the laundry, what do you say about that?

A It is possible I beat Haulot, but I personally didn't know him.

Q When you saw the witness, Haulot, in court did you remember having seen him before?

(Wagner-direct)

A No

Q The witness, Kaltenbacher, testified that in the fall of 1942 he saw a man by the name of Wagner, which he didn't identify, as taking some prisoners out of the compound and these Russians were taken to the rifle range, what do you say to that?

A I never took Russians out of the camp to the shooting grounds. It would not even have been my duty because I belonged to the administration and not the ~~son~~haftlagerfuhrer.

Q The witness, Wicharodf, testified that in August 1942 you beat an officer candidate by the name of Dolchekowski and that he later died. What do you say to that?

A I heard that name for the first time here. I can remember a case where a prisoner, through his carelessness, severely damaged a machine. I gave him some slaps in the face, and when I wanted to give him another, he escaped from me and fell down doing that. He must have fallen over something or else slipped on the smooth floor which was in the laundry.

Q Did that prisoner that you hit on that day continue to work the rest of the day?

A Yes

Q When you were in charge of the details at Germering and Kaufbeuren how were the prisoners fed?

A I always got additional provisions for the prisoners of Kaufbeuren as well as Landsberg and Germering. For example, in Germering where the prisoners were building a construction, I saw to

(Wagner-direct)

it that, in addition, they would receive from the firm one liter of soup at noon, and, in case of cold weather, a liter of tea also. The guards driven along to accompany them received the same soup and the same tea. I got milk for the prisoners in Kaufbeuren and Landsberg and soft cheese, which those prisoners who worked diligently and who had premium coupons could buy. It was known that in many working places the prisoners, on the average, had very good food. Especially the camp in Germering had food where one can say the noon meal consisted of meat, soup and vegetables and also in the evening there always was soup and, in addition to that, the bread ration with sausage or butter or margarine, so that no prisoner on that detail had to suffer from hunger.

Q In the statement you gave to the prosecution, you said that you were at Allach from March 1943 to November 1943, is that correct?

A No, I was mistaken by one year.

Q What should be the year?

A The date should be April 1944 until October 1944.

Q Now, also in that same statement, you stated that during the summer of 1943 at Allach you saw two prisoners being hanged, is that date correct?

A Yes

Q Were you at Allach in the summer of 1943?

A No, it was in 1944.

Q During the summer of 1944 were two prisoners hanged at Allach while you were there?

A Yes, in the summer of 1944.

(Wagner-direct)

President: The court will recess for 15 minutes.

DIRECT EXAMINATION (contd)

Questions by the Defense

Q Wagner, just before the recess you stated that there was a hanging in Allach in the summer of 1944, is that correct?

A Yes

Q What was your duty, if any, at that time?

A I had to assemble the prisoners who were in camp at that time on the formation grounds on the orders of Jarolin. The executing detail and the two prisoners to be executed came from Dachau. During an execution I had to rope off about ten meters behind the gallows with several guards.

Q In your statement that you gave you stated that you were ordered to block the gallows with several SS men. Will you explain that expression, please?

A I had to stand in front of the prisoners about ten meters away from the guards.

Q And when you state "prisoners", what prisoners did you mean?

A In front of the assembled prisoners that had to attend the execution.

CROSS EXAMINATION

Questions by the Prosecution

Q You were standing there for the purpose of keeping the prisoners away from the gallows, were you not?

A I cannot state why I was put there.

Q Well, you were standing there with the guards, were you not?

A The guards were armed, yes.

Q And you were standing there with those armed guards to keep the prisoners away from the gallows, is

(Wagner-direct and cross)

that correct?

A I cannot say that it was for that purpose.

Q Nowy who was on this execution detail that came from Dachau?

A As far as I can remember, Bongartz, one doctor, one schutzhaftlagerfuhrer and one rapport leader.

Q And who was that schutzhaftlagerfuhrer?

A I cannot remember the name of the rapport fuhrer. I believe it was rapport leader Kuhn.

Q And who was that doctor?

A I only got to know the names of doctors here and I think it was one of the doctors present here.

Q And that schutzhaftlagerfuhrer is the first schutzhaftlagerfuhrer that was here in Dachau?

A I do not know whether it was the first or the second because I had no idea who he was.

Q You talked of Kaufbeuren about 80 kilometers from Dachau. Do you know a man by the name of Mahl?

A I only saw Mahl in here.

Q And prior to that you never saw Mahl before?

A I cannot remember Mahl.

Q Now, this man that you slapped in the laundry, you say that he worked the rest of the day, is that correct?

A Yes

Q He didn't work the next day, did he wagner?

A I don't know that any more.

Q You stated that the statement that you made prior to this trial contained some incorrect dates, is that true?

(Wagner-cross)

A Yes

Q And those dates are now correct according to the testimony you have given from the stand, is that not correct?

A I ask to be questioned about this again.

Q The dates that you gave from the stand with respect to the time that you went to Allach is now from April 1944 to October 1944.

A I was in Allach from April 1944 until August 1944.

Q And where were you from August 1944?

A I came to Kaufbeuren in August 1944.

Q Wagner, do you recall that this hanging in Allach the fact that the rope broke?

A No

Q You don't recall that?

A No, no rope broke.

Q The prisoner was hung successfully, is that correct?

A As far as I saw, yes.

Prosecution: No further questions

Defense: No questions

President: The witness is excused.

Defense? The defense calls as its next witness

Mrs. Anna Erhart.

Mrs. Anna Erhart, a witness for the defense, was sworn in, and testified as follows:

DIRECT EXAMINATION

Questions by the Defense

Q Will you state your full name, please?

A Anna Erhart

Q And what is your address?

A Baldham Wassturgerlandstreet 162

(Wagner-cross and Erhart-direct)

Q What was your occupation in the latter part of 1943 and the early part of 1944?

A I was hostess in the canteen.

Q During that period, did you come to know Wagner?

A Yes

Q Will you tell the court what the circumstances were under which you came to know Wagner?

A At that time he was detail leader in the work camp of Germering.

Q And did you have any conversation or any dealings with him.

A Yes, as far as food was concerned--about getting food for the prisoners.

Q How were the prisoners in Wagner's detail fed?

A Generally, well.

Q Who cooked the food for those prisoners?

A Myself and my employees.

Q Will you tell the court what the daily ration for the prisoners at Germering were at that time?

A Every hard laborer got extra rations.

Q And just what was the daily rations for breakfast, dinner and supper?

A For breakfast they got their daily ration of bread, coffee or tea, with milk.

Q And for dinner?

A Soup, meat and vegetables and twice a week baked cake.

Q And for supper?

A Again soup, sausage or margarine and maybe a piece of bread--during the winter it was tea.

Q Is that tea in addition to the regular meals?

A That was additional

Defense: No further questions

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CROSS EXAMINATION

Questions by the Prosecution

Q Mrs. Erhart, who were some of the employees who worked for you at that time?

A At that time I had 35 to 40 employees who were mostly foreigners.

Q Could you give me the names of some of those people?

A That is difficult. There was a lot of changes with these foreigners. A Viennese woman was the cook.

Q What was her name?

A It was a Czech name. I don't remember it.

Q Can you remember a name of a single person who worked for you at that time?

A Susie Keller.

Q How do you spell that name, please?

A K-E-L-L-E-R

Q And where did she live at that time, please man?

A She lived with me.

Q Does she live with you now?

A No

Q Do you know where she lives?

A No

Q When did she leave you?

A In April

Q And where did she tell you she was going at the time she left?

A She wanted to look for her parents.

Q Did she say what country or what city she was going to?

A I don't know

( Erhart-cross)

Q Can you give us the name of somebody besides Miss Keller?

A Stephan Orchick, he was the cook.

Q Do you know where he lives at the present time?

A In Dornier settlement.

Q And where is the Dornier settlement located?

A In Alt Aving.

Q And would you spell his name please?

A O-T-S-C-H-E-S -- I think you would find him there because he is working for the Americans.

Q Were you a civilian or a prisoner?

A Civilian

Q And was this Miss Keller a civilian or a prisoner?

A Civilian

Q And what was this cook that you mentioned?

A Also a civilian

Q Do you know whether or not this Miss Keller was registered with the police?

A I don't know--I believe so.

Q Now, what sort of a canteen was this that you were working in?

A It was the foreigner's canteen

Q By whom was it operated?

A From the Dornier works itself. I was a manageress

Q How much bread did these prisoners receive every day?

A Normal ration of 300 to 350 grams--I cannot state it accurately

Q So the total amount of bread was 300 to 350 grams, is that correct?

A Without heavy labor addition.

Q How much was this heavy labor addition?

( Erhart-cross)

A Approximately 200 to 250 grams.

Q That was in addition to the 300 to 350 grams?

A Yes

Q Now, how much coffee did they receive for breakfast?

A It was taken out in the kettles as much as they wanted--about 3/4 to 1 liter.

Q And for dinner you say that they got soup, meat and vegetables. How much soup?

A It was also about 3/4 to 1 liter.

Q And how much meat did they get?

A Including the heavy labor addition it was 70 to 80 grams.

Q And how much vegetables did they get?

A Vegetables was about 3/4 of one liter to 1 liter

Q Now, for supper they got soup again, 3/4 of a liter?

A Yes

Q And how many grams of sausage did they get?

A 70 to 80 grams of sausage

Q And how much margarine?

A I think it was approximately the same amount

Q And this was the daily ration that they received every day?

A Yes

Prosecution: No further questions

#### REDIRECT EXAMINATION

Questions by the Defense

Q Mrs. Erhart, did you canteen feed other details, other than the prisoners that were under Wagner?

A Yes, I had all nations--between three and four thousand people

( Erhart-cross and redirect)

Q And these other prisoners were prisoners outside of Dachau?

A No

Defense: No further questions

Prosecution: No questions

President: The witness is excused

Defense: The defense calls as its next witness

Mr. Zeno Feichtner.

Mr. Zeno Feichtner, a witness for the defense, was sworn in, and testified as follows:

DIRECT EXAMINATION

Questions by the Defense

Q What is your name, please?

A Zeno Feichtner

Q How old are you, Mr. Feichtner?

A 39

Q Where do you live?

A In Windschrur, community of Bittnod, Kreis Traunstein.

Q Mr. Feichtner, were you ever a prisoner in Dachau Concentration Camp?

A Yes

Q What kind of prisoner were you?

A Political

Q How long were you here, Mr. Feichtner?

A I arrived here on 3 July 1942

Q How long did you remain here?

A Until 1 November 1942 and then I was transferred to an outside detail in Feldaffing.

Q While you were at this camp of Feldaffing, did you know a man by the name of Johann Schoepp?

A I can say that Schoepp was very good to us prisoners

( Erhart - redirect Feichtner - direct )

Q Did you ever see him mistreat any prisoners?

A No

Q Did you ever see him take part in an execution?

A No

Q When you left the camp after you were liberated did you see Schoepp any more?

A Yes

Q Where did you see him and, if so, tell us about that?

A I met Schoepp in Rott at the inn.

Q And did you have a conversation with him at that time?

A Yes

Q What happened then?

A Hettold me that he went to Austria with a transport.

Q Did he go anywhere with you at that time?

A No

Q Did you see him later?

A Yes, later on, about two days later he came to my home.

Q Now, you were a prisoner under Schoepp?

A Yes

Q What did he come to your home for?

A Because I invited him to come to visit me.

Q Did he visit you in your home?

A Yes

Q Have you ever heard anything against Schoepp in one way or another?

A No

Defense: That is all

(Feichtner-direct)

CROSS EXAMINATION

Questions by the Prosecution

Q Mr. Feichtner, when you knew Schoepp at Feldaffing, what was he?

A He was a guard

Q In other words, he would guard the prisoners and keep them in camp, is that correct?

A Yes, and he watched the details.

Q In other words, when these men would come out to work he would also guard them at that time, is that correct?

A Yes, he left with the prisoners in order to guard them

Q And was he armed at the time he was guarding these details?

A Yes

Q What was he armed with?

A With a long rifle

Q How did you leave Feldaffing on 12 April 1945?

A With a car to Dachau

Q You did not go on the transport that Schoepp took?

A No

Q You don't know what Schoepp did on that transport at all, do you?

A No

Q Did you ever go to Wolfratshausen?

A Yes

Q Did you go to Wolfratshausen on the transport that left Feldaffing?

A I think on the 18th the transport left from Dachau to Allach to Wolfratshausen.

Q Was Schoepp on that transport?

(Feichtner-cross)

A No

Q Do you know a man by the name of Degelow?

A No

Q On that transport that you were on, Mr. Feichtner, did any people die?

A Yes

Q How many?

A I cannot say that

Q Was it few or many?

A Very many died between Konigsdorf and Teels.

Defense: Did you hear that Schoepp mistreated anyone on the transport?

A No

Prosecution: No further questions

REDIRECT EXAMINATION

Questions by the Defense

Q You didn't hear anything about Schoepp one way or another, did you?

A I only found out during the questions that he was on the transport

Q What was the general reputation that Schoepp had to the treatment of prisoners?

A It was good

Defense: No further questions

Prosecution: No questions

President: The witness is excused

Defense: If it please the court, is it all right to excuse the last witness--he lives a short distance

Prosecution: That is perfectly all right as long as he is subject to call

Defense: The defense calls as its next witness Mr. Max Kronfeldner.

(Feichtner-cross and redirect Kronfeldner-direct)

Mr. Max Kronfeldner, a witness for the defense,  
was sworn in, and testified as follows:

DIRECT EXAMINATION

Questions by the Defense

Q Will you state your full name, please?

A Max Kronfeldner

Q Will you spell your last name, please?

A K-R-O-N-F-E-L-D-N-E-R

Q Where is your home, Mr. Kronfeldner?

A Munich

Q And at the present time you are a prisoner here  
in Dachau, that correct?

A Yes

Q Had you been a prisoner in Dachau prior to this  
recent time?

A Yes

Q When did you first become a prisoner in Dachau?

A The first time I was arrested was 7 October 1944.

Q Were you released after that?

A Yes

Q Were you rearrested?

A I was rearrested on 10 October 1937

Q And where did you go when you were rearrested in  
October 1937?

A To Dachau

Q How long did you remain at Dachau at that time?

A I remained in Dachau until 13 June 1943

Q Why were you a prisoner in Dachau?

A I was a prisoner as a homosexual

Q Were you operated on while you were here in Dachau?

A Yes

Q While you were in Dachau did you come to know Johann

Kick?

(Kronfeldner-direct)



A Yes

Q How did you come to know Kick?

A Kick was a political officer and he came to the hospital often

Q Did you have any conversations with Kick relative to being released?

A At these opportunities I talked to Kick

Q Will you tell the court where Kick was instrumental in getting you released in July 1943?

A I asked Kick whether I could be released because I had an operation.

Q As a result of this operation, were you released for any period of time?

A I think it was refused because the operation was not successful. Kick can give more information about that.

Q Were you sick as a result of this operation for any length of time?

A I was sick until the year 1942.

Q And in which way were you sick?

A Because of the operations, I could not urinate by myself and I had to have two catheters, one over here and one over here.

Q As a result of any efforts by Kick, do you know whether or not you were released?

A In 1942 I was released because of Kick and the commandant who put in a word for me.

Defense: That is all

#### CROSS EXAMINATION

Questions by the Prosecution

Q What is your nationality, Mr. Kronfeldner?

A Bavarian

Prosecution: That is all  
President: Witness is excused

(Kronfeldner-direct and cross)

The defense calls as its next witness Johann Kick.

DIRECT EXAMINATION

Questions by Defense.

Q Will you give your full name?

A Johann George Kick

Q And how old are you?

A Forty Four years

Q Are you married?

A Yes

Q Do you have any children?

A Yes, one

Q And where is your home?

A Up until the end of the war I lived in Dachau,  
Braunerstrasse, 4

Q Have you ever been a police official?

A Yes, since 1921

Q And where you a police official?

A From 1921 until 1925 State Police in Furth

Q That state police was a military formation?

A Yes, and from 1925 to 1933 I was a traffic policeman under  
the Police President of Munich. And from 1933 to 1945 I  
was an official of the Stapo of Munich.

Q Is there any difference between the Gestapo and the Stapo?

A No

Q When did you come to Dachau?

A On the 20th of May 1937.

Q Did you voluntarily report to the state police?

A No, I was ordered by the Police President's Office of Munich.

(Kick-direct)

Q When you reported to Dachau on 20 May 1937 how long did you stay here?

A Until 20 August 1944.

Q What were your duties here in Dachau?

A I was chief of the Political Department. At first from May 1937 until March 1938 I was investigator for questioning. At that time I was appointed chief of the department.

Q When were you appointed chief of the department?

A February or March 1938.

Q Now you left Dachau on the 20th of August 1944; did you come back to Dachau after that?

A Yes, on 30 January 1945.

Q And how long did you stay from that time—from the 30th of January 1945?

A Up until 28 April 1945.

Q Under whose supervision were you while you were here at Dachau?

A Under the immediate supervision of the camp commandant. May I mention something. The second time after I returned to Dachau in January 1945 I was not any more chief of Political Department.

Q What were your duties from 30 January 1945 until 28 April 1945?

A I had to register the prisoners, and the Gestapo of Munich which were in the so-called escape prison.

Q Now your early service? Did you get direct orders from the State Police at Munich?

A No

(Kick-direct)

Q From whom did you get your orders?

A I got my orders exclusively from the camp commandant

Q And your orders from the camp commandant were in the form of requests were they not?

A No

Q From the state police, were they not?

Prosecution: May it please the court the witness has already given his answer.

Q Will you explain your answer, Kick?

A I received my orders from the camp commandant. As far as requests of the state police of Munich are concerned they were also directed from the camp commandant and from him I received the orders to execute these requests.

Q Now what was your relationship with the state police in Munich during your activity here at Dachau?

A I was transferred to the camp commandant for the execution of police functions in the camp and as far as the state police office in Munich is concerned only so far as disciplinary and economic cases and they had to be done from orders from the State Police in Munich--and if I would have violated ~~any~~ orders I would have been punished by the chief of state police office, in Munich.

Q Could the state police in Munich give orders to the camp commandant here at Dachau?

A No, they could not. The rank of the commandant in Dachau was equal to that of the police office in Munich so that the state police in Munich could only ask the camp commandant for something.

Q Could you tell the court please just what were your tasks as political leader in Dachau?

(Kick-direct)

A I was responsible for the compilation and registration of the prisoners, for keeping the files in order, for the correspondence about the prisoners with official offices and private persons, for questions upon application of police offices and court authorities for the certification of death certificates, and notify such other relatives of prisoners and other authorities which sent the prisoner there and for the release of the prisoners.

Q Did you have anything to do with the billet and supply or general treatment of the prisoners?

A No

Q You testified that among your duties was the interrogation of prisoners—will you tell the court how you conducted your interrogations with the prisoners?

A These questionings were done in a very correct manner without exerting any force upon these prisoners and the written statements were sent to the authority which was requesting them without additions or applications.

Q Do you know that in Camp Dachau executions took place?

A Yes

Q By whom were these executions ordered, do you know?

A All executions were either ordered by the Reich Main Security Office or the SS Reich Leader himself.

Q Do you know that the inmates of Dachau were...that is, were any inmates of Dachau there to be executed?

A During most of the time the prisoners were sent here by the authorities who were ordering their admittance to the camp together with the execution order or the order arrived before or after their arrival. Only since a year all of them here, because of an overcrowding of the police prisons, the prisoners were brought here before the decision

(Kick-direct)

of the Reich Main Security Office wanted it done and then when the execution order arrived they had to be taken out of the prison population.

Q Were these prisoners, whose execution was to take place, brought solely from Munich or from other places?

A They came from all state police offices, from southwest Germany and from Austria.

Q Why was it that these prisoners were brought into a concentration camp for execution?

A It was ordered by the Reich Main Office or by the Reich Leader that they would be brought here.

Q What part, if any, did you play in connection with these executions?

A I conducted these execution orders of the Reich Main Security Office which I received from the camp commandant and handed down to the schutzhaftlagerfuhrer. After the execution had taken place, I, that is, my department, notified the Reich Main Security Office or the department that sent the prisoner there.

Q Just what do you mean by conducting it--do you mean personally?

A I want to mention that this activity I took over during the last month of January 1943 or 1944, whereas this activity was done before that by the court officer. I had to fill out the printed form. In this form the camp commandant ordered the schutzhaftlagerfuhrer to the execution and this form I had to present to the camp commandant again. The camp commandant signed that and he directly passed this execution order to the schutzhaftlagerfuhrer.

Q Did you get it back again at any time?

(Kick-direct)

- A Yes. After the execution was over, this form was sent to me as a report that the execution had taken place.
- Q Did you, yourself, ever take part or witness executions?
- A During all my activities as Political Chief I was never present at an execution. During my activities in Munich from August 1944 until January 1945, upon request of a colleague, I once attended the execution of a German and I handed him a letter upon request of that colleague before that execution.
- Q You recall the statement of Dr. Wittler and the defendant Mahe, in which they say they saw you in attendance of an execution?
- A The statement by Dr. Wittler must have been a mistake because during the time he was here I never attended an execution. Mahe could have seen me at the execution I mentioned before. This is very much possible because he says he has seen me reading a death sentence and the only thing I think of is the handing out of the above mentioned letter.
- Q That was the one in Munich.
- A Yes
- Q I believe the defendant Eichberger in his statement stated that an execution was done at your request. What do you say about that?
- A I never requested such an execution. I could not make a request like it. Only the Reich Main Security Office or the Reichfuhrer himself, I do not remember which, passed an order in February 1944 that only the camp commandant could request an order for execution in cases of great offenses.
- Q In your statement which has been read by the prosecution I believe you stated that you could change the decision of the camp commander in some cases relative to decisions on executions, is that correct?

(Kick-direct)

A In all cases I tried to change the decision of the camp commandant despite of the fact that upon this request all procedures had been gone through already. If the camp commandant agreed to my request, and that happened in two or three cases that it was alright, and if that request was refused, I had no possible authority to change that request.

Q Kick, what, if anything, did you have to do with the invalid transport lists?

A I only had to subdivide the lists which were prepared already.

Q Do you know who prepared the lists?

A I found out later on that these lists were prepared by a physician's commission who were in camp.

Q Did you know, when the subdivisions of the lists came to you, what happened to the invalids?

A At first I was of the opinion that these people would go to the invalid haul.

Q Who was that camp commandant?

A Pierkowski. But I had to find out when the transport came back that it was not the case. I could not change these lists because I was told this was an order of the Fuehrer himself. Besides that, the chief economic office had to receive a report of every prisoner who was contained on these lists.

Q The prisoners on the lists--did they all actually go out on transports?

A Because of the amount of time which had passed a large amount of prisoners had been released and part had died.

(Kick-direct)



Q How about all the others that had been transported?

A I remember a number of cases, I think two or three Polish priests who were working again, who asked the commandant permission to cross their names off the list.

Q Which commandant was that?

A It was Pierkowski.

Q Was it granted?

A After some doubts it was granted.

Q Did you have any authority to cross out the name of anybody?

A No

Q Did you have anything to do whatsoever with the selection of these lists?

A No

Q You state that there were no court sentences but that they have been sent through administrative channels—what do you mean by that?

A This formula that it was an administrative measure is not mine—the expression is not mine—it was formed by the interrogation officer and Dr. Leisser. I protested against it but it wasn't changed.

Q To whom did you protest?

A The interrogation officer

Q What was his name?

A It was Dr. Leiss too.

Q What was this Reich Main Security Office?

A It was the highest police authority in the Reich.

Q Could you or the camp commander or anybody else prevent the execution of the Reich Security Office orders?

A No

(Kick-direct)

Q Do you know, of your own knowledge, whether or not these orders were correct?

A I cannot state that but I had to assume that they were correct because they came from the highest police authority of the Reich, which as far as I knew was granted certain authorities by the government itself and these orders were handed down because of such grave offenses, as it was stated that according to the laws of war they were punishable by the death penalty.

Q These execution orders which you handled yourself—under what camp commandant was it what you handled these orders?

A I handled these matters under the command of Weiter.

Q You never handled them under Weiss?

A No

Q No, Kick, witness Hendrian, a witness for the prosecution, testified that he had seen prisoners who had come into the political department for interrogation return to work with their fingernails and toenails pulled out—what do you have to say about that?

A This statement is wrong in the first place because during the time he stated which was September 44 and 1945, and I was not in the camp altogether.

Q Did you actually ever, at any time, pull out anybody's fingernails or toenails during an interrogation?

A Anybody who knows me at all has to laugh about this accusation.

Q The witness for the prosecution by the name of Krajewki stated that he had been beaten by you with the hand and with an ashtray and then was taken by schutzhaflagerfuhrer Zill and beaten and hung up in the shower room—what do you say to that?

(Kick-direct)

- A This accusation as far as I am concerned cannot be true because on that date Zill was transferred already and since I can state I think a lot of my conscience, that never in my life, especially in Dachau, I never beat a person.
- Q The witness for the prosecution, a man by the name of Wolf testified that he saw you together with Wittler inside the compound putting together work details and invalid transports—what do you say to that?
- A Neither with the selections of the details or transports did I have anything to do.
- Q Wolf further testified that he saw you in the political department with Bach punishing witness under interrogation—what do you say to that?
- A I never made any punishment during interrogations—it was the duty of the interrogation leader Bach. I only conducted interrogations which were requested by police authorities which I mentioned before.
- Q Were those interrogations you talked about done inside or outside the camp?
- A They were always done outside of the camp in the office of the political department.
- Q And as a result of the interrogations you made outside the camp did you or the camp commander make any disposition of the subject matter of the interrogation?
- A No. These interrogations reports were sent to the requesting authorities without any comment. The camp commandant wasn't interested in all of these interrogations at all—that is, the interrogation reports—because they were offenses which were committed outside the camp.

(Kick-direct)

Q Wolf also testified that prisoners who testified on political interrogation were sent to the bunker and the standing bunkers—what do you say to that?

A It is very possible that prisoners whom I questioned were sent to the individual arrests. It is the usual custom of police authorities to separate the offenders especially as there are more than one when the questionings are over. It also happened in these cases as far as it was necessary, but in the longest cases it took maybe two or three days at the most. I never sent anybody into the standing bunker, since, as chief of the Political Department, I never knew it existed.

Q You say you never knew of the existence of the standing Bunker?

A As long as I was chief of the Political Department. Later on I found out about it when I was here again as the man in charge of the police prisoners, I found out it was here.

Q I believe said he never saw you beat a prisoner—did you?

A No. I could swear to that.

Q For the prosecution, Breiding testified that in January or February 1943 you had been a member of the physician's commission who picked members for invalid transport.

A This statement cannot be true because I found out only much later that such a commission was in the camp.

Q Father Hoffman testified that in March or April 1943 a commission was here to find out how many clergymen had died or how many clergymen were sent out on invalid transports. What do you say to that?

A I did not have any knowledge of such a commission but one must assume that the statements of Father Hoffman are correct. I assume this statement as proof, but that it did not have any connections with the Reich Main Security Office

(Kick-direct)

Defense: No further questions.

Prosecution: I have a few questions.

#### CROSS EXAMINATION

Questions by Prosecution.

Q Now, Kick, between January 1942 and August 1944 is it not a fact that approximately 300 decrees and orders of execution passed over your desk?

A No, that is not true.

Q How many was it?

A Requests for execution could only have been made since February 1944.

Q How many decrees and orders of execution passed over your desk between January 1942 and August 1944?

A If someone says it went over my desk, it can be only 30 or 40 and these only the time December 1943, January 1944 until August 1944. I stated that in the time January 1942 until August 1944 200 to 300 executions took place. But this I only found out after the execution when we received the death report for the files.

Q Is it not a fact that before any order of execution was carried out it had to pass through your hands?

A From December 1943 or January 1944, before that I had nothing to do with these things.

Q Who was the court officer at that time?

A Oberscharfuhrer Beier and for a short time Oberscharfuhrer Kropfer.

Q Isn't it a fact, Kick, that the request for an execution having been made by the investigating officer would then be transmitted to the camp commandant?

(Kick-cross)

A Yes

Q And isn't it further true, Kick, that the camp commandant would approve that request by initialing it?

A Yes

Q And isn't it further true that the camp commandant Weiss would initial such a request by putting his "W" on it?

A No, that is not true. I must state here that in my statements I made mistakes in the statements as far as time is concerned.

Q But you did make that statement that Weiss would initial the request for execution, did you not?

A I believe so.

Q And isn't it a further fact that you read that statement over, corrected it and signed it?

A Yes, but at that time when I made that statement I was not informed as to the time this regulation came in.

Q You knew better than anybody else at the time when regulations came into effect, did you not?

A I just remembered now or later that this order only came down in February 1944.

Q So now is the first time that you remember that this procedure was changed from the method that you described on the direct examination from the method that you made on your statement?

A I don't understand the question.

Q You say that now is the first time that you remember that this regulation took place in 1943 that the camp commandant did not sign the request or orders of execution?

A I don't understand.

(Kick-cross)

Q It has only been since you were present in the courtroom that you remember that the camp commandant did not sign the request for executions prior to January 1943?

A That is not correct. It is more correct that at that time of my interrogation by the prosecution I was not well informed of the time during which the orders were passed out.

Q And since that time weiss has informed you as to when that change in date took place?

A I, myself, remembered it.

Q But your memory at the time of your interrogation was better than it was a few days ago, was it not?

A No

Q In other words, your recollection now is better than it was on the date of your interrogation by the prosecution?

A I have had much more time to think about it than the short time I had.

Q And you talked this over with Weiss?

A Yes, but only after I remembered that it came out.

Q And you talked it over with Suttrop?

A Yes

President: The court will recess until 8:30 tomorrow morning.

(Kick-cross)

*W. D. Denson*

W. D. DENSON  
Lt Col, JAGD  
Trial Judge Advocate

The court met pursuant to adjournment at 0830 hours on the 1st of December 1945, at Dachau, Germany.

Prosecution: May it please the court, let the record show that all the personnel of the court, all the personnel of the prosecution, all of the personnel of the defense, and all of the accused are present.

The reporter was also present.

CROSS-EXAMINATION (Continued)

Questions by the prosecution:

Q. Kick, you have been a police official since the last 24 years, have you not?

A. Since 1921, yes.

Q. And during that time, you have had occasion to conduct many interrogations, have you not?

A. Yes.

Q. And is it not a fact that during the year, 1944, while you were at Dachau, many Russians were interrogated in the political department?

A. That is true, also.

Q. And that interrogation took place during the months of July and August, and part of September, is that not so?

A. Interrogations were carried out by us continually, even before that, not only in these three months.

Q. These interrogations pertained to these Russians, is that not so?

A. We interrogated the Russians continually; do you mean any particular Russians by that?

Q. Kick, I hand you a document marked prosecution's exhibit 126, for identification and ask you to state what that is?

A. That is a form which has not been filled out from the political department, to the office in charge of property....

(Kick-Cross)



personal property, according to which some prisoners  
was transferred to an invalid's home.

Q. And that form was used in your department was it not  
Kick?

A. Yes.

Prosecution: And at this time may it please the court,  
I would like to have the interpreter translate this form.

Q. Kick, now this form was used in your department, was it  
not?

A. Yes.

Q. Would you read it in German please...the first line at  
the top of the page. Begin at the top of the page and  
read it down.

A. Concentration Camp Dachau; Headquarters Section 2, Dachau  
3 K on the.....to the prisoner personal property admin-  
istration camp; Concentration Camp Dachau; Notification  
prisoner number such and such, upon such and such was  
on the....transferred to an invalid home; he is blank;  
office sending him in blank; sign on the files blank;  
remains sent to blank; to the personal file as before;  
signed on orders of the Criminal Secretary.

Defense: If it please the court, I object to the trans-  
lation....we understand that the remains as translated by  
the official interpreter means personal effects.

Prosecution: I suggest that the counsel for the defense  
make his statements to the court, instead of talking directly  
to the interpreter.

Prosecution: Now will you translate the word "nachlass"

Interpreter: Remaining property.

Prosecution: Or legacy, is that correct?

Interpreter: Yes sir.

(Kick-Cross)

- Q. Now on the next side of the paper, will you read that please?
- A. Prisoner property administration, Dachau 3 K; on the notification to the files.
- Q. Will you translate that please?
- A. Notification to the file on the blank; personal effects as well as the personal money of the blank; on the blank prisoner; who has died here blank, blank; here transferred. Prisoner personal property administration; SS Rottenfuhrer. Defense: Isn't there more to that last sentence, Colonel?
- Q. Did you read everything on that Kick?
- A. With the exception of this arrangement here, which is the same as on the back.
- Q. Now Kick, is it not a fact that the decrees of execution of the Reich Main Security Office were made on the basis of requests of the Gestapo branches and by the concentration camp?
- A. Yes.
- Q. And is it not a fact, Kick, that on the basis of those decrees of executions you submitted, an order of execution to camp commandant Martin Weiss and later Eduard or Edmund Weiter?
- A. This is not possible as I said yesterday, because this order only appeared in February of 1944, and at that time <sup>bann</sup> Obersturmfuhrer Weiss was no longer camp commandant, before this order appeared, such requests were not made.
- Q. Now Kick, I hand you a document marked prosecution's exhibit 96, in evidence and ask you to state what that is?
- A. This is the written form of my interrogation which I made to the interrogating officer, on I believe it was the 3d of November.

(Kick-Cross)

- Q. All right, Kick, I will ask you whether or not it is a fact that on the 5th of November, 1945, before Lieutenant Guth; I ask you if you did not make this statement....  
on the basis of these decrees of executions, I submitted an order of execution to the camp commandant Martin Weiss and later Edward or Edmond Weiter?
- A. Yes, naturally; but this is something else here; these are not proposals for executions, but decrees of executions, which had been coming in from the Reich Security office, since the beginning of the war.
- Q. You did make the statement, ask you about, is that not true?
- A. Yes.
- Q. Kick, is it not a fact that under the administrative regulations of the concentration camp, Dachau, it was impossible to execute an inmate unless the order of execution had passed through your department?
- A. That too, is not true, I said yesterday, that all these procedures went through the legal officer; as far as I know the legal officer did not use such forms as are described here; but the execution decree of the Reich Main Security Office was directly transferred to the Schutzhaftlagerfuhrer; this form of which we speak here I only designed myself after I had been given that job by Obersturmbannfuhrer Weiter.
- Q. Kick, I will ask you this, will you tell the court whether or not on the 5th day of November, 1945, if you didn't make a statement before Lieutenant Guth, that under the administrative regulations of the concentration camp Dachau, it was impossible to execute an inmate unless the order of execution passed through my department?

(Kick-Cross)

- A. I never made such a statement to Lieutenant Guth; on the contrary, I immediately protested to him about this, that he was giving an importance to this pure business procedure which it never had.
- Q. At that time is it not a fact that you swore that you would tell the whole truth before making that statement?
- A. I swore it and I told the whole truth.
- Q. Now, I will ask you, if it is not a fact that the procedure at Dachau was as follows: The request was made by the investigating officer Oberscharfuhrer Bach to the commandant.
- A. Here we deal with something else again; in this case here we deal only with the execution decrees of the Reich Main Security Office, which were done without the concentration camp doing anything about it.; While there we speak of the requests which were made by the camp.
- Q. Now Kick, is it not a fact that the procedure was that the request was made by the investigating officer Oberscharfuhrer Bach to the commandant; will you answer that question please?
- A. Yes.
- Q. All right, and is it not a fact that the camp commandant approved that request by initialing it?
- A. Yes.
- Q. And that is in the case of Obersturmbannfuhrer Weiss, by initialing with his "W"?
- A. I said that at the time, however, I already stated yesterday that I had made mistakes in various dates, since an interrogation of two hours, I did read two hours, and in that short time, I could not remember all of the dates.
- Q. I will ask you whether or not it is not a fact on the 5th of November, 1945, you made a sworn statement to Lieutenant  
(Kick-Cross)

Guth, in which you stated that the camp commandant approved that request by initialing; that is in the case of Obersturmbannfuhrer Weiss, by initialing with his "W", which I have seen on many other papers, and know that all of the papers were sent to me?

A. That is correct, by the name of commandant Weiss, was done only as an example and can not be used on these requests, because at that time as I have already stated Weiss was no longer there.

Q. At the time you made that statement, you knew that there were other commandant, such as Pierkowski, and Weiter, did you not?

A. Certainly I knew that.

Q. Isn't it a further fact Kick, that this request was drafted by you and was then, and was sent then back to the camp commandant, and signed by him?

A. Drafted, is not quite correct; from the interrogation report, I had to take out the most important thing, and make a report about it, which corresponded to the form used by the different offices.

Q. Well, I will ask you if it is not a fact that you did make this statement before Lieutenant Guth, on the 5th of November, 1945; this request, drafted by me, was sent then back to the camp commandant and signed by him.

A. Yes.

Q. Now, Kick, isn't it a further fact, that if that request seemed improper, you could protest to the camp commandant?

A. Not protest, I could merely try to influence the camp commander through a talk with him.

Q. I will ask you, if it is not a fact that on the 5th of (Kick-Cross)

November, 1945, you did not make this statement to Lieutenant Guth; if a request seemed improper, I could protest with the camp commandant.

A. I made that statement. but I must add that in the entire statement, there is hardly one word of my own statement.

Q. I will ask you if it is not a fact, Kick, that you did protest in a number of cases, and that the camp commandant changed his decision in each case?

A. I have already said that I could not protest to the camp commandant, I could merely make my thoughts before him and if he agreed to them, that was good, if he did not, there was nothing I could do about it.

Q. Isn't it a fact that on the 5th of November, 1945 you stated to Lieutenant Guth; I did so in a number of cases and if my memory serves me right, the camp commandant changed his decision in a number of cases.

A. I have already said that in the statement there is very few words that spring from me.

Q. Did you make that statement, that is the only question I am asking you.

A. I am sorry, I forgot the question, give the question again please?

Q. Did you say....I did so in a number of cases and if my memory serves me right the camp commandant changed his decision in a number of cases?

A. In some cases, yes.

Q. Now, Kick, is it not a fact that if the camp commandant would have insisted on his decision, and it had occurred to you, that in that case the request for execution was improper, you could have sent a protest to your own Gestapo office in Munich, is that not a fact?

(Kick-Cross)

A. This matter was brought out like this, Lieutenant Guth asked me.....

President: Will you instruct the witness to answer the question, and not ramble on to extraneous matters.

Witness: I am answering the question.

Prosecution: Will you read him the question Mr. Reporter.

Q. Is it or is it not a fact?

A. No, that is not a fact, because the Munich Gestapo office was not above the Camp Commandant, and therefore could not have changed his decision.

Q. Now, Kick, is it not a fact, that on the 5th of November 1945, you made this statement to Lieutenant Guth, if the camp commandant would have insisted on his decision and it would have occurred to me on that case that the request was improper, I could have sent a protest to the Gestapo office in Munich?

A. That is correct, yes.

Q. Now, is it not a fact, Kick, that you could have done so in no one of the 10 cases that you can recall during the tenure of office of Obersturmbannfuhrer Weiss, since you did not see any reason in anyone of those cases to prevent the execution, is that not a fact?

A. That could not be correct because as I said before Obersturmbannfuhrer Weiss, was not there at that time.

Q. Now, Kick, is it not a fact, that on the 5th of November 1945, you made this statement to Lieutenant Guth, I have done so in no one of the 10 cases I can recall during the tenure of office of Obersturmbannfuhrer Weiss, since I did not see any reason in any of these cases to prevent the executions.

(Kick-Cross)

- A. I can not remember the words, but I can't believe I said Obersturmbannfuhrer Weiss.
- Q. Well, did you, or did you not make that statement?
- A. It is written here.
- Q. Did you make that statement, Kick?
- A. Yes.
- Q. Is it not a fact, Kick, that in 1942, Pierkowski had you, Redwitz and Doctor Wolter call<sup>ed</sup> and he handed you a list of approximately 1,000 names?
- A. That is correct, yes.
- Q. And, is it not a further ~~fact~~, Kick, that Pierkowski announced that those persons whose names were on that list were all sick people; would be brought in small groups to a ...camp, another installation, where they would be gassed?
- A. That is also only partly true.
- Q. All right, I will ask you this question....if on the 5th of November, 1945 you didn't make this statement to Lieutenant Guth....he announced that the persons whose names were on that list were all sick people; would be brought in small groups to a camp, or another installation where they would be gassed?
- A. He didn't say that the people would be gassed, he only said that they would be brought to an invalid home, I only learned later, that they were actually gassed.
- Q. Just answer that question, you did or did not make that statement to Lieutenant Guth?
- A. I told it to the Lieutenant Guth, in the same sense as I just told it to you.
- Q. Kick, you understand this question, did you or did you not make this statement to Lieutenant Guth?
- (Kick-Cross)



A. This statement was written down by Lieutenant Guth, yes, that is correct.

Q. Did you make that statement, you understand that question did you make that statement to Lieutenant Guth?

Defense: The attitude of the counsel for the prosecution

President: Just a minute, I want you to instruct the witness....you tell the witness that in a question of that nature, he can answer yes or no, he will answer yes or no; he either did or did not make that statement, and he will so testify before this court.

Defense: I just simply want to remind the court, that under the rights that the court outlined for the defendants in this proceeding, the defendant is not required to answer any question he so desires. Now, we do not want to curtail the amount of information that the court receives, however, at if this argumentive cross-examination continues, I will ask permission of the court to remind the defendant of his rights, not to answer.

President: You will advise the witness that he is to answer the question as clearly and shortly as he can do. A question such as the last one that can be answered yes or no, he should answer yes or no. He is to understand that he is not required to answer a question that he feels will incriminate him or degrade him.

Defense: Sir, I think the last statement by the court is too limited. I think the rights defined by the Manual for Military Government Courts does not require him to answer any question he does not desire, whether it incriminates him or not; he is not under oath. The Manual goes further and says that the court may draw any conclusion it sees fit on account of the refusal to answer any ques-  
(Kick-Cross)

tions; and the position of the counsel for the defense is that, inasmuch as he is not required to answer any questions he does not wish to, he can answer any question that he does answer, in the way he sees fit.

Prosecution: But not in a way he sees fit. I would also like to call the court's attention to the fact that this man took the stand at his own election, and the reasoning of the defense counsel as to the interrogation.....

Defense: Now, to that I would like to submit to the court that the court's instructions to the defendants at the outset of this trial included this...you will not be held in contempt of court for your refusal to answer on interrogation; or substantially those words.

Prosecution: And that if it please the court, is interrogation of the court.

Defense: Or any officer of the court.

President: We will proceed with the trial.

Prosecution: Read the last question please.

Questions by the prosecution:

Q. And the statement was Kick, he announced that the persons whose names were on that list were all sick people; would be brought in small groups to a camp or another installation where they would be gassed; did you make that statement to Lieutenant Guth?

A. No, I did not make this statement.

Q. Isn't it a fact that Pierkowski, then handed you a roster containing 1,000 names and told you to make your selection for shipments of 100 to 120 names from that roster and put them on a roster of people who would be put on shipment in the near future?

A. Yes.

(Kick-Cross)

- Q. I will ask you if it is not a fact, Kick, that as those people had been shipped out their papers indicated that the people who had been shipped out, died in Dachau?
- A. Yes.
- Q. Now, isn't it a fact, that approximately a year later which would have been in the Summer or early Autumn of 1943, the camp commandant Obersturmbannfuhrer Weiss, handed you another roster containing the names of a group of about 600 or 700 so-called invalids?
- A. No, I received that list before that, it was not 1943, it must have been Summer of 1942.
- Q. Well, I will ask you, Kick, if it is not a fact that on the 5th of November, 1945 you made this statement before Lieutenant Guth; approximately a year later, that would be in the Summer or early Autumn of 1943, the camp commandant, Obersturmbannfuhrer Weiss, handed me another roster containing the names of a group of about 600 or 700 so-called invalids?
- A. Yes, that is true, I said that, but it is not correct.
- Q. And at the time you made that statement you were under oath/ were you not?
- A. Yes.
- Q. Now, isn't it a fact, Kick, that Weiss explained to you that these so-called invalids would be brought into a camp or another installation to be gassed?
- A. No, this addition also was made by Lieutenant Guth himself.
- Q. I will ask you this question, is it not a fact that on the 5th of November, 1945 you made this statement under oath, to Lieutenant Guth; he too, explained to me that these so-called invalids would be brought into a camp
- (Kick-Cross)

or another installation to be gassed.

A. I didn't make that statement.

Q. You didn't make that statement, all right, now Kick, on page 4 of prosecution's exhibit 96, whose handwriting is that?

A. It is my handwriting.

Q. Did you write that in the statement that was made to Lieutenant Guth?

A. I wrote that upon dictation of Lieutenant Guth.

Q. Did you make these corrections back here throughout pages two and three on the dictation of Lieutenant Guth?

A. These corrections I made where a name was written wrong and here it was forgotten that it was about invalids.

Q. And did you make those corrections under the dictation of Lieutenant Guth or did you make them of your own accord?

A. I made them myself.

Q. All right, read to the court please Kick, that statement in your own handwriting.

A. I would like to emphasize that I sometimes succeeded in saving some men, for example priests, who were on the list of 600 to 700 men from their fate, by telling the lager commandant Pierkowski they did not appear satisfactory for transport.

Prosecution: I object to that last translation may it please the court.

A. By telling the lager commandant Pierkowski and Weiss, that they did not appear fit for the transport.

Q. And that is in your own handwriting is it not?

A. Yes, upon dictation from Lieutenant Guth.

Q. Is it not a fact Kick, that you did save some people from those transports?

(Kick-Cross)

A. Yes.

Q. And Lieutenant Guth just dictated that to put in there, is that correct?

A. That is correct, yes.

Q. Is it not a fact, Kick, that every request of execution that was initiated by camp Dachau, was countersigned by you?

A. Yes, like any other written piece that had been done by me.

Q. Isn't it a fact Kick, that these decrees of execution were not sentences of a court but were administrative determinations of the highest police agency of the Reich?

A. These execution orders came out through the Reich Main Security Office.

Q. Kick, I ask you this question, is it not a fact that these executions were not sentences of a court but administrative determinations of the highest police agency of the Reich?

A. Yes.

President's Court will take a 15 minute recess.

The court then took a recess until 1000 hours, at which hour the personnel of the court, the prosecution and defense, and the accused and the reporter resumed their seats.

Questions by the prosecution:

Q. Now Kick, how many years had you been a Gestapo agent?

A. June 1933 to 1945.

Q. And during that 12 years, you had occasion to conduct numerous interrogations, is that not so?

A. Yes.

(Kick-Cross)

Q. And on prosecution's exhibit 96, will you read the last line there in German?

A. I swear before God that is the full truth.

Q. And is that your signature appearing under that?

A. Yes.

Q. I hand you prosecution's exhibit 97, and ask you to read the last line on that page?

A. I swear before God, that this is the full truth.

Q. And that is your signature beneath it?

A. Yes.

Prosecution: No further questions.

#### REDIRECT EXAMINATION

Questions by the defense:

Defense: I have reference to exhibits 96 and 97, which were not furnished to defense counsel.

Prosecution: May it please the court, could I furnish him also the English translation?

Defense: I would appreciate it a lot sir.

President: You did not get copies of those?

Defense: No sir, we never did.

Prosecution: Sir, I think they did have copies.

Defense: May it please the court, we had a copy of the statement that the prosecution did not see fit to introduce in evidence.

Prosecution: There were in fact three statements, and if they wish to introduce that third statement, we will give it to them and they can introduce it.

Questions by the defense:

Q. You made on December 4th or 5th, you made several statements, did you not Kick?

A. Yes.

(Kick-Redirect)

Q. How many statements did you make altogether?

A. Three.

Defense: Do you have the German statement the third statement?

Prosecution: Both the English and the German.

Q. I show you here a document marked defense's exhibit 17, and ask you to tell us what that exhibit is?

A. This is a statement which I made on the morning of my first interrogation to a Captain.

Q. And that statement has not been introduced into court has it Kick?

A. I didn't see it until now.

Defense: If the court please, I would like to offer it into evidence as defense's exhibit 17, and the English translation marked as defense's exhibit 17a.

Prosecution: No objection sir.

Q. These statements Kick, all three of them as a matter of fact were taken on the 5th of November, after defense counsel had been appointed in this case, is that not true?

A. I didn't understand the question correctly.

Q. These statements taken by Lieutenant Guth were taken on November 5th, which was after defense counsel had been appointed, is that correct?

A. No.

Q. Do you know when defense counsels were appointed in this case?

A. On the 2d of November they...I was brought here on the 3d and 4th of November, I was interrogated on the 4th of November, the charge was read to me, and only thereafter on the next day, I believe it must have been the 5th

(Kick-Redirect)

I got acquainted with the defense counsel.

Q. It was on the 5th you got acquainted with the defense counsel?

A. It was on the day after the interrogations.

Q. Now you said on cross-examination that there had been various mistakes made by you with reference to the dates in the interrogation which was conducted against you, or with you by Lieutenant Guth, is that correct?

A. Yes.

Q. And can you tell the court what the dates were, as you recall them now that are in error in your statements?

A. These statements about requests for executions by the camp, as well as the time when the second list was handed over, were made by me in error; but thinking about it I could determine that these proposals for executions could be made only in the year 1944, and during the trial I could determine exactly the time when the second list was handed over, because from the death list it could be since that past year registered there, in October, November, 1942 then these second transports must have been carried out at this time or before this time.

Q. In one of those statements, Kick, there is reference made to a transport leaving in the Summer of 1943, is that correct?

A. It is talked about here.

Q. You heard a witness for the prosecution testify did you not, Kick, that the transports left in October of 1943?

A. I know nothing of a transport in October 1943.

Q. October 1942 rather.

A. Yes, I heard that also from the determinations in the death register.

(Kick-Redirect)



- Q. And I believe they were shown by exhibits of the prosecution 76 and 77.
- A. I do not know that prosecution exhibit.
- Q. Now, in one of those statements that you have in your hand, either prosecution's exhibit 96, or 97, you make mention of Redwitz, do you not?
- A. Yes.
- Q. And you also mention to Redwitz' being here in Pierkowski time, do you not?
- A. At that time I could not remember exactly which Schutzhaftlagerfuhrer was with ~~him~~ under Pierkowski.
- Q. As a matter of fact, you know of your own knowledge that Redwitz was not here under Pierkowski's regime, do you not?
- A. I do not know that from my own knowledge, but it is said here, if Redwitz was not here, that could not have been here under Pierkowski.
- Q. So in that respect your statement is not correct either is it Kick?
- A. No.
- Q. Now you refer in exhibit 96 or 97 that if the camp commander did not heed your protest with reference to executions, you would protest then to the Gestapo in Munich, is that<sup>a</sup>/correct statement Kick?
- A. I said that, but at the same time I also said that such a protest would have been useless, since the Gestapo office in Munich had no power over the camp commandant.
- Q. Are either of these two statements 96 or 97 in your own handwriting?
- A. The post-script on page 4 of 96 is in my own handwriting.
- Q. The rest of it is written in what manner?

(Kick-Redirect)

- A. The other part is typed.
- Q. Did you dictate the typing?
- A. No.
- Q. Who did.
- A. The interrogating officer.
- Q. Who was the interrogating officer?
- A. Lieutenant Guth.
- Q. Is the language contained in either of those statements your language or the language of Lieutenant Guth?
- A. Those are the expressions of Lieutenant Guth.
- Q. And at the end of those statements you signed them, and swore to them as being the truth, did you not?
- A. Yes.
- Q. When were you arrested, Kick?
- A. 6th of May, 1945.
- Q. Where and...were you arrested?
- A. Here in Dachau.
- Q. And by whom were you arrested?
- A. By an American officer.
- Q. And where were you imprisoned?
- A. First for 30 days in Dachau, then I was brought to Augsburg, later near Stuttgart, then to the Zuffenhausen camp and from there on the 2d of November back to here.
- Q. Will you in your own words, Kick; describe to the court the treatment that you received prior to your first interrogation any place.

Prosecution: I object to that may it please the court unless it is shown upon what point of time before the interrogation he received this treatment, as not being relevant to the issues in this case.

Defense: This bit of evidence is submitted for the pur-  
(Kick-Redirect)

pose of showing the state of mind, the psychological condition under which the defendant made the statements which have been introduced into evidence in these proceedings. As such, I respectfully submit it is relevant...highly relevant, and should be admitted for the information of the court.....following your arrest.....I would like to add those words.

Prosecution: My objection is that it does not show the time, and the time is highly relevant; it is what is state of mind was on the 2d or November, not immediately following his arrest.

Defense: May it please the court, the line of questioning has established that the desired bit of information, is the treatment that this defendant received, prior to the first interrogation after his arrest, that must be after the 29th of April, and whatever may have happened to this defendant in this period of time in the hands of interrogators will certainly be relevant to his state of mind in any case, with the interrogation that was conducted on the 2d or 3d of November at Dachau.

Prosecution: He should limit his question so as to show when this alleged mistreatment occurred, so that the court may determine....from the time that elapsed between the alleged mistreatment and the interrogation....if it is relevant. As it now stands the court will not be able to determine whether it is material or not. If the time is established, it could be material.

President: Such testimony as will influence the condition of the witness at the time he made the statement is desired by the court. The court feels, however, that a 6 months period prior to the signing of the statement in question (Kick-Redirect)

tion here, on the face of it is an excessive period of time.

Defense: May I ask the witness just one question, which may clear the matter up in the court's mind.

Q. Kick, did the treatment which you received following... immediately following your arrest have any influence whatsoever on the statements that you made on the 5th of November.

Prosecution: I object to that question may it please the court on the same grounds assigned to the previous question.

President: The objection is overruled, the witness will answer the question.

A. The treatment at that time influenced this testimony to that extent, that I did not dare to refuse to sign, in spite of the fact that it did not contain the testimony which I gave.

Q. Now, Kick, for the court, will you describe the treatment which you just received, immediately following your arrest?

A. I ask to refuse to answer this question here in public.

President: The court desires to have him answer the question.

A. I was here in Dachau from the 6th to the 15th of May, under arrest; during this time I was beaten all during the day and the night....kicked....I had to stand at attention for hours; I had to kneel down on round or square objects; I had to stand under the lamp for hours and look into the light, at which time I was also beaten and kicked; as a result of this treatment my arm was paralyzed for about 8 to 10 weeks; only beginning with my transfer to Augsburg, this treatment stopped.

Q. What were you beaten with?

(Kick-Redirect)

A. With all kinds of objects.

Q. Describe them please.

A. With whips....with lashing whips, with rifle butts...pistol butts, and pistol barrels and with hands and fists.

Q. And that continued daily over a period of what time?

A. From the morning of the 7th of May until the morning of the 15th of May.

Q. Kick, why did you hesitate to give that testimony?

A. If the court hadn't decided I should talk about it, I wouldn't have said anything about it today.

Q. Would you describe the people who administered these beatings to you?

A. I can only say that they were persons who were wearing the United States uniform and I can't describe them any better.

Q. And as a result of those beatings when Lieutenant Guth called you in, what was your frame of mind?

A. I had to presume that if I were to refuse to sign I would be subjected to a similar treatment.

Defense: That's all.

#### RE-CROSS-EXAMINATION

Questions by the prosecution:

Q. Kick, did Lieutenant Guth beat you at any time?

A. No.

Q. Did Lieutenant Guth threaten you in any way at any time?

A. No.

Q. As a matter of fact at the time you made that statement you did not know you were going to be an accused in this case did you?

A. No, I did not know that.

Q. As a matter of fact, the day before....I'll withdraw that.

(Kick-Recross)

- Q. And at the time you made that statement, you didn't know that Weiss was here in confinement in Dachau, did you?
- A. Yes, I did know that.
- Q. Now, Kiek, when you gave this statement, is it not a fact that you were treated as a gentleman at all times by Lieutenant Guth?
- A. Yes.
- Q. And before you signed that statement is it not a fact that you read it through and made the corrections that you saw fit to make.
- A. I only corrected some names that were spelled wrong.
- Q. You read it through did you not?
- A. But I expressed my thought that the testimony did not agree with my own testimony.
- Q. Now who was present at the time you made that statement?
- A. Lieutenant Guth and his assistant Doctor Leiss
- Q. And you had been a Gestapo agent for 12 years, at the time you made that statement is that true?
- A. Yes, I have been an official of the Gestapo since 1933.

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his place in the dock.

Hugo Alfred Erwin Lausterer, the next witness for the defense testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by the defense:

- Q. State your full name please?
- A. Hugo Alfred Erwin Lausterer.
- Q. What is your home address.
- A. Metzingen in the district of Roetingen Linden Place number 1.

(Lausterer-Direct)

- Q. When and where were you born?
- A. 2d of January, 1890 in Metzingen.
- Q. Are you married?
- A. yes.
- Q. How many children do you have?
- A. 6 children.
- Q. What other relatives do you have living?
- A. My brothers and sisters; my eldest brother, who is married in America, whose daughter is married to an American doctor, and one sister in Frankfurt who is married, one in Nottingen; one sister in Metzingen, and one in Stuttgart; and my third brother is dead.
- Q. What was your civilian occupation?
- A. I was a representative of the Singer Sewing Machines.
- Q. When did you join the SS and under what circumstances?
- A. I entered on the 10th of December, 1941; I had been a representative of the Singer Sewing machines and then I became unemployed when the war started; then I became.... I got a job on the city hall of Metzingen as a telephone operator and at first I received 160 marks then 180 after I talked to the burgemeister because that was insufficient for my large family; and then he answered me he couldn't give me any more; and then I was forced to look for something else. Then I reported to the Kyffhauser organisation; then I reported to this transport which was transporting prisoners from Russia to Germany; then I received orders to go to Dachau to the SS and I was drafted.
- Q. When did you come to Dachau?
- A. 10 December 1941.
- Q. And on what date did you leave?
- (Lausterer-Direct)

- A. Now, you mean....because <sup>^</sup> was on outside detail.
- Q. Were these outside details you were on connected with Dachau?
- A. Yes, they were connected with Dachau.
- Q. When did you leave Dachau for any of the out-camps entirely for the last time?
- A. On the 26th of April, 1945.
- Q. Without going into detail, what were your duties generally while you were assigned to Dachau, from the 1st of January 1942, until you left in April, of 1945?
- A. I was a sentry.
- Q. And what were your general duties?
- A. To guard prisoners.
- Q. And during the time you were here at Dachau, or any of the sub-camps, or work commandoes, what was the highest rank that you held?
- A. I was a scharfuhrer, I held that rank in the world war and I received it back in the Wehrmacht or German Army, it was called sergeant, I didn't receive any promotion.
- Q. Lausterer, you were accused by the witness Opitz of having threatened prisoners with punishment if they did not hand over packages of food to you; what do you have to say to that?
- A. I never did that.
- Q. Did you at any time while you were assigned to Dachau or any of the out-camps or on work commandoes hit or otherwise mistreat a prisoner?
- A. No, never.
- }. In the statement you made to the prosecution, Lausterer, which is dated 31 October, 1945, you described a transport that you accompanied on or about the 25th or 26th of April, (Lausterer-Direct)



1945?

A. Yes.

Q. You stated that that transport was loaded on cars and remained here at Dachau for two or three days?

A. Yes, they had already been loaded.

Q. What was your job, in connection with that transport during the time it was in Dachau?

A. Really nothing; I was detailed as reserve sentry.

Q. During that time were you guarding the prisoners?

A. No.

Q. When did this transport leave Dachau?

A. This transport as well as I can remember left Dachau on the 26th of April, in the evening, whether it was 9 o'clock or just what time it was, I don't remember exactly.

Q. How did the transport travel?

A. The transport went from here to Munich, Lyon....

Q. You didn't understand the question....what means of transportation was used?

A. By steam locomotive.

Q. Did you accompany the transport by steam locomotive or by train?

A. Yes, as reserve sentry.

Q. What were your duties when you accompanied the transport on the train?

A. I really had not duties; we reserve sentries were in a separate car.

Q. Now in your statement you further state that this transport arrived in Seefeld on Saturday afternoon.

A. Yes, Saturday afternoon.

Q. Will you tell the court briefly what your actions were with respect to this transport, from the time it arrived (Lausterer-Direct)

in Seefeld?

A. When we arrived in Seefeld, it was around Saturday; around noon, 1 o'clock; everybody got off and sat down on a pasture, and food was distributed; bread and sausage, and whatever there was; and then the transport leader issued an order everybody had to get up in formation; that they would now march by foot to the Oetz valley; the others got up in this formation and I left, and various other sentries as far as I could see, we left the transport; and when I went across the pasture after they had already left I saw that there were 60 prisoners still left; I asked them what they were doing, and they told me that they were ill and could not march; I told those people you can't stay here you are going to die in this terrible weather; at first of course, I looked for coffee and tea and bread, so that the people could have something warm; and several ladies in Seefeld helped me and we looked for shelter and one of those ladies found some shelter, it was an empty barracks; and I gathered all of those people who followed me now in those barracks, and then the barracks was locked and I didn't have a key; and the women from the neighborhood brought an axe and I broke the barracks open and put the people inside, and everybody had room in this barracks; then a lady came who brought warm tea and bread; then I distributed that among the people until everybody had enough; I took well care of them; and then I told the eldest among the prisoners, I don't know whether it was a capo or not; that they should not do anything foolish, like going out and going into civilian homes; and the next morning they again received coffee and bread; at noon, good soup with bread and meat in it; this lady gave all of that

(Lausterer-Direct)

to them, I think she owned a hotel, I forget her name; and it was about noon or one-thirty; you stay here when the Americans come, I am going to surrender them to you; I am going to eat now, and when I came back no one was there, the barracks was empty, there was a woman in the vicinity and I asked her what happened to the people and she told that a Obersturmbannführer had come and got them and had them put in cars in train cars and then they were led to the station toward Garmisch; I don't remember the name exactly.

Q. Did you stay in the barracks with the prisoners that Saturday night?

A. No.

Q. Was there any other SS man that stayed with them that you know of?

A. No, Nobody.

Q. In your statement to the prosecution you stated that during the night, two of those people died, is that correct?

A. Yes, that is correct, they were already too weak.

Q. Lausterer, you stated in your statement to the prosecution that the man by the name of Johann Schoepp was with you on that transport, is that correct, or not?

A. Yes, he was also a reserve sentry.

Q. Did he have anything to do with guarding prisoners?

A. No, as little as I.

Q. Did you see him mistreat anyone on that transport?

A. No, Schoepp did not beat any prisoners, as little as I.

Defense: No further questions

#### CROSS-EXAMINATION

(Lausterer-Direct)

Questions by the prosecution:

Q. Who was the commanding officer of the guards on this transport, Lausterer?

A. In Lyon, when I wanted to scream, you might say in German, two people introduced themselves; they were Obersturmführers from the SS police and they said that they were the transport leaders, and whoever left the train would be shot; the guards were ordered that way; the guards who were guarding the prisoners, and then I went back to my car.

Q. And there were how many guards on that transport Lausterer?

A. They were large cars, large passenger cars, how many guards there were, I do not know, I didn't pay any attention to that.

Q. How many reserve guards were there Lausterer?

A. We were about 30 to 35 reserve sentries.

Q. And you were to relieve the guards who were protecting the train, is that not correct?

A. Yes, we were determined for that; for this foot march; we were told here in Dachau that we had to deliver this transport to the Red Cross at the Swiss border, and then we could come back, and then we would be released.

Q. And you were also told to shoot any of the prisoners who were trying to get off the train, is that not correct?

A. Not we, the reserve sentries; only those sentries who were on guard; they also received the order to shoot us.

Q. In other words, one SS guard, was going to shoot another SS guard, is that right?

A. Yes.

Q. About how many prisoners, Lausterer, were in these cars?

A. I can't say exactly, I say there were about 120 men in them, it could have been more, I don't know.

(Lausterer-Cross)

Q. And about how many men were in this transport altogether?

A. I do not know exactly, but I asked one of the capos who was there, and he told me from 17 to 1800.

Q. And many of these prisoners died, not only in Dachau but also while they were enroute on the transport, is that not so?

A. Yes, because of thirst and hunger, and we almost the same thing happened to us; we didn't have anything to eat, beginning Monday evening.

Q. When you made the statement to Lieutenant London, on the 31st of October, 1945, you did not say that Schoepp was a reserve guard did you?

A. Yes.

Defense: May it please the court, to save time we will stipulate that it is not in the statement.

Prosecution: In other words if I understand your stipulation, it is to the effect that at the time this statement was made before Lieutenant London, he did not in that statement say; reserve guard.

Defense: Your question to him was, did you not say to Lieutenant London that Schoepp was not a reserve guard.....

Prosecution: Sir, I would rather proceed in the proper way.

Q. Lausterer, I hand you a document marked prosecution's exhibit 111 and ask you to examine it and tell the court what it is.

A. I can't read it without glasses; those are the questions....the testimony that I made here.

Q. This is a statement that you made before Lieutenant London, on or about the 31st of October, 1945, is that correct?

(Lausterer-Cross)

- A. Yes, that is correct.
- Q. Did you read that statement over before you signed it?
- A. Yes, I read it.
- Q. Did you make any corrections in it?
- A. Yes, a few little corrections.
- Q. And I will ask you whether or not in that statement; does it appear that you described either yourself or Schoepp as being a reserve guard?
- A. I can't find the name of Schoepp; yes, I said that, but I wasn't asked whether we were detailed as reserve sentries or not. We reserve sentries were among ourselves in a car.
- Q. As a matter of fact Lausterer, is it not a fact that only since this case began has the question of reserve sentry or reserve guard ever come to your mind?
- A. No before that, if I had been asked during that interrogation I would have told them at that time that I was a reserve sentry.
- Q. But you did not tell him at that time that you were a reserve sentry did you?
- A. How do you mean that here?
- Q. Will you read him the question please (To the reporter).
- A. No, I didn't say that, I didn't state that....I was not asked.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by the defense:

- Q. Lausterer, will you try and see again in prosecution's exhibit lll and I will ask you if you can read this sentence starting at the bottom of the page there.
- A. I was instructed to accompany this transport.
- (Lausterer-Cross)(Lausterer-Redirect)

Q. That does not state whether you were a guard; reserve guard, or any other type of guard does it?

A. No, at that time no one told us only at the station when we got there the transport leader told us that you are going to be reserve sentries.

Q. Does it state anywhere in this statement that you were a guard on that transport?

A. No, I didn't say that I was a guard.

Defense: No further questions.

The court then took a recess until 1110 hours, at which hour the personnel of the court, the prosecution and defense and the accused and the reporter resumed their seats.

Defense: May it please the court, Mrs. Erhardt, the woman who testified in behalf of Wagner lives in Bal ham about 40 kilometers from here and wants to return home; we ask the court to excuse her, if it is all right with the prosecution.

Prosecution: Just so she is available whenever we want her.

There being no further questions, the accused Lausterer was excused and resumed his place in the dock.

Gustav Droste the next witness for the defense, was sworn and testified as follows:

Defense: If it please the court, this witness will testify in English.

Defense: Mr. Droste, will you wait with your answers in testifying in English until the interpreter has received the question and translated it into German.

#### DIRECT EXAMINATION

Questions by the defense:

Q. Will you state your full name please?

(Droste-Direct)

A. Gustav Droste.

Q. What is your address?

A. Munich, Ansbacher Street, 4.

Q. Will you speak up just a little louder please?

Q. What is your occupation?

A. I am an employee of an insurance company.

Q. Were you ever a member of the SS in any way?

A. No.

Q. Were you ever a prisoner in Dachau?

A. No.

Q. Were you ever a member of the Nazi party?

A. No.

Q. Was any member of your family a member of the party?

A. No, no members of my family.

Q. Now, did you serve in the German Army?

A. Yes.

Q. Will you give us the dates please?

A. It was from the 20th of June, 1944 until the end of it....the 1st of May, this year.

Q. How old are you?

A. I am 42 years.

Q. What was your assignment in the German Army?

A. I was an interpreter in a collecting camp.

Q. Now, did you at any time come to know the defendant Hugo Lausterer?

A. Yes, I did.

Q. Will you tell the court when and where that was?

A. I made his acquaintance in 1944 it was in July I think.

Q. Under what circumstances did you meet Lausterer?

A. At that time our house was damaged by an air-raid. This house where we were living in was situated beside the  
(Droste-Direct)



factory of Lodenfrei ; Lausterer was a commander of a working detail at this factory.

Q. Do you know of what that working detail was composed?

A. It consisted of prisoners of Dachau.

Q. Continue.

A. One of the inmates of our house went over to the factory and asked Lausterer if he would come over with his prisoners to help us repair our house; Lausterer agreed but made one condition that was that we should care for his prisoners and give them food and if possible schnapps or wine or something like that; we promised that and he came over with his prisoners and they worked here and helped repair the house. From that day on he came over almost every day and so did the prisoners and helped in the house, repairing and cutting wood and repairing bicycles and lending a hand whenever it was necessary.

Q. Do you know approximately how many prisoners were in that detail?

A. My estimate is 30 or 35, but I am not sure.

Q. And during that time that these prisoners were helping at your home, or at the house, where you were staying did you observe Lausterer's treatment of the prisoners?

A. Yes, I did.

Q. What was that treatment?

A. He treated them very well; he always cared that they should get food and cigarettes and so on; he never gave them a harsh word; he spoke to them in a friendly and comrade-like way.

Q. During the time that you observed him, did you ever see him hit or mistreat any prisoner on his detail?

(Droste-Direct)

A. Never, quite impossible.

Defense: No further questions.

Prosecution: No questions, may it please the court.

There being no further questions, the witness was excused and withdrew.

Defense: If the court please, this witness works in Munich and will be available for recall if the prosecution wants him; we would like to have him return to Munich.

Prosecution: All right with us.

Miss Josephine Moser, the next witness for the defense, was sworn and testified as follows through the interpreter:

**DIRECT EXAMINATION**

Questions by the defense:

Q. Will you state your name please?

A. Josephine Moser.

Q. What is your address?

A. Seefeld, Tyrol.

Q. How long have you resided in Seefeld?

A. 11 years.

Q. Did you reside in Seefeld in April of this year?

A. Did I live there?

Q. Yes.

A. Yes.

Q. And do you recall a transport that arrived in Seefeld the latter part of April, 1945?

A. Yes, very well.

Q. Will you tell the court, please, briefly in your own words what you observed, from the time this transport arrived in Seefeld until it left?

A. Even what happened before that....before I talked to Lausterer?

(Moser-Direct)

Q. Yes.

A. Yes, I live very close to the station; I was told that a transport of Jews arrived from Dachau; I then went to the station in order to see whether you could help them any; at first I was not very clear on what to do; that was around 1 or 2 o'clock; in between that I had work to do, I am a nurse and masseuse in Seefeld; and I went about my work, I had to go to a lady; and then I returned and I went shopping to the bakery; and there were some people way back from Telfs; the train was originally supposed to go to Innsbruck, and there was to be taken over by a Swiss Red Cross man; One SS man at the station told me that; the first terrible thing I saw, were the many dead which were loaded on one cart, and it was taken away; then I went home and cut bread and walked down the street and wanted to distribute the bread; there was an SS man who chased me away.

Q. May I interrupt just there.....do you know who that SS man was?

A. I am sorry to say, no. Despite of that, I distributed bread; he attached me bodily so that I nearly fell down on the street; then I returned home and got my red cross arm band and returned again; he wanted to attack me again, and I pointed at my red cross band and I said that you had to respect that too; whereupon he told me with these pigs you didn't have to have any pity; and in my excitement I told him leave it up to me to judge who the pigs are; immediately I realized that this was very dangerous to me and I hollered at him very much; I do not believe that you are the chief

(Moser-Direct)

of this transport, I want to talk to the transport commander; and there a Jew told me, oh madame please go to the Oberscharführer; I asked him where is he; up there in the meadow where the sick ones are; I said I want to go to him; then I went up to the meadow and I met an SS man coming towards me and he asked me what do you want lady; I said I want to do something for these people; he said how good of you, please bring something hot; and I said I'll try, if it is possible or not; he told me that the people had nothing warm since days.

Q. May I interrupt and ask you if you know who that man was, whom you were speaking to then?

A. Now, I know it was Lausterer.

Q. And do you see Lausterer in court today?

A. Yes, I see him.

Q. Was that the same man you testified here about?

A. Yes, it is.

Q. Now when you say now you know him, <sup>when</sup> did you learn of Lausterer's identity and name?

A. I only found out about that three or four days later.

Q. After this event took place?

A. Several days after.

Q. Now will you continue please?

A. I went up home again and I got several packages of coffee out of my storeroom and I went to my neighbor, who owns a hotel by the name of Karwendelhof, in Seefeld because I didn't have any containers big enough to cook enough coffee, and then they cooked coffee in very big pots immediately and it was a Ukrainian girl who accompanied me; and the first time we carried the coffee up there; it was terrible these people fell all around me they were

(Moser-Direct)

starved, they were cold; it was snowing and raining; I handed out coffee and they so carried on that I went out at the moment; Mr. Oberscharfuhrer, please help me; and as I know now, Mr. Lausterer appeared now and told to them people, please be sensible, and he made a movement with his hands, and then 10 or 15 people were lying on the ground; I said no, don't do that, the people were falling down; and then 2 Jews came up very close to me and said the Oberscharfuhrer never hurt us; we are so weak, we fall over immediately; in the meantime I handed out coffee to the first one and I went to get a second portion; and then I distributed it again and Mr. Lausterer told these people, people be sensible now, the lady is only doing them good; now one will come after the other and everybody will get some, and then I distributed it; and then Lausterer said of all food we will give to the sick ones, the ones who can't get up and then he held the people back and went with me to the people who were lying over there; and he asked me to give coffee to these people, which I did; then Lausterer took me aside and he said to me, lady if you want to do something good, see that these people get a roof over their heads, it is almost impossible for them to lie in this snow and rain; and I went over to Lausterer and I told him that he should go over to the farm yard right next to us and ask them to open up their barn; in the meantime I went home again and when I came back he told me that he was sorry to see that the people did not agree to that; then I started thinking again if there was any possibility at all, and then I remem-

(Noser-Direct)

bered a barracks which was built for a kindergarten but which never had been used before; I asked Lausterer if he had the authority to break open the barracks; he said no he didn't; I told him to go to the mayor's office, that this barracks had to be opened up.

Q. Just to shorten this a little, do you know whether or not any place was found for these people to stay?

A. Yes, and only because of the intervention of Lausterer.

Q. Where was this place?

A. Near the school building, a well built barracks.

Q. Do you know wheter the prisoners were taken there that night?

A. Yes, they were taken there.

Q. Was there any heat in that building?

A. I believe there was a stove there, I was so exhausted from the whole thing, I don't remember it clearly.

Q. Will you describe anything else that was done for the prisoners there?

A. I think Lausterer did everything which was possible.

Q. Do you remember anything more specifically that he did?

A. He asked me to care for these people, I would say he was almost like a father to them; I also saw that the people trusted him very much; he was not the only SS man with whom I had any business; but he was the only one who agreed to my requests.

Q. And there were other SS men there who did mistreat you, is that correct?

A. Mistreated me only one; but many of them scolded me.

Q. Have you learned the identity of this SS man who mistreated you?

A. No.

Q. Will you point out from where you are, to the court the man if you see him, a few days after this event you know

(Moser-Direct)

to be the man Lausterer.

A. The one on the top, to the left.

Q. Is that the man?

A. Yes, he aged.

Defense: Let the record show that the witness identified the man, number 26, Lausterer.

Defense: No further questions.

#### CROSS-EXAMINATION

Questions by the prosecution:

Q. Miss Moser, on that occasion Lausterer kept all of those prisoners together, did he not?

A. Yes, maybe this should be mentioned, the other ones all left, but he remained with the sick ones.

Q. Now you say the other ones all left, who were the others who all left?

A. The Jews who could walk with SS, they left with the SS.

Q. They left with the SS?

A. Yes, only Lausterer remained, back and took care of the sick ones who could not walk.

Q. And he stayed with them all night?

A. I don't know that, I only know that he sheltered them I was told that the next morning he returned at 8 o'clock next morning and brought these people coffee again; an SS man who was a Ukrainian or White Russian told me that Lausterer did return later on.

Q. But Lausterer left this other Ukrainian SS man there, is that correct?

A. I don't believe anyone was there during the night; I only came when he came at 8 o'clock; I believe these people were all by themselves.

Q. How many people were there in that group, Mrs. Moser?

(Moser-Cross)

- A. It could have been from 60 to 80.
- Q. And what happened to those people the next morning?
- A. I arranged everything the evening before, so that they would get coffee the next morning, and next morning I returned and the people got good sweet coffee; the women of the neighborhood all came around to see if anything could be done for these people and I asked them to cook soup.
- Q. How long did these people remain there at this school?
- A. I could give them something to eat at noon.
- Q. Please have her just answer my question; how long did those prisoners remain there at the school house?
- A. They stayed there one night and I really don't know when they left again because I was surprised by that.
- Q. Do you know who took them away?
- A. I wanted....I had a conversation with an SS man during the afternoon and he took coffee at night and at that time said they had left already.
- Q. And from the conversation with the SS man didn't you learn that they had been taken away by the SS guards?
- A. No.
- Q. So you do not know how they left there do you?
- A. No, I don't know that.
- Q. Now this SS man that mistreated you, was one of the guards was he not?
- A. Yes.
- Q. Do you know whether or not Lausterer went away with these prisoners when they finally left the school house?
- A. No, I don't believe so, he could have only brought them up to Scharrits, I heard that, I heard that several SS men just let these people escape, I don't know who it was.

(Moser-Cross)



Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by the defense:

Q. Miss Moser, during the time you first met Lausterer, until they first left Seefeld, do you know of any occasions that you saw the prisoners when Lausterer was not there?

A. Yes.

Q. And when Lausterer left them was any other guard around these prisoners?

A. No, only the capo, he was a Hungarian Jew.

Q. Do you know whether Lausterer left with these prisoners when they left that Sunday?

A. No, I don't know that.

Defense: No further questions.

RECROSS-EXAMINATION

Questions by the prosecution:

Q. Miss Moser, did Lausterer have a gun?

A. No, he didn't have a gun, but I don't know if he had any other weapon.

Defense: I would like this witness to be excused to go back to her home unless the prosecution wants her.

Witness: I observed that people went up to Lausterer for medicine, because they had diarrhea, and Lausterer asked me for medicine too.

There being no further questions, the witness was excused and withdrew from the court room.

President: Court will adjourn until Monday morning at 0830 hours.

*W. D. Denson*

W. D. DENSON,  
Lt. Colonel, JAGD,  
Trial Judge Advocate

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Roll 3

Target 2

Trial Transcripts (RG 338)  
Vol. 4, Dec. 3-7, 1945



The court met, pursuant to adjournment, at 0830 hours, on the 3d of December 1945, at Dachau, Germany.

Prosecution: May it please the court, let the record show that all the personnel of the court, all the personnel of the prosecution, all of the personnel of the defense, and all of the accused are present.

The reporter was also present.

Defense: The defense calls, as its first witness, Mrs. Jaeger.

Mrs. Maria V. Jaeger, a witness for the defense, was sworn and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Q State your full name, please.

A Maria Victoria Jaeger, nee Arnold.

Q Where do you live, Mrs. Jaeger?

A At Innsbruck; Pesterlozzig Street, Number Three.

Q What is your profession?

A Teacher.

Q Where did you live during April of this year?

A Since the 16th of May, I lived at Innsbruck; Until the 16th of May, at Saafeld.

Q Were you living at Saafeld during April of this year?

A Yes.

Q Do you recall a transport from Dachau that came into Saafeld in April of this year?

A Yes.

Q Are you acquainted with the defendant Lausterer?

A Yes.

(Jaeger-Direct)

- Q Do you see him in the courtroom today?
- A Yes.
- Q Can you, from where you are, point him out?
- A Over there -- the first one.
- Q When you say the first one, whom do you mean?
- A The one in the corner -- he's standing.
- Q And did you at any time see the defendant Lausterer in Seefeld?
- A On Saturday afternoon, between five and six o'clock, it was in April -- I don't remember if it was the 28th or the 29th.
- Q Would you describe to the court, in your own words, any actions that you saw Lausterer take, or any conversations you had with him?
- A Saturday afternoon, towards evening, I went to the station with my daughter, because she told me that eighteen hundred Jews had arrived. When we arrived, only the sick ones were left at a meadow near the station. I asked the scharfuhrer where they were coming from. He told me from Dachau, and they had been on the road for several days. I asked where they were going with these people, because it is snowing so much and raining. He asked for a barn or a shed. I told him "Go to the Tiroler Weinstube, and you might get something there."
- Q Did you later learn the identity of this scharfuhrer, with whom you had this conversation?
- A Only there; I didn't know him before then.
- Q Did you there learn his identity?
- A Yes.

(Jaeger-Direct)

Q And who was that?

A This man over there.

Q Continue.

A He told me already that he had been at the mayor's office and the mayor wasn't there. He asked if either my daughter or I would be good enough to look for a shed, because he couldn't leave the sick ones. We went over to the Lamb and to the Tiroler Weinstube, and it was impossible to get shelter there. The secretary of the Tiroler Weinstube told us we should go to the mayor's office, and ask for a barracks. We went up to Mayor Folk, and he told us we could have the barracks of the kindergarten, that we should go to the parish house and get the key there for the kindergarten. When we came out again and told them they did have shelter, they were all very glad. The scharfuhrer lined them up, and told them the ones who could still walk should support the ones too weak. Then he asked me that he didn't have any cart for the ones who could not walk any more. I told him to go to the station, and he could get one there. He said "No, I'm not able to get that." He said later on we'll go to the hotel Karwendehof and get a cart there. Very slowly we walked up to the barracks. After we brought the people into the barracks, we came to the cart and he went, together with the men from Seefeld, to and fro about four times altogether, with the badly sick ones. They were covered with blankets.

(Jaeger-Direct)

It took until after eleven o'clock at night, until everybody was brought up. In the meantime women arrived who brought a warm drink, and bread, and between eleven and eleven-thirty at night we brought the cart back. The scharfuhrer remained with those people.

Q Did the scharfuhrer Lausterer accompany the wagon back and forth when it made the trips to bring the sick people to the barracks?

A Yes. There was a man from Seefeld present. He wore a cloak. He was taller.

Q And, during the period that the scharfuhrer was making the trips, who was guarding the other prisoners?

A I also saw another man -- a big man -- maybe he was a scharfuhrer, too, who talked with a Wurttemberg dialect.

Q Do you know who that man is?

A No. He was standing there with him, but Lausterer told me to move on, and to leave with my daughter, because she was only sixteen years at that time, and she was too sensitive for that. He was afraid that she would catch some of the diseases.

Q Do you know if anything else was done for the prisoners -- other than what you describe?

A When we saw that there was feces lying all over the meadow, I asked whether we should not get a pail for them. A girl brought two pails from a farmer's yard, and they were put in the barracks.

(Jaeger-Direct)

Q Do you know when the prisoners left Saafeld?

A No.

Q Do you know whether or not Lausterer accompanied the prisoners when they left Zeefeld?

A I don't know that, either. He came over, Sunday noon, and thanked me. I said "How do you know my name is Jaeger?" He said that he asked who that woman was who helped.

Defense: No further questions.

Prosecution: No cross-examination.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

Defense: If the prosecution has no need for this witness, I would like to excuse her and allow her to return to her home.

Prosecution: We have no objection.

President: The witness is excused, and may leave.

Defense: The next witness for the defense is

Friedrich Ruppert

Friedrich W. Ruppert, one of the accused in this case, took the stand and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q State your full name.

A Friedrich Wilhelm Ruppert.

Q How old are you?

A Forty years.

(Ruppert-Direct)

- Q Are you married?
- A Yes.
- Q Have you any children?
- A Yes. One. Six years old.
- Q Where is your home?
- A In Dachau.
- Q Were you a member of the SS, here in Dachau?
- A Yes.
- Q When was the first time you came to Dachau?
- A The 11th of April 1933.
- Q In what capacity did you serve, here in Dachau, in April 1933?
- A As SS man of the guard troops.
- Q For how long a period of time did you continue to serve at Dachau from 1933?
- A From the 11th of April 1933 to the 18th of September 1942.
- Q Then where did you go on the 18th of September 1942?
- A To Lublin, near Warsaw.
- Q Did you return to Dachau after that?
- A I returned to Dachau on the 6th of August.
- Q What time of day was it that you got into Dachau on the 6th of August?
- A I arrived at Dachau on the train from Krakow, from twenty-two hundred to twenty-three hundred hours.
- Q August 6th, of what year?
- A The 6th of August 1944.
- Q And you continued serving here, then, from the 6th of August 1944 until what date?
- A The 28th of April 1945.

(Ruppert-Direct)



Q And what were your duties from the 6th of August 1944 to the 29th of April 1945?

A I reported for duty on the 7th of August at the camp commandant's office, and on Thursday, the 10th of August, I took over the offices of first schutzhaftlagerfuhrer.

Q Who was the commandant at the time you reported for duty?

A <sup>bann</sup>  
Obersturmfuhrer Weiter.

Q What were your duties as first schutzhaftlager fuhrer?

A My duties as first schutzhaftlagerfuhrer were to determine and report the accurate status of all prisoners in the entire camp and the individual blocks. And to look out that order and discipline was maintained in the camp among the prisoners.

Q In August, or September, of 1944 was there or was there not an execution of Russians?

A Yes. There was.

Q And how many Russians were involved in this particular execution?

A Ninety Russians.

Q And what was your connection with this execution?

A On the day which the camp commandant determined for the execution, I had the orders to keep these ninety Russians at the gate of the concentration camp. At nine o'clock the camp commandant appeared, and he was accompanied by untersturmfuhrer Geit, from the Gestapo Munich. Geit read off the names, from records which he brought along, and he explained the individual persons to the camp commandant. Geit, of the Gestapo Munich, conducted the

(Ruppert-Direct)

interrogation. He interrogated them, and handed in the results at the Reich Main Security Office, and conducted the execution. After Geit explained everything about the individual persons, they were conducted in groups of thirty to the yard of the crematory.

Q Do you know where these Russians had come from?

A I don't know exactly. The Russians were at camp already when I reported for duty.

Q Now, your only participation was the fact that you took them down to the crematory. Is that correct?

A I myself didn't bring them to the crematory.

Q Who did?

A Members of the guard.

Q And did you go before them, or behind them, or alongside of them?

A Untersturmfuhrer Geit and myself followed the first group at a large distance.

Defense: If it please the court, may we have a re-translation of that last answer, please?

A (repeated by interpreter) I preceded the first group, together with Geit, at a great distance.

Q Now, do you know who was present at that execution?

A Untersturmfuhrer Geit from Gestapo Munich, the adjutant -----

Q What was his name?

A At that time it was Obersturmfuhrer Illig, myself, and the physician.

Q Do you know who the physician was?

A I can't remember that exactly.

(Ruppert-Direct)

- Q In the statement, which you gave to the court, or, rather, which you gave to the prosecution, you said that the doctor was probably Doctor Hintermayer. Do you know, as a matter of fact, whether or not it was Doctor Hintermayer?
- A No. I don't know that.
- Q But there was a doctor there. Is that correct?
- A A doctor was present.
- Q Now, do you recall the execution of two Russian women in January 1945?
- A Yes.
- Q And do you know who sent them to Dachau for execution?
- A No, I don't.
- Q Had they been in Dachau for any appreciable length of time prior to the execution?
- A No. They arrived, and were executed immediately.
- Q And on whose orders, do you know, were they executed?
- A By orders of the Reich Main Security Office. They were sent to Dachau from a Gestapo Office, which I don't know.
- Q But they had been sent here by some Gestapo Office for execution?
- A Yes.
- Q And it was those two Russian women that were inoculated by Doctor Hintermayer. Is that correct?
- A Yes.
- Q Now, in February 1945, three Polish and three Russian workers were sent to Dachau for execution? Is that correct?
- A Yes.

(Ruppert-Direct)

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Q Do you know who sent them to Dachau for execution?

A The State Police of Munich. During that execution, Sturmführer Lefkuchner, of the Gestapo of Munich, was present. He also conducted this execution. He appeared with an interpreter, who transmitted the orders to the prisoners.

Q What part did you play in this execution?

A I attended the execution as a witness.

Q What part did you play in the execution of the two Russian women, executed, allegedly, by the inoculation?

A I was present as a witness.

Q In accordance with a statement introduced in evidence here, you say that between August 1944 and April 1945 there were approximately forty executions in Dachau. Is that correct?

A Yes. Plus the ninety Russians.

Q Who sent these people to Dachau for execution?

A The prisoners were either in Dachau for several days, or weeks, already, or sent by the Gestapo, and executed the same day.

Q And when they were sent to Dachau by various Gestapo offices in Germany, they were sent for the sole purpose of being executed there, were they not?

A Yes.

Q And at each of these executions, you say that you attended as a witness?

A Yes.

Q And what was the function of the doctor, if you know?

A To determine the death.

(Ruppert-Direct)

Q You have seen transports arrive in Dachau, have you not?

A Yes.

Q Will you tell the court the condition of these transports, when they arrived at Dachau?

A Especially the last transports<sup>that</sup> arrived always had dead ones with them, people who died on the trip.

Q In your statement to the prosecution, you stated the following were present at executions:

Jarolin, Trenkle, Josef and Wolfgang Seuss, Niedermeier, and Welter. Tell the court how many of these people you have seen at executions.

A These people, whom I named to have participated in these executions, all stem from the year 1941. I myself didn't participate. I was never at the rifle range. Therefore, I cannot state that I saw these at the rifle range. At that time, I assumed that these people could have been present, because they were all members of the Division Three.

Q In the testimony of Doctor Blaha I testified that when the ninety Russians were being taken to the crematory, you kept ordering them to go faster, and kept pushing them. What have you to say about that?

A No, that is not true. It could not be true, because, as I said before, I preceded the first group by a large distance, with Geit.

(Ruppert-Direct)

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Q Prosecution witness Wolff stated that you have beaten inmates and prisoners with a riding whip, and with your fists, until they were unconscious? And the witness further says that you have beaten them like a smith with a cold iron, and with <sup>not</sup> the turning of a hair. What have you to say to that?

A I admit that I beat prisoners, but not in that degree, which Wolff described it. I never had a riding whip in my hand. I admit that I had a stick of forty to fifty centimeters length -- a thin stick in my hand -- in order to point to the prisoners who were standing in formation so that they could go through a personal inspection. I never beat with my fists. I admit to have beaten some, but only with the flat hand.

Q Did you ever beat any prisoners here at Dachau until they were unconscious?

A Never.

Q The witness, Seibold for the prosecution, stated that you were in charge of the execution of the ninety Russians. What have you to say about that?

A That is not true. Untersturmfuhrer Geit conducted the execution.

Q The prosecution witness Muller testifies that he has seen you beat prisoners here at Dachau. What do you have to say to that?

A That is possible. The witness Muller could have only seen me at the gate, where I caught the ones who were trying to get objects into camp, which were stolen, or who tried to smuggle them in. This was all army property, which was stolen from the armament industry, and it was my obligation to prevent this.

- Q Colonel Kveton , of the Czech Army, testifies and states that you have kicked him. What do you have to say about that?
- A I cannot remember that incident, but I have to assume that it was true, and I am especially sorry for his case.
- Q Prosecution witness Felli's testified that a transport arrived on the 6th of August 1944, from Warsaw, and on this date you, as first schutzhaftlagerfuhrer stated the following: "If this transport is not cleared up in an-hour, all of you have to go to the crematory." What do you have to say to that?
- A That is impossible. As I said before, I was not in camp at all on that day. I only took over the offices of the first schutzhaftlagerfuhrer on Thursday, the 10th of August.
- Q Did you ever see the accused Filleboeck at any execution?
- A No. Never.
- Q Did you ever see the prisoner Mahl with a machine pistol in his hand at any of these executions?
- A No, that is impossible. A prisoner never received a weapon.
- Q Do you know, of your own knowledge, whether or not Mahl ever took part in any hangings, voluntarily or under orders?
- A No. He could not participate voluntarily. It must have been acting under orders.
- Q Could he not, in his capacity as prisoner, refuse to obey an order?
- A No. He could not.

(Rupperty-Direct)

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Defense: You may take the witness.

CROSS EXAMINATION

Questions by the prosecution:

- Q Ruppert, were your only two duties, as shutzhaft-lagerführer, first: to determine and report the number of prisoners and, second: to maintain order and discipline among the prisoners?
- A Order and discipline -- that is just to make it short.
- Q To make it short. Isn't it a fact that, as first shutzhaftlagerführer, it was also your duty to receive orders for execution, from the camp commandant?
- A Yes.
- Q And, having received these orders from the first commandant, it was your duty to see that they were carried out, was it not?
- A Yes.
- Q And you did your duty from the time you were first shutzhaftlagerführer until the liberation of this camp, did you not?
- A Yes.
- Q Now, as first shutzhaftlagerführer, did you ever witness any execution in the bycamps of Dachau?
- A Yes.
- Q When did they take place?
- A I remember executions in Allach
- Q And when did that take place?
- A Possibly in September or October.
- Q Who was present at those executions?
- A I, Jarolin, a Doctor -- I believe it was Eichberger.
- Q And who were the two prisoners executed at that time?
- A As far as I believe, they were two Russians, but I cannot be certain about that.  
(Ruppert-Cross)



Q Now, Ruppert, did you attend any other execution, as schutzhaftlagerfuhrer, besides the one at Allach, in the bycamps of Dachau?

A I remember two in Lauingen.

Q When did those take place, Ruppert?

A Also in September, I believe.

Q And how many were executed at that time?

A I believe also two.

Q And who was present at that time?

Defense: May it please the court, I object, on the ground that it exceeds the scope of the direct examination, and is an effort to implicate other defendants, and has no value for the impeachment of this witness.

Prosecution: This man testifies that he only attended executions as a witness, and I will show by this, first of all, his duties, and second, that he performed those duties, and also performed them at the bycamps. I expect to show from this testimony that he took details. As schutzhaftlagerfuhrer his participation was the same as it was in Dachau, namely, he was in charge of execution details.

Defense: It might be considered by the court that the presence of other witnesses is not necessary for the establishment of what counsel has explained.

President: The objection is overruled. The witness will answer the question.

The last question was repeated to the witness.

A Myself, Eichberger, and a Doctor.

(Ruppert-Cross)

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- Q Do you recall any other occasions where you went out to the bycamps to perform executions?
- A No. I don't remember any more executions in the outcamps.
- Q You testified that these transports that came into Dachau were pretty bad, did you not?
- A I stated that the transports which arrived in the last weeks at Dachau, had dead, which died on the trip.
- Q Now, as first schutzhaftlagerfuhrer, is it not one of your duties to meet the incoming transports?
- A To meet?
- Q Yes — to meet.
- A Do you mean to be present at the arriving transport?
- Q Yes, for you, or your representative, to be present at the arriving transport?
- A Yes. I was sometimes present at the transports which arrived.
- Q Is it not a fact that it was your duty to take these people, and assign them to the various blocks throughout the camp?
- A Yes.
- Q And I will ask you if it was not a fact that that was your duty in October and November, when this transport of Hungarian Jews came?
- A Yes. I remember that.
- Q And is it not a fact that you took those Hungarians, and segregated them <sup>not</sup> into one block, but distributed them into all the blocks throughout the camp?

(Ruppert-Cross)

- A No. This transport was put together in one block.
- Q And what was the number of that block, Ruppert?
- A I don't know whether it was 19 or 21.
- Q And for how long did they remain in that one block?
- A At least three weeks, which is the prescribed time of quarantine.
- Q And thereafter they were distributed around to all the other blocks. Is that right?
- A No, that is not, because these other blocks couldn't take anybody else.
- Q How many men were in that one block?
- A In that one block?
- Q In that one block.
- A These blocks had on an average of twelve to fourteen hundred men.
- Q And they had to remain there for three weeks. Is that right?
- A Yes.
- Q Do you know Doctor Fuhr when you see him?
- A Yes.
- Q How long have you known Doctor Fuhr?
- A Since he was present at Dachau.
- Q How long have you known Doctor Eisele?
- A Only since the time he has been in Dachau.
- Q Now, when you say only since the time you have been in Dachau, isn't it a fact that you have been in Dachau since 1932?
- A 1933.

(Ruppert-Cross)

- Q And you have known Doctor Eisele since that time?
- A No. Since he arrived in Dachau.
- Q How long has that been?
- A I cannot state when Doctor Eisele arrived in Dachau — February or March, I estimate it to be.
- Q You know Josef Jarolin, do you not?
- A Yes.
- Q Do you know Xaver Trenkle?
- A Yes.
- Q Do you know Josef Seuss?
- A Yes.
- Q And you know both Niedermayer and Welter, do you not?
- A Yes.
- Q Going back to this execution of the ninety Russians — as a matter of fact, some of those Russians were interrogated on the same day that they were executed, is that not so?
- A No.
- Q When did the interrogation of these Russians cease?
- A I don't know. I was not in Dachau at that time. The interrogations didn't take place in Dachau, but in Munich. After the interrogation was over, they were transferred to the concentration camp at Dachau.
- Q You were not here in July 1944?
- A No.
- Q So the only execution that you attended here at Dachau, you attended merely as a witness. Is that right?
- A As a witness.

Prosecution: No further questions.

(Ruppert-Cross)

REDIRECT EXAMINATION

Questions by the defense:

Q The execution you attended, at Allach, was that voluntarily, or on orders?

A On orders.

Q And the execution at Lauingen -- was that voluntarily or on orders?

A On orders.

Q On whose orders were both of these executions attended by you?

A Always the camp commandant.

Q Who was that at that time?

A Obersturmbannfuhrer Weiter.

Q Do you recall whether or not Trenkle was here in Dachau in 1941 and 1942?

A I'm not very certain whether he was here in 1941 or 1942. I know that he was in the concentration camp. I know that he was transferred. But I can't say for a certainty if he was here at that time. At that time I didn't meet him. I worked in the technical department, and they were members of the concentration camp.

Defense: That is all.

EXAMINATION BY THE COURT

Questions by the members of the court:

Q What were some of the offenses for which these people were executed?

A These ninety Russians were executed, because of conducting the illegal communist party among the prisoners of war. Other crimes were severe house-

(Ruppert\*Ex by Ct)

breaking, and violation of blackout regulations.

Defense: Just a minute. Would you please re-translate the last answer?

Prosecution: May it please the court, I suggest that the witness be told to repeat his answer, and then that it be translated.

Interpreter (translating): I'm sorry. He says: Severe housebreaking in blackout, looting after an air-raid. I remember <sup>one</sup> other case, where a prisoner murdered a civilian person. A sexual crime I remember, too.

Q How about prisoners who were already here in Dachau -- what were some of the offenses for which they were executed?

A I remember a case of looting after an air-raid. Also the theft of property of people who were damaged by the bombs. And I remember the case of sabotage.

Q What do you mean by sabotage?

A Prisoners who got a machine to a stand-still in an armament industry.

Q Who determined whether these people were guilty of sabotage or looting?

A I don't know that. They are the two executions in Allach. I had been in Dachau and I don't know the results of the interrogation.

Q Well, who had the authority to determine whether or not they were guilty?

A The interrogating officer.

Q And on the interrogating officer's say-so, prisoner would be executed?

(Ruppert-Ex by Ct)

A No. The interrogating officer interrogated them, and handed the report to the camp commandant, who handed it to the Reich Main Security Office.

There being no further questions, the witness was excused and resumed his proper place in the courtroom.

Defense: The defense calls Josef Seuss as its next witness.

DIRECT EXAMINATION

Questions by the defense:

Q State your full name.

A Josef Seuss.

Q What is your home address?

A Scheffen, near Lindau.

Q Are you married?

A Yes.

Q How many children have you?

A Five.

Q When did you join the SS and under what circumstances?

A I entered the Algemein SS in March 1932. Before that, I had been unemployed for three years.

Q When did you come to Dachau?

A The 20th of April 1933.

Q When did you leave Dachau for the last time?

A The 1st of December 1942.

Q Did you ever serve in the German Army?

A Only the Waffen SS.

Q From the 1st of January 1942 until the 1st of December 1942, when you left Dachau, what were your duties?

(Seuss-Direct)

- A I was in the concentration camp of Natzweiler.
- Q No. I am talking about the period from the 1st of January 1942 until the 1st of December 1942. During that period, what were your duties?
- A I was Rapport leader, but before that, until August 1942, I was detail leader in the detail Radolfszell.
- Q You were detail leader in Radolfszell from January to August. Is that correct?
- A Yes.
- Q Then from August to December you were Rapport fuhrer here at Dachau?
- A Yes.
- Q Now, the defendant Mahl, in his statement to the prosecution, has stated that he applied for the crematorium job in 1943, and that you were one of the noncommissioned officers who participated in, and hurried, his work, during the executions at the crematorium during that period. What have you to say as to that?
- A I only know Mahl since I've been here as a prisoner. I was not in Dachau at all during 1943.
- Q Now, in your statement to the prosecution, you state that in August 1942 you were ordered to bring thirty-five Russian Prisoners of War from the station, and take them to the rifle range.
- A Yes.
- Q And that Niedermeyer was one of the men who did the shooting. What do you have to say to that?
- A I assumed that he was present.
- Q What do you have to say about the incident in general?

(Seuss-Direct)



A It is that I made a mistake during the interrogation. It was not 1942, but late Fall of 1941.

Q Now, in your statement to the prosecution, you mention a detail that you were on at the dungeon, but give no date. When were you at the dungeon?

A At the beginning of 1938, until the 1st of May 1941, at the latest.

Q In your statement to the prosecution, you speak of invalid transports, one of which you accompanied?

A Yes.

Q And in which you state that Willie Wagner, Josef Muller, and Hoffman, and eight other guards, were also with you?

A Yes.

Q When was this transport that you speak of?

A Fall, 1942.

Q How many of the men, that you mentioned, did you see on that transport?

A I am not sure. I have stated to the interrogating officer that I believed that they were present, but I cannot state that with certainty.

Defense: No further questions.

CROSS EXAMINATION

Questions by the prosecution:

Q Seuss, you were here in Dachau in September and October of 1942, were you not?

A Yes.

Q Now, isn't it a fact that Niedermeyer did take part in the shooting of these thirty-five Russian Prisoners of War, in green uniform?

A I don't know whether Niedermeyer participated.

(Seuss-Cross)

Q Isn't it a fact, Seuss, that you made a sworn statement to Second Lieutenant Lawrence on the 30th day of October, wherein you stated "I remember distinctly that Niederweyer was one of the men who did the shooting"?

A I signed that.

Q In other words, you made that statement. Is that correct?

A Several names were mentioned to me by the interrogation officer, and I said that I believed they were present.

Q Now, is it not a fact that this incident took place in August 1942?

A No. I thought about it, and I remember that it was in October and November, the leaves were falling off the trees already, of 1941. I was ordered from Radolfszell to the outside detail over here for about two weeks.

Q Is it not a fact, Seuss, that on the 30th day of October, you made a sworn statement before Lieutenant Lawrence, in which you stated "The above incident took place in August 1942, under Commandant Pierkowski?

Defense: If the court please, I suggest that if counsel is going to cross-examine on the statement the witness be allowed to see the statement that he made.

Prosecution: Yes. That is all right.

Court: Do you have copies of the statement?

Defense: We have a translation.

(Seuss-Cross)

Prosecution: They had the original and checked the translation against it.

Defense: That is correct.

Q Now, Seuss, I hand you a document, marked Prosecution Exhibit 116 and ask you to examine it, and to state what it is.

A This is the interrogation which the officer conducted with me, which I signed on every page.

Q Did you read it over before you signed it?

A The officer read it aloud to me. I was sitting here and he was sitting there; I looked into it while he was reading it.

Q Will you please answer the question: Whether or not you read the document, yourself?

A Yes. I could look into it. I was so excited; I was reading along. I couldn't remember exactly any more.

Q Will you please answer the question I propounded to you, Seuss?

A Yes.

Q Now, I will ask you at this time whether it is not a fact, Seuss, that, on the 30th day of October 1945, you made this statement to Lieutenant Lawrence: "The above incident took place in August 1942, under Commandant Pierkowski."

A Yes, but this is a mistake. It is not true.

Q And you also made the other statement, about remembering distinctly about Niedermeyer, too, did you not?

A Not that I remember exactly, but that I believe he was present.

(Seuss-Cross)

Q And since you have been made a defendant in this case, you thought it all over, and it is now wrong. Is that so?

A I cannot state whether Niedermeyer was present or not.

Q Now, Seuss, as a matter of fact, it was an order, was it not, that block fuhrers and Report fuhrers had to take part in the shooting? Wasn't that so?

A Pantly, yes. It was always an order. Only a part of them were permitted, that is, had to take part.

Q Now, up to what date was it that Niedermeyer was in charge of the crematory?

A I cannot state that.

Q Wasn't it in August and September 1942?

A Possibly.

Prosecution: No further questions.

The members of the court declined to question the witness.

There being no further questions, the witness was excused and resumed his proper place in the courtroom.)

Defense: May it please the court, the defense calls as its next witness, Franz Boettger.

Franz Boettger, one of the accused in this case, was sworn and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q State your full name.

A Franz Boettger.

(Boettger-Direct)

Q How old are you?

A Fifty-seven years old.

Q Where is your home?

A Munich, Adam Street, Number Four.

Q Are you married?

A Yes.

Q How many children have you?

A None. My wife had a very bad operation during pregnancy, therefore I don't have children.

Q When did you first join the SS?

A In 1940 in order to help furloughs for harvesting.

Q Was that the Waffen, or the AllgemeineSS?

A Here in Dachau -- the Waffen SS.

Q What rank did you have here in the SS at Dachau?

A At that time I was a rifleman.

Q And how high a rank did you obtain in the SS while you were in Dachau?

A Hauptscharfuhrer.

Q Who was the commander here at Dachau when you were here in 1940?

A Sturmbannfuhrer Pierkowski.

Q Who followed him?

A Obersturmbannfuhrer Weiss; he came after Pierkowski.

Q Who followed Weiss?

A I believe Obersturmbannfuhrer Weiter.

Q How long were you here in Dachau altogether?

A From 1940 -- from May to November. Then I was released for a half a year. In 1941, in June, I was recalled, and was here at the end.

Q And who were your immediate superior officers while you were here in Dachau?

(Boettger-Direct)

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A At first there was in the guardhouse the obersturm-  
führer Hanits -- he was company commander. Later  
on, when he was transferred to headquarters he was  
department leader and commandant.

Q Were you present at the time the ninety Russians  
were executed in the crematorium in 1944 -- in  
September 1944?

A Yes.

Q What duties did you have with reference to this  
execution?

A Really I didn't have anything to do with that execu-  
tion. They were lined up in camp. Obersturmbann-  
führer Weiter then inspected them, and the official  
from the Gestapo Munich, and then they were brought  
to the crematory in three groups by the guards from  
the guard block. I had the order by the schutzhaft-  
lagerführer to come and report everybody present.

Q Who was the first schutzhaftlagerführer who gave  
you that order?

A Obersturmführer Ruppert.

Q How many of the Russians did you take to the crema-  
tory?

A I myself didn't bring anybody down. I followed  
the last group, which was taken down by the  
guard, and went by foot, or by bicycle.

Q And were you a member of the guard yourself?

A No. I went down and reported to the schutzhaft-  
lagerführer that everybody was present, and then  
I returned, because I was on duty. That was all  
for me.

(Boettger-Direct)

Q When you got into the crematory, did you see the Russians that had preceded you down there to the crematorium?

A As far as I know, the Russians who came down there in the two groups before, were shot already.

Q Did you notice any doctors down there at the execution of the ninety Russians?

A Yes. A doctor was present, but I don't know which one, any more.

Q And toward the end of your tour of duty here, in the latter part of April 1945, you were on a transport, were you not, Boettger?

A If you mean the transport from Wolfratshausen, yes.

Q When did that leave Dachau?

A The transport left Dachau on the 26th of April, toward evening.

Q And how did that transport move out of Dachau? By truck, on foot, or by train?

A It left by foot.

Q And how many people were involved in this particular transport?

A I never found out the exact number. It must have been about eight thousand.

The court then, at 1000 hours, 3 December 1945, took a recess until 1015 hours, 3 December 1945, at which time all the members of the court, the personnel of the defense and the prosecution, all of the accused, the interpreter and the reporter resumed their seats.

President: The court will come to order.

(Boettger-Direct)

Q You say that the transport consisted of about eight thousand prisoners. Is that correct?

A The numbers are approximately correct. I never heard the exact number.

Q And where were you taking this transport?

A I went with the transport up to the camp in the woods near Wolfratshausen.

Q And is that as far as you got with this transport?

A How do you mean that?

Q Did you continue with the transport after you reached Wolfratshausen?

A No. Only up to Wolfratshausen.

Q How far is it from Dachau to Wolfratshausen?

A From Dachau to Wolfratshausen it is approximately thirty kilometers -- perhaps thirty-two.

Q And what was your function with this transport?

A I was assigned to the second or third section, and had eleven hundred German prisoners whom I had to leave.

Q They were only Germans?

A There were only Germans amongst them.

Q Who composed the first section? By that I mean, what was the nationality of the first section.

A I don't know that exactly -- whether Jews or Russians.

Q And how many other sections were there?

A They changed during the march. There was supposed to be fifteen groups leaving. However, since I left with the second or third groups, I don't know how many left. However, I believe it was only seven, if that many.

(Boettger-Direct)



Q Who was in charge of the guard detail?

A The battalion commander was in charge of the guard detail, and that was sturmführer <sup>hann</sup> Degelow.

Q In the statement that you gave the prosecution, you said that sturmführer <sup>hann</sup> Langleist was in command of the SS men present on this transport. Is that true or not?

A I said that, but it is not correct. I made a mistake insofar as that I knew both Degelow and Langleist were commandants on the guard block. However, I didn't know that Langleist had been transferred in the meantime. I told the interrogation officer that the battalion commandant was there as commandant of the troops, but I did not remember the name immediately. The interrogation officer mentioned the name Langleist and I said 'yes'. I only recognized my error when I saw Degelow. Then I had noticed that I made an error in the person -- that it had been Degelow, ~~not~~ Langleist.

Q Did you tell that to the interrogating officer at that time, or at any time?

A That was a few days later. I was called for, and had to confirm Langleist. I said that this was Langleist, and a little later, where I had to wait, I saw Degelow. Then I noticed that, and on the next day I told the officer who was on the defense, the Polish Captain, I believe, about my error.

(Boettger-Direct)

Now, the prosecution witness Wolf stated that on this transport from Dachau to Wolfratshausen you shot a Russian prisoner, on the 27th day of April, between Gauting and Starnberg. What do you have to say about that?

I never shot one -- not on the transport.

Did you ever shoot anyone anywhere else?

No, never -- I can swear to that at any time.

When did the actual march from the camp commence?

We were in the camp in the woods near Gauting.

I don't remember the exact time, but at seven o'clock we began <sup>to</sup> form the various groups. The first ones probably marched off between seven and eight.

Morning or night?

That was in the evening -- seven or eight.

How far is it between Gauting and Starnberg?

The distance is about five to six kilometers.

About one and one-half hours would be needed for a march such as we had.

As I recall, prosecution witness Wolf testified that he heard this shot in the morning. What do you have to say about that?

That cannot be correct, because in the morning, the first groups of the march were already in Wolfratshausen.

Where was the section that you had?

It was at the end. That is, on that day that I was no longer leading a section. I only went to see that everything was in order, and that nobody remained behind. At any rate, at ten o'clock there was no longer a single prisoner in the area from Gauting to Starnberg.

(Boettger-Direct)

Q Do you mean ten o'clock at night.

A Ten o'clock at night, yes.

Q Now, how about the people on the transport, who were not able to walk? What happened to them?

A There was some cars assigned for that by the police in Munich, to drive them. And they collected the people who could not -- who had bad feet, and went with them. Whether they drove them to camp, or where, I can't say. When the groups were formed in the evening, I had those with bad feet step out, and had them collected near the road; maybe about one hundred fifty of them. They were then driven off in cars so that those who could not walk had the opportunity to be driven, and didn't have to take part in the difficult march.

Q A witness for the prosecution testified that you gave the order to knock down the chair, or kick the chair, out from underneath the Russian who was being executed. What do you have to say about that?

A No. That is not true. I did not give such an order, and I could not, because the man who led the detail, Bongartz, always did that.

Q Doctor Blaha, in his statement said that you kicked the chair out while hanging inmates in the camp. What do you have to say about that?

A No. I never kicked away the chair. I couldn't because the procedure was something like this: Mahl usually put the noose around the prisoner's neck, and oberscharfuhrer Bongartz made the rope fast, and then kicked the chair over. Another

one could not do that, because one did not know when Bongartz would have finished tying the rope, and he would have had to give the sign, or order, to somebody else.

Q Boettger, did you ever receive food packages from the prisoner here, Filleboeck, or from the prisoners kitchen?

A No. I never received any.

Q Boetter, did you ever slap, or mistreat, any prisoners here at Dachau?

A Yes. I sometimes gave a few slaps in the face to some of the prisoners, but I never beat a prisoner or mistreated him.

Q As a result of any of these slaps, were any of them required to go to the hospital for medical attention thereafter?

A I never beat a prisoner so that he needed medical attention, or that he was wounded or was bleeding. No one ever went to a doctor.

Defense: That is all; you may take the witness.

#### CROSS EXAMINATION

Questions by the prosecution:

Q When did you join the "Death's Head Division" of the Waffen SS?

A June 1940.

Q Now, this group of prisoners that you say you took down to Wolfratshausen -- when you left Dachau, what was the next town that you came to when you left Dachau?

A That was Pasing

Q And, after you left Pasing, what was the next town?

(Boettger-Cross)

- A Those were small villages -- I believe,  
and Freiling.
- Q And when you left Freiling what was the next one  
you came to?
- A I don't have a map in my head, and I don't remem-  
ber the villages through which we went.
- Q Do you recall the number of the road you followed  
down to Wolfratshausen?
- A You mean the number on the highway chart?
- Q Yes.
- A We went from the camp to Pasing on a road which  
may have been of a classification Number Two.  
Then we went from Pasing to Krailling on a  
street that wasn't so big that I don't think it  
would be named on a highway chart. From Starkfurt  
on, we came to a big street that came to Wolfrats-  
hausen.
- Q You had an order not to leave any prisoners behind  
on the road, is that correct?
- A That is correct, but it was a little different.  
Prisoners who had bad feet had to be collected  
at the edge of the road. A guard from the sec-  
tion from which the prisoner was had to remain  
with the prisoner until the next section came.  
Then he had to give the prisoner over to the  
other guard until the prisoner <sup>was</sup> finally picked  
up and driven off.
- Q How many cars did they have operating out of  
Munich?

(Boettger-Cross)

A I don't know that. I only know there were more on the first day, and on the second day, from Gotting on, I don't believe it was more than two.

Q As a matter of fact, after that second day they didn't have any autos operating. Is that correct?

A No. That is not correct. The car that I saw on the second day was driving at least three or four times and picked up at least one hundred prisoners every time.

Q And where were these prisoners driven, Boettger?

A I don't know where they were driven, or what the collecting point was, or the destination where the next haul was supposed to be.

Q And when you got to Wolfratshausen, what time did you say it was?

A I, myself, came to Wolfratshausen between six and seven o'clock in the morning.

Q And how many of the prisoners died there at Wolfratshausen while you were there?

A I don't know how many were supposed to have died in the camp. Perhaps twenty or thirty, that were picked up by the community in Wolfratshausen.

Q How many died on the road to Wolfratshausen?

A I didn't see any dead people on the road. I only saw exhausted people, who then, in groups, marched after us.

Q What was your function in this execution, in which you say Bongartz kicked the stool out from under the prisoner being hanged?

(Boettger-Cross)

A I had to go there on order of the first schutzhaft-lagerfuhrer of the camp, because it was an official execution, and to see that the people fell out and stood there.

Q Do you know what this man was convicted of?

A Why? As far as I heard, because of sabotage. He was supposed to have connected a cable wrong on the machinery of an airplane, which was later found out by the control.

Q How many executions did you participate in while you were here in Dachau?

A I don't know the exact number.

Q What is your best judgment?

A It may have been a total of twenty -- perhaps a few more.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by the defense:

Q The prosecution asked you just now how many executions you participated in. What do you mean by participation?

A My participation consisted of that I had to lead the person from the Schurhouse to the crematorium as Rapport fuhrer.

Q And that work done by you, was done under orders, or was it not?

A That was an order by the camp commandant, which told who had to participate and what to do. The rapport fuhrer had to bring the accused there.

Defense. That is all.

(Boettger-Redirect)

RE-CROSS EXAMINATION

Questions by the prosecution:

- Q One further question. I forgot to ask you: This bridge that was south of Wolfratshausen -- between Wolfratshausen and Königsdorf -- when was that destroyed?
- A I don't know about that. It may have been on the day that we marched off, or it is possible that it was damaged in the air attack, when we were in the camp in the woods.
- Q And you knew, at the time that you led these people down<sup>to</sup> the crematorium, what their fate would be?
- A I knew that they would be shot or hanged.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

Defense: At this time the defense calls Michael Redwitz.

Michael Redwitz, one of the accused in this case, took the stand and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

- Q Will you state your full name?
- A Michael Redwitz.
- Q How old are you?
- A Forty-five years.
- Q And where is your home?
- A Dendenhofen community, Habertshausen, near Dachau.

(Boettger-Recross)  
(Redwitz-Direct)



Q Are you married?

A Yes. I have four children: a daughter of 14, and sons 9, 6, and 1½ years.

Q What has been your occupation?

A Professional soldier.

Q For how long have you been a soldier?

A Since the 25th of May 1918.

Q And were you ever formerly in the SS?

A No.

Q When did you first join the SS?

A On the 14th of December 1938 I came to the SS from the wehrmacht.

Q Where had you been prior to the time you transferred to the SS?

A The 42d Infantry Regiment.

Q When was the first time you came to Dachau?

A On the 20th of November 1942.

Q And how long did you stay in Dachau?

A Until the 9th of March 1944.

Q While you were here in Dachau, what was your job?

A I was first schutzhaftlagerführer.

Q Who was commandant of Dachau at the time you reported here as first schutzhaftlagerführer?

A Sturmbannführer Weiss.

Q And what were your duties as schutzhaftlagerführer?

A I had to care for the entire quiet, discipline, order, and cleanliness in the camp. Beside that, I was in charge of the counting — the rollcall in the morning and the evening, and I had to examine the formation as to its entire strength.

(Redwitz-Direct)

Q As schutzhaftlagerfuhrer was it your duty to perform the executions that were ordered in Dachau?

A According to the execution rules, I was at every execution at which I participated as a witness.

Q How about the punishment that took place in the camp? What did you have to do with that, as schutzhaftlagerfuhrer?

A If I, myself, was present, then I had to watch over the carrying out of the punishment, in the presence of the camp commandant.

Q For what purpose?

A I had to read the punishment to the prisoner, and I had to see to it that no irregularities occurred on the part of the prisoners carrying out the punishment.

Q What type of punishment was that, that you had to be sure that there were no irregularities?

A For example, when a prisoner got five beats with a stick, that he didn't get twenty, instead.

Q With regard to the people who were actually executed in the camp: Had they been prisoners here in Dachau, or not?

A No. Those were not prisoners of the camp, but prisoners sent here for execution by Gestapo offices on the outside.

Q Did you ever see Weiss attend any of these executions?

A I already told the interrogation officer at the time, that I cannot say with certainty, under oath, whether or not I saw Weiss, But I certainly

(Redwitz-Direct)

saw Weiter and Gehrig. Then the interrogation officer said "Well, for that reason, Weiss and Suttrop were there, also," and I said "I can't say that for certainty."

Q -During your time here as first schutzhaftlagerführer, was there a stadium built in Dachau?

A Yes. We constructed a sport place in the camp.

Q For whose benefit was this sports stadium built?

A It was made only for the prisoners.

Q And, during your time here, did you inaugurate, or was there inaugurated in the camp, moving-picture shows?

A The pictures which we received from the State Picture Office, in Munich, or in Vienna, were shown to the prisoners.

Q Were these films sent to the bycamps of Dachau, as well as to the prisoners here in Dachau?

A Yes. These pictures were also shown in Allach and Augsburg, Camp Praezifix and Wilfert.

Q In your statement to the prosecution you named Betz as also being present at executions. Are you sure of that?

A No. That is exactly as with Weiss and Suttrop.

Q Prosecution witness Doctor Blaha stated that you beat prisoners and inmates at Dachau. What have you to say about that?

A During my interrogation, Doctor Blaha was present once, and I asked him, in the presence of the priest. Hoffman, "Did you ever see me mistreat prisoners?" and he replied "no".

(Redwitz-Direct)

Q You say that Father Hoffman was present on that occasion?

A Yes.

Q Who was the interrogating officer?

A Lieutenant Guth.

Q Now, a witness for the prosecution, by the name of Breiding, has accused you of insulting priests.

What have you to say about that?

A That is not true.

Q Have you ever insulted any of the priests, Redwitz?

A No. I often had very interesting conversations with priests in the evening at roll-call.

Q In the statements here by some of the prisoners -- particularly with regard to Trenkle and Jarolin -- you have been accused of mistreating inmates, and permitting Trenkle and Jarolin to beat them. Will you explain that to the court?

A If Jarolin or Trenkle were present at the carrying out of a punishment, they were there only in a supervisory capacity.

Q Were they ordered to be there, or not?

A Yes. The camp commandant, also, was present all the time.

Q These were what is known as official beatings. Is that right?

A Yes. The carrying out of the punishment was instigated by the official Group D, of the Main Office Economic Administration.

Q You came in contact with some American paratroopers, did you not?

A Yes.

(Redwitz-Direct)

Q Will you tell the court what was the situation, or the connection, you had with these American paratroopers?

A On the 9th of March 1944 I was transferred to the work camp Hartmersleben. On the 7th of July there was an air patrol over Hartmersleben, Oechersleben, and Aschersleben. There thirty American murder planes were shot down. The sky was full of parachutes. I took my truck, with the driver, and we drove over the entire area.

Defense: I would like to have a retranslation, with reference to the type of planes they were. Ask the witness what type of planes these were.

Interpreter: He says they were four-motor bombers -- thirty of them. I am sorry. I thought he said "murder" planes.

Prosecution: I would like to interpose an objection at this time. I fail to see the relevancy of this testimony, and object to it as irrelevant and immaterial to the issues presented in this case.

Defense: I think the testimony is quite relevant, for the purpose of showing to the court the general type and attitude of this man, not only to prisoners here in Dachau, but, generally, his attitude toward all who came under his control.

Prosecution: That is not done by specific instances, as I recall. I object.

(Redwitz-Direct)

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President: The objection is overruled. The witness will answer the question.

Q Continue.

A I took the two and a half ton truck, which was at my disposal, and with the driver, I went through the entire region. Because I held the position that they were prisoners of war, and as a German officer I had to give them the necessary protection, in order to remove them from the will of the people, the population, I put them on my truck, and brought them back to my camp. Some of them had severe burns. They were treated by my prisoner physician and by my medic, who was also a prisoner, because I had no one else at my disposal. I put all the bandages which I had at their disposal in order to tie up the wounds of the American soldiers. There were exactly twenty-seven, with several officers among them. There was also a German-American, Naumann by name, who happened to be from Hartmerslaben, whose parents emigrated from Hartmerslaben in 1921. I had to call a reinforcement of the guard because the population, which was beginning to congregate in front of the camp, began to threaten to take the prisoners away from us. Towards evening, it was about seven o'clock, they were picked up with a car, by a Lieutenant of the Air Corps. As witness to this, I can name a sergeant of the Luftwaffe, by the name of Moser.

(Redwitz-Direct)

Q Now, Redwitz, did you attempt, while you were on your tour of duty here in Dachau, to obtain front line duty?

A Yes. Three times.

Q And were you successful in getting transferred to front line, or combat, duty?

A Yes On the 9th of August 1944, I came to the Armored Artillery Regiment Number 1, as chief of the Battery

Q Where were you located at that time with that Battery?

A We were on the western front on the Christmas offensive in 1944.

Q Were you wounded after you became a prisoner? Yes, on the 5th of May, I had a puncture of the lung.

Q With what?

A The bayonet of an American sergeant.

Q Did you have to go to the hospital as a result of that?

A Yes. I was in the hospital in Laveling until the 13th of July, and I was dismissed, or, at least, taken out, by the CIC as not completely cured.

Defense: You may take the witness.

#### CROSS EXAMINATION

Questions by the prosecution:

Q What unit were you serving with at Christmas-time?

A Artillery -- Armored Artillery Regiment of the Leibstandarte

Q Is it not a fact that when obersturmbannfuhrer Weiss took part in an execution, he also directed it?

A Weiss was not at an execution.

(Redwitz-Cross)

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Q Just answer my question. Is it not a fact that when Weiss took part in an execution, he directed it?

A If he had taken part, he would not have direct<sup>ed</sup>/it, because the legal officer was the one in charge of executions.

Q Isn't it a fact, Redwitz, that on the 4th day of November, you made a sworn statement to Lieutenant Guth, in which you stated "When obersturmbannführer Weiss took part in the execution he also directed it"? And, before you answer that question, I hand you Prosecution Exhibit Number 95, and ask you to examine it before you make answer to the preceding question.

A This accusation I did not make. It was dictated by the interrogating officer to the other man -- I don't know his name.

Q All I want to know is whether or not you made that statement?

Defense: I object to counsel's interfering with the witness answering the previous question, by another question.

Prosecution: May it please the court, I think that this court has already ruled that I am entitled to get an answer to the question I propound. I asked him whether or not he made that statement at a certain time, in a certain place. The answer is obviously whether he did, or did not. That is all I ask. He is now going into a long explanation, if you wish to call it that. If there is one, I think it can be properly produced by the defense.

(Redwitz-Cross)



Defense: If I recall the ruling of the court, it was to the effect that the witness has the right to answer questions according to his own opinion as to what the truth is.

President: That is the opinion of the court, but it has been grossly violated, as a matter of habit, by the bulk of the witnesses presented by your side. They ramble and answer to a length that I think is certainly taking advantage of the court. The bulk of the questions can be answered shortly, concisely, briefly, and I ask that the witnesses on both sides be so advised, by both of you, before they take the stand. Continue.

Q Redwitz, I ask you this question: Is it not a fact that on the 4th day of November 1945, you made a sworn statement to Lieutenant Guth, in which you stated "When obersturmbannfuhrer Weiss took part in an execution, he also directed it"?

A What stands in here was dictated.

Q I again ask you whether or not you made that statement, Redwitz? May it please the court, I ask that the witness be directed to answer whether he did or not.

Defense: The defense witness stands in an entirely different status than the average witness. This man is having his day in court, in defense of his life, and is not just the average run-of-the-mill witness. I submit that he has a perfect right to make any kind of qualifying answer to the questions of the prosecution.

(Redwitz-Cross)

Prosecution: Every man here is on trial for his life. Everyman over there can be punished by death by hanging, if the court sees fit. I submit that the question can be answered 'yes' or 'no'. Explanation may be made at any time his counsel sees fit to have such explanation made. That is the sole purpose of redirect examination. It has been so from the very beginning of our system, in American and Anglo-Saxon courts. The whole function of redirect examination is to give the man who puts the witness on the stand, the opportunity to explain away, or qualify, any answer made on cross examination. It doesn't make any difference if he is on trial for a capital offense, or a misdemeanor. The ruling is the same, regardless of the offense with which he is charged.

Defense: May it please the court, we would like mightly well to assist counsel out of any difficulties, but that is beside the point. I don't think the court should in any way curtail the right of this defendant to have his say in court.

Prosecution: There is no question of curtailing his say in court. He has opportunity to have his say at the proper time, but when a question is propounded that can be answered 'yes' or 'no', he is required to make answer either one way or another. His say in court is still protected at the proper time.

President: The witness is advised that he is to do his best to answer these questions in the shortest and most responsive way possible, and that his evasion of this, his failure to do so, will be  
(Redwitz-Cross)

taken into consideration by the court. Repeat the question, and proceed.

Q Is it not a fact that on the 4th day of November 1945 you made this statement to Lieutenant Guth, under oath, "When Obersturmbannfuhrer Weiss took <sup>an</sup> part in execution, he also directed it. "

A What stands here was dictated.

Q Now, I didn't ask what was dictated. Do you understand that?

A I had to sign this.

Q Do you understand me when I ask you whether or not -- I ask you whether you dictated this or if I ask you if you made that statement? Do you understand that?

A I didn't dictate it. Lieutenant Guth dictated.

Q Then you do understand the difference between your making a statement, and a statement being dictated. Is that correct?

A No. This entire writing was dictated by Lieutenant Guth.

Q I'll ask you this: Is it not a fact that when Weiss did not direct the execution, you, or your representative, directed the execution?

A No. The legal officer.

Q I ask you this: Isn't it a fact that on the 4th day of November 1945 you made this statement under oath to Lieutenant Guth: "When he (referring to Weiss) was not present, Sturmbannfuhrer Gerhrig. or sometimes I, or Sturmfuhrer Suttrop or Lippmann, or I and Untersturmfuhrer Jarolin, directed the execution"?

A That was dictated by Lieutenant Guth. I told them particularly several times that I was there only as a witness.

(Redwitz-Cross)

Q Did you, or did you not, make that statement to Lieutenant Guth?

A As it stands here, it was dictated by Lieutenant Guth. I told him I was there as a witness.

Q I didn't ask you that. I ask you whether or not you did or did not make that statement?

A That I took part in the execution; that I was there; that Gehrig was there, and that Weiter was there -- I said that. But as far as directing it, I said, particularly, that the legal officer carried out the whole thing.

Q How old are you, Redwitz?

A Forty-five.

Q Can you read and write?

A Yes.

Q Do you know the meaning of an oath?

A I would like to mention here under what conditions I had to sign.

Q Just answer my question. Do you, or do you not, know the meaning of an oath?

A Yes.

Q Now, I ask you this question: With respect to Prosecution Exhibit 95, on the last page of that document, whose signature is signed there?

A That was my signature that was dictated to me. I had to sign that.

Q Your signature was dictated to you. Is that correct?

A I had to sign my name.

Q Who held your hand while you signed your name?

A I did.

(Redwitz-Cross)

- Q Nobody else moved your hand to make that signature?
- A No.
- Q In whose handwriting is the line there that appears just above your signature?
- A I wrote that.
- Q You wrote that?
- A Yes.
- Q And before you signed, and before you put that line there in your own writing above your signature, did you read that document over?
- A Yes.
- Q Did you make any corrections in it?
- A I could only make a few corrections.
- Q Did you make any corrections in it?
- A Yes.
- Q And in whose handwriting are those?
- A I made them. I didn't make other parts.
- Q And you made corrections after you read it. Is that correct?
- A But I made objections which were not changed.
- Q I ask you this: Will you read to the court the line that appears directly above your signature, in your own handwriting?
- A "I swear before God that it is the entire truth." That was dictated to me and I wrote it down.
- Q Did anybody threaten to beat you there, while you were making the statement before Lieutenant Guth?
- A Yes.

(Redwitz-Cross)

- Q Who was it?
- A Lieutenant Guth.
- Q What did he threaten to beat you with?
- A Once he had an ashtray in his hand.
- Q Who else was present on that occasion?
- A I don't know.
- Q Someone else was there, was there not?
- A It is possible that somebody was there.
- Q Were you ever struck by Lieutenant Guth?
- A No. But he threatened me.
- Q And did you tell Lieutenant Guth that you didn't want to sign that statement on that occasion?
- A On that basis of these threats, and because I was insulted several times, — I was called a dirty nose several times, as a German Officer — on the basis of that, and the basis of the mistreatments through which I had gone previously, after my arrest, I signed that which was dictated to me.
- Q You do recall that there was someone else present at the time that this interrogation took place?
- A I think once the priest, Hoffman, was there. Whether somebody was there at that time, I don't know.
- Q And you are how old?
- A Forty-five.
- Q How many executions did you participate in while you were in Dachau?
- A It may have been about forty. Whether I took part in all the executions which happened here, I cannot say.

(Redwitz-Cross)

Q And you were schutzhaftlagerführer at that time that these executions took place. Is that true?

A Yes.

Prosecution: No further questions.

Defense: No further questions.

EXAMINATION BY THE COURT

Questions by member of the court:

Q While you were here at camp, could prisoners come into this area, where we are now, without being under guard?

A No. There was an order that nobody must leave the camp without a guard.

Q That means this area that we are in now -- that a guard must be with prisoners?

A No. Nobody could come out here.

Q Then how could the prisoners use this sports place?

A The sports place was inside the camp.

Q It is the direction in which I am pointing -- about five hundred yards, isn't it?

A That was the sports place for the troops.

Q Where was the sports place for the prisoners?

A Inside the camp, where there are four or six new barracks, now.

There being no further questions, the witness was excused and withdrew to his proper place in the courtroom.

Defense: The defense calls, as its next witness, Mr. Ernest Spora. This man is Polish and I don't believe that he understands German.

President: Is there a Polish interpreter present?

(Redwitz-Cross)

Prosecution: I don't know of any. I was never informed that one would be required.

President: Who was it that sworn as interpreter once before?

Prosecution: There was a girl who was sworn in, previously.

President: Is there any place that you can get a Polish interpreter?

Prosecution: We will look, but I was not informed that there would be the need for one. We do not have one at the present time.

President: Do you know where you can get one?

Prosecution: We can call the JA Section and get the same Lieutenant, who appeared before, to interpret.

Defense: This Captain John -- the last name, I can't pronounce -- I think that he speaks English sufficiently well to interpret. He has been working with the defense; that is why I hesitated to suggest him.

President: Can you interpret for the court?

Captain John Szepytsky: Yes.

Prosecution: We have no objection. He has been working with the defense, but we have no objection to his acting as interpreter -- no objection at all.

President: The court has appointed Captain Szepytsky as interpreter. He will be sworn.

Captain John Szepytsky was then sworn as interpreter for the court.

Mr. Ernest Spora, a witness for the defense, was sworn and testified, through the interpreter, as follows:

(Spora-Direct)



DIRECT EXAMINATION

Questions by the defense:

Q Will you state your name?

A Spora, Ernest.

Q Where is your home?

A Hebertzhausen.

Q And where is Hebertzhausen?

A Six kilometers from Dachau.

Q What is your nationality?

A Polish.

Q Were you ever in Dachau in 1942?

A Yes.

Q Under what circumstances were you here in Dachau?

A As a prisoner.

Q How long were you a prisoner here in Dachau?

A I was arrested in 1940. I came here in September 1942, and left in April 1945.

Q Where were you working while you were here in Dachau?

A First the work was in the slaughterhouse.

Q How long were you in the slaughterhouse?

A From 1943 to 1944, March.

Q Do you know the accused Michael Redwitz?

A Yes.

Q How did you come to know Redwitz?

A I met him on an occasion in January 1944.

Q What was the occasion of your meeting him in January 1944?

A I was coming to the camp with two of my friends. Ruppert was making a revision. He found sausage and bacon, which we carried to the camp.

(Spora-Direct)

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Q And what happened, as a result of this bacon and food being found on you by Redwitz, or somebody else?

A Later, when Redwitz took the sausage and bacon from us, we had to stand on bended knees before the place.

Q What was the condition of the weather at that time?

A It was cold -- there was frost.

Q That evening did you see Redwitz?

A About twenty minutes later Redwitz came and asked us, why are we standing here on bended knees?

Q Did you tell him why you were standing there on bended knees?

A Yes. I told him: "Schutzhaftlagerfuhrer, I am going to the hospital to see the dentist. I have a friend there. I am carrying sausage and bacon."

Q What happened?

A After about twenty minutes Redwitz came back. He brought us a package with sausage and bacon and said: "You're on a good detail. You've got many friends in the hospital, I know. Try never to do it again."

Q In August of 1944 what kind of work were you doing?

A I was working with two other Poles in this house. After leaving to the detail, I was brought to the hospital, but I had a friend -- a capo -- who, because a transport was leaving at this time, I was afraid of this transport, and he gave me this detail.

(Spora-Direct)

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Q Did you ever make repairs on the house of Redwitz?

A Yes. Me and two Poles: Krovalsky, and the other I don't remember his name.

Q While you were making these repairs on Redwitz' house, will you describe to the court what kind of treatment you received, with relation to extra rations, and so on?

A When we worked there we were never -- we never had many food with us. We brought a small recipient, with soup from the camp. We used to receive, from his wife, coffee or soup, and <sup>when</sup> we are coming back to the camp we received a piece of bread.

Prosecution: We object to that translation. Would you ask the witness to please repeat his answer, and then translate it again?

The witness repeated his answer, translated as follows:

A We were coming to work, bringing a small recipient of soup from the camp. We used to receive, from his wife, potato soup, and, going back to the camp, a bit of bread.

Defense: That is all -- you may take the witness.

#### CROSS EXAMINATION

Questions by the prosecution:

Q You stated to the court that you were required by Ruppert to stand on your knees. Is that correct?

A On bended knees.

Q On bended knees. Do you mean by that that the point of your knees were on the ground?

A No. So (showing).

(Spora-Cross)

Q Now, did I understand you to say that the weather was cold when this took place?

A It was cold. It was January. It was frost.

Q January of what year?

A In 1944.

Q When you were working at Redwitz' house, did you see Redwitz there?

A Maybe he was two or three times over there.

Prosecution: No further questions.

Defense: No further questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

The court then, at 1150 hours, 3 December 1945, took a recess until 1315 hours, 3 December 1945, at which hour all the members of the court, the personnel of the prosecution and the defense, and the accused, the interpreter and the reporter resumed their seats.

The court then took a recess until 1:15 o'clock a.m. at which hour the members of the court, the prosecution and defense, the accused, reporter and interpreter resumed their seats.

Defense: The defense calls as its next witness Franz Geiger.

Franz Geiger, a witness for the defense, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q What is your name?

A Franz Geiger.

Q How old are you?

A 40 years.

Q What is your residence?

A Kirchhausen, in the district of Aibling.

Q What is your vocation?

A Catholic priest.

Q How long have you been a catholic priest?

A Since 1931.

Q Were you ever a prisoner at Dachau?

A Yes.

Q When did you come to Dachau as a prisoner?

A 12 December 1941.

Q For what reason were you made a prisoner?

A Because of a sermon and services.

Q How long were you at Dachau as a prisoner?

A Until 26 April 1945.

Q During your stay at Dachau did you have occasion to know the defendent Boettger?

(Geiger-direct)

A Yes.

Q Will you describe to the court the relation you had with Boettger?

A Boettger called me into the package detail in the middle of January 1943.

Q And for what purpose were you called into that detail?

A At that time only German priests were used for that.

Q Who was in charge of that detail?

A In the camp it was Boettger in charge of the package detail.

Q How long did you work in that detail?

A I worked 14 months in that detail.

Q How long did you work under Boettger's supervision?

A I believe until the 1st of December 1943 when he was made Rapport leader.

Q During that period did you have occasion to observe the attitude Boettger took towards the prisoners and the treatment of the prisoners by Boettger?

A Yes.

Q Describe to the court the treatment of the prisoners by Boettger.

A As long as Boettger was in charge of the package detail he treated the prisoners well.

Q Will you tell the court the name by which Boettger was known among the prisoners at that time?

(Geiger-direct)

A Boettger was known in the entire camp at that time as "mail uncle".

Q After became report leader did you have any further relations with him?

A Only small personal matters.

Q I ask you whether or not you had an opportunity to see Boettger on the transport of April 26 1945?

A Yes.

Q And will you tell the court under what circumstances you saw Boettger at that time?

A I saw him at various times drive up and down on a bicycle on the way to the forest in Wolfrathshausen and then on the noon on the Sunday of the 29th of April I talked with him at the beginning of the forest in Wolfrathshausen. He asked me, "Geiger, are you still here?", I said "Yes, but I don't like it, and then he said to me "Did <sup>any</sup>clergymen get away", I told him that that wasn't any of my business, and he said "It doesn't matter to me, you might as well tell me", and then I said that I would like to leave myself. Thereupon he said, "Well, I'm not holding you", and he further said, "You could have gone already". I told him that it was dangerous because of the dogs and he answered "That's not so bad"; that was about the main thing.

Q Were you not in prison at Dachau during the command of Weiss?

A Yes.

(Geiger-direct)

Q Describe to the court your observations of the administration of Commandant Weiss at Dachau?

A I believe that the general impression in the camp was that Weiss was a certain relief. At any rate he took care of the camp and stopped certain misuses. I couldn't tell you about anything specific.

Q Will you tell the court your opinion of the death rate under Weiss in comparison with the death rate of other commander in the camp?

A You have to consider that under Weiss, it was in November 1942, packages started arriving in the camp. Through that, the death rate was minimized considerably and I never heard about any mistreatments on the part of Weiss.

Q What was Weiss' attitude towards convalescents, Father?

A I believe that he wanted that mostly so that the people could work again.

Q What was his attitude, though, Father?

A So far as I know he took care of it that the people would be taken into the hospital.

Q Do you know of any specific instances when Weiss showed his attitude towards the sick or convalescents?

A I remember one case before Christmas 1942. He visited block 26, in room number 4 there was a clergyman by the name of Laush who looked very  
(Geiger-direct)



badly. Weiss asked about his health and then ordered that he would be sent to the hospital immediately.

Q Father, is there anything else relative to the defendant Weiss and Boettger that you want to tell the court?

A No.

Q When did you first see me, Father?

A I believe Saturday.

Q When did you first talk to me Father?

A Last night after 6:30.

Q And where was that?

A In an interrogation room.

Q While you were in there were you asked to speak an untruth in this court?

A If I want to say that?

Q While you were in that room were you asked to speak an untruth in this room?

A There was talk about it.

Q Talk about what? While you were in that room were you asked to tell a lie?

A No.

Defense: That is all.

#### CROSS EXAMINATION

Questions by prosecution:

Q Father, you stated that so long as Boettger was in charge of the package detail he treated the prisoners well, is that correct?

A Yes, as far as I know.

(Geiger-direct, cross)

Q And after assumed another detail what was his treatment of the prisoners?

A I only heard about that.

Q And what was it you heard, Father?

A That he had changed, in view of what he was before.

Q And how had he changed, Father?

A That he did not treat the prisoners well any more.

Q And what did you hear that he did to the prisoners, Father?

A That he beat them.

Q And what else did he do to them?

A I don't know.

Q What is your nationality, Father?

A German.

Q Father, while you were out on this transport that you testified about, how many times did you see Boettger?

A At least four or five times.

Q And how long were you out on the transport?

A On 26 April in the evening about 9:30 I left from the shoe house here and I fled to about two kilometers from Bad Tolz on 1 May about 2:00 o'clock in the morning.

Q Between the 26th of April and the 1st of May you only saw Boettger four or five times is that correct?

A Until the 29th of April because I didn't see Boettger after that at all.

(Geiger-cross)

Prosecution: Nothing further.

There being no further questions, the witness was excused and withdrew.

Defense: The defense calls as its next witness, Josef Jarolin.

Josef Jarolin, one of the accused, took the stand and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q State your full name?

A Josef Jarolin.

Q Where is your home?

A In Munich.

Q How old are you?

A 42 years.

Q Are you married?

A Yes.

Q Have you any children?

A No.

Q What has been your profession?

A Professional soldier.

Q And how long have you been a soldier?

A Since 1923.

Q What branch of the service did you join in 1923?

A Into the county, or state, police.

Q When did you join the SS?

A 1 March 1935.

Q Why did you join the SS?

(Jarolin-direct)

A Because I was unemployed and I wanted to continue my profession as a soldier.

Q After you joined the SS in March 1935 where did you go?

A I came to Berlin to a guard for one year, from there I was transferred to the Concentration Camp of Sachsenhausen where I was detailed as block leader and detail leader.

Q When did you first come to Dachau?

A I came to Dachau on 1 September 1938.

Q How long did you remain in Dachau?

A I remained in Dachau until 1 March 1943.

Q Now, when you left Dachau on 1 March 1943 where did you go?

A I was sent to Allach as camp leader.

Q In the statement that you gave to the prosecution which you signed apparently on or about the 30th of October you spoke of some 1500 or 1700 men being shot on the rifle range. Tell the court when that occurred?

A That was from the end of July until December 1941. I took part from July until September.

Q What part did you take in the shooting of these 1500 to 1700 men?

A I stood in front of the firing squad and gave the orders.

Q Had you prior to coming to Dachau requested a discharge from the service?

A Yes, in the Oranienburg I requested twice to be released.

(Jarolin-direct)

Q Why did you wish to be released?

A I did not enjoy doing duty in a concentration camp.

Q What rank did you finally attain in the SS?

A In the end I was obersturmfuhrer of the reserves.

Q While you were here did you at any time apply for duty with a combat unit?

A Under each camp commandant, especially under Piskowski in 1940, when the skull division was organized.

Q Was all your duty performed here at Concentration Camp Dachau?

A Yes.

Q Where did you say you went to after 1 March 1943?

A After the 1st of March 1943 I went to Allach as camp leader.

Q While you were at Allach what kind of work were you compelled to do?

A I was in charge of the entire camp in Allach, I had to care about everything.

Q Were you specifically charged with the supervision of the punishments that was were given to the prisoners at Allach?

A Yes.

Q While you were here in Dachau were you compelled to give out punishment , such as beatings?

A Yes, I was in 1940 as Report leader, in 1941 as interrogation leader, and 1942 as schutzhaft-lagerfuhrer.

Q Which schutzhaftlagerfuhrer were you?

A Third schutzhaftlagerfuhrer.

(Jarolin-direct)

- Q And who was the first?
- A In 1942, Hoffmann, and then Redwitz.
- Q And who was the second schutzhaftlagerfuhrer?
- A That position remained open for the first few months until Sturmfuhrer Lippmann arrived.
- Q During March 42 and 1943 were you compelled to give out the punishment yourself as an SS man?
- A Yes, in 1941 as Rapport leader.
- Q And when you were compelled to give out these beatings yourself was it under orders or did you do it yourself of your own volition?
- A I received orders.
- Q Do you remember when the tying of the prisoner to the pole was discontinued in Dachau?
- A That was stopped at the end of 1941 because of an order from Berlin.
- Q Did you know a Doctor Rascher?
- A Yes.
- Q What was his duties here in Dachau?
- A He had the experimental station of the air corps.
- Q Did you ever receive any requests or orders from Rascher to furnish him with men for his experiments?
- A I know of two cases when I received the order from Obersturmfuhrer Zill to send professional criminals to Doctor Rascher.
- Q During what year was it that this order from Zill was received by you?

(Jarolin-direct)

- A That was immediately after Rascher came to Dachau in April 1941.
- Q And if in your statement which you furnished the prosecution, if you stated that it was in April 1942, is that correct or incorrect?
- A That is not correct.
- Q During your tour of duty here which commenced in September 1938 when was the first time you saw Weiss here?
- A I remember it was August or September of 1942, or that's not correct, I saw him in 1940 as adjutant.
- Q Did you receive orders from Weiss to carry out official beatings.
- A Only on the basis of punishment orders.
- Q Prosecution's witness Wolf stated that in the end of 1942 you hit and kicked with your fists and feet and threatened them with your pistol, what do you have to say to that?
- A In my time as ~~schutzhaft~~lagerfuhrer at Dachau, I occasionally beat prisoners with my hand and kicked them with my feet. I never could threaten them with my pistol or I would have to appear before a court the next day. It is very strange that a witness would say that about me who only knew me two and a half months in Dachau.
- Q Father Hoffmann stated that you beat prisoners on the parade ground and on block 30, particularly clergymen, what have you got to say about that?

(Jarolin-direct)

A That is not correct, I did not beat clergymen. If I have kicked a clergyman then I didn't know he was a clergyman.

Q Father Stvarak testified that you had beat him once on the plantation, just what have you got to say about that?

A When I was confronted with the witness during interrogation he said that I had beat him one time and that was on the plantation and I was very surprised when the witness said here in court that I had beaten him here on the camp road.

Q Did you ever beat Father Stvarak?

A No.

Q Prosecution's witness Wolfgang Furher stated that on September 1942 you beat a 68 year old Czech Jew, what<sup>have</sup>/you got to say about that?

A That can't be so, in 1942 there were no more Jews in Dachau. The last Jews were taken to Auschwitz in December 1941. Anyhow, the camp physician would have never allowed punishment of someone who was 68 years old and furthermore in 1942 the prisoners themselves did the beating and I could not have done it - that would have made me look ridiculous.

Q Prosecution's witness Marchelle Rausch stated that you were present at executions at the crematorium, what do you have to say to that?

(Jarolin-direct)



A As long as I was in Dachau the crematorium was under construction and there were no executions that took place there.

Defense: You may take the witness.

#### CROSS EXAMINATION

Questions by prosecution:

Q When was the crematorium constructed, Jarolin?

A The new crematorium was built in 1941 and 1942.

Q And when was the old crematorium constructed?

A That was there before.

Q In other words there was a crematorium there during the whole time you were here is that not so?

A Yes, the old one.

Q When you were out at Allach you had prisoners there under you that were old men and young men did you not?

A Yes.

Q And men received punishment there at Allach under your supervision did they not?

A Yes, as long as the punishment orders came from Dachau.

Q And there were no doctors at Allach was there?

A A prisoner doctor.

Q And these old men were beaten out at Allach under your supervision were they not?

A Not old men, men who were mostly up to 45 I had.

Q And these men were beaten by you were they not?

(Jarolin-direct, cross)

A Not by me.

Q Under your supervision?

A Yes.

Q What position did you hold here in camp at the time you gave the command to the firing squad at the execution of about 1500 to 1700 prisoners?

A I was report fuhrer and interrogation leader.

Q And you were also report leader and interrogation leader in July, August and September of 1942 were you not?

A No, I was then third schutzhaftlagerführer.

Q And as schutzhaftlagerfuhrer you were charged with carrying out the orders of the execution were you not?

A In 1942 I was not present at any executions, there weren't any.

Q Is it not a fact, Jarolin, that during the months of July, August and September of 1942 that between 1500 and 1700 men were shot here at Dachau?

A No, that was in July, August and September of 1941.

Q And you tell the court at this time that no such executions took place in July, August, and September of 1942, is that correct?

A It did not take place.

Q Now, is it not a fact, Jarolin, that Doctor Rascher was not here in April of 1941?

A Yes, he arrived here in April of 1941 in his car.

(Jarolin-cross)

- Q It is a fact, is it not, Jarolin, that you did make the statement to Lieutenant Szanger on or about the last of October of this year that in the month of April 1942 the experimental station for the air corps was located in block 17?
- A No, in 1941 this experimental station was put up. This statement was dictated to me and I had an error in the dates and I heard for the first time here in court.
- Q Now, as interrogation officer, Jarolin, is it not a fact that you used to beat these prisoners over at the bath house?
- A Yes, upon order of Commandant Pierkowski.
- Q And the bath house was the place where these interrogations were held?
- A Yes.
- Q And during that time you beat approximately 150 prisoners did you not?
- A Yes, there were that many, almost all professional criminals.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by defense:

- Q Referring to the date of the construction of Doctor Rascher's experimental station you say now that that was in April of 1941, did anybody tell you to testify that that statement was dictated?

(Jarolin-cross,redirect)

A No.

Defense: I have nothing further.

There being no further questions, the witness was excused and resumed his seat in the prisoners' dock.

Defense: Defense calls as its next witness, Franz Trenkle.

Franz Trenkle, one of the accused, took the stand and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q What is your full name?

A Franz Xaver Trenkle.

Q What is your home address?

A Abertshausen, near Dachau. Wermmuelnummer 3.

Q Are you married?

A I am a widower.

Q How many children have you?

A Four.

Q When did you join the SS and under what circumstances?

A I was unemployed for four years and entered the SS for that reason in 1932 in order to get bread for my children.

Q When did you first come to Dachau?

A 1933.

Q Were you here at Dachau on 1 January 1942?

A No.

(Jarolin-direct).  
(Trenkle-direct)

Q After that date, when did you come to Dachau?

A In June 1943.

Q After June 1943 how long did you stay at Dachau or any of the by-camps?

A I stayed in Dachau from June until November.

Q Then where did you go?

A Then I had a motorcycle accident and was sent to the hospital until March 1944.

Q And then?

A Then I was transferred to BergenBelsen.

Q Did you return to Dachau after that?

A I returned to Dachau on 6 January 1945.

Q Where did you go then?

A Subsequently I was sent to the outside detail, Lauingen, near Dillingen.

Q After that?

A Then at the beginning of April I was sent to the outside detail in Munich Riem.

Q How long were you there?

A Until the end, it was either the 27th or the 29th of April.

Q The witness Wolf testified that you beat him in 1944, is there anything you wish to state regarding that?

A That is impossible because I wasn't here in 1944.

Q Wolf stated that he witnessed a public beating in which you took part, do you wish to say anything as to that?

(Trenkle-direct)

A Then it must have been earlier in 1943 when I took part in punishment by beatings by order of the schutzhaftlagerfuhrer.

Q Do you wish to say anything else about that?

A If there were beatings I could not have done the beating myself because I read the punishment orders.

Q Father Stvarik stated that one man was visited by you and kicked by you, do you wish to say anything about that?

A When was that?

Q I don't know when it was.

A I can't remember this case.

Q Colonel Kveton stated that he saw you hit prisoners with your hands and kick them with your feet in 1943 and 1944, do you wish to say anything about that?

A That is again impossible because at that time I was in the hospital, I had broken my arm and my skull was fractured.

Q The defendant Mahl in his statement to the prosecution stated that you were present at executions at the crematorium, do you wish to state anything about that?

A I never knew Mahl until I saw him here and I merely had to take people to the crematorium, I never took part in the execution.

(Trenkle-direct)

Q Lausterer stated that he saw you and Boettger strike prisoners as they marched to work just for sport in January of 1945.

A I was then in the outside detail of Lainingen.

Q In your statement to the prosecution dated 29 October 1945 you gave certain details regarding shooting that took place in Munich, do you wish to further clarify that?

A Yes.

Q State what you wish to state to the court on that.

A I received a written order by the gestapo through the defense minister Gauleiter Giessler and Kreisleiter Schultze to carry out these shootings immediately?

Q Is that all?

A At that time there was a law decreed by the leader himself that people who plundered after air attacks were to be shot immediately. At first I only received an oral order through my deputy which I refused and then drove to Schultzes myself who cussed me out because of that and threatened me to have me shot. But he then told me that he would give the written order if I wanted to refuse then, and I answered him that in that case I could not refuse.

Q Also in your statement to the prosecution you described the procedure at executions stating that they were directed by Weiss or Suttrop with Redwitz, did you sign that statement?

A Yes, I said that and signed it but because of the interrogation being so short I didn't have time to think and when I did get time to think, it was already written down.

Q You did sign that statement?

(Trankle-direct)

A Yes, because at that time I wasn't quite clear but today I know for sure who was present in their place, that was Obersturmführer Jung and Untersturmführer Prema.

Defense: No further questions.

#### CROSS EXAMINATION

Questions by prosecution:

Q Trenkle, I hand you a document marked as prosecution's exhibit number 92 and ask you to examine it and state what it is?

A That is the statement after interrogation which I signed at that time.

Q You say that the interrogation lasted such a short time that you didn't have a chance to read it over, is that correct?

A Yes, it was too short not to read through it because I did but too short to really think.

Q But you did read it over and you made several corrections didn't you?

A Yes, certainly I did that.

Q But it was actually too short to think back about the persons who were there, is that correct?

A Yes.

Q I ask you as a matter of fact whether or not you didn't on page 2, in your own handwriting add the names of Suttrop and Lippmann?

A Yes, but Weiss was never present - it was really too short for me to think back .

(Trenkle-direct, cross)



Q You did think back to remember that Lippmann and Suttrop were both there, is that not correct?

A That is correct.

Prosecution: No further questions.

There being no further questions, the witness was excused and withdrew from the stand, taking his place in the defendant's dock.

Defense: Defense calls as its next witness Miss Trenkle.

Miss Santa Trenkle, a witness for the defense, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q State your full name, please.

A Santa Trenkle.

Q What is your address, Miss Trenkle?

A Abertshausen, near Dachau, Wuermsuehl number 3.

Q How old are you?

A 19.

Q Is the defendant, Franz Trenkle, any relation to you?

A He is my father.

Q During the years that your father was at Dachau did you ever have occasion to see prisoners at your home?

A Yes.

Q Did you see your father with these prisoners?

A Often, yes.

Q Tell the court what treatment you saw with respect to your father and these prisoners?

A I never saw him mistreat anyone, or kick them.

(Miss Trenkle-direct)

Q Did you ever see him do anything for them?

A Yes.

Q Describe to the court everything you saw.

A For instance, he gave them something to eat.

Q Anything else?

A No, I don't know.

Defense: No further questions.

Prosecution: No questions.

There being no further questions, the witness was excused and withdrew.

Defense: The defense calls as its next witness Fritz Degelow.

Fritz Degelow, one of the accused, took the stand and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q What is your name?

A Fritz Degelow.

Q How old are you?

A 54 years old.

Q Where do you live?

A Wallenshausen, Thuringia school way number 1.

Q What was your occupation?

A Public accountant.

Q Were you ever a member of the SS?

A Yes.

Q When did you join?

A On 1 October 1933 I entered the Allgemeine SS.

Q Did you ever serve at Dachau?

A I was transferred to Dachau on 23 June 1944.

Q What were your duties at Dachau?

A I was battalion commander of the guard company.

Q Did any prisoner serve under you?

A No, I was not in charge of any prisoners.

Q Did you have anything to do with prisoners while you were here?

A No, I did nothing with the prisoners, I only had to carry out the outside security measures.

Q What instructions did you give your guards?

A A few weeks after I was transferred to Dachau I worked out a detailed duty instruction for all men who were working under me. In these duty regulations I specifically mentioned action of the guards towards the prisoners. My men were not allowed to carry sticks in their hands. They were told daily whoever beats a prisoner will be sent to a concentration camp himself.

Q Did you ever take part in an execution while you were here?

A No.

Q Any member of your battalion take part in an execution?

A No.

Q Did you have anything to do with the transport that left Dachau on or about April 26 1945?

A Yes.

Q What part did you have in that?

A I had the order to drive ahead and to secure the resting places for the marching columns.

Q Who gave you that order?

A The camp commander, W<sub>e</sub>iter.  
(Degelow-direct)

Q Who determined the marching of these prisoners?

A Obersturmbannfuhrer Weiter, the camp commander determined the march.

Q Did you have anything to do with the appointing of the supervisors of this march?

A I didn't understand.

Q Did you have anything to do in naming those that were appointed to take charge of this march?

A I led myself. The division of the prisoners was taken care of by the schutzhaftlagerfuhrer. The guards were detailed by the adjutant, Obersturmfuhrer Otto.

Q The witness for the prosecution, Wolf, testified that you marched along with these prisoners, is that true or not?

A No, that must be a mixup.

Q This man Wolf also testified that he saw you mistreat prisoners by hitting them with a stick, is that true or not?

A I never was with a marching column because I was driving ahead and I overtook the first section, I was already to the first resting place at midnight and at four o'clock in the morning and sent somebody to get five cars that had been sent by the police from Starnberg.

Q This same witness, Wolf, said he saw an officer with the insignia of captain and he beat one with a stick what do you say about that?

A When he identified me he called me a captain of the German army, I was sturmbannfuhrer, that is major, of the Waffen SS and he had entirely different insignias. For that reason I presume that there is a mixup and that  
(Degelow-direct)

is with the leader of the marching columns, the captain  
of the wermacht<sup>h</sup> by the name of Beyer. He was just as tall  
as I, had an overcoat just about like mine, had blonde  
hair and similar features.

Q Did you give any orders concerning this march?

A Yes.

Q What werethose orders?

A On 28 April I ordered that no one would march any further.

I further on ordered that food would be distributed immediately  
in spite of the fact that the prisoners had already received  
provisions for the march for that day.

Q Theresa Weigel testified that you were in Wolfstatshausen on  
Sunday or 29 April, what do you have to say about that?

A That is also wrong, because I wasn't in Wolfstatshausen at  
all. On Sunday before noon I was in Bad Tolz and since  
noon without exception. I wasn't in Wolfstatshausen for  
one minute on an estate any where. I only drove through  
Wolfstatshausen three times, that was Friday, the 28th and  
Monday the 30th of April and each time without stopping.

Q At one time did you stop and get out of a car and hit a  
man on the head with a bottle?

A No, that is entirely impossible.

Q There was a witness by the name of Mrs. Ehrman that stated  
that you were in a conference in an inn on a tavern near  
Wolfstatshausen, what do you have to say about that?

A I also cannot say about this because I only had a conference  
with officers in Koenigsdorf. I never saw this landlady  
and I don't know about the place.

(Degelow-direct)

Q Did you sto along the way to get some beer or food?

A No, I was identified wrong three times. I would think that these prisoners intentionally testified wrong, but they got me mixed up with another officer.

Q Why was it that you turned these prisoners over seperately that is the Russians, and Poles at one time and the Germans and Jews the next time? Why was that?

A I was ordered to do that by my superior officer in the SS, Eberstein. This one sent a police leader of the Munich brigade, Leader Plusch, who looked me up Sunday in Koenigsdorf. I reported to him that I wouldn't let them march any further. I gave him my reason. The reason was that the main road which we were to march on to Mittenwald was barred, that we would have to take a detour if we were to march any further into the mountains and we wouldn't have sufficient provisions for that purpose and the weather was still worse in the mountains and if I had carried it out, that would have been a very great catastrophe.

Defense: No further questions.

#### CROSS EXAMINATION

Questions by prosecution:

Q Degelow, when you were here at Dachau is it not a fact that you were in command of all the SS guards that were used in Dachau and the by camps?

A Yes, but only of the guards on the outside, not of the guards who would come in touch with the prisoners in any way.

Q When you say only the guards on the outside what do you mean by that?

(Degelow-direct, cross)

A I mean with that that my people were not allowed to go into the compound for instance.

Q Is it not a fact that your SS guards manned the towers that surround the camp?

A Yes.

Q And is it not a fact that those same guards manned the towers that existed around all the camps?

A Yes.

Q Is it not a fact that those guards had custody of the prisoners?

A They had to guard them, they weren't in charge of them. The prisoners were in the charge of the camp leaders or detail leaders.

Q And it was one of the duties of those guards was it not to prevent the escape of any of the prisoners?

A Naturally.

Q And when this transport left Dachau on 26 April 1945 the guards that accompanied those prisoners were under your supervision and control were they not?

A No, that was entirely different. Those were the last days of the war and the guards who were detailed for that were entirely mixed up.

Q And what were your guards doing during the last days of the war?

A There were many men, those of the block leaders, those of the Rapport leaders, detailed for that time, there were about 300 men of the command post of Flossenbürg detailed for that also. It was all mixed up.

(Degelow-cross)

Q And you were the senior officer there on that march, is that true?

A I had already left, the detailing of the guards was done by the adjutant.

Q And this detailing was done by the adjutant at your direction was it not?

A No, upon the order of the camp commander, Weiter, because the adjutant also detailed the block leaders and group leaders who actually supervised the prisoners.

Q These block leaders that you mentioned a moment ago, they came from your SS guards?

A No, they were partly from the command post, not from mine.

Q As I understand it, is it not a fact Degelow that you were the commanding officer on this march that left Dachau on the 26th day of April?

A No, I only issued the order which I just mentioned on 29 April 1945 that the march would stop.

Q It is a fact that you went out and selected the places where the prisoners would rest?

A That is the order which I received from the camp commander.

Q And isn't it a fact that these guards that accompanied the transport were SS guards?

A Yes, SS guards, but not only from my battalion but from Flossenbergl and also the command post.

Q These guards that were there on this march were subject to your direction and supervision were they not?

A No, Hoffmann or Beyer were in charge of the first four columns, that was his order.

(Degelow-cross)



Q Now, you were senior to Captain Beyer were you not?

A Yes, he was my company commander.

Q And you were the battalion commander?

A But the division of the marching blocks and groups consists of four blocks and was ordered by the commander and not by myself.

Q There was no other man on that march was there Degelow that was superior to you?

A Yes, the oberstrumbannfuhrer, he drove through it.

Q Was the obersturmbannfuhrer on that march Degelow?

A Yes, unfortunately he drove through these columns and didn't stop.

Q He came right straight on through the columns and never stopped, is that correct?

A Yes.

Q He never gave a single order on that column did he?

A He gave the order to start off and after that he didn't say anything.

Q And after Weiter left you were the only man left that was senior to all the rest is that not correct?

A I was senior in grade therefore, I ordered upon my own responsibility to stop the march. I told my officers, "If I'm going to catch that Weiter, I'm going to shoot him", because he had left the whole march.

Q And he left the whole march in your command did he not?

A He had ordered it and then had done nothing more so I had to take part in order to prevent a larger catastrophe.

Q And you were the man that arranged for the surrender of these men were you not?

(Degelow)cross)

A Yes, that was my order and I immediately told it to the brigade leader.

Q How many died on that march, Degelow?

A I can't say for sure, I only heard about it here partly.

Q Now, what was this catastrophe that you were trying to avoid?

A If we had marched any further then we would have had to take a detour into the mountains and there was high snow in the mountains, there weren't enough provisions, we would have maybe gone on for two or three days and it would have cost thousands of victims. Before we marched off from Dachau I was the first one who voted for it that the entire compound would be turned over completely, and I was also one who said that it would be better to turn them over as a whole than to drive them into the mountains and let them die there.

Q Who all was at that meeting Degelow?

A There were the division leaders, and also Weiss was present.

Q Is it a fact that you know that more than 50 persons died on that transport before they got to Wolfrathausen?

A I am very sorry for these victims but they did not die because of any orders that I gave.

Q Do you know a man by the name of Hauptmann Schwartz?

A Yes.

Q Isn't it a fact that he informed you that these men were dying from exhaustion and malnutrition?

A Yes, and he told me that and I immediately sent a messenger on a bicycle and told that they were to be surrendered the first night.

Q Where were they located that night, Degelow?

(Degelow-cross)

A Who?

Q <sup>u</sup>Hauptmann Schwarz?

A <sup>u</sup>Hauptmann Schwarz was with that column which was supposed to move aloof about three thousand prisoners, Germans and Jews. He surrendered these prisoners on the second day before noon.

Q Who else was in that column besides the Germans and Jews?

A I don't know of anyone else.

Q These Jews were from Lithuania and Poland were they not?

A I can't say, I never knew what the prisoners consisted of because I never had anything to do with the prisoners.

Q Don't you know as a matter of fact that these Jews came from Kaufering

A I don't know that.

Q How many guards did you have out at Kaufering

A About 600.

Q Don't you know as a matter of fact that those guards brought this transport and it joined up with the transport that left Dachau on 26 April 1945?

A I can't say that because ~~it was~~ a matter for the schutzhaft-lagerfuhrer to divide these people, I wasn't there and I didn't pay any attention.

The court then took a fifteen minute recess until 3:15 o'clock p.m., at which hour the members of the court, the prosecution and defense, the accused, reporter and interpreter resumed their seats. The witness Degelow resumed the stand and was reminded that he was still under oath.

Q As a matter of fact, these prisoners on these transports were surrendered in two groups were they not?

A Yes.

(Degelow-cross)

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In one group were the Germans and the Jews is that true?

A Yes.

Q And the other group, Poles, Russians and Czechs is that correct?

A Czechs were not present.

Q The Poles and Russians were in the other group then?

A Yes.

Q It was at Walfraatshausen wasn't it that you decided to stop the march because of the snow, the ice and the physical condition of the prisoners?

A Yes.

Q And on what day was that, Degelow?

A 28 April.

Q And at that time is it not a fact, Degelow, that the Jews and Germans continued the march to a camp near Bad Tolz?

A Yes.

Q And that was on 30 April that the Germans and Jews reached this camp between Koetngsdorf and Bad Tolz?

A Yes.

Q Why was it that you ordered these Jews and Germans to continue the march after you knew that they were suffering from the snow, ice and cold?

A This was ordered through the Brigade leader Flesch by order of police leader therefore, he determined a very short distance to be marched so that the prisoners would not exert themselves very much. We were about 12 kilometers.

Prosecution: No further questions.

#### REDIRECT EXAMINATION

Questions by defense:

Q A few minutes ago you spoke of a conference at which Weiss was present?

(Degelow-cross, redirect)

A Yes.

Q What was the view of Weiss in that conference?

A He agreed with my opinion.

Q Degelow, will you state whether or not Langlést-was on this march or not?

A No, I did not see him.

Defense: No further questions.

There being no further questions the witness was excused and resumed his seat in the defendents dock.

Defense: Defense calls as its next witness Panitz.

The man Panitz, a witness for the defense, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q What is your name?

A Panitz.

Q Where do you live?

A In Pforzheim

Q Were you ever stationed at Dachau?

A I never lived here, I was just drafted here.

Q Did you serve as a member of the SS at Dachau Concentration Camp?

A I served with the guard company.

Q When you served here here did you know Degelow?

A Yes, during the last year he was my battalion commander.

Q Were you on this march with him that left Dachau on 26 April?

A No, I wasn't here, I followed him on the 28th and 29th.

Q What were your duties on this march?

A I did not have any specific assignment, I was just to be liaison between the staff in camp and the marching columns.

(Degelow-redirect;Panitz-Direct)

Q Do you know who ordered this march?

A It came from headquarters and the highest office.

Q Do you know what part Degelow had in this march?

A Degelow went in advance and determined the places where the prisoners were - where the prisoners and the guards were to rest.

Q Did you see Degelow mistreat any prisoners on this march?

A No, I only met Degelow on the 29th.

Q Do you know whether or not he issued any orders to stop this march?

A Degelow had a conference in Koenigsdorf with the brigade leader and he proposed that the 6 thousand were to be turned over by Obersturmfuhrer Boesch.

Q Did you receive any orders from him regarding that?

A I did not receive any order. Obersturmfuhrer Schwartz transmitted the orders.

Defense: No further questions.

#### CROSS EXAMINATION

Questions by prosecution:

Q The only times that you saw Degelow was in Koenigsdorf was it not?

A Yes.

Q You don't know whether or not he hit a prisoner with a bottle while on the march do you?

A I cannot state that but I cannot believe that he did it.

Q When these prisoners left Dachau they were supposed to be sent where?

A They were supposed to go to the Bad Tolz forest.

Q And what was to happen to them there?

A A camp was to be opened there.

(Panitz-direct, cross)

Q When this conference was had that you testified about and the change of order was to move out, isn't it a fact that there was a Red Cross representative there at that time?

A That only happened in Waskirchen.

Q Where is that?

A That was in the forest where Schwarz led the conference.

Q Where was that conference located with reference to Dachau?

A The forest was behind Bad Tolz.

Q What was your rank in the SS.

A Obersturmführer.

Prosecution: NO further questions.

There being no further questions, the witness was excused and withdrew.

Defense: The defense calls as its next witness Simon Kiern.

Simon Kiern, one of the accused, took the stand and testified as follows:

#### DIRECT EXAMINATION

Questions by defense:

Q State your name?

A Simon Kiern.

Q When and where were you born?

A I was born on 13 August 1913 in Trassberg.

Q Are you married?

A Yes.

Q Do you have a family?

A I have a son of 9 years and a daughter of 2 years.

Q What is your religion?

A I am a catholic.

Q What is your profession?

A Saddle maker.

(Panitz-cross;Kiern-direct)

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- Q When did you first become associated with the military organization?
- A In 1932 before the change of power.
- Q And with what military organization did you become associated?
- A In 1936 I left it because I did not get any permission to be married.
- Q To what military organization did you join in 1932?
- A The infantry of the regular army.
- Q And how long did you stay with the infantry of the regular army?
- A Until 1936. I wanted to be married but I didn't get the permission so I left the army and got married immediately.
- Q Are you a member of any political party?
- A No.
- Q After leaving the army in 1936, what did you do?
- A I worked for the post office.
- Q And how long did you work for the post office?
- A Until February 1937, then there came an order to join the Waffen SS Reserve Troops, Munich-Freimann, since there were no radiomen with the SS and I had been in the army and the SS was organizing a company of radiomen. Usually men were not drafted for the SS at that time.
- Q Did you volunteer or were you drafted?
- A I did not volunteer.
- Q What was your first duty station after having been ordered to the Waffen SS?
- A I was used immediately as a radioman at the radio station, then I was transferred from Freimann to Dachau.
- Q When were you transferred from Freimann to Dachau?
- A Immediately after spending several days at home.

(Kiern-direct)



Q What was your duty at Dachau?

A Until 1941 I was a radioman, that is until 1939 I was in Dachau and after that I was transferred to Brunn.

Q How long were you in Czechoslovakia?

A Until the summer of 1941.

Q Then where did you go?

A Then I returned to Dachau.

Q Then what job did you have in Dachau?

A My company had left for the front already when I returned and I was ordered to work at headquarters.

Q What did you do at Headquarters?

A I was a clerk.

Q And how long did you do duty as a clerk in headquarters?

A Until 3 November 1942.

Q And then what job did you have?

A Then I worked at the mail room.

Q And how long did you work at the mail room?

A A very short time.

Q When did that job cease?

A I was arrested then.

Q For what were you arrested?

A I was supposed to have stolen ten cigarettes from a letter.

Q Did you steal those ten cigarettes?

A As I found out just now the one who accused me was the one who kept prisoners packages himself. He was the one also who opened the letter.

Q Where were you in Dachau?

A About 6 weeks in the concentration camp of Dachau and then I was brought to prison in Munich and then to the death code department.

(Kiern-direct)

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Q After your imprisonment at Dachau in December 1942 did you ever return to Dachau to work?

A No.

Q Was that in December 1942 or December 1943 when you were arrested?

A 1942.

Q From Munich where did you go?

A Then I came to the punitive camp at Danzig.

Q When was that?

A It was July or August 1943.

Q How long did you stay there?

A Until 12 February 1945.

Q On 12 February 1945 what happened to you?

A I was transported to the front under heavy guard. I was supposed to prove myself there. I was brought to Eswinemuende, there we were put on a steamer and were supposed to go into the pocket at Danzig.

Q Did you go into the pocket at Danzig?

A I left the steamer and I escaped.

Q Where did you go after your escape?

A I then went from there to Rostock, Lubeck, Hannover up to my family in Dachau. It was there that I was arrested by the SS.

Q For what reason were you arrested by the SS at that time?

A I don't know. I had such a dear neighbor, she was an officer's wife - she knew my opinions and what I was like and she wanted to get me arrested again.

Q How long did you stay under arrest at the hands of the SS?

A Only one day and because of lack of evidence I was released again.

(Kiern-direct)

Q What was the date of this release?

A It was around Easter.

Q Of what year.

A This year.

Q And then what became of you?

A Since I had to be afraid of being arrested again I left this place and I tramped around the neighborhood of Ingolstadt and Kulmbach. At that time the Americans had arrived at Kulmbach and were driving in the direction of Ingolstadt. Just like the front lines were moving, I retreated too all by myself. And when I arrived home I heard that the Americans were at Hohenhausen, the Americans were in Dachau already, that is near Dachau. My wife was of the opinion that we should leave because the SS officers had all left and their wives. I said "We'll remain here because we hadn't done anything". I was the only one that remained.

Q Did you participate in political actions against the Nazis?

A Yes.

Q Tell the court what it was?

A I was a social democrat party member, SDP, from 1929 to 1932, and when I was already a member of the SS I worked actively against this thing.

Q Now, Kiern, during your service at Dachau how many executions did you attend?

A Three

Q In what capacity did you attend these three executions?

(Kiern-direct)

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A As a clerk. I want to state briefly how the matter proceeded. Obersturmfuhrer Zill came into my office and told me that I had to participate in the shooting of Russians. I told him that "I can't do that, I can't shoot people." Then he hollered at me terribly and told me that I had to obey his orders so nothing was left but to follow his orders in spite of the fact that I did not like doing it.

Q Was that the first execution that you attended?

A Yes.

Q When did this execution occur?

A All three of them were in 1941. I stated that it had happened in January 1942 but I want to state that Zill left at Christmas and as I stated already that Zill gave me the command so it could have been 1941.

Q To whom did you state that this happened in January of 1942.

A The interrogating officer. I told him after this long period of time I cannot state when it was and he asked me "Was it in January or was it in December?" I told him that it is possible but I had to have some time to think about it and he wrote it down and because he wasn't there at that time it wasn't true. After several days I knew that Zill left at Christmas and it was a general knowledge that he left on Christmas.

Q But you did sign a statement before the interrogating officer which has been introduced in this trial in evidence stating that two of the executions occurred in 1941 and one, the last one, occurred in 1942, did you not?

A Yes.

Q In the statement of Josef Jarolin which has been admitted as an exhibit it is said that you participated in the execution of 30 or 40 men and that you gave mercy shots?

(Kiern-direct)

A That was once.

Q Is that true or not?

A Yes, that's true.

Q Which execution was that?

A That was one of the three.

Q Do you remember which of the three it was?

A I don't know that anymore.

Q The witness Breiding has testified that in November of 1942 at the arrival of a transport you kicked a dying Russian and thereby caused his death.

Q He says that this occurred in the area of the prisoners bath house and he says that the transport arrived at Dachau from Stutthof what do you have to say about that?

A I can swear to the fact that never during the time I was in the camp that I beat or kicked a prisoner. If I did anything I only did good things to the prisoners.

Q Do you have anything further to say to the court?

A I ask you to ask me about it - I wrote down several questions.

Q Are your children baptised?

A Yes.

Q In what faith?

A Catholic.

Defense: No further questions:

#### CROSS EXAMINATION

Questions by prosecution:

Q Kiern, at the time you made this statement you didn't tell the investigating officer that Zill ordered you to attend these last two executions did you?

(Kiern-direct, cross)

A I said that. I pointed out the fact that he hollered at me. It was read to me in here - it must be in it - I stated that.

Q You say he hollered at you, you are talking about Zill aren't you?

A Yes.

Q I ask you whether or not it is a fact that you did not state to the investigating officer that Zill ordered you to attend these last two executions that you attended?

A Yes, I told him that.

Q You told him that?

A Yes.

Q Kiern, I hand you a document marked as prosecution's exhibit number 119 and ask you to examine it and state what that is.

A The interpreter wrote that.

Q What is that?

A That's my interrogation.

Q Did you make the statements that are contained in that document?

A Yes, it is stated right in here.

Q Did you read it over before you signed it?

A Yes.

Q Did you make any corrections in it?

A Yes, for instance things which he wrote wrong I crossed out and initialed it. As to the matter contained, I could not change that. It says that Zill gave me that

Q Will you read that in German, please, out loud?  
(Kiern-cross)

A "My duties were filling out card files of prisoners and also NSV post cards, to the relatives of the prisoners. In November 1941 I was ordered for the first time to participate in the shooting of Russian prisoners of war. I did not want to do that and I said that to Zill. Upon that he hollered at me to the effect to fill the order."

Q Read the rest of it please.

A "Fifteen Russians partisans were shot this month. The executions took place at the rifle range."

Q The next sentence, please.

A "The next shooting which I was ordered to participate in took place in January 1942. These were two executions during each of which 25 or more Russians were executed. All three executions I participated in and I fired. Obersturmfuhrer Jarolin was in charge of these executions." I wrote that.

Q Read that portion on page 2 that appears in your own hand writing.

A "I gave this report without any compulsion, I read it, I understand it and I corrected it. I swear before God that this is the pure truth."

Q And that is your signature that appears there?

A Yes.

Q Kiern, who was the man who kept the prisoners packages to himself?

A A certain Kaell. It was told me just now when we met.

Q And at the time you were serving here at Dachau you were a block fuhrer, is that correct?

A I was never a block leader.

(Kiern-cross)

Q What were you, Kiern?

A I was a clerk.

Q In whose office?

A Department 3, in Zill's office.

Q And that is the schutzhaftlagerfuhrer's office, is that correct?

A Yes.

Q And it is the duties of the schutzhaftlagerfuhrer to carry out the executions, is that correct?

A I must state that I was a very small clerk and I just had card files under me. I do not know what took place over there.

Prosecution: No further questions.

#### EXAMINATION BY THE COURT

Questions by the court:

Q Who did you work for after Zill left?

A Hoffmann.

Q And then?

A Nobody else.

There being no further questions, the witness was excused and resumed his seat in the prisoners' dock.

Defense: Defense calls as its next witness Josef Uneberg.

Josef Uneberg, a witness for the defense, was sworn and testified through the interpreter as follows:

#### DIRECT EXAMINATION

Questions by defense:

Q What is your name?

A Josef Uneberg.

Q Were you ever a prisoner at Concentration Camp Dachau?

A Yes.

Q How old are you?

A 46 years old.

(Kiern-cross, court; Uneberg-direct)



Q Where were you born?

A In Markt Wald, Kreis Mindelheim.

Q What is your profession?

A Police official.

Q And when did you first come to Dachau?

A In December 1942.

Q And for what reason were you brought to Dachau?

A I had a friend who was supposed to have participated in the plan in 1942 to kill Hitler and I was supposed to have known about the plan.

Q While you were here did you know the defendant, Kiern?

A Yes, it must have been in the year of 1943.

Q I neglected to ask what is your present job?

A Criminal secretary and section chief at the Military Government.

Q Here in Munich?

A Yes, Ettstrasse.

Q How long did you know Kiern?

A I got to know Kiern in 1943, February or March, by sight.

Q And how long did you know him?

A Kiern checked the working details.

Q Do you know what Kiern's treatment of the prisoners was during that time?

A During the time when I saw him he never maltreated anybody or beat anybody.

Q Did you ever hear of Kiern maltreating anyone or beating anyone?

A No.

(Uneberg-direct)

Q When did you next see Kiern?

A I think it was in April 1944.

Q Under what circumstances did you see Kiern then?

A It was in Bohemia, that was a punitive company, a working camp.

Q What dealings did you have with Kiern then?

A I recognized Kiern there and later on I worked with him.

Q And when did that acquaintance end?

A On 11 March 1945.

Q What caused the parting of you and Kiern?

A The 11th of March at Swinemunde and he had escaped already.

Q Did you ever leave Swinemunde?

A I left on 12 March.

Q Did you leave with the approval of the authorities or without approval of the authorities?

A I left without approval.

Q In other words, state whether or not you escaped shortly after Kiern did.

A I fled a day after Kiern did. I was buried during an air attack on Swinemunde on 12 March and I used this occasion to escape.

Q Do you know or think you know Kiern's political sentiments?

A Yes, Kiern was in the same room with me in Bohemia and Marovia and he repeatedly expressed himself against the treatment of people in concentration camps and he told partly there how the prisoners were maltreated and beaten.

Defense: No further questions.

(Uneberg-direct)

CROSS EXAMINATION

Questions by prosecution:

Q Kiern was an SS man was he not?

A I did not know that, he told us he was a former  
SS haupt-scharfuhrer.

Q Will you repeat what you just said please?

A I saw him in March 1943, approximately, at a job,  
and later on he told us that he was an SS haupt-  
scharfuhrer. I did not know what the grade was.

Q You say that Kiern checked the work detail, is  
that correct?

A Yes.

Q And worked in the office of the schutzhaftlager-  
fuhrer?

A I only know of once when he was at the box detail.

Q And that was the only time that you saw Kiern?

A No, I saw him several times accompanying the so-  
called Moore Express.

Q At that time was he an SS man or a prisoner?

A He was still an SS man and I saw him there with a  
dog.

Q You mean he was using these dogs to guard the  
prisoners?

A Yes.

Q When did that take place?

A It was march or April of 1943.

Q Whereabouts was that here in Dachau?

A It was here in Dachau, they were collecting garbage  
and they passed by us and was going to the pig pen,  
and then he almost came to us and got dog food

Prosecution: No further questions.

(Uneberg-cross)

REDIRECT EXAMINATION

Questions by defense:

Q How many dogs did Kiern have on this occasion?

A At that time he had one dog.

Q Did you see Kiern put the dog on any of the prisoners?

A No, I did not see that.

Q Did you ever here of Kiern putting the dog on anyone?

A No.

Q When you renewed your acquaintance in 1944 with Kiern what did you learn was his standing with the SS?

A Kiern stated several times that he was glad that he was out of the SS.

Defense: That is all.

There being no further questions, the witness was excused and withdrew.

Defense: The defense calls as its next witness Josef Weisskopf.

Josef Weisskopf a witness for the defense, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Q You are Josef Weisskopf?

A Yes.

Q Where do you live?

A In Dachau.

Q What is your profession?

A Shoe maker.

Q How old are you?

A 46.

(Uneberg-redirect; Weisskopf direct)

Q Were you ever a prisoner at Camp Dachau?

A Yes.

Q When did you come to Dachau?

A On 5 March 1938.

Q How long were you at Dachau?

A Until liberation.

Q Under what circumstances did you come to Dachau?

A Preparation for treason and after that I was put into protective custody. I was arrested in 1936 already.

Q For what?

A For preparation for treason.

Q Were you in a political prison?

A Political prison.

Q Do you have a criminal record?

A No.

Q While you were at Dachau did you have occasion to know the defendant Kiern?

A Yes.

Q And how long did you know Kiern?

A From April 1940 until March 1941.

Q During that time do you know or think you know Kiern's reputation as to his treatment of the prisoners?

A Yes.

Q Is that good or bad?

A He didn't beat anybody.

Q Did he mistreat any of the prisoners in any other respect?

A No.

Defense: That is all.

(Webskopf direct)

CROSS EXAMINATION

Questions by prosecution:

Q What else did he do to the prisoners?

A I didn't see anything, I just knew him for one year.

Q And that was in 1940 to 1941, is that correct?

A 1940 to 1941.

Q You didn't know him when he had the Moor Express did you?

A No.

Q What nationality are you Mr. Weisskopf

A German.

Prosecution: No further questions.

Defense: If the court please, the civilian council would like to ask a few questions on direct examination.

President: That is all right.

DIRECT EXAMINATION

Questions by defense:

Q Can you tell me about ~~the~~ accused Knoll?

A No.

Q Did you know Knoll from before?

A Yes.

Q What did you think of Knoll?

A We <sup>knew</sup> knoll as a hangman.

Q Did you ever say in a former statement that Knoll was a man not to be taken seriously and he was always acting like a clown?

Prosecution: I object to the question as an attempt to impeach his own witness.

(Weisskopcross,direct)

Defense: I don't think that the question is an attempt to impeach our own witness, but it might be objectionable as being leading, but not as an attempt to impeach the witness.

Prosecution: May it please the court, that question is objectionable on many grounds, but the worst one is the one that I'm insisting on.

President: The objection is overruled.

A Yes, he was before we knew what he was doing at the plantation, we knew him as a fool at that time.

Q You did not take him seriously?

Defense: No further questions.

#### RECROSS EXAMINATION

Questions by prosecution:

Q You say that you know Knoll as a hangman is that correct?

A It was general knowledge that he was the hangman of Matzweiler and that he killed Jews in Dachau, that is also common knowledge.

#### REDIRECT EXAMINATION

Questions by defense:

Q How do you know that he killed the Jews in Dachau?

A Because we carried them to the hospital - we saw it.

Q You made a different statement before that, you talked about a Christmas celebration before.

A Not me - I couldn't have stated that because I wasn't present.

Defense: No further questions.

There being no further questions, the witness was excused and withdrew.

(Weiskopf direct, recross, redirect)

Defense: The defense calls as its next witness.  
Willy Herna.

Wilhelm Herna, a witness for the defense, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q Your name is Willy Herna?

A Yes.

Q How do you spell Herna?

A H-E-R-N-A.

Q What is your present status?

A I'm arrested now.

Q Did you ever serve at Dachau Concentration Camp?

A Yes.

Q In what capacity?

A I was camp police.

Q Are you a member of the SS?

A Yes.

Q Do you know Simon Kiern, the defendant?

A Yes.

Q Did you ever participate in executions with the defendant Simon Kiern?

A Yes.

Q How many?

A There was twice in November of 1941.

Q How do you know that those two times were in November of 1941?

A Because in January 1942 I left for the troops, first to France and then to Russia.

(Herna-direct)

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Q Who left for France?

A I left.

Q Do you know Kiern's reputation as to the treatment of the prisoners?

A Yes, the only thing I can say about Kiern is that he was good.

Q Do you think you know his reputation in the camp as to the treatment of the prisoners?

A Yes, generally good.

Q Do you know of any occasions when Kiern mistreated any prisoners?

A No.

Q Do you know of any occasions when Kiern turned a dog loose on prisoners?

A I don't know that - I don't know anything about it.

Q Was Kiern a dog leader?

A No, he was not a dog leader.

Q When did Schutzhaftlagerfuhrer Zill leave Dachau?

A I can't state that because I left in January of 1942 - I don't know the exact time.

Defense: No further questions:

#### CROSS EXAMINATION

Questions by prosecution:

Q In your opinion then, Herna, a man who participates in executions is a good man is that correct?

A These are orders, we had to carry out orders. We were such small men that we did not have to say anything.

Q In your opinion a man who participates in the execution of 1500 to 1700 men is a good man?

(Herna-direct, cross)

A What do you call that - it is an order.

Q Did you understand my question?

A Yes, whether a man who participates in executions is a good man.

Q What is your opinion of a good man and a bad man?

A Not every man is equal.

Q Is he a good man or a bad man who participates in the execution of 1500 to 1700 men?

A A bad man.

#### REDIRECT EXAMINATION

Questions by defense:

Q You and Kiern, on orders, participated in two executions in 1941, is that correct?

A Yes, in November.

Q How many men were executed at those two executions?

A Once 50 and once 80.

Q Do you have any idea where this 1500 to 1700 men comes from?

A No, I don't.

Defense: No further questions.

There being no further questions, the witness was excused and withdrew.

Defense: Defense calls as its next witness Engelbert Niedermeyer.

Engelbert Valentin Niedermeyer, one of the accused, took the stand and testified through the interpreter as follows:

#### DIRECT EXAMINATION

Questions by defense:

(Herna-cross, redirect)

Q What is your full name?

A Engelbert Valentin Niedermeyer.

Q When and where were you born?

A On 26 December 1911 in Monsheim.

Q What is your home address?

A Dachau, Rangstrasse number 8.

Q Are you married?

A Yes.

Q How many children do you have?

A Two.

Q When did you join the SS and under what circumstances?

A In June 1933 because I was unemployed I joined the Allgemeine SS.

Q When did you come to Dachau?

A On 24 May 1934.

Q Were you in Dachau on 1 January 1942?

A Yes.

Q And when after that did you leave Dachau?

A The first of February 1943.

Q When you left Dachau where did you go?

A I went to the front lines.

Q And did you ever after that date return to Dachau for duty?

A No, after that I had no connection whatsoever with the concentration camp any more.

Q What were your duties at Dachau between 1 January 1942 and February 1943?

A At first I was employed in the crematorium until May 1942 and then I became block leader until 4 February 1943 and then left for the front.

(Niedermeyer-direct)

The defendent Ruppert named you as one of the persons taking part in executions, between 1 January 1942 and February 1943 when you left Dachau did you ever participate in any executions?

No, that must be a mistake in the date of charge.

I also stated during my interrogation and that is that I stated that in November of 1941 I brought Russians to the rifle range with civilian comrades but I was not present during the shootings themselves because during while the names were read off I got orders from Zill that I was to go to the crematorium immediately and help with the work and therefore I was not present during the execution itself.

Q Niedermeyer, I hand you an instrument marked as prosecution's exhibit number 101 and ask you what that is?

A That is my statement that I myself wrote during my interrogation.

Q When did you write that?

A I cannot state the date itself any more.

Q Is the date on there?

A 30 October 1945.

Q Was that before or after you were served with the charges in this case?

A Before.

Q At the time you wrote that statement were you aware of any charges against you?

A No.

(Niedermeyer-direct)

- Q During the time you were at the crematorium who was the leader of the crematorium?
- A Bongarts.
- Q The witness for the prosecution Wolf has stated that you were the leader of the crematorium and later you were in the signal office of the command post, what do you wish to state to that?
- A The leader of the crematorium was Bongarts and I was not employed in the radio room.
- Q Were you ever, subsequent to your leaving Dachau, ever employed in the signal office at Dachau?
- A No.
- Q The witness Opitz stated that during 1942 you were head of the crematorium and while he was walking by there he saw bodies hanging there, what do you wish to say to that?
- A As I stated before the chief was always Bongarts and during my whole activity there were never any executions in the crematorium or in the yard of the crematorium.
- Q The witness Kaltenbacher stated that one time you came to the block and stated that you were leader of the crematorium and also that you mistreated prisoners with your hands and feet, what do you say to that?
- A As I said before, I never told Kaltenbacher that I was leader of the crematorium and I admit that I slapped prisoners in the face every now and then.

(Niedermeyer-direct)

Q In that statement have you described an execution in which you took part?

A No, I did not describe it. I cannot only say that I brought Russians to the rifle range, but I was not present at the execution itself.

Q What is the date of that occurrence?

A There is not exact date given, it just says the end of November 1941.

Q How many Russians does it state that you took to the rifle range at that time?

A 35 to 40.

Q Is that the same event that Seuss has described in his statement to the prosecution, or do you know?

A It should be the same case.

Defense: No further questions.

#### CROSS EXAMINATION

Questions by prosecution:

Q Do you know what Seuss said about that execution, Niedermeyer?

A No, I don't know that anymore.

Q When you worked at the crematorium, Niedermeyer, what were your duties down there?

A My duties consisted of helping to burn the bodies.

Q How many SS men worked down there?

A Four.

Q How many prisoners worked at the crematorium?

A Four.

Q Did you work on the night shift or the day shift?

A We were working partly days and partly at night.

(Niedermeyer-direct, cross)

Q And the four prisoners were Jews were they not?

A Yes.

Q They worked down there for approximately eight weeks did they not?

A As long as I was in the crematorium there was the same detail.

Q Who were the members of that detail?

A The name of one was Singer and the other, Senft. I don't remember the names of the other two.

Q Singer and Senft were two of the four Jews that worked down there with you from January 1942 until May 1942?

A Yes.

Q And you spell the man's name S-I-N-G-E-R, is that correct?

A Yes.

Q Do you know what his first name was?

A No.

Q What nationality was he?

A I can't state that, he spoke German.

Q This other man's name, will you spell it please?

A S-E-N-F-T.

Q Senft, what was his first name?

A I don't know that any more.

Q What nationality was he, Niedermeyer?

A As far as I can remember he was from Stuttgart.

Q As a matter of fact don't you know that that detail was changed down there approximately every eight weeks?

A No.

(Niedermeyer-cross)

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Q Don't you know further as a fact after they served eight weeks they themselves were then executed?

A No, that is not true. As long as I worked in the crematorium this was not the case.

Q While you worked in the crematorium is it not a fact that you administered a lot of beatings?

A No.

Q When was it that you administered these beatings?

A Which beatings do you mean by that?

Q Anyone that you beat?

A You mean later on when I was a block leader in the camp?

Q Yes, tell the court about those beatings.

A I can't remember any specific case but it is possible that I slapped a few.

Q Isn't it a fact that you beat so many that you can't remember them at this time?

A No.

Q Isn't it a fact that you used to beat these prisoners on the buttocks and on the kidneys?

A No.

Q Did you ever beat a prisoner with a stick, Niedermeyer?

Defense: I object to that question unless the specific date is set.

President: The objection is overruled.

A No that's not true. As I stated in my report that it was in the years of 1939 and 1940 but not since 1942.

(Niedermeyer-cross)



Q You ceased beating prisoners after January 1 1942, is that correct?

A Yes.

Q And prior to that time you beat them is that correct?

A Yes.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by defense:

Q Niedermeyer, as a matter of fact, when was it that you first saw Singer and Senft?

A When I arrived at the crematorium.

Q When was that?

A In November 1941.

Q Were they still working at the crematorium when you left in May 1942?

A Yes, when I left they were still working there.

Q Did you state in your statement to the prosecution that from 1939 to 1940 when you were in charge of building a garage that you struck prisoners?

A Yes, I stated that.

Q And did you state that during your activity as a block leader until 1941 you were ordered to participate in official floggings?

A Yes, I stated that too.

Q Did you make that statement before or after you knew that the date 1 January 1942 was important?

A Before.

Q You made this statement before you were aware of the charges against you, is that right?

(Niedermeyer-cross, redirect)

1250

A Yes.

Defense: No further questions.

Prosecution: I have no further questions.

There being no further questions, the witness was excused and resumed his seat in the prisoners' dock.

President: The court will adjourn until 8:30 a.m. tomorrow morning. (Time 4:50 o'clock p.m.)

*William D. Benson*  
WILLIAM D. BENSON  
Lt Col, JAGD  
Trial Judge Advocate

1200

The court met pursuant to adjournment at 0830 hours on the 14th of December 1945 at Dachau, Germany.

President: The court will come to order.

Prosecution: May it please the court, let the record show that all members of the court, personnel of the defense, personnel of the prosecution, the reporter, and all the accused are present.

Defense: The defense calls as its next witness Otnar Zerbes

Otnar Zerbes, a witness for the defense, was sworn in and testified as follows.

#### DIRECT EXAMINATION

Questions by the Defense.

Q What is your name?

A Zerbes, Otnar

Q How do you spell that?

A Z-E-R-B-E-S.

Q How old are you?

A 31

Q Were you a member of the SS?

A Yes

Q Were you ever stationed at Dachau?

A Yes, for a short time on a furlough

Q Were you ever stationed at any of the out-camps at Dachau?

A Yes

Q What camps were those?

A Landsberg

Q While you were stationed there, did you know a man by the name of Vinzenz Schoettl?

A Yes

Q Will you tell us at what camp you knew Schoettl and how long he served there?

(Zerbes -direct)

A In camp number one

Q What time was that?

A From February to the end

Q What do you mean by the end?

A The 26th of April

Q Do you know that Schoettl was in that camp from February until the 26th of April?

A Yes, he was in service there

Q And you are certain he was in Landsberg and not in Dachau?

A Certain—well, according to my knowledge he was in Dachau

Q While you were serving in this camp did you know a man by the name of Alfred Kramer?

A Yes

Q How long did you know Kramer?

A I knew him for a longer time from Warsaw

Q Do you know anything about Kramer in the Landsberg camp?

A Good, yes

Q Do you know anything about the quarters opened at Landsberg?

A Yes

Q Tell us about that.

A The hospital barracks in the women's camp.

Q Was Kramer responsible for that?

A Yes

Q Do you know anything else about him?

A Yes, that he was very good to the prisoners

Q While you were up there at that camp did you know a man by the name of Viktor Kirsch?

A Yes

Q What can you say about him?

A That he was a correct man and a soldier

(Zerbes -direct)

Q Do you know anything about him mistrusting any prisoners?

A No, I don't know

Defense: No further questions

CROSS EXAMINATION

Questions by the Prosecution.

Q Zerbes, how long were you in Landsburg No. 1?

A From 27 September until the 26th of April

Q And what were your duties at Landsburg No. 1?

A I worked in the pay office

Q And how frequently did you see Schoettl?

A Almost everyday, because I had to borrow his motorcycle

Q As a matter of fact, don't you know that Schoettl went out on frequent trips from Landsburg No. 1?

A He always went away to the two companies in the camp, in order to bring those to trade with the companies for the front

Q And you didn't go with him?

A No

Q So you don't know where he went when he left?

A No

Q You said you knew Kramer from Warsaw?

A Yes

Q And you know that Kramer was known as a beater?

A In Landsberg?

Q In Landsberg or in Warsaw

Defense: I object to the generality of both the charge and the proof in this case making it necessary for the defense to prove generally a cause of conduct for the time he knew this man.

Whereupon the defense and the prosecution made cross arguments.

President: The objection is overruled

(Zerbes -direct and cross)

A No

Q Zerbes, don't you know as a fact that Kramer had a reputation as being the liquidator of Warsaw?

A No, I don't know that

Q How long did you know Kramer?

A I knew him from Warsaw in July 1944

Q You, yourself, were in Warsaw, is that correct?

A Yes

Q Now, what was Kramer's job at Landsberg No. 1?

A For a short time he was camp leader and then he came to headquarters

Q And you never, at any time, saw Kramer beat the prisoners?

A No, I did not have time for that

Q Well, did you ever, at any time, see Kirsch beat the prisoners?

A No

Q Did you ever see Kramer when he was associated with any of the prisoners?

A Yes, in the camp he was very quiet when he was negotiating with the capos as to what should be done

Q When did you join the SS?

A 16 November 1943

Q When did you join the Death Head in the SS?

A That was Waffen SS

Q Zerbes, while you were at Landsberg No. 1, were you engaged in the extracting of the gold teeth from the corpses of the prisoners?

A Not I, but we had a prisoner dentist who had charge of doing it

(Zerbes -cross)

Prosecution: No further questions

DIRECT EXAMINATION

Questions by the Defense.

Q Zerbes, where were you born?

A Budapest

Q While you were at Landsberg did you know a man by the name of Tempel?

A Yes

Q Tell the court what you know about Tempel's acts in Landsberg?

A About Tempel, I can say the one good thing that during the time, he brought entertainment to the prisoners, the music—a small show was put on. The barracks were built up.

Q Were you present at the evacuation of Camp No. 1?

A No

Defense: No further questions

RECROSS EXAMINATION

Questions by the Prosecution.

Q You knew Tempel beat prisoners, didn't you?

A Yes, he beat them, but with justice

Q And he beat them frequently with justice?

A I don't know whether he beat them frequently, but I know of cases when he beat them because they stole something

Q And you saw him beat them with a cable covered with this rubber tube?

A With the cable—no, with the hand—yes.

Prosecution: No further questions

Defense: No questions

President: The witness is excused

(Zerbes -direct and recross)

Defense: The defense calls as its next witness Alfred Kramer.

DIRECT EXAMINATION

Questions by the Defense.

Q What is your name?

A Alfred Kramer

Q How old are you, Kramer?

A 47 years

Q Where were you born?

A In Waldenburg, Silesia

Q What was your occupation?

A Painter

Q When did you become a soldier, Kramer?

A In December, 1916 I was inducted into the Wehrmacht

Q You mean in December 1916?

A Yes

Q Were you discharged immediately after the last war?

A No, in 1918 I became a French prisoner

Q How long did you remain a French prisoner?

A In 1920 I was sent to Germany

Q When did you join the Waffen SS?

A 1 September 1939

Q When did you come to Dachau?

A On 16 August 1944

Q Kramer, one of these men in his statement, I think it was the defendant Mahl, made a statement that you had something to do with executions at the crematory. Will you tell us about that?

A No, that must be a mistake. I never entered the crematory in Dachau

(Kramer-direct)

1250



Q Did you serve at any of the out-camps at Dachau?

A Yes, on the 8th of September 1944 I came to Kaufering.

Q Which camp was that?

A Camp No. 1

Q What conditions did you find when you arrived?

A The camp was being constructed—it consisted only of furnished tents

Q Did you do anything to improve the conditions at that camp?

A Since these tents, which had a diameter of  $3\frac{1}{2}$  to 4 meters, had 14 prisoners in them, I first proposed that different quarters be devised for the prisoners. I immediately tried with the camp leader Langleist to get different kinds of billets.

Q Do you know anything about the selections where the ladies were quartered?

A The women had very bad quarters. I saw to it that they were put into the OT huts

Q Was that better?

A It improved the condition, and I had earth huts constructed for the men

Q What about the food. Who was responsible for that?

A The Todt organization was responsible for food and quarters

Q Did you have anything to do with that?

A About the food itself, I could change nothing

Q What about the clothing of these prisoners--did you have anything to do with that?

A The clothing was brought in from Dachau  
(Kramer-direct)

1207

Q What about shoes?

A The shoes were delivered in very small quantities from Dachau--chiefly, wooden shoes--I tried to get additional shoes. I got in touch with the construction works--Moll--and saw to it that wood was delivered so that we could make shoes

Q While you were there, were there any executions?

A Not while I was camp leader

Q Did you ever take part in any executions?

A No

Q When did you leave this camp?

A I was relieved as camp leader 12 November 1944 and I turned the camp over to someone else and I came to the headquarters as first clerk

Q Did you have anything to do with prisoners after that?

A No

Q Kramer, were you interrogated after your arrest anywhere except Dachau?

A Yes, in Fuerstenfeldbruck.

Q Did that interrogation have any effect on the statement that you made here?

Prosecution: I object to that question as being immaterial and irrelevant.

President: Explain exactly what happened

Q Will you explain exactly what happened at that interrogation?

A I do not want to talk about it

Q The court desires you explain what happened?

A I was beaten by an interrogation officer from the CIC. Present were former prisoners. I was supposed to tell how many  
(Kramer-direct)

people I had shot and hanged. I can say with a conscience that I never killed a person. Thereupon, I was beaten over the head with sticks and rubber hoses until I broke down.

Q Anything else to say about that?

A No

Defense: No further questions

#### CROSS EXAMINATION

Questions by the Prosecution.

Q Kramer,, when you were at Landsberg No. 1, you say you got some wood to make shoes for the prisoners, is that correct?

A Yes

Q And isn't it a fact that you took the leather shoes that the prisoners were wearing away from them?

A No

Q When those prisoners came to Landsberg, isn't it a fact, that they were wearing leather shoes at that time?

A I wasn't camp commander then, but Foerster was

Q And you knew that he had taken the leather shoes away from them, isn't that so?

A They were already sent to Dachau when I took over the camp

Q The leather shoes?

A I don't know because I never saw the shoes

Q You never saw the shoes but you knew that the leather shoes had been taken off the feet of the prisoners and sent to Dachau, is that correct?

A I was told by my predecessors that the things here would be delivered to Dachau

(Kramer-direct and cross)

1202

Q Now, Kramer, isn't it a fact that six Jews were executed at Camp No. 1 when you were camp commander?

A No

Q Who was camp commander when those Jews were executed?

A Schwarzhuber, also Weiss was there at that time

Q So Schwarzhuber and Weiss were there at that time?

A He came to Landsberg on the day of the execution

Q And you were there present at the execution, were you not?

A Not I, myself. As first clerk, I was up front in the office and had to service the telephones

Q As a matter of fact, you had to stand out there and write up the report of the execution, did you not?

A No

Q when did Langleist leave Camp No. 1?

A The beginning of November

Q And were you relieved of command at Landsberg No. 1 at the same time?

A On the 12th of November I was released

Q who relieved you of command?

A Schwarzhuber.

Q Now, isn't it a fact, Kramer, that the food was sent to Kaufering from Dachau?

A No, the entire food supply for the troops as well as the prisoners was delivered by the TODT.

Q So that if there was any other testimony to the contrary, it isn't so?

A No

(Kramer-cross)

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Q So that if there was any other testimony to the contrary, it isn't so?

A No

(Kramer-cross)

Q Did you know a man by the name of Wetzel?

A Yes

Q What were his duties at Dachau?

A He was administration chief of Camp Dachau

Q Do you know a man by the name of Filleboeck?

A Yes

Q And what were his duties at Dachau?

A He was food officer

Q And you tell this court that Filleboeck had nothing to do with the distribution of the food at Kaufering camp?

A No, from the time I came, the food was delivered by the TODT.

Q The food for the prisoners and the SS were delivered together?

A No, it was received separately

Q And who was in charge of the food after it got to Kaufering No. 1?

A There was a food representative for all the camps

Q Who had charge of the preparation and distribution of the food in Landsburg No. 1?

A Eichelzer.

Q And he was junior to you, was he not?

A No

Q What rank did you have, Kramer?

A I was Hauptscharfuhrer

Q Now, while you were out there at this camp, none of the prisoners had enough clothing, did they?

A There was very little clothing

Q And they had little or no shoes, did they not?

A The shoes were just as short as the clothing inspite of the (Kramer-cross)

proposal I made Aumayer and later Foerschner.

- Q And you kept these people going to work without any shoes in the rain and snow?
- A There was no snow at that time because I only had the camp in September and October
- Q You had it in November, did you not?
- A Only 10 days
- Q And it was your duty to get these prisoners out and get them to their work details, was it not?
- A I was given that order inspite of the fact that I did not get the number of men which I had to fill for the OT. I once kept back a hundred prisoners from the details because they had no shoes
- Q And you took the shoes from the sick and put them on the well prisoners, did you not?
- A I didn't do that
- Q And you never, at any time, beat the prisoners, did you, Kramer?
- A I beat some prisoners, but with my hand, but I did it on offenses which I would have had to report it to higher headquarters
- Q And you made the prisoners carry stones on Sunday, in order for them not to get punishment from higher headquarters, did you not?
- A No, I did not have any prisoners carry stones
- Q How many prisoners did you beat at the time you were out at Kaufering and Landsberg?
- A That happened in several cases where the prisoners committed offenses
- (Kramer-direct)

Q I didn't ask you that--I said how many people did you beat?

A I can't give the number

Q Now, Kramer, while you were a member of the SS, was it not your duty to take transports into Dachau?

A No

Q You never, at any time, took transports into Dachau?

A One transport

Q Where did that transport come from?

A That was a transport which had been sent to Dachau upon the clearing of Warsaw

Q And you were in command of that transport, were you not?

A The transport was put into my hands

Q You were responsible for the care and custody of those prisoners?

A For the care--for the food there was a special representative

Q How many prisoners died on that transport?

A First we had the march for three days

Q I didn't ask you that--I just asked how many people died on that transport?

A A total on the march by foot and the transport by railroad--about 50

Prosecution: No further questions

#### REDIRECT EXAMINATION

Questions by the Defense.

Q Kramer, do you know what this is?

A It is questions

Q Whose questions are they?

A My questions

Q Is that your own handwriting?

A Yes

Q Will you read the last two questions to the court

(Kramer-cross and redirect)

1215



Prosecution: I object to this kind of questioning on the grounds that it is immaterial

President: What is the reason?

Defense: The defendant requested that I ask those questions in court which is in his handwriting.

President: What is the purpose in introducing it?

Defense: To prove that those are the questions that he wanted me to ask him in court.

President: We see no reason for that line of questioning.

Defense: Kramer, were you present during the evacuation of Camp No. 1?

A No

Defense: No further questions

Prosecution: No questions

#### EXAMINATION BY THE COURT

Questions by a Member of the Court.

Q Whereabouts was this that you were questioned in Puerstorfbrück?

A At the Air Corps Base close to the camp

Q What date were you questioned?

A On 11 June 1945

Q You mean in a camp where they had all the prisoners enclosed in barbed wire?

A No, I was taken out to the Air Corps Base to a room

Q How long were you kept there?

A From three in the afternoon until ten or ten-thirty at night

Q Who was the CIC officer that questioned you?

A I don't know

Member of the Court: That is all

President: The witness is excused

(Kramer-redirect and the court)

Defense: The defense calls as its next witness Johann Viktor Kirsch.

DIRECT EXAMINATION

Questions by the Defense.

Q What is your name?

A Johann Viktor Kirsch

Q How old are you, Kirsch?

A 54 years

Q Where were you born?

A In Marbdingen near the Saar

Q When did you become a soldier?

A 1912 to 1918

Q Were you wounded in that service?

A Yes, I was covered under in explosions several times—  
the last time in such an explosion I was thrown 25  
meters and I received a brain concussion and nerve  
shock when I fell down unconscious

Q Before you went into the army, what was your profession?

A Coal miner

Q When did you become a soldier again?

A In 1942 I became a soldier again

Q What type of duty did you have?

A I came to the county rifleman and had outside details to  
guard prisoners of war

Q Did you serve on the front at any time during this war?

A Yes

Q Where did you serve?

A I came to the front in January 1943 to the English Channel  
islands

(Kirsch-direct)

Q Were you wounded there?

A Yes, I was in the 21 centimeter mortar battery--there was an explosion and I was thrown down again, and again I had a brain concussion--thereupon I was in various hospitals and I was in various nerve institutions. Then I was called back as unfit for service

Q Where were you assigned then?

A Then I was sent through various replacement battalions, then collecting points and I had various positions but I could not execute them because of my suffering in the head, and then I came back, but I could not do any service, only service without any responsibility

Q Did you ever serve at Dachau?

A No

Q Did you ever serve at any of the out-camps of Dachau?

A Yes

Q Which one?

A Camp No. 1, Kaufering

Q Who were your superior officers at Kaufering Camp No. 1?

A First Hauptsturmfuhrer Foerster. He was camp commandant, at the same time commandant

Q You say Foerster or Foerschner?

A Foerster.

Q How long were you in this camp?

A I was between three and four weeks in the first camp

Q Then were were you transferred?

A Then a new camp was opened in the vicinity of Landsburg, which was made camp No. 1, while the old camp was made Camp No. 3

(Kirsch-direct)

Q How long did you stay there?

A There I remained until the beginning of January 1945

Q Where did you go at that time?

A Then I had a disagreement with Aumeyer and was quickly transferred to the Muehldorf camp

Q What did you and Aumeyer disagree about?

A I had two disagreements with him—I mean I had several-- the first big disagreement was because of the air-raid alarm. For example, when enemy planes was announced, the notification of the air-raid came there because I had the telephone in my room. Then I had to give the alarm to the guard company which was up there with all the others. And that was too much for Aumeyer when people had to leave work and lie down during the air-raids. He prohibited it and I protested against it and reminded him of the responsibilities. He told me not to concern myself about it—that he would be responsible. And I asked him about losses and he said that it made no difference one more or one less—I don't know whether he said that about the troops or the prisoners. The second disagreement was on New Year's Eve when I came to the kitchen on an inspection and found freshly prepared dishes of chopped meat. I made a report and the capo answered that the commandant had given permission for eight or ten camp German personnel to be there—the capos. I protested, but the commandant permitted them and said it was a meat ration for about 250 prisoners. In spite of that, it was left to the eight or nine men to eat that. And, thereupon, three days after that I came to Muehldorf, at which I cried with joy. In (Kirsch-direct)

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Muehlidorf I came back to my old commandant, Langleist.

He ordered me to an outside detail in Mittergars..

There something wasn't cleared and I was supposed to clear a table. When I came there, it was a camp for about 150 prisoners. There were huts which were made of a thick pasteboard in four dimensions—beds with wood and straw. There was one condition in the camp which was unbearable for the prisoners—I first examined the kitchen and looked at the rations and menu and determined various uncleanlinesses. I immediately gave my orders—stopped in the kitchen and gave more food to the prisoners. But that was only possible because otherwise I couldn't have gotten additional food. I had to get potatoes which were stored there for the entire year. And I used up the potatoes in the kitchen in three months which was supposed to last for a year. I gave to the prisoners the bread remains, bones, milk and cheese, in addition to their normal meals, which was taken away from the guard troops. And I increased and improved the number—that is, the noon-meals to such an extent that pretty soon the prisoners were better fed again. Then I saw to it that boiling and washing installations were provided against the lice and had all laundry and blankets boiled and cleaned—a bathing installation which wasn't there so that the prisoners could wash once a day and shower once a week. I got more fuel so that the places would be heated. I saw to it that more medicine came into the camp. I saw to it that the OT physicians came in and that increased the health of the prisoners. That can be determined from the fact that previously there had been 14 death cases in the past month, while, I, in the worst of the year in the winter had only 3 cases of death in 3½ months.

(Kirsch-direct)

I also saw to it that my leaders, Langlaist and Weiss, would come and look things over and help do away with some of the bad conditions.

Q Now, Kirsch, there were several witnesses who testified that you beat prisoners--one was Riva Levy, Dr. Greenberg, Moses Rutscharski, Mrs. Fannia Feinberg, Joseph Kaufman and Levin Schloma; What have you to say about that?

A Punishments were carried out which had to be carried out formally as they were supposed to be. It is possible and it is true that the prisoners were beaten because I did not want to make any reports to higher authorities, which would have been more severe punishments. It is possible that there in my excitement and perhaps because of my illness, I slapped people in the face or kicked them in the rear, but I have never beaten a prisoner so that he would have to go to the hospital or have died. I can confirm that on my oath.

Q Now, these people said that you separated children from their parents, what do you say to that?

A The sending away of children was ordered by Dachau or by Berlin through Dachau. The camp leader, Forster, was still there and he gave me the order to get all children under 17 on the formation grounds. There should have been 78 children collected there and I determined where they were supposed to go--the children were supposed to be sent away. I was told that the children would go to Dachau to learn a trade there. I objected and said, "You might as well let the children learn the trades here with

(Kirsch-direct)

their relatives, but the order was carried out. I made a change overnight and 27 children over more than one meter tall I made become 17 years old and these 27 were taken away and 51 remained--and these 51 children were sent to Dachau, but always on orders and in the presence of camp commander Foerster.

Q And if it hadn't been for you these 27 would have had to leave?

A They would have to leave

Q And the children that left, where did they go?

A They came to Dachau

Q What did they come to Dachau for?

A As I have already said, in order to learn their trade, because they were mostly carpenters, electricians, etc

Defense: No further questions

#### CROSS EXAMINATION

##### Questions by the Prosecution

Q They were running a vocational school here in Dachau?

A No, that wasn't a trade school--it was a trade workshop

Q And you knew when you sent those children away that they wouldn't stay in Dachau?

A No

Q You didn't consider that or you didn't know it?

A I didn't know it

Q Then why did you try to save 27 out of the 51?

A Because the parents came to me and asked me to let their children stay with them--they could

(Kirsch-direct and cross)

have been worked there

Q And how long did these 27 children remain in Kaufering No. 1?

A There were some of them still there at the end of the war

Q How many out of the 27 were here at the end of the war, Kirsch?

A I was not there any more--I was away

Q When did you first come to Kaufering No. 1?

A I think I made a mistake and gave the wrong date-- I am still not sure about the date. I don't remember whether it was the end of June or the beginning of July

Q When you came there, how many prisoners were there?

A There I made a mistake--instead of 400, we came with a transport of 1500 but only 1000 of them came to Kaufering and 500 went to Dachau

Q Now, when was it that the children were sent out of Kaufering No. 1?

A That was in the second camp

Q What do you mean the second camp?

A The second camp which was open which later became Camp No. 1 and the other became No. 3

Q What was the camp that the children were sent out of?

A No. 1

Q You were at Kaufering No. 1, were you not, when these leather shoes were taken away from these Jewish prisoners?

A Yes

(Kirsch-cross)



- Q And what did you do with these leather shoes?
- A The leather shoes were given out at the largest part--chiefly boots and shoes--they were given in part to women and they were given to those workers who had to do dangerous climbing
- Q Then those shoes were not sent to Dachau?
- A A part of them, but only after the soles had been worn out and the shoes were sent to Dachau to be repaired
- Q And you gave to these prisoners from which you took the shoes, wooden shoes?
- A Yes
- Q And isn't it a fact that you were the non-commissioned officer who took care of the work details which left Kaufering every morning?
- A I was given orders about the work details by the distribution leader
- Q And you collected those details and sent them out to work, did you not?
- A I based on the number of the working details according to their numbers in the report book in the evening as it had been given to me
- Q But, isn't it a fact that you were the man who selected the prisoners to go out to work each morning?
- A I didn't pick out--these things went through the prison clerk's office
- Q But, isn't it a fact that you examined these prisoners before they were sent out to work?
- A No, I only sometimes counted the formations and made spotchecks and I stood at the gate and sometimes led the going out

(Kirsch-cross)

- Q And, isn't it a fact, Kirsch, that at the time you were making these checks you would take shoes from the sick prisoners and give them to the well prisoners?
- A That may be because the camp personnel acted independent and tried to cover themselves and I would have the number of people to go out to work
- Q So you sent people out to work regardless of whether they could go out or not?
- A No
- Q Didn't you just say that you had a quota to meet and that the quota was met?
- A I said that the camp headquarters may have taken shoes from ill prisoners and give them to healthy prisoners in order to fill out the number from the book of the details that had to go out
- Q Now, Kirsch, you stated that you administered punishments to the prisoners was that at Landsberg No. 1 or No. 3?
- A In the old camp No. 1 nobody was punished by my hand while I was there. The punishments of which I spoke were in the new camp No. 1
- Q Now, what were the types of punishments that were administered in the new camp No. 1?
- A The crder punishments was 5 to 25 beats with a stick, which, as long as camp commandant Foerster had been there, had to be carried out by us or the SS, and I, of course, had to carry it out also
- Q Alright, Kirsch, how many prisoners did you beat there in Camp No. 1?
- A I can't say that, but I only punished prisoners when I wanted to prevent their getting more severe
- (Kirsch-cross)

punishments, and, when they didn't listen to my reprimands, I beat them, and only when they did things which would have to be punished one way or another whereby a report had to be sent in, I gave them the punishment with the stick

Q What punishment was worse than the slaps--25 of them--with the sticks which you wanted to avoid?

A I didn't try to avoid a slap in the face, sometimes a kick in the rear, then sometimes a hit across the back with a stick--but such beatings could not lead to illness or to death because the prisoners had exoelsior or blankets in their clothes

Q But, isn't it a fact that when you found things like that, that you took his trousers down and beat him on his bare skin and flesh?

A Never

Q Isn't it a fact that not only was the prisoners beat on the bare flesh but he was also given double the punishment that he was originally to receive?

A That is not true

Q You never punished a man in that fashion, is that correct?

A No

Q And you never had a man punished in that fashion, is that correct?

A No, I was never there and I don't know about it--it must have happened without my knowledge

Q So you never mistreated the prisoners other than giving them a slap in the face or a kick in the  
(Kirsch-cross)

rear, is that correct?

A It was with a stick across the back, but never on the head

Q Now, Kirsch, isn't it a fact that, at the time you were instituting this cleanup campaign, you threw a number of those Jewish doctors into the latrine?

A No

Q You never did that?

A No

Q Do you know a man by the name of Dr. Likes?

A Yes

Q What did you do to him?

A I did nothing to him--it is a pity that the man isn't alive today so that he could testify for me

Q Do you know Dr. Greenberg?

A Yes

Q What did you do to him?

A He was never hit by me--I only bawled him out when he didn't do his duties as a capo

Q Do you know a man by the name of Dr. Katz?

A I can't remember that

Q Dr. Kaufman?

A I saw him here again--he operated on the small boy, if that's the one you mean

Prosecution: No further questions

Defense: No questions

President: The witness is excused

President: The court will take a 15-minute recess.

#### DIRECT EXAMINATION

Defense: If it please the court, at this time the defense calls as its next witness, Dr. Witteler.

(Kirsch-cross and Witteler-direct)

Dr. wilhelm witteler, a witness for the defense, testified through the interpreter as follows.

Questions by the Defense.

Q Doctor, will you state your full name?

A Dr. Wilhelm Anton Witteler

Q And how old are you, doctor?

A 36 years

Q And are you married?

A Yes

Q Do you have any children?

A Two children

Q Where is your home?

A Hohens dorf, Berlin

Q When did you join the Waffen SS?

A 15 October 1938

Q And had you ever belonged to the Allgemeine SS?

A No

Q When you came into the Waffen SS, for what did you apply?

A I asked to be a troop physician

Q And for what length of time did you intend to serve?

A I intended to serve four years

Q And at the termination of the four years service, what had you intended to do?

A After those four years I intended to open up a practice with my wife, who is also a physician

Q From what institution did you graduate as a physician?

A University of Wuersburg

(Witteler-direct)

Q And when did you graduate from the University of Wuerzburg?

A 1937

Q And when did your wife graduate from school?

A 1938

Q Did she also graduate from the University of Wuerzburg?

A Yes

Q Did you practice medicine, that is, general practice, after you graduated from school?

A Yes

Q For how long did you practice general medicine after you graduated from school?

A I didn't have a general practice. I practiced at the Pathological Institute of Wuerzburg, and, furthermore, in the City Institution of Wuppertal, Westphalia

Q And that continued until you joined the Waffen SS?

A Yes

Q When you joined the Waffen SS, what was your first assignment?

A The medical department of Berlin first transferred me to Dachau as assistant physician

Q When was it that you were transferred to the hospital here at Dachau?

A 15 October 1938

Q And which hospital was it at Dachau--general or military hospital?

A It was the military hospital--the SS field hospital

Q How long did you stay here at Dachau in the field hospital?

A Until 1 January 1939

(Witteler-direct)

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And on 1 January 1939 where did you go?

On 1 January 1939 I was transferred to the Second Battalion of the Germania <sup>at</sup> Arolsen for training

Q What kind of training?

A Military training

Q How long did you stay at Arolsen?

A Until 1 April 1939

Q Then where did you go?

A Then I was sent to a physician's training program at Gross Schuetzendorf near Berlin

Q When did you go there?

A Until 1 June 1939

Q From 1 June 1939 what did you do?

A I was transferred as a troop physician to SStutthof, , Blankenburg, Oranienburg

Q How long did you stay in Oranienburg?

A Until 1 October 1939

Q What did you do then?

A On 1 October 1939 I was transferred to the 3rd SS Armored Battalion of the Skull Division

Q And how long did you serve with the 3rd SS Tank Division?

A I was with the 3rd SS Armored Battalion until 1 January 1944

Q Where was this division in combat, if it was in combat?

A 1940 in France, and 1941 in the Russian campaign. I was in the front without a break. The division was turned over to the Russians

(Witteler-direct)

Q And you served on the Russian front until 1 January 1944?

A Until December 1943

Q In December 1943 where did you go?

A I was pulled out from the front by the medical department in Berlin and was transferred to the Amtsgruppe "D" in Oranienburg

Q How long did you stay in Oranienburg?

A The Amtsgruppe "D" immediately transferred me to Dachau as chief physician of the concentration camp from 1 January 1944 to 20 August 1944

Q From 1 January 44 to 20 August 1944, you were in Dachau, is that correct?

A Yes

Q After 20 August 1944, what became of you?

A I was transferred to Berlin to the SS Administrative and Economic Main Office as a troop physician

Q How long did you stay?

A Until the collapse

Q And what were your duties here in Dachau as chief physician?

A As chief physician of the concentration camp, my task was <sup>an</sup> organizing task, which consisted of taking care of the prisoners medically, as well as the camp of Dachau and also the outside camps. Secondly, I was in charge of the hygienic circumstances in Dachau as well as the outside camps. Third, I was in charge of the kitchens and quarters again in Dachau and the outside camps. Fourth, I took preventive measures for diseases

(Witteler-direct)



Q When you arrived in Dachau, what was the status of the medical personnel in the hospital and what if anything, did you do about it?

A In order to make sure of the medical care for the prisoners, I assigned 25 prisoner doctors, and for the nursing of the prisoners I had altogether 200 male nurses and assistants. Furthermore, I assigned prisoners physicians in the blocks in Dachau. In every block there was one prisoner doctor. In the outside camps of Dachau I, again, had one prisoner doctor and one male nurse in each hospital. I stopped the practice of getting prisoner doctors to do any other type of work. They were used chiefly as physicians. I arranged so that the physicians or the doctors that came in had to report to me immediately

Q Now did you say you used them mainly or only as physicians?

A They were only used as physicians--they were not used for any other type of work

Q When you arrived at Dachau, can you tell the court how many inmates, if you please, were in the outside camps?

A Altogether 28,000 prisoners belonged to Dachau

Q How many out-camps were in existence in Dachau at that time?

A There were about 20 outside camps that belonged to Dachau and they were widely spread all over Bavaria

(Witteler-direct)

Q When you arrived here at Dachau, will you tell the court about the hygienic conditions that existed here in Dachau?

A The latrines were still sufficient for the 15,000 prisoners. However, the water didn't run because the water pressure was not enough. So there was a danger of epidemics. I repeatedly told the commandant that he had to figure on an epidemic.

Q Who was the commandant?

A Obersturmbannführer Weiter

Q What did you do yourself in relation to the hygienic conditions here in Dachau at the time that you arrived here?

A I proposed to the camp commandant that a new installation would be fixed from the water tower to the camp. This proposition was ok'd and the installation was finished in the spring. The water pressure in this manner became very much better and the difficulty was relieved.

Q During your tour of duty here as camp physician, was the camp free of vermin?

A During my time there were no insects in the camp. I had my own detail for the disinsection of the camp and I raised it from 15 to 40 men. It was their task to watch daily the hygienic conditions and make reports to me. This detail was in charge of a prisoner capo.

Q During your tour of duty here as chief camp physician was there any epidemics in the camp?

A No

(Witteler-direct)

Q No epidemics?

A No, during my time there was no epidemics

Q How often did you have the occasion to check the out-camps?

A I visited the outside camps every 14 days. There were great difficulties because I could only visit 3 or 4 outside camp in 3 days because of the rail condition. Therefore, it was very often that I was not in Dachau for 2 to 3 days during the week

Q During your tour of duty in Dachau from 1 January 1944 to 1 August 1944, how many people, or patients, did you have in the hospital at Dachau?

A During my time I had from 15 to 17 hundred patients in the hospital

Q A moment ago you spoke of preventive measures against sickness. what methods did you adopt?

A I also took the preventive measures in the hospital. The hospital consisted of 9 barracks and during my time the barracks were not connected with each other. So it might happen that a patient might be taken out of the barrack No. 9 for operation and carried in the open 5 times, so you had to figure that there would be complications, because he was carried out in the open. Therefore, I proposed to the commandant, as well as to Berlin, to build a passageway. These proposals were refused at first but they were carried out in the end, presumably because of the danger of fire that the barracks would catch fire--a large passageway was built so the barracks would be connected--

(Witteler-direct)

it was a large hallway--then until 1944 there were no bathing facilities in the hospital--no shower or bath--the patients beginning in 1933 were not able to bathe in the hospital--that, naturally, being a hospital was an impossible situation--therefore, I suggested that a bath with showers would be installed--it was refused by the construction company in Dachau so I went to see Obergruppenfuhrer Pohl in Berlin and the installation was approved. They had to build a separate bathing and showering facility, a separate heating installation and a bath itself later on consisted of 6 bathing tubes and 30 showers. In this manner, it is possible that all the patients in the hospital could bathe twice a week, if it was organized. This installation was finished when I was transferred. Furthermore, I opened up an eye clinic. The room for that I took away from Dr. Schilling. with that I also got the possibility for operations. Up to this time, there was no hot water in the operating room for disinfection of the hands. I fixed up a hot water installation. Furthermore, I improved the massage station by installing steam heat and running water.

Q During your tour of duty here as chief physician how many cases of deaths did you average monthly in your cases?

A I had 60 to 80 death cases monthly. Those are the death cases of the entire camp, including the outside camp totalling 28,000 prisoners. The death cases that occurred after air raids are not contained in these figures. Also, the death cases which  
(Witteler-direct)

arrived from other camps with transports into  
Daohau are not contained in this figure

Q Can you tell us how many transports arrived  
from other camps that contained dead people?

A During my time about five to six transports  
arrived. These transports arrived in June and  
July and August 1944 mainly

Q Do you recall the testimony of a witness for the  
prosecution, Dr. Blaha, who testified about a  
French transport in the summer of 1944. What do  
you say to that?

A That is correct. In the summer of 1944 a transport  
of 2,000 prisoners suddenly arrived here. Of  
these 2,000 prisoners there <sup>were</sup> 498 dead. These 498  
dead were in five cars. I had the dead taken away  
and immediately had three autopsies carried out  
in order to determine the cause of death.

Q Did Dr. Blaha dissect or perform autopsies on  
three corpses?

A Yes

Q Dr. Blaha said he dissected ten, is that correct  
or not?

A That is not correct and it was not necessary--it  
was sufficient to have three dissected. These  
three bodies were washed by Mahl and Mahl must  
remember that it was not ten.

Q Now, during your testimony a minute ago you stated  
that these 498 bodies were in five cars. Were  
those cars closed or open?

A They were closed. The death must have occurred  
about ten days previous with the agreement of Dr.  
Blaha and various other doctors

(Witteler-direct)

Q As a result of the autopsies that were performed on these three bodies, did you determine the cause of the deaths of the 498 dead that were contained in these closed cars?

A Yes, the autopsies were determined that the 498 people had died because of suffocation. I immediately sent the report to commandant Weiler in order to take the necessary steps.

Q How soon before the French transport arrived in Dachau did you have information as to when it would arrive?

A It was not known. It was suddenly there. I was then called by the commandant who told me that many people had arrived and I should take the necessary measures in order to prevent an epidemic.

Q Were there also a lot of sick people on the transport?

A There were also sick people on this transport. They were immediately taken care of by a prisoner detail. With each transport that arrives, there is a prisoner detail consisting of physicians and male nurses in charge of a capo that goes out to meet the transport. The sick people were selected and the medical care is immediately started. That was the same thing with all other transports and it was out of the question that SS men would send away such a detail. And prisoner physicians as well as nurses always did wonderful work on such cases. It was not necessary that an SS doctor would stand behind them and tell them who had to be taken care of. The feeling of comradeship was the same among the prisoners as the SS men on the front.

Q Now, doctor, Dr. Blaha also testified that the hospital in 1944 was completely overcrowded and that

(Witteler-direct)

four patients had been placed in one bed. What do you have to say about that?

A I can only talk about the time I was there from January 1944 to August 1944. The hospital was occupied by 15 to 17 hundred patients. There were nine blocks in the hospital. At that time I had twenty percent single and eight percent double beds, so every prisoner had his own bed. Furthermore, I can't imagine how four people could lie in one bed--that is technically impossible.

Q Dr. Witteler, when did you come to Dachau this last time?

A On 4 November 1945

Q And where did you come from?

A I came as a patient from the prisoner hospital of Mergentheim.

Q How long were you there?

A Two months

Q What time of the day was it that you left Mergentheim?

A At 8 o'clock in the morning. I left on the truck to an unknown destination

Q What time of the day did you arrive in Dachau?

A I arrived in Dachau towards five thirty

Q During the day, from 8 o'clock until 5:30, did you have anything to eat?

A No

Q When you arrived in Dachau on the evening of 4 November 1945, where did you go?

(Witteler-direct)

A To the bunker. There the valuables which had been taken away from me in May were given to me and thereupon I was told "Give Me those things again and follow the guard." I asked what was the matter and I was told I would see. Thereupon, I was put on a closed truck which made a terrible impression on me and the trip went in the direction of the crematory. I figured on an execution, but I was sent from this vicinity and was sent to Lt. Guth.

Q What time did you get to Lt. Guth's office?

A At 6 o'clock

Q Did you receive anything to eat yet?

A No

Q Did you tell that to anybody?

A Yes, in the bunker and also on the trip I told the guard

Q You arrived before Lt. Guth. Did you tell him you came from the hospital?

A No

Q Did you tell him, at any time during the interrogation, that you had just come out of the hospital?

A No

Q How long were you interrogated by Lt. Guth?

A Until 1:30 in the morning

Q During that period of time, did you have anything to eat at all?

A No

Q I show you here Prosecution s Exhibit No. 94, consisting of a page and a half of typewritten testimony and ask you what that is?

A That is a statement

(Witteler-direct)



Q Is that the statement you made of seven hours of interrogation?

A It must be

Q There is handwriting on the top of page 1. Is that your handwriting?

A No

Q Will you take a look on page 2. Did you make the correction on the 3rd line?

A Yes

Q This handwriting at the bottom of page 2. Is that your handwriting?

A I would like to explain to the court.

Q Will you do that?

A During my interrogation I had to sit in front of the desk of Lt. Guth. A spotlight was turned on me which was stand on the desk. Lt. Guth stood behind the spotlight and the interrogation started: "We know you, we have the necessary records about you. You worked with Professor Schilling and Rausch. You had malaria cases lying in your ward." I wanted to make an explanation. I was immediately stopped. I was yelled at. He called me a swine, criminal, liar, murderer and that is the way the interrogation continued. I couldn't give any explanations. I was only told to answer "yes" or "no".

Q Just a minute. Would you demonstrate for the benefit of the court, as you have demonstrated for me the manner in which you were required to answer "yes" or "no"?

A You worked together with Professor Schilling, "yes" or "no"? No, was my answer. Dr. Blaha says that the malaria patients were put into the medical ward, "yes" or "no"? I said, "I don't know about it." I said, "It

(Witteler-direct,

can be possible." It is possible that in a case where complications set in the malaria patient would be transferred to a medical ward. But I couldn't even explain that. I was interrupted immediately and told that all I was to do was answer "yes" or "no". He said, "There are various cases that are put in the malaria ward. I said, "It could be only one case." I couldn't even explain it. I was told to shut up and to answer "yes" or "no". But I didn't even get to say that it might be only one case. When there was a pause that existed, I could neither say "yes" or "no". Thereupon, I had to give a binding statement--or answer--"yes" or "no", and since it was not like he thought it was, I had to get up and stand. So I stood up until 1:30 in the morning--seven hours.

Q How long did you stand to answer these questions?

A I stood up about seven hours

Q At the conclusion of the drafting of this statement you signed it?

A No, I answered that it is not correct what is written about Professor Schilling. This statement was not written in my presence. It was written in another room. The reporter was with me in the room all the time, but the statement was written in another room. After I couldn't stand up any more this statement was put in front of me at 1:30. And then when I said that this testimony about Professor Schilling is not by me, that it is the testimony of Dr. Blaha, who was present for various hours that night

(Witteler-direct)

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and who told me that is the way the circumstances are, that so many malaria autopsies had been carried out, and I don't know about a single case of death, so I didn't want to sign it. Lt. Guth said he would interrogate me until tomorrow morning, that he had other methods, that he would have a battalion of SS men pass by, who would walk by and spit at me

Q How many people were present at the time you were interrogated?

A Altogether, three: Lt Guth. Dr. Leias and I, and, for a short time, Dr. Blaha.

Q This handwriting in your own handwriting. Was that dictated or did you make it up?

A When I found out that the interrogation would end that way, I wrote down this last part and signed my name to it

Q Was it your own words or was it dictated to you?

A Lt. Guth dictated those words

Q After 7½ hours you got 1½ pages of the statement?

A It was almost all concerned with the experimental station of Professor Schilling and Dr. Rascher. I never had anything to do with it. Before I came to Dachau I had the order of Lolling that I had no influence with the malaria station and that it was in charge of Professor Schilling and he is only under the Reichsfuhrer. I had nothing to do with it and I was not to impede him in any manner. I was very much interested in getting Professor Schilling out of the hospital. If one case of death occurred, I would have had the opportunity to get Professor Schilling (Witteler-direct)

ling out of the hospital. Dr. Rausch didn't make any more experiments at that time. He was a few times in any hospital and was arrested in 1944.

Q Prior to the time that you signed that statement, had you been served with any papers in this particular case?

A No, I didn't know why I was in Dachau. I had no idea I was one of the accused. After the interrogation at 1:30 I was sent to the colonel and the colonel then read the charge to me. The first time I heard I was supposed to be a murderer, was then

You mean Colonel Denson read the charges to you?

A Yes

Q Now, Dr. Witteler, did you ever work with Schilling or Rausch?

A No

Q Did you know a Dr. Brachtel?

A No

Q Did you know a prisoner, doctor, by the name of Simon?

A No

Q When you were first admitted to the hospital prior to coming to Dachau, why were you in the hospital?

A I was operated twice on sweat glands and I had acute gastritis

Q Did you know what was the cause of the acute gastronal trouble that you had?

A Yes there is something the matter with my stomach. I have no stomach juices and I couldn't stand the  
(Witteler-direct)

normal food as a prisoner so I received a diet  
in the hospital

Q When you returned from the Russian front, were  
you in a hospital or not?

A No

Q When you returned from the Russian front was it  
to  
necessary for you/have medical attention?

A Yes, I was physically and mentally run-down, but  
that became better here at home

Q Did that physical condition which you suffered  
after you returned from the Russian front have  
any relation with the trouble you had with your  
stomach?

A Partly

Defense: No further questions

#### CROSS EXAMINATION

Questions by the Prosecution.

Q Dr. Witteler, what time was it when you were  
brought to the office of Colonel Denson to have  
the charges read to you?

A It must have been 1:30

Q Did you have a watch at that time?

A No, but when I was taken back I heard the camp  
clock strike. Furthermore, I inquired the next  
day--I asked Dr. Leist how long my interrogation  
really lasted. In the presence of Dr. Hintermeyer,  
he said it lasted from 6 to 1:30

Q How old are you, doctor?

A 36 years

Q When you came to the office of Lt. Guth, you  
testified that you had to look into a spotlight,  
is that correct?

(Witteler-direct and cross)

A Yes

Q And how was that light arranged?

A It was very bright

Q And where were you with respect to the light?

A The lamp was standing on the table and I was sitting just before the table and Lt. Guth stood behind the lamp, and when I got up this lamp was fixed accordingly. I might say that it was intended to serve a purpose

Q And it was also intended for the purpose of lighting up that room?

A No, there was another lamp for that

Q So there were two lights in that room?

A Yes

Q Now, doctor, did you ever see this lamp before?

A That was not the lamp

Q Was it one of these lamps up here?

A The lamp was similar to that one there. It was a standing lamp that could be put on the table. In this form and this spotlight which could be moved on the top and the bottom and this lamp could be stood up

Q You say that this lamp was not the lamp that was used in that interrogation?

A It was something like that. It was a spotlight

Q Was it this lamp, doctor, or not?

A I can't say with certainty, but I can say that it was a spotlight which you can move on this lamp too. And now, naturally, it depends on the bulb which was very bright

(Witteler-cross)

1365

Q Just one more time--was that the lamp that was in that room?

A It is possible

Q Now, you say that when you got in there, Lt. Guth called you a swine, criminal and murderer?

A Yes, very soon after it started

Q Was he correct or not?

Defense: I object to that as being highly improper, in characterizing himself.

Prosecution: He has been characterizing himself right along.

President: The objection is sustained.

Q This statement that you signed, Dr. Witteler; it is a fact, is it not, that you were the chief camp doctor of the concentration camp Dachau from 1 January 1944 to 20 August 1944?

A Yes

Q You understand English, do you, doctor?

A I am just a beginner. I started learning in the camp

Q It is a fact, is it not, that in this capacity you were in charge of the hospital?

A Yes

Q And it is also a fact, is it not, doctor, that when you started your work there you found the malaria station already there?

A Yes

Q And it is also a fact, is it not, doctor, that this station had been instituted by the order of the Reichsfuhrer of the SS?

A Yes

(Witteler-cross)

Q And isn't it also a fact that the prisoners would be made available for experiments there?

A Yes

Q And isn't it a fact that this malaria station was conducted by Dr. Claus Schilling?

A Yes

Q Isn't it a fact that from time to time the camp commander cleared prisoners and notified the labor office?

A Yes

Q And isn't it a fact that they in turn would notify you?

A No

Q Let me read this entire question. Isn't it a fact that from time to time the camp commander cleared prisoners and notified the labor office, and that they in turn would notify you?

A No

Q You never, at any time, were informed that certain prisoners had been selected for these experiment to be conducted by Dr. Schilling?

A No

Q Now, isn't it a fact that on the case of your interrogation before Lt. Guth that you did state that from time to time you cleared prisoners and notified the labor office?

A No, I had nothing to do with that. The labor distribution sent the prisoners over to the hospital and Professor Schilling had his own assistant physician, who received the prisoners, and I don't know anything about it

Q Dr. Witteler, who was the chief doctor on the 3rd day of June 1944?

A I

(Witteler-cross)



Q And was your title "Lagerarzt" in concentration camp Dachau?

A No

Q What was it?

A First "Lagerarzt" of concentration camp Dachau

Q I hand you a document marked Prosecution's Exhibit No. 48 and ask you to tell the court what it is?

A Request toward the labor distribution about prisoners who had been examined and who were taken into the concentration camp for the experiments, but not signed by me

Q Whose title is that at the bottom?

A The first SS camp physician

Q And who was that first camp physician on 3 June 1944?

A I was

Q Will you read the first three lines at the top?

A Concentration Camp Dachau, the first SS camp physician, records 14-H-6-44, Dr. WI, malaria

Q What does WI stand for?

A That is supposed to mean Dr. Witteler

Q And what are the next two lines, doctor?

A Concerning the holding of prisoners for experimental purposes

Q And what the next three lines, doctor?

A To the leader of the work distribution of the concentration camp of Dachau

Q Now, will you read the next three lines?  
(Witteler-cross)

A Of the prisoners who were made available on 2 June 1944, the following are found ok for the purpose of malaria experiements according to medical examination

Q Now, doctor, will you read the last three lines down at the bottom?

A It is requested to hold them for the above mentioned purpose

Q And it is signed by the first lagerarzt?

A Yes

Q And you are the first SS camp doctor, are you not?

A Yes, but that doesn't mean that these prisoners were selected by me, that is the important point. The examination of prisoners was always done by the assistant physician of Professor Schilling

Q Now, doctor, when you left here on the 20th of August 1944, how many prisoners were confined in Dachau?

A About 18,000

Q And how many were in the outcamps?

A In the outcamps 13 to 14 thousand

Q Now, I believe I understood you to say that when you arrived here in Dachau that the latrines were sufficient for the prisoners, is that correct?

A For 15,000, I said

Q How many were confined in each block, doctor?

A They were different  
(Witteler-cross)

1307

Q What was the fewest number that was confined in one block?

A The minimum figure 6 to 7 hundred

Q And how many were the maximum in a block?

A 900

Q Now, in one of these blocks, doctor, how many stools were there?

A 10 or 12

Q And all blocks were constructed alike, were they not, so that they had 10 to 12 stools in them?

A Yes

Q And you tell this court that, in your opinion, 10 to 12 stools were sufficient to accommodate in the blocks that had the fewest number of prisoners, 6 to 7 hundred, is that correct?

A Yes, I said that

Q And with respect to those blocks that contain 900 prisoners, 10 or 12 stools were sufficient, is that correct?

A That was toward the end of my activity here

Q Well now, doctor, when you came here, I believe you stated that there were about 15,000 prisoners in the camp, is that correct?

A Yes

Q And when you left here you said there were about 12,000, is that correct?

A Yes

Q What was the minimum number of prisoners in a block when you came here?

A I can't say exactly, I said it was still sufficient (Witteler-cross)

Q I want to know how many prisoners that were in a block?

A 5 to 6 hundred

Q And what was the greatest number of prisoners in a block when you came here?

A 800

Q And, in your opinion then, 10 to 12 stools would be sufficient for 800 men in a block?

A The prisoners were at work during the day and had the opportunity to relieve themselves

Q I didn't ask you that. I asked you whether or not 10 to 12 stools were sufficient to accommodate 800 men in a block?

A It could be regulated

Q In how many of those latrines was it that the water did not run?

A In all of them

Q And you got here in January, is that correct?

A Yes

Q Now, was this difficulty due to structural error-- that is, the pipe was not large enough to permit the water to flow?

A Yes, that is correct

Q So that condition was in existence during Weiss' time, was it not?

A Yes, and there wasn't enough water pressure. That is, the main reason. It is possible that during the time of Weiss the water pressure was higher. That depended upon the water condition.

Q How many beds were in each one of these blocks when you first came here?

A The prisoners?

(Witteler-cross)

1000

Q I didn't ask you that, doctor.

A Two to a bed

Q I asked you how many beds there were in the blocks when you came there?

A About 400

Q And those beds were not increased in number when you left, were they?

A Yes

Q How many beds were put in them when you left?

A I don't know. At any rate, there three beds on top of each other

Q Now, how large was the room in the block that was occupied by the prisoners in the night time?

A That depended

Q Alright, what was the size of the average room in the block that <sup>was</sup> occupied by the prisoners during the night time?

A One block was divided into four parts

Q You know the size of the block. What were the dimensions in meters of the blocks, doctor?

A I cannot say it

Q Have you any judgment about it?

A No

Q But you were responsible for the hygienic conditions of the prisoners, were you not, and they were sleeping 800 in a block?

A Yes, that is correct

Q And, in your opinion, that is perfectly hygienic to sleep 800 men in one of these prison blocks?

A No, I always protested against that, but there was no extra barracks put up because I was told

(Witteler-cross)

that there was no material available. That is the reason I had difficulty in building a passageway. I am quite clear about the fact that the camp was overcrowded. I could only make an effort to alleviate the conditions

Q Now, doctor, with respect to the office that you occupied, isn't it a fact that there was a medical museum located in your office here at Dachau?

A No

Q Where was it located?

A I don't understand the expression, medical museum

Q Isn't it a fact that here in Dachau that you had a room where you had a collection of human skin of all persons who had committed suicide by eating poisonous matter--also healthy organs

Defense: I object to that question on the grounds that it is irrelevant

Whereupon the defense and prosecution made argument.

President: Objection overruled

A No, I had no room where I had skin or healthy organs. Naturally, I had a room where I had pathological organs which you have in each hospital. They are taken out and set up in that room for that purpose. In order to teach medical knowledge to students

Q And in that room you also had human skin, did you not?

A No, I don't know anything about human skin and I didn't keep human skin unless I was concerned with cancerous human skin

(Witteler-cross)

- Q Now, doctor, isn't it a fact that during your time here the skin was taken off the prisoners, tanned and used as hand bags?
- A No
- Q Isn't it also a fact that during that time you had on your desk the skull of a prisoner?
- A Yes, I had a skull on my desk. And I had this skull brought from the pathological station and it had already been finished. I had that brought into my office so that each doctor had the opportunity to look at it
- Q It was a shrunken head, was it not?
- A What do you mean, a head that was--
- Q A head that was not as large as it was on the person that originally had it.
- A It was a skull, a bone can't be shrunken
- Q These 1,500 patients that you had in the hospital, just tell the court what they were suffering with?
- A I had about 450 TB cases, then I had an infectious ward--in there I had diphtheria, scarlet fever, &resipilis--that was the infectious ward. The skin ward--boils, scabies and other skin diseases. Then I had a internal department with all varieties of diseases. Sceptic surgical department--there were pussy matters among other various cases of where the ribs were removed by operation-- then I had a surgical department
- (Witteler-cross)

Q Doctor the time that you were here, you say you had this skull and this pathological room where you keep organs for the purpose of instruction. For whose benefit was that instruction carried out?

A Yes, but there were no students in Dachau, but, as a matter of fact, you need these organs for scientific purposes. Every doctor is interested in these pathological organs, and alone in the hospital I had 25 prisoner doctors

Q Now, doctor, these deaths you spoke of--60 to 80 deaths per month--what were the causes of these deaths?

A Pneumonia, tuberculosis, old age, death cases after operations and because of internal diseases

Q Now, doctor, how many cases did you have of malnutrition?

A In the summer of 1944 the first case of malnutrition occurred in Allach. There I had cases of death.

Q Doctor, prior to August, you tell this court that you did not have any cases of malnutrition from January 1, 1944 during to and including the cases you mentioned at Allach?

A Yes, I had malnutrition. But these cases where there were actual signs of starvation, that only appeared in June and July of 1944. Naturally, I had very many prisoners who were in bad condition concerning food. And those that came to us in transport from outside were in the worst health

(Witteler-cross)



condition

Q Now, doctor, you say that in this pathological room you had no human skin, is that correct?

A I say that it could only be a diseases skin. I don't know about that

Q Were all skins that had been tatoood diseases skins?

A Yes

Q I hand you an object marked Prosecution's Exhibit No. 127 and ask you to state what this is?

A That is tatoood human skin. This is the first time I see it right here. During my time something like that did not happen

Q You never saw this Prosecution's Exhibit No. 127 in this room that you mentioned and described as being the pathological room, is that correct?

A I was only in the pathological room one time when I visited it

Q And you were a doctor here how long?

A 7 1/2 months

Prosecution: That is all

Defense: No questions

President: The court will recess until 1:15 this afternoon.

The court having recessed at 1205 hours,  
4 December 1945, opened at 1315 hours, 4 December  
1945, all the members of the court, the personnel  
of the prosecution and the defense, all the accused,  
and the interpreter, resuming their seats.

The reporter was also present.

President: The court will come to order.

CROSS EXAMINATION (contd)

Questions by the prosecution:

Q Now, Doctor Witteler, I believe that you testified that there were nine blocks in the hospital.  
Is that correct?

A Yes.

Q Were all of these blocks devoted to the housing of patients?

A Not all. Approximately three blocks have to be deducted.

Q So there were six blocks, then, used?

A Yes.

Q Now, how often, Doctor, did you make inspections through the wards of the hospital?

A It depended upon my time and upon the opportunities I had.

Q Can you give the court, please, Doctor, some idea as to the regularity with which you visited these blocks?

A One can figure that I went through all the blocks about once a week. Some wards, daily, if I was not in one of the bycamps.

Q Now, Doctor, you knew Doctor Blaha did you not?

A Yes.

(Witteler-Cross)

Q And he was a pathologist here in Dachau, was he not?

A Yes.

Q And, as chief doctor, is it not a fact, that Doctor Blaha had to make his reports on autopsies to you?

A Yes -- or to my representative.

Q And is it not a fact, Doctor, that during your period of being chief doctor here at Dachau, there were, on an average, one hundred autopsies performed every month?

A No. Doctor Blaha testified, in my presence, and in the presence of Lieutenant Guth, that he made sixty to eighty per month, and these are the number of deaths I had in the hospital. These, also, in all the bycamps.

Q Now, Doctor, isn't it a fact that here at Dachau, during the time that you were chief doctor, there was an average of two hundred deaths per month?

A No. With the deaths, as stated before, who arrived dead on transports, and with the dead due to air-raid attacks.

Q Counting the dead that arrived on transports, and the dead from air-raid attacks, and the dead that died from other causes, how many died, each month, while you were here, Doctor?

A During one transport only, there were four hundred ninety-eight dead. After two air attacks on Augsburg there were four hundred eighty. After two air attacks on Friedrichshaven there were two hundred. After air attacks there were also many injured who also died. But the people who died

(Witteler-Cross)

afterwards, I included in that number.

Q So that, during the time that you were chief doctor here, from the 1st of January 1944 until the 20th of August 1944, how many prisoners died here in Dachau?

A On the average, sixty to eighty. I always registered this by means of a graph. And I could determine the death rate declined rapidly during my time, as compared to the year before.

Q Now, were all the deaths that occurred here in Dachau autopsied?

A The ones who died in the hospital, and in the hospitals of the bycamps were autopsied here.

Q Those bodies were brought in from the bycamps to Dachau, and then, by Doctor Blaha or his assistants, were autopsied. Is that correct?

A Yes, but there were only very few brought to us from the bycamps. The people who needed hospital treatment came before that to us from the bycamps. Dachau was the central point for all sick people who needed hospital treatment.

Q Now, Doctor, as chief physician, here at Dachau, it was also your duty, was it not, to sign the death certificates of all who died here at Dachau?

A Yes, for me and for my representatives.

Q And, Doctor, that death certificate also included the cause of death, did it not?

A Yes.

Q So that you were familiar with the causes of death that took place during the period from January 1st, 1944 and August 20th, 1944 — of those persons who died here at Dachau?

(Witteler-Cross)

A Yes.

Q Now, is it not a fact, Doctor, that the majority of those people, who died here in Dachau, died as a result of dysentery and malnutrition?

A No.

Q How many people, Doctor, died during the period of time that you were chief physician, from malaria?

A None. None that I know of.

Q Well, you received the autopsies of all people that died here in Dachau, did you not?

A Yes.

Q All right, now how many died as a result of intestinal poisoning?

A Intestinal poisoning? What am I to understand under intestinal poisoning?

Q I'll ask you this: How many people died in Dachau during the time that you were chief physician from poisoning?

A I do not know of any death due to poisoning.

Q What is the effect of an excess of pyramidon on the human body?

A I don't know that.

Q And where did you get your medical education, Doctor?

A I got my medical education in Wuerzburg.

Q And you are a graduate of a medical school?

A Yes.

Q Do you know what pyramidon is, Doctor?

A Yes. Dimaphilamine phinazoan.

Prosecution: We have a doctor here who is familiar with German terminology, and I would like to use him at this time to aid Sergeant Kuritzkes as interpreter.

(WittelerOCross)

Defense: We have no objection.

President: Captain Kurshman is appointed as interpreter.

Captain Kurshman was sworn as interpreter.

Q What did you say that pyramidon was, Doctor?

A Diametro phenol pyramizoan.

Q Now, Doctor, is that drug used in the treatment of malaria?

A This is something very new to me. I heard it here for the first time about how the treatment of Doctor Schilling progressed. I was not informed as to his experiments. I don't know what drugs he used. I heard about it during the trial.

Q I didn't ask you that. I asked one simple question: Whether or not pyramidon was used in the treatment of malaria?

Defense: If the court please. I would like to object to this question on the ground that this doctor, now on the stand, is not an expert in the treatment of malaria, and is not so qualified as to the treatment or the use of drugs in the treatment of malaria.

Prosecution: May it please the court, this is a doctor put up here as a graduate of a medical institution, and a practicing physician. We are entitled to question him as to his ability in that line.

Defense: May it please the court, we submit, and the court may take judicial notice, that there are all kinds and types of doctors. Some are

(Witteler-Cross)

pathologists. There are those who deal only with bone diseases. Others are eye, ear, nose and throat doctors. There are all types and kinds of doctors. All doctors are not qualified as physicians for the treatment, for the prescribing for, or knowledge of the treatment of malaria.

Prosecution: But he can answer 'yes' or 'no' as to whether or not he knows about it.

President: The objection is overruled. The witness will answer the question.

Q Doctor, is pyramidon used in the treatment of malaria?

A I don't know about it, in spite of the fact that I had a special education in tropical diseases, and took an examination in Amsterdam.

Q And you never heard of pyramidon used in the treatment of malaria? Is that correct?

A No. Never.

Q Now, Doctor, from your knowledge of the functions of the human body, and your knowledge of the chemical analysis of pyramidon, could you tell the court, at this time, what is the effect of pyramidon on the human body?

A Normal amounts have no harmful effect on organs.

Q And an excessive amount of pyradmidon does what to the body?

A It is possible that there could be a liver damage.

Q Now, Doctor, during the time that you were here as chief doctor, were there any deaths that resulted from a damaged liver, from an overdose of pyramidon?

A No.

(Witteler-Cross)

Q How many insane people did you have in the hospital during the period from the 1st of January 1944 until the 20th of August 1944?

A Twelve.

Q Did you know a man in the hospital by the name of Spiels?

A He was a capo of mine. He came after Zimmerman.

Q When was he in the hospital?

A During my whole activities, he was there.

Q Did you know a man named Doctor Kahr?

A He was my surgeon.

Q Was he an SS man?

A Yes.

Q When did those twelve insane prisoners leave the hospital, Doctor?

A At the time when I left they were still there.

Q Don't you know, as a matter of fact, that those twelve people were taken to the bathroom in the hospital, and there they were killed by the chief nurse, Spiels, and Doctor Kahr?

A That is not true.

Q That did not happen, then. Is that correct?

A They never -- the prisoners were in the ward.

Q And in what ward were they kept?

A On Block 7. Just the opposite, I visited it almost daily, because amongst them there was one prisoner who was insane, and who attacked me bodily, in his remarks. Therefore, the conversation was always very funny, because a normal prisoner wouldn't tell me these things.

(Witteler-Cross)



Q These twelve prisoners were here during the entire month of August, up to the time you left. Is that right?

A Yes.

Q Now, Doctor, how many prisoner doctors, and nurses, were sent out on punishment transports while you were chief doctor?

A None. There was one prisoner doctor for every camp. Also, for camps which were to be built, there was one prisoner doctor kept in readiness. If the prisoner doctor thinks that to be a punishment, I didn't know it until now. I know that all of them liked to remain in Dachau.

Q How often, Doctor, did you receive requests for skulls from Oranienburg?

A Not once.

Q If a prisoner wanted to get into the hospital, Doctor, through what procedure would he have to go, during the time that you were the chief doctor?

A At first he reported sick. Later on I had block physicians on every block and then, most probably, he went through the block eldest. He went and reported there, or in the evening at the hospital. That is on Station A. There was also the dispensary, where he was examined by the prisoner doctors, mostly, in the presence of one of the SS doctors. There were only two SS doctors, and it is possible that there would be no SS doctor there.

(Witteler-Cross)

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- Q Who decided that this man could report to the hospital, Doctor?
- A The prisoner doctor in the dispensary. He determined whether a patient needed hospital care, or not.
- Q That was decided in the block, then, and not at the hospital. Is that correct?
- A It was decided in the hospital, as I said before, in the dispensary, at the station.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by the defense:

- Q May I see Prosecution Exhibit Number 48? Doctor, I show you, here, Prosecution Exhibit Number 48, and ask you if your signature is attached thereto?
- A No. I am surprised that it is not initialed. I don't know that at all. I don't know this letter.
- Q Did you ever see that letter before?
- A No.
- Q Did you see it on June 30, 1944, the date which it bears?
- A Yes.
- Q Did you see this paper on that date?
- A No. I always initial the carbon copies by principle.
- Q And on your cross-examination you said that you have a skull on your desk. Where did you get that skull?
- A From the pathological department.
- Q In Dachau?
- A In Dachau.
- Q Who was in charge of the pathology department?
- A Doctor Blaha.

(Witteler-Redirect)

- Q How long was he in charge?
- A During my entire time.
- Q Was he here when you arrived?
- A Yes.
- Q Did he tell you that in 1941 he had removed the skins from bodies? That he did this for Doctor Walter?
- A No. I heard about this here for the first time.
- Q Did he, at any time, remove the skins from any bodies for you?
- A No.
- Q During your tour of duty here as first physician did you have any skin from any bodies tattooed?
- A No.
- Q Was this pathological museum in existence when you arrived in Dachau?
- A Yes.
- Q Do you know how long it had existed prior to the time you came here?
- A Since the existence of the camp. After, too, if you come to that.
- Q And that was under Doctor Blaha's supervision, wasn't it?
- A Yes. Doctor Blaha knew about the preparations.
- Q Now, you spoke, on cross-examination, of a Doctor Zimmerman. Who was Doctor Zimmerman?
- A No; the hospital capo, Zimmerman.
- Q Who was the hospital capo, Zimmerman?
- A The hospital capo worked for me in the hospital until the summer of 1944, but upon my applications he was released

(Witteler-Redirect)

Q To go where?

A Home.

Q Now, when Doctor Blaha made any pathological reports on autopsies, did he tell you at any time that the autopsies revealed death as a result of malaria?

A No. The cause of death is on the report.

Q Did he furnish you with the information on the autopsies he made as to the cause of death?

A In a written form, yes.

Q Where was the tuberculosis station?

A Block 11 and 13.

Q And Did Doctor Blaha ever do any autopsies on tuberculosis patients who died?

A Yes.

Q Did he tell you, when he performed those autopsies, that some of those tuberculosis patients had died as a result of malaria inoculations?

A No.

Q What was your first introduction to the drug known as pyramidon?

A As a student.

Q Where? In school?

A Yes. In school.

Q Did you ever know of it being used as a drug in the treatment of malaria?

A I don't know about that.

Q Did you ever make any experiments with malaria, yourself?

A No.

(Witteler-Redirect)

Q Did you ever use pyramidon as a drug in the experiment with malaria inoculations?

A I don't know anything about it.

Q In your cross-examination, you said that malaria might have some effect on the liver ----- I withdraw that question.

Q In your cross-examination, you said that an overdose, or a large dose, of pyramidon would have some effect on the liver. What effect, to your knowledge?

A It damages the liver cells.

Q Is there any other toxic poison that would have the same effect on the liver?

A Yes. There are several drugs; for instance, galvarsan.

Q What else?

A There are other drugs.

Q Is that used in a drug for the treatment of malaria, as far as you know?

A I didn't know that before, either; I just heard it here. The usual treatment is quinine, atabrine, or plasmoquine.

Q Are you familiar with the experiments that have been made in malaria throughout the world, including the United States, by one Mark Boyd, for instance?

A No.

Q I neglected to ask you, on direct examination this morning ----- And, with the permission of the court I would like to do so now ----- I overlooked to ask you about your participation in executions. What participation had you in the executions in the crematory?

1328 (Witteler-Redirect)

A Yes, I participated.

Q How many executions did you participate in?

A Two executions.

Q And what was the extent of your participation in these two executions?

A I had to determine the death

Q Under what circumstances was it that you attended these executions?

A I was ordered to by Obersturmbannführer Weiter, to participate in these. Until then the physician on duty always had to be present. But for these two I was ordered personally.

Q And are they the only two executions that you ever attended while on your tour of duty here at Dachau?

A Yes.

Q When was the first execution?

A It must have been in spring.

Q And do you recall who attended?

A Yes: Obersturmbannführer Weiter, Campe — he was Schutzhaftlagerführer — and, not like I said before, by mistake, criminal secretary Kick Bongartz and myself were also present. At the second execution Weiter was present, Boettger, Bongartz and myself.

Q Have you any idea, with relation to that part of your cross-examination dealing with the number of people that are in the blocks, how many prisoners there are here in Dachau at the present time?

(Witteler-Redirect)

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Prosecution: May it please the court, I fail to see the materiality, or the relevancy, of that question, and I object to it on that ground.

Defense: If the court please, to save argument, I withdraw the question. No further questions.

RECROSS EXAMINATION

Questions by the prosecution:

Q Was Zimmerman a doctor, Doctor Witteler?

A No. He was a hospital capo.

Q Was Spieps a doctor?

A No.

Q And both worked in the reception room in the hospital, did they not?

A No. As Revier-capo he just had to supervise things. He had to supervise placing them, for instance -- he was not used for treating of patients or the care of patients. The chief male nurse, and the male nurses, had to do that.

Q While you were here, Doctor Blaha was a prisoner. Is that correct?

A Yes.

Q He was under your supervision and control, was he not?

A Yes.

Q As a matter of fact, he had nothing to do with this pathological room where these organs were kept and where the skin was kept. Is that correct?

A Officially, he had nothing to do there. Preparations were stored there.

(Witteler-Recross)

Prosecution: Nothing further.

A (continuing) If he was especially interested in any one preparation he could go there any time. I was there from morning until evening in the hospital, but often the prisoner himself was alone in the hospital. At any time, he had the opportunity to look at preparations. The room was not locked separately.

The members of the court declined to examine the witness.

There being no further questions the witness was excused, and resumed his proper place in the courtroom.

Defense: The defense calls its next witness, Langleist.

Walter Adolf Langleist, one of the accused in this case, took the stand and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q State your full name.

A Walter Adolf Langleist.

Q How old are you?

A Fifty-two years old.

Q Are you married?

A Yes.

Q Have you any children?

A Yes. One child.

Q And for how long have you been connected with the German Army?

(Langleist-Direct)

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A I reported to active duty in 1913, and participated in the World War until 1916.

Q When did you come into the Waffen SS?

A I was drafted into it on the 16th of April 1941.

Q And what was your civilian occupation?

A I am a laboratory and precision mechanic.

Q When did you first report to Camp Dachau?

A During the first days of August 1943, I came to Dachau.

Q How long did you stay in Dachau at that time?

A I remained in Dachau until the 30th of May 1944.

Q During that period, from the 1st of August 1943 to the 31st of May 1944, what were your duties here in Dachau?

A I was commander of the guard battalion of the Waffen SS.

Q What were the duties of the guard battalion of the Waffen SS?

A It had to furnish the main guard in the concentration camp, guarding the prisoners, and that is within the concentration camp, and also on the way to work in places outside the camp. There is the guard of these working places, which could have been outside, and also could be in closed rooms.

Q When you came to Dachau on the 1st of August, and until the 31st of May 1944, did anybody tell you as to any special circumstances which surrounded this camp?

A I didn't know anything more definite about the goings-on in the concentration camp. I didn't belong to the staff of the commandant, and, there-

(Langleist-Direct)

fore, I was not called for the conferences.

Q After the 31st day of May 1944 what did you do?

A I spent three months in the hospital because of a severe sciatica.

Q Following your stay in the hospital, what was your next duty?

A I was assigned by the camp commandant of Dachau, Obersturmbannfuhrer Weiter, as detail leader in the by-camps of Dachau. My release from there came after six to eight weeks.

Q What caused your release from there?

A My demands at the construction division chief of the OT. The chief building adviser, Wirth, wanted the erection of more sanitary shelters, of hospital barracks, and so on, the erection of an effective delousing apparatus, or barracks, as a prophylaxis against typhus. And my protests against the too high demands as to the working power of the prisoners always met resistance, and there were pretty excited arguments. Around the middle of October, the chief of the labor division service of all concentration camps, SS Regiment Commander Maurer from Berlin. Official Department D, came. In his presence, I again asked the same things I described before by chief building adviser Wirth, and I renewed my requests, and at that time I also had quite an argument with Regiment Commander Maurer. Therefore, it was a very unpleasant place, Kaufering.

Q And, as a result of these arguments, what happened to you?

(Langleist-Direct)

A Therefore, I was transferred as detail leader to Muehldorf at the inn.

Q What were your duties at Muehldorf?

A Approximately the same as in Kaufering. Only with the difference that Muehldorf was much smaller than Kaufering and I was put there in a so-called waiting position.

Q When did you first report to Muehldorf?

A I arrived in Muehldorf at the end of October or the first days of November 1944.

Q How long did you stay at Muehldorf?

A I remained in Muehldorf until the arrival of the Americans on the first of May

Q What were your specific duties in Muehldorf?

A I worked in the planning division of the organization TOBT, and, especially, in the planning and erection of new camps.

Q What were the conditions that you found at Muehldorf when you arrived there, and did you perform any changes?

A When I arrived at Muehldorf it was a two-shift system with twelve hours working time each. Uninterrupted work was necessary, because the cement mixing and pumping plants had to run uninterruptedly, so the mixing mass of the cement would not harden before the time came for it. After conferences, I could obtain a three-shift system, so that the working hours of the prisoners only amounted to eight hours each. But that was only true of prisoners, whereas the German expert workers had to work twelve hours, because of the lack of help.

(Langleist-Direct)

Q Were you able to effect a three-shift working detail?

A Yes, because of the number of the prisoners, it was possible. This was a much smaller building site than Landsberg.

Q How many prisoners did you have in Muehldorf?

A When I arrived, there was a total number of about two thousand.

Q How many were there when you left?

A The number must have been the same. It could have been thirty-five hundred, or three thousand. I don't know, for sure.

Q When you arrived at Muehldorf, what was the food situation for the prisoners?

A The food for the prisoners was determined first by the army food regulation four. The obtaining of it was safeguarded through an OT central point. The OT picked up the food at the nearest army dump, or bakery, and brought it to the two camps. Besides the regular amount of food, the prisoners received each one liter of food per day from the central OT kitchen, and also the ones not used for the work. Also, in this respect it might have been easier for the OT to supply in Muehldorf because that had a smaller building site there. All these amounts of food were distributed, up until the arrivals of the Americans.

Q When you arrived at Muehldorf what did you find, with reference to the lodging of the prisoners?

A When I arrived in Muehldorf there were two temporary camps, which were used for the first period of building for the OT. In one case there was an

(Langleist-Direct)

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entire barracks camp, which was above the ground, which was used before as a clothing supply room for the Luftwaffe. By bringing in the water supply, and all other necessary supplies, the camp was converted into a good camp. The other camp at first consisted of Finn tents, which were used because of the early arrival of the prisoners. Because of conferences with the chief of the OT, immediately earth huts, which were winterised, were built. And, immediately, stone buildings were started to be built and were experimented upon. And the chief bycamp prisoners moved already to the stone buildings.

Q Now, Langleist, the witness for the prosecution, by the name of Berger -- I believe it was Moses Berger -- stated that at Camp Number Four, in Kaufering, you mistreated two inmates. In one case, he accused you of beating an inmate with a piece of wood until he became unconscious, and in the other case to have pushed a prisoner into a gravel pit, as a result of which he died a couple of days later. What have you to say as to that accusation?

A I can say with good knowledge and with good conscience that I never touched a prisoner. The witness is, without doubt, mistaken to an extent which harms me very much. When I arrived at Kaufering the road leading to it was finished already, and gravel was on it already. Road construction didn't take place any more. The

(Langleist-Direct)

The same thing is true about the proceeding which the witness mentions, about the wood cutting. I never met wood cutting details in Camp Number Four during the days when I visited it. Besides that, I want to point out that the witness here in court emphasized that he didn't know the perpetrator, or me, at that time; that he didn't see me before that, or after that. And, now, after more than a year, I am suddenly recognized. I am very much surprised about that. And, besides that I want to emphasize that after activity of one year at the mother camp here, and, despite the appearances of many witnesses for the prosecution, that I was not accused of anything once.

Q Do you know Johann Victor Kirsch?

A Yes.

Q Did he ever serve under you?

A Yes. Kirsh came to me at Muehlhorf during the first days of January 1945.

Q Did Kirsch ever turn in any punishment reports to you?

A Kirsch was used by me in a small camp away from Muehlhorf, by the name of Mittergara. Because the camp leader there was ill at the time. In this camp Mittergars there were certain difficulties; that the branch office of the OT found difficulty in getting materials of all kinds to the place. And the promises of the chief of construction of that office of the OT were kept very badly. Because of the activities of Kirsch it was washing facilities for the clothing, and very primitive, but very effective, bathing facilities were erected.

(Langleist-Direct)

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And he also cared for the construction of a very primitive delousing station. I didn't have the opportunity to get there too often, but I have to state that every time there was a small improvement to be noted.

Q Was Kirsch responsible for those improvements?

A Kirsch had the opportunity to confer with the construction leader every now and then, and if he could not get any place with him, he came to me at the right time, so I could go and talk to the construction leader, and follow up that thing and arrange for something or other. One thing I placed special emphasis on, and Kirsch performed it very well: he cared for the kitchen of the prisoners, and for that thing he prevented that capos, and, generally, prevented <sup>that</sup> prisoners were able to get more of the food. At the end of February or the beginning of March, Kirsch came, and asked for a release of duty, because he didn't feel well.

Q Do you know anything about his condition?

A He was complaining about headaches, and a nervous condition, and similar things. I couldn't fulfill his request at once. I had opportunity at the end of March to have him relieved at Mittergars by another NCO.

Q Do you know Alfred Kramer?

A Yes, I know him.

Q Did he serve under you at any time?

A When I arrived from Kaufering, I am not sure about the time -- shortly before I arrived, or after, -- Kramer arrived at Kaufering, too.

(Langleist-Direct)

Q Do you know how he treated prisoners?

A I appointed Kramer in the Camp Number One, as camp leader after my predecessor as camp leader there. I got to know Kramer as a very able camp leader, who not only was in charge of the prisoners, but with whom I also talked about the completion of the camp, the construction department of the OT, and also the economic conditions prevailing at that time. Therefore, I came pretty often to Camp Number One at that time. And I cannot say anything bad about Kramer, of my own observations.

CROSS EXAMINATION

Questions by the prosecution:

Q When did you join the SS?

A I became an SS in March 1931.

Q What rank did you hold, or what was the highest rank you held in the Allgemeine SS?

A I was SS Oberführer in the Allgemeine SS.

Q And can you tell us what is the equivalent, or what did an Oberführer command?

A It is comparable to a Colonel.

Q Now, what rank did you hold in the Waffen SS?

A I was a Sturmbannführer in the Waffen SS.

Q When did you go to the Kaufering camps as commanding officer of those camps?

A At the beginning of September I became commandant in Kaufering.

Q And, as commandant in Kaufering, you had under you the care, custody, and maintenance of all the inhabitants of Kaufering camps, did you not?

A Yes, as I stated it before already. And I had



a conference already with the chief building adviser. Wirth and that I protested to him about the conditions.

Q Please confine your answers to the questions that I ask.

A As I said, yes.

Q Now, Langleist, when you went to Muehldorf there, you had charge of the care, custody, and supervision of those prisoners who inhabited Muehldorf, did you not?

A Yes.

Q And at Muehldorf is it not a fact that these prisoners inhabited earth huts that had a roof of wood built over the top of them?

A That was at the beginning.

Q And how long did those prisoners live in those earth huts?

A Till the day when I left at the end. As I stated before, some of the prisoners had stone buildings. These earth huts could be heated.

Q How many stone buildings were there at Muehldorf that were inhabited by the prisoners, Langleist?

A Four or five I cannot say the number exactly, in the camp next to Schwindelegg.

Q And how many of these earth huts were inhabited by prisoners at Muehldorf?

A I cannot say that exactly. I estimate it to be about twenty-five or thirty.

Q And those twenty-five or thirt earth huts were similar to the earth huts that existed

(Langleist-Cross)

at Kaufering Camps Number Three and Number Four, were they not?

A There was a difference. The earth huts in Muehldorf had two walls and with the construction of these earth huts, stoves were built in immediately. These earth huts had wooden supports and there was partly straw, partly excelsior and partly grass as a cover. The earth huts in Muehldorf had different dimensions. It was completed that way that each prisoner had, during the night eighty to eighty-five centimeters in width.

Q You had between two and three thousand prisoners at Muehldorf?

A Yes.

Q Now, while you were at Kaufering, Langleist, what was the average daily death rate?

A I don't know. I don't remember correctly whether it was one, or none. I have to explain that first.

Q Either one, or no, prisoner died on the average while you were commanding officer of the Kaufering camps. Is that correct?

A Yes.

Q Do you know a Doctor Fried?

A The name is strange to me. I don't know of him

Q As a matter of fact, Langleist, was it not the law at the time that you were at Muehldorf that the prisoners had to work a minimum of eleven hours a day?

(Langleist-Cross)

A As I said before, that was when I arrived, they worked twelve hours, but after ten, twelve, or sixteen days, I achieved that prisoners only worked eight hours.

Q I didn't ask that. I asked you whether or not, as a matter of fact, that the law required prisoners in concentration camps to work a minimum of eleven hours every day?

A I got to know about this law here, during the trial.

Q Well, was it a law, or was it not a law, during the time you were commanding officer in the camps of Muehldorf?

A It was not a law. I have to change that. It was not a law that I knew of.

Q Now, did you ever see Kirsch mistreat any of the prisoners?

A Personally, I did not see anything.

Q Did you ever hear that Kirsch mistreated any prisoners?

A Nobody told me anything. Nobody described me anything, and nobody complained.

Q And Kramer never did, either, did he?

A As I stated before, I was together with Kramer in Camp pretty often, and I never saw him mistreat any.

Q And you never heard of Kramer mistreating any prisoner, either, did you?

A No complaints of any kind were brought to me.

Q And how many prisoners did you have at Kaufering when you were there?

(Langleist-Cross)

A When I arrived at Kaufering there were approximately eight thousand, and when I left, between ten and twelve thousand.

Prosecution: Nothing further.

REDIRECT EXAMINATION

Questions by the defense:

Q When you arrived at Muehldorf did you build these earth huts, or were they there when you arrived?

A These earth huts were built when the material was available after these Finn tents turned out not to be proper for the housing of prisoners. These earth huts could have been done immediately, but these stone huts would have taken too much time. I have to emphasize that these were only temporary solution, since the complete planning for the future was all stone huts entirely. There are special instruments, and special processes devised so that these huts could be constructed. When you were at Kaufering, you stated, in answer to the prosecution's question, that your daily death rate was one or nothing, and that you would like to explain. What is it that you want to explain?

A Yes. I know it especially exactly at that time, because at that time the dead people were brought in trucks from Kaufering to Dachau. For these purposes we had trucks only every four or six days, and at that time about three or four coffins were loaded on it.

(Langleist-Redirect)

RE-CROSS EXAMINATION

Questions by the prosecution:

Q It is a fact, is it not, Langleist, that you made these prisoners live like rats in these earth huts?

A That is not true.

Prosecution: No further questions.

The members of the court declined to question the witness.

There being no further questions, the witness was excused, and withdrew to his proper place in the courtroom.

Defense: The defense calls, as its next witness, Mr. Kastner.

Mr. Johann Kastner, a witness for the defense, was sworn and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q State your full name, Mr. Kastner.

A Johann Kastner.

Q How old are you?

A Forty-nine years old.

Q Where do you live?

A In Munich, Passing, Wunderstrasse Number 36.

Q Now, between the 1st of August 1943 and the 31st of May 1944 will you tell the court what you were doing?

A The 31st of May 1944 until the arrival of the Americans?

Q From the 1st of August 1943 until the 31st of May 1944?

A At that time I was in Lindau. in the reserve  
(Kastner-Direct)

battalion 88. I was the company commander of a convalescent company.

Q Were you a member of the SS?

A No.

Q Do you know Walter Langleist?

A Yes.

Q Where did you get to know Walter Langleist?

A I got to know Langleist in Landsberg on the Lech.

Q Do you know where Camp Number Four was?

A Yes.

Q What time was it that you happened to know Langleist in Landsberg?

A Langleist arrived three or four days after my arrival in Landsberg.

Q Will you tell the court in your own words just what you know about Langleist?

A I got to know Langleist as a temperamental, decent person. I had the opportunity to get to know him during conferences in regard to the visits of Langleist in Camp Number Four, during conferences which took place about once a week. Langleist gave prison camp commanders very strict instructions. The instructions were concerned especially about the duty of the soldiers, which he had to keep in relation to the prisoners, and the law that all maltreatments, or beatings, of prisoners, had to be stopped. Langleist demanded of the company commander that every soldier should sign a certificate, and certify in it. And I can

(Kastner-Direct)

say that in my company every soldier was lectured once a week by the guard officer about his duty. Every soldier had to sign his signature. He only signed it once.

Q I understand that you were a Captain in the Wehrmacht?

A Yes.

Q When you went to visit Langleist, of course you had to use a road. Is that correct?

A I was in Camp Number Four and Langleist was in Camp Number One. Certainly I had to use a road.

Q Was the road being repaired at that time, when you were visiting Langleist?

A Yes.

Q Was there a gravel pit in the vicinity of where the road construction was going on?

A Yes.

Q Did you ever hear from anyone at any time that Langleist pushed one of the prisoners down in the pit, as a result of which he died a few days thereafter?

A I never saw anything about that, or heard anything about that. I can state the following: The camp commandant at that time was Captain Morgenstern, an officer of the army. Morgenstern and I had our command positions at the same camp and we talked about all incidents which were especially noticeable. But I don't want to state that he told me

(Kastner-Direct)

everything. But I want to state that I never heard the least thing from Morgenstern about this.

Q Do you know why Langleist left Kaufering?

A Yes.

Q Will you tell the court why Langleist left Kaufering?

A The transfer of Langleist to Mehdorf was a surprise for us. We ourselves heard from Langleist at our farewell evening in Camp Number One; the reason was not pronounced exactly, but hinted at. Especially, it was pointed out with the visit of the Regimental Commander from Berlin. At the time I was accompanied by the Regimental Commander and the Obersturmbannfuhrer Weiter from Dachau, and also the rest of the company men. At that time I came to Camp Number Four for the second time, and I heard how Langleist reported to the Regimental Commander about the shortcomings of Kaufering, without any restraint. At the farewell evening of Langleist, a hint at that occurrence was sufficient.

Q Do you know when Camp Number Four became a sick camp?

A Camp Number Four became a sick camp only under the command of Sturmbannfuhrer Aumeyer.

Q Do you know when it became quarantined?

A I don't know the exact time, but it was in 1944.

Q Did you ever hear or see that Tempel ever beat anyone to death here in Camp Number



Four, or Camp Number One?

A Tempel?

Q Yes.

A I didn't hear or see anything about it.

Q Do you know whether or not Vinzenz Schoettl was stationed in Kaufering in 1945?

A Winston Churchill in Kaufering?

Q Vinzenz Schoettl.

A He was, in the year 1945, in Kaufering. I do not know when he came to Kaufering

CROSS EXAMINATION

Questions by the prosecution:

Q How long were you in the Kaufering camps?

A I was there from the 3d or 4th of September 1944 until the 24th of April 1945.

Q While you were there at Kaufering you were Captain of the 8th Guard Company, were you not?

A No. At first there were four companies in Kaufering. They were the 9th, 10th, 11th, and 12th Companies. At that time I was in the 10th Company, in Camp Number Four. And after New Years these four companies were consolidated into one company -- the 9th.

Q During that time it was your duty to supervise the performance of guard duty by members of your company. Is that right?

A Yes.

Q And you furnished the guards that kept the prisoners within the confines of Camp Number Four, did you not?

A Yes.

(Kastner-Cross)

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- Q Now, where did you say you were living at the present time?
- A Munich Passing.
- Q This man Morgenstern, to whom you refer -- he was a friend of Langleist, wasn't he?
- A Friend is saying too much. Friend is too much an expression, but he and Langleist understood each other well.
- Q Now, what sort of a party was this that was given the last night that Langleist was there in Kaufering?
- A That was a simple farewell evening in Camp Number One.
- Q Did you have anything to eat at that party?
- A Yes.
- Q What did you have to eat?
- A A very simple meal.
- Q Composed of what?
- A It was a simple meal. I don't remember exactly. Soup, maybe; meat, potatoes and vegetables.
- Q And at the time that you were having this banquet there were prisoners dying out in Camp Number Four, were there not, of malnutrition?
- A The farewell of Langleist was towards the end of October. It could have also been the beginning of November. At that time it was in Number Four that Langleist, as explained here before, that death cases were very rare. The difficulties only started in the year 1945.
- Q All right, then. As I understand your testimony, Mr. Kastner, is it not a fact that there were

Kastner-Gross

not more than one or two deaths a week, up to  
January 1st 1945?

A I cannot say anything by the number, but there  
were one or two deaths during the week. But  
it is still true that the dead were being  
brought to Dachau by car, and that <sup>there</sup> was a big  
shortage of vehicles in Kaufering at that  
time. Very few transports of dead occurred to  
Dachau.

Q Did any of the SS guards die of malnutrition  
at Kaufering Number Four?

A No. I was transferred from Camp Number Four  
after the first day of January to Camp Number  
One.

The court then, at 1500 hours, 4 December  
1945, then took a recess until 1515 hours,  
4 December 1945, at which time all the members  
of the court, the personnel of the defense and  
prosecution, all of the accused, the interpreter  
and the reporter resumed their seats.

President: The court will come to order.

Q Mr. Kastner, what unit did you belong to in  
the regular German Army?

A I was an officer of the Army.

Q What unit were you in?

A Infantry.

Q And that was what is known as the regular German  
Army, and not the SS. Is that correct?

A Yes. That is correct. I was a member of the  
army and remained a member of the army.

Q And what unit were you in, please?

A The German Army Infantry.

(Kastner-Cross)

Q What Regiment?

A First I was in the Rifle Battalion 525; then I was once in the Grenadier Replacement Battalion 19; then I was in the Grenadier Regiment 727; then I was in the Grenadier Replacement Battalion 484, Lindau; and the Grenadier Replacement Battalion 91, Kempten; 484 and 91 belonged to the Grenadier Replacement Regiment 327.

Q Just tell us, please, what was the last unit that you were in.

A The last troop to which I belonged is Grenadier Replacement Battalion 91.

Q And what is your present occupation?

A I am assistant worker.

Q Where?

A In Munich Pasing.

Q For whom do you work at the present time?

A I am working in a hospital.

Q What is the name of the hospital, please?

A City Hospital, Munich Pasing. I am working as a woodworker, chopping wood, carrying coal, and I have to drive laundry to the laundry.

Q Now, Mr. Kastner, did I understand you to say that you knew Willie Tempel out in Kaufering?

A Yes.

Q And isn't it a fact that Willie Tempel had the reputation of being a notorious beater?

Defense: We object to that. We certainly have not put Willie Tempel in issue before this court; therefore, it is not competent.

(Kastner-Cross)

Prosecution: I may be in error, but as I recall it, Captain Niles asked about Willi Tempel's reputation.

Defense: It is more or less a repetition of the objection of this morning, if it please the court. The allegation and the proof of the prosecution has been the accusation of violence on uncertain days. In order to meet that, Captain Niles asked that the witness state if he ever saw, or heard of, a beating to death. That is not reputation. Now, counsel undertakes to establish a reputation for this defendant.

Prosecution: And in that connection I have the right to cross-examine this man as to whether or not he had ever heard, or seen, of Willi Tempel mistreating prisoners. I submit that if Willi Tempel has the reputation of being a notorious beater, that would certainly throw some light on his statement in respect to the question asked as to whether he heard of it or not.

Defense: Counsel feels that if the prosecution wants to interrogate the witness as to whether or not he has ever seen, or heard of, Willi Tempel beating or mistreating prisoners, it is all right, but when he undertakes to establish his reputation by the term "reputation", I submit that that is improper.

President: The objection is overruled.  
Continue.

(Kastner-Cross)

Witness (answering): I believe that I am being asked what I saw. I myself often saw Willie Tempel dealing with prisoners in Camp Number Four and Camp Number One.

Q Please just answer my question. My question to you is this: Is it not a fact that Willie Tempel had the reputation of being a notorious beater of prisoners, out in Kaufering?

A This reputation was not mentioned among the soldiers, anyhow. I have heard from Captain Morgenstern that Tempel always falls back into his old error, and goes around with a stick. I myself did not see him and didn't hear from any of my soldiers that Tempel was a notorious beater.

Q But his old habit of going around with a stick -- Willie Tempel fell back into that, did he not?

A That was what Hauptmann Morgenstern told me.

Q And is it not a fact that you also heard that Willie Tempel used that stick on the prisoners?

A I have heard from former prisoners who know me, after the entrance of the Americans, the judgment: "Tempel is a bad man. He beats a lot."

Prosecution: No further questions.

Defense: Nothing further.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

Defense: Johann Eichelsdorfer.

(Kastner-Cross)

Johann Eichelsdorfer, one of the accused in this case, took the stand and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q What is your full name, please?

A Johann Baptist Eichelsdorfer.

Q And your home address?

A Nuremberg, Zunderbeel Street, Number Five.

Q How old are you?

A Fifty-five years old.

Q Are you married?

A Yes.

Q How many children have you?

A Three.

Q Have you ever served in the German Army?

A Yes. I was in the German Army from 1910 to 1912, and then, during the World War. Then, on the 5th of November 1940, I was called in again, to the 13th Motorized Transport and Training Battalion, in Bamberg. On the 9th of December I was sent off, and had to report to a collecting point of the army, Group A, near St Germain, Paris. There I had to take over a motorized column and two days later drove with it to Essen on the Ruhr. There I remained until April 1941. Then I and my column were sent on a train to Kracow, Poland. In Kracow I remained until the operations in the east began. I remained in that unit as company commander until 1943. Then I became

(Eichelsdorfer-Direct)

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sick and came back to Germany in various hospitals. And in May 1944 I again went to the Replacement and Training Battalion Number 13. At that Replacement Battalion I got an order to go to the SS Guard Battalion in Oranienburg.. On the 15th or 16th of June I went to Oranienburg. I arrived there in the evening. All of the officers had left by then. The Oberscharfuhrer gave me the order to go back to Dachau immediately. When I arrived here in Dachau on the 18th or 19th of June, I had to report to Obersturmbannfuhrer Weiter. On the next morning he sent me to Augsburg on a truck. I remained in Augsburg until August, in a work camp and to train in the workings of a concentration camp. Then in August I received the order to report to Obersturmfuhrer Foerster in Kaufering. Then Foerster used me as guard control. In September I was sent to Camp Number Eight. There were no prisoners there. I received that camp from the OT. In October, I don't remember the exact date, I had to take over Camp Number Seven. There were about two thousand prisoners in Camp Number Seven when I took it over. On the 8th of January 1945, I then had to take over Camp Number Four. I took over Camp Number Four only on paper, because I went back again and remained in Camp Number Seven until the 12th of January. That was for the reason that Hauptsturmfuhrer

(Eichelsdorfer-Direct)



Morgenstern, who was called back to the Wehrmacht again, did not yet know his destination and sent out various teletypes about where he had to go. On the 12th of January he then left and I had my first service in Camp Number Four on the 12th of January. When I took over Camp Number Four the camp was already in quarantine, so that entry into the Camp was forbidden to me, as to all other members of the SS. Hauptsturmführer Blanke, Untersturmführer Riedl, the officer in charge of food, and a medic were the only ones allowed to enter the camp. The medic became ill -- he had typhus -- and he came to the hospital, so Doctor Blanke and Untersturmführer Riedl were the only ones who could enter.

- Q Were you ever a member of the SS?
- A No.
- Q Were you ever a member of the NSDAP?
- A No. Never.
- Q While you were at Camp Number Four, what powers did you have there?
- A The only duty I had in Camp Number Four, was the posting of the guard, because entry into the camp was forbidden to me.
- Q In your statement to the prosecution, you have described your duties and assignments at these camps. Is there anything you wish to add to that?
- A I would like to add this: Already after my arrest, I was interrogated several times

(Eichelsdorfer-Direct)

under oath by various people on the 28th and 29th of April. And there, under oath, I stated every time that Camp Number Four was already under quarantine when I took it over. The food for the camp was brought to the gate by means of a truck. Inside the gate, prisoners were stand-ready with little carts. They receive the food and the fuel and brough it into the camp. That Doctor Blanke alone was the one responsible for Camp Number Four. That nobody could get out, and nobody could get in to the camp. The work outside the camp was done by a detail of thirty prisoners from Camp Number Three. That they could not enter the camp, and every night when into Camp Number Three, and came back in the morning. Only in the middle, or end, of March, when the Russians occupied upper Silesia, the amount of coal became very short. We received very little, and were forced to take our own measures. We tried to get vehicles from the farmers in order to get wood from the construction ground. The farmers usually refused to drive for us so that Doctor Blanke and the prisoner physician picked out various prisoners who had become well again, after their illness, and they had to run about eight hundred to one thousand meters, depending whether the weather was nice or not, once or twice a day, and collect small pieces of wood. I have made these statements every time, under oath, but they were never written down -- not even this time.

(Eichelsdorfer)(Direct)

Q Now, the witness Moses Berger, has stated that he saw you mistreat prisoners, and that you made workers on small details go faster with a stick. He also stated that on one occasion he saw you beat a man by the name of Fliederbaum, until he was unconscious, and that this man died a few days later in the hospital. What do you wish to say about that accusation?

A About this accusation I can only say that it is completely untrue, because under me no detail ever went into, or out of, the camp. No detail ever went in or went out.

Q Did you ever beat a prisoner while you were at Camp Number Four?

A I have never beaten a prisoner; I never had a stick with me.

Q Did you ever carry a rifle while you were at Camp Number Four?

A No. I only had a small 635 pistol.

Q The witness Sandowsky stated that, three or four days before the evacuation, you got gasoline, to burn Camp Number Four. What have you to say about that?

A That is completely untrue. As long as I was in Camp Number Four we never received a drop of gasoline.

Defense: You may inquire.

#### CROSS EXAMINATION

Questions by the prosecution:

Q While you were there at Kaufering there were wood details, were there not?

A Yes, but only in the middle and end of March.

(Eichelsdorfer-Cross)

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- Q And you accompanied these at times, did you not?
- A I, myself, never.
- Q And you never took a detail of prisoners out, while you were at Kaufering, to do work. Is that correct?
- A No, never.
- Q How many prisoners were there at Kaufering when you took over on the 1st of January 1945?
- A On the 12th of January 1945.
- Q All right -- how many were there then?
- A Fourteen hundred and twenty-nine.
- Q And how many were there when liberation day arrived?
- A There were not quite three thousand -- over twenty-nine hundred -- twenty-nine hundred and something.
- Q So that during the time that this camp was quarantined, they kept bringing prisoners into camp. Is that not so?
- A Yes.
- Q And you were the man that was in charge of that camp there at the time, were you not?
- A No. That was Doctor Blanke.
- Q Doctor Blanke was a civilian, wasn't he?
- A No. That was SS Hauptsturmführer Blanke. Doctor Blanke was responsible for Kaufering.
- Q He was only the chief doctor there, was he not?
- A He was responsible for the entire camp.
- Q You were the man that had charge of keeping inside the compound, were you not?

(Eichelsdorfer-Cross)

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- A I only had the guard; nothing else.
- Q You were responsible that those prisoners who went out on details came back in. Is that correct?
- A None went out.
- Q Now, is it not a fact, that you made a report to Dachau, with respect to the condition of this camp?
- A Yes.
- Q And you made that report there while acting in your official capacity, did you not?
- A Yes.
- Q And in that report you stated, did you not, the fact that these prisoners were sick, and that they were living in earth huts?
- A Yes.
- Q And you also stated, did you not, that they were not getting enough food?
- A Yes.
- Q And that they did not have enough medicine to take care of them?
- A No. I knew nothing about the medicine.
- Q How many died, on the average, there at Camp Number Four, while you were commanding officer?
- A I cannot give that number. I have said repeatedly under oath that I don't know that number and can't give it.
- Q Do you have any judgement as to that?
- A No.
- Q Isn't it a fact that you made a report to Dachau as to the death rate that occurred in Kaufering while you were there?

A No. Never.

Q Is it not true, Eichelsdorfer, that the number of deaths that occurred during the time you were there at Kaufering were about three hundred fifty?

A I did not give that number. The interpreter gave that number. I repeatedly told the interpreter that I cannot give a number, because I don't know it.

Q Is it not a fact, Eichelsdorfer, that during your stay at Camp Number Four you had an average of about three or four deaths per day?

A I don't know that.

Q Isn't it a fact that, on or about the last part of October -- the 29th of October -- you made a sworn statement to Lieutenant John H. Bowser to the effect that "during my stay at Camp Number Four we have an average of three or four deaths per day, and since I commanded there for three and a half months before the arrival of the American forces, the number of deaths amounted to about three hundred fifty"?

A I did not say that. The interpreter said that. No I. I repeatedly told the interpreter that the number is not correct; I can't give a number because I don't know.

Q You never at any time made that statement. Is that correct?

A The whole statement which I made there is correct, except the number of death cases. I did not give that number.

Prosecution: Rather than take any further time of the court, I would like to excuse this witness and reserve the right to recall him for  
(Eichelsdorfer-Cross)

cross-examination.

Defense: That's a little irregular, isn't it, sir?

Prosecution: Not at all.

President: Does the defense object?

Defense: How much time would it be?

Prosecution: I have a document here that I would like to go over before I cross-examine the witness further, in view of the statements that he has made here in court.

Defense: If this was an ordinary witness there would be no objection, but inasmuch as it is the defendant, we object.

Prosecution: Then I would like to have approximately fifteen minutes, it is all right with the court.

President: The court will take a fifteen-minute recess.

The court then, at 1605 hours, 4 December 1945, took a recess until 1620 hours, 4 December 1945, at which time all the members of the court, the personnel of the prosecution and the defense, all the accused, the interpreter, and the reporter, resumed their seats.

President: The court will come to order.

Q Isn't it a fact, Eichelsdorfer, that you signed all the reports, as commanding officer, that went to Dachau?

A I only made one report and I didn't send that to Dachau, but gave it to Obersturmführer Foerschner.

Q Did I ask you before whether or not you knew one Doctor Norbert Fried?

A No. I don't know him.

(Eichelsdorfer-Cross)

Q You don't know him. Isn't it a fact that you had to sign the death certificates of the people who died in Kaufering Number Four?

A No.

Q And isn't it a fact that you inspected the burial place where these prisoners were buried?

A No.

Q Did they have a burial place that was used by Kaufering Number Four?

A Yes. That was there when I came. It had been picked before my time.

Q Isn't it a fact that that burial place was used while you were there at Kaufering Number Four?

A Yes.

Q And it was used by prisoners that died in Kaufering Number Four, was it not?

A Yes.

Q And you never at any time visited that place. Is that correct?

A No. I never went there.

Q Isn't it a fact that every paper that was prepared, concerning Kaufering Number Four, was signed by you as commanding officer of Kaufering Number Four?

A I wasn't camp commander; merely commander of the detail.

Q What do you mean by that?

A That I had to report to the camp leader everything that happened and I had to get permission from him to do this or that thing.

(Eichelsdorfer-Cross)



Q What was your rank at that time?

A Captain. May I add something?

Q Go ahead.

A When I received the order from Aumeier to take over, he told me the following: "You take over Camp Number Four. There is a quarantine on Camp Number Four. You have to give no orders. The camp is under Hauptsturmfuhrer Doctor Blanke." Then I repeated "Then what am I supposed to do?" "I am superfluous there." Then Aumeier told me the position had to be occupied, because the camp will not always be a sick camp.

Q Was there enough food there in Kaufering Number Four while you were there?

A Yes. The food became worse and worse because the rations were cut. On the basis of that, I made the report to the Sturmbannfuhrer and he sent it on to Dachau.

Q Isn't it also a fact that you had sufficient medicines there at Kaufering Number Four?

A I don't know that.

Q Eichelsdorfer, I hand you a document, marked Prosecution Exhibit Number 128, and another document marked Prosecution Exhibit Number 129, single sheets each, and ask you to look at Prosecution Exhibit 128 and state what that is.

A I have no glasses and I can't read without my glasses. I don't know what it is.

Q Now, can you recognize your own signature?

A Yes.

(Eichelsdorfer-Cross)

- Q All right. Take a look at that, please, and tell me whose signature appears on the bottom of that document, Prosecution Exhibit 129.
- A I can't determine that. I see it very weakly. During my interrogation the Interrogating Officer, a Captain, gave me a pair of glasses and a magnifying glass so that I could read a little better.
- Q What kind of glasses do you need?
- A I don't know. I repeatedly ask to be given back my glasses but I didn't get them.
- Q Do you know where they are at the present time?
- A It was taken away from me in Horlach, near Kaufering, and I don't know what happened.
- Q When you have glasses are you able to read?
- A Yes.

Prosecution: May it please the court, it has reached the point where the witness ought to be permitted to read the document which I submit to him for his examination. I think it only fair to him that he should be apprised of the contents. He can state whether it is, or is not, his signature, and testify as to the contents. I would like to defer further examination until he has been put in a position to protect himself.

Defense: I think a word of explanation is in order. We have made effort to get glasses. I don't know if he is one of the defendants for whom we have made such effort or not. The time involved made it impractical to get the glasses. If we can look at the document, and see what it is, we may be able to stipulate something.

(Eichelsdorfer-Cross)

Permission was granted, and the defense counsel examined the document.

Q Now, with the aid of this magnifying glass, will you examine this document, marked Prosecution Exhibit 128, and tell the court what it is, please?

A As far as I can see, it is a monthly report about the camp.

Q What camp?

A Camp Number Four.

Q And that is the camp that you were stationed at?

A Yes.

Q Now, will you look on the back of the document, marked Prosecution Exhibit Number 128, at that signature, and tell the court whose signature that is?

A Yes. That is my signature.

Q Will you also examine the document, marked Prosecution Exhibit 129, and tell the court what that is, please?

A That, also, is a monthly report.

Q A monthly report of what?

A Camp Number Four. It doesn't say which camp it is. Yes — Camp Number Four.

Q So that the document marked Prosecution Exhibit 129 is a monthly report from concentration lager Number Four at Kaufering. Is that correct?

A Yes.

Q Now, I ask you, Eichelsdorfer, to look at the rear of the document marked Prosecution Exhibit 129, and tell the court whose signature appears down in the right hand corner?

(Eichelsdorfer-Cross)

A My signature. There appears to be a misunderstanding about these monthly reports, and the one report which I made about the food situation. Because I only made a report once about the food.

Q And you made the monthly report one time. Is that correct?

A Every month. It had to be made every month.

Q Now, Eichelsdorfer, in this report, with respect to the prisoners, what did you say with respect to the sufficiency of the food?

A Where is that on there?

Q Will you read this line in German to the court? The line that appears on Prosecution Exhibit 129.

A "Is the kitchen equipment sufficient, and without any doubts from a hygienic point of view?"

Q And what was your answer to that question?

A That is in pencil. I can't read that.

Q Well, your signature is also in pencil, is it not, Eichelsdorfer?

A Yes, but I can see the outline of it. It is written much larger.

Q Well, the answer to that question is as large as the letters in which the question is written, isn't it?

Defense: We will stipulate and let the interpreter read it.

Prosecution: I ask at this time that the interpreter read the 10th and the 9th lines from the bottom -- question and answer.

(Eichelsdorfer-Cross)

1305

The interpreter then read the following, in both German and English, from the document:

"Is the kitchen equipment sufficient and without any doubt from a hygienic point of view? Yes."

"Is the food sufficient and with sufficient changes? Yes."

Q Those were the answers you made to those questions, were they not?

A Yes. This report which I made to Dachau, I made for the following reasons: According to what the prisoner physician told me, we had five to six hundred recuperating prisoners in the camp, who were very weak and thin. And for that reason, I asked for additional food so that these people could recuperate faster and become strong again. That is why I made this report to the Sturmbannfuhrer.

Q With respect to Prosecution Exhibit 129, I ask the interpreter to read to the court, in German and then in English, the line that is the fourth line under the Roman Numeral II.

The interpreter then read the following:  
"Are the quarters light, well-aired, and clean? Yes."

Q Now, Eichelisdorfer, what quarters were you referring to when you made that answer to the question just read by the interpreter?

A These statements were all given by the prisoner physician to me. Because I could not enter the camp, I had to rely on the prisoner physician.

(Eichelisdorfer-Cross)

- Q In other words, you never at any time after the 12th of January 1945 entered Kaufering Number Four? Is that correct?
- A I entered the camp twice. That was about the end of March or the beginning of April. I went along the camp street, up to the de-lousing institution and looked at the heating system, which was out of order, in order to requisition the necessary materials. When Doctor Blanke learned that I had been in the camp, he threatened to report me.
- Q Now, which prison doctor was it, Eichelsdorfer, that gave you that report?
- A That was one from Bucharest. I don't know his name -- he was a Hungarian.
- Q Do you know his name?
- A I used to know it, but I don't know it now.
- Q Do you happen to know his number?
- A No.
- Q Now, Eichelsdorfer, why didn't you get your information from Doctor Blanke?
- A Because Doctor Blanke came out to us only very seldom. I had to ask him five times before he came out.
- Q So he was in charge of the camp, and he was there only after you asked him five times to come there. Is that correct?
- A Yes.
- Q And you were there all the time?
- A Yes.

Prosecution: No further questions. At this time I would like to offer in evidence, Prosecution Exhibit 128 and Prosecution Exhibit 129.  
(Eichelsdorfer-Cross)

Defense: No objection.

President: The documents will be received in evidence.

REDIRECT EXAMINATION

Questions by the defense:

Q Eichelsdorfer, did you receive any notice as to the prisoners who were going to be transferred into Kaufering Number Four while you were there?

A No.

Q Did you ever receive any notice of any prisoners being transferred out?

A When they were sent out to other camps?

Q Yes.

A Yes. Also when sick people came in, that was reported to me.

Q When was that reported to you?

A On the day when the prisoners arrived.

Q Now, how many guards did you have out there at Camp Number Four?

A Eight Unterscharführers and twenty-three men.

Q How many prisoners were there out there?

A At first fourteen hundred and twenty-nine, and towards the end, not quite three thousand.

Q Where did you say that you got this information that made the basis for this report?

A That was given to me by the chief prisoner physician. There were several, and one was appointed chief prisoner physician.

Q You say that you don't recall his name? Or do you?

A No.

(Eichelsdorfer-Cross)

- Q I show you Prosecution Exhibit 129, and refer you to the lower left hand corner on the reverse side, and ask you if you can see that?
- A I can't read that handwriting.
- Q Can you read what is under the handwriting?
- A Hauptsturmfuhrer -- SS Hauptsturmfuhrer.
- Q Can you tell whether the signature above that is yours, or somebody else's?
- A That one here?
- Q In the lower left hand corner.
- A This is a report made by me every month, and came to headquarters in Car Number One, and the responsible physician, Doctor Planke, had to examine it, and send it on to Dachau.
- Q Now, was Doctor Blanka also the camp physician for Lager Number One?
- A He had all the camps in Kaufering.
- Q Did he ever report to you as to the condition of the sick people in Camp Number Four?
- A No. Never.
- Q Did you ever know what the physical condition of the people was in Camp Number Four from a medical standpoint?
- A No. I didn't.
- Q Now, as a result of this complaint that you wrote were there any corrective actions taken in the camp?
- A No. Never.

Defense: Nothing further.

Prosecution: No further questions.

There being no further questions, the witness was excused, and withdrew to his proper place in the courtroom.

(Eichelsdorfer-Redirect)

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Defense: Mrs. Rufert.

Mrs. Rosa Rufert, a witness for the defense, was sworn and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

- Q State your full name, please.
- A Rosa Rufert.
- Q What is your address, Mrs. Rufert?
- A Staufensberg; near Landsberg.
- Q Do you know the defendant Eichelsdorfer?
- A Yes.
- Q In what year did you first make his acquaintance?
- A That was in the year 1944.
- Q How did you make his acquaintance?
- A I met him on a walk in Camp Number Two.
- Q And did you have any occasion to see Eichelsdorfer after this time that you met him?
- A Yes. he came to us frequently because it was very close -- perhaps only five hundred meters.
- Q What do you mean -- the camp from your house?
- A Yes. From the camp to our house it was only very short. Then after a few days he came to Number Seven and then to Camp Number Four.
- Q Did you ever visit Eichelsdorfer at Camp Number Seven, or Camp Number Four?
- A Yes.
- Q Can you give us an idea as to how many times, at each one of those places, you visited the camp?

(Rufert-Direct)

1512

- Q I show you Prosecution Exhibit 129, and refer you to the lower left hand corner on the reverse side, and ask you if you can see that?
- A I can't read that handwriting.
- Q Can you read what is under the handwriting?
- A Hauptsturmfuhrer -- SS Hauptsturmfuhrer.
- Q Can you tell whether the signature above that is yours, or somebody else's?
- A That one here?
- Q In the lower left hand corner.
- A This is a report made by me every month, and came to headquarters in Camp Number One, and the responsible physician, Doctor Blanka, had to examine it, and send it on to Dachau.
- Q Now, was Doctor Blanka also the camp physician for Lager Number One?
- A He had all the camps in Kaufering.
- Q Did he ever report to you as to the condition of the sick people in Camp Number Four?
- A No. Never.
- Q Did you ever know what the physical condition of the people was in Camp Number Four from a medical standpoint?
- A No. I didn't.
- Q Now, as a result of this complaint that you wrote were there any corrective actions taken in the camp?
- A No. Never.

Defense: Nothing further.

Prosecution: No further questions.

There being no further questions, the witness was excused, and withdrew to his proper place in the courtroom.

(Richelsdorfer-Redirect)

1200

- A As I said last night, I can't say exactly -- about ten times. That may be too much. Maybe eight times. I don't know.
- Q Do you mean eight or ten times in each camp?
- A Yes. I always visited him when he was on business trips to Landsberg.
- Q And, during these eight or ten times that you visited him, did you ever see him mistreat any prisoner?
- A No, rever. The opposite.
- Q Did you ever hear of his mistreating any prisoner either at Camp Number Seven or Camp Number Four?
- A No. Even after the change, I asked many former concentration camp inmates, and they always spoke well of him.
- Q What do you mean by "after the change"?
- A I know that Kaufering was bombed, and there were some wounded and they came into some house, which was the wounded camp, and they came frequently.
- Q Was this before or after the Americans came?
- A After the liberation -- they were wounded in a bomb attack.
- Q During these times that you visited Camp Number Seven and Camp Number Four, did you ever see Eichelsdorfer carry a rifle or a stick?
- A No. Never.
- Q Do you know whether or not there were any female prisoners working in Eichelsdorfer's home?
- A Yes. They cleaned up there.

(Rufert-Direct)

- Q Do you, of your own knowledge, know of his treatment of these prisoners?
- A Yes. He was very human and very decent.
- Q Did you ever talk with these prisoners who worked in Eichelsdorfer's home?
- A Yes.
- Q Did they at any time say that he mistreated them in any way?
- A That Eichelsdorfer mistreated them?
- Q Yes.
- A No. He never mistreated them. Quite the opposite.
- Q Do you know whether or not Eichelsdorfer was a member of the SS?
- A No. He always said no, and he never came to us in SS uniform.
- Q Do you know of anything that Eichelsdorfer did, with respect to the food of the prisoners?
- A That he did something about it?
- Q Or did he ever try to increase or make the food any better?
- A Yes; I know that from the Jewish girls.
- Q What was that?
- A Towards the end they told me there wasn't enough. Sometimes the girls from Camp Number Seven said "today we ate better than the Army, or the Captain."
- Q Do you know if he personally gave food?
- A Yes, I saw that often.

Defense: No further questions.

(Rufert-Direct)

CROSS EXAMINATION

Questions by the prosecution:

Q So the prisoners ate better than Eichelsdorfer.  
Is that correct?

A No. Not always. The girls said sometime that  
"today the food was very good, " because of what  
Eichelsdorfer had left over. He was a very moderate  
eater, but not always.

Q Isn't it a fact that the only time you ever saw  
him was in his office and in his home?

A I was in his house. It was a little home.

Q And you say that you saw him in the house. Isn't  
it a fact that you also saw him in the office?

A Yes. That was all the same, just a little house  
with a living-room and bedroom; also a desk and that  
was his office.

Q And that was the only place that you ever saw  
Eichelsdorfer around the camp?

A Yes. And the girls were there. They were get-  
ting warm, because it was cold outside, and they  
received the food left over, and listening to the  
radio.

Q What nationality are you?

A German.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by the defense:

Q You state that you have talked with many prisoners  
after the liberation. Did any one ever mention to  
you that Eichelsdorfer had beaten a man so that he  
later died?

(Rufert-Redirect)

1075

A No. Never. Just the opposite. Once two people had been wounded and they told me about him. They gave a description of him, saying it was a small man with a bald head, had concerned himself much with them, helped bandage them, and so on.

Q Do you know who these people are?

A Yes. They were foreigners. They are home by now.

Defense: Nothing further.

Prosecution: No questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew

President: The court will recess until eight-thirty tomorrow morning.

The court then, at 1655 hours, 4 December 1945, adjourned, to meet at 0830 hours, 5 December 1945.

*William D. Denson*  
WILLIAM D. DENSON  
Lieutenant Colonel, JAGD  
Trial Judge Advocate

Dachau, Germany

5 December 1945

The court met, pursuant to adjournment, at 8:30 o'clock, a.m., all the personnel of the court, prosecution, and defense, who were present at the close of the previous session in this case, being present.

The accused, the reporter and interpreter were also present.

Erica Flocken, a witness for the defense was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION.

Questions by the defense:

- Q. What is your name, please?
- A. Erica Flocken.
- Q. What is your profession?
- A. I am a physician.
- Q. Where did you study medicine?
- A. I studied medicine at Cologne, Koenigsberg and Marburg.
- Q. How old are you?
- A. 33.
- Q. What is your professional status?
- A. I was last Chief Physician of the OT Field Hospital at Schwindegg.
- Q. What is your present status?
- A. At the present time I am a prisoner here in Dachau.
- Q. Were you a member of the Nazi Party?
- A. No.
- Q. Were you ever affiliated with the SS?
- A. No.
- Q. What is your nationality?

- A. German.
- Q. What did you say you were doing prior to your arrest.
- A. I was chief physician of the OT Field Hospital prior to my arrest.
- Q. Prior to that what was your assignment?
- A. During the time I was with the OT, I was at the same time physician of the Higher Construction Company, Weingul 1, Muehldorf.
- Q. How long were you associated with the OT?
- A. From the 20th of June, 1944, until my arrest on the 4th of May, 1945.
- Q. What is the OT?
- A. The Organization Todt is a construction organization.
- Q. You mentioned a camp at Muehldorf. State whether or not this camp at Muehldorf was a by camp of Dachau?
- A. In Muehldorf there were by camps of Dachau which were for the use of the OT.
- Q. Were there other by camps of Dachau for the use of the OT than at Muehldorf?
- A. Yes, in Kaufering.
- Q. How do you happen to know of the Kaufering camps?
- A. Kaufering is under the Ringel Tauber, that is a code name. This O B I belonged to the same Einsatzgruppe as Muehldorf.
- Q. Describe the responsibility that the OT Organization had for the prisoners at the various camps?

(Flocken-direct)



- A. The OT was responsible by contract to care for the food, the shelter, the bandages and fixtures of the camp.
- Q. Was the OT responsible for medical supplies, also?
- A. Yes, for medicine as I mentioned.
- Q. Are you familiar with the classification of the various German army rations?
- A. Yes, there are four army rations.
- Q. For whom was ration one?
- A. The ration, according to my knowledge, was mostly for the air corps which was doing the fighting as well as for combat troops.
- Q. Was ration one the best or the worst of the four rations?
- A. It was the best.
- Q. For whom was ration two?
- A. Ration two was for troops that were in the combat area and for field hospitals that were behind the front and for some hospitals within the limits of Germany, but those were exceptions.
- Q. For whom was ration three?
- A. Ration three was for the rest of the army.
- Q. For whom was ration four?
- A. Ration four was issued for workmen assigned to the army.
- Q. Which ration was provided for the prisoners working for the OT Organization?
- A. The army ration four.
- Q. State whether or not the OT actually handled the ration in kind which was issued for the prisoners working for them?

(Flocken-direct)

1317

- A. The OT received these rations at the army QM and then issued it to the individual camps.
- Q. The SS personnel assigned to the various camps were entitled to which ration?
- A. The army ration three.
- Q. Did the OT Organization handle that ration for the SS personnel assigned to the labor camps?
- A. Yes.
- Q. Was there any discrimination between prisoners or were all prisoners entitled to the same ration?
- A. At the beginning all prisoners received the same ration. Later on I found out by a conversation with Front Fuehrer Seebauer that those prisoners that were in the invalid block would only receive the civilian ration.
- Q. Were those prisoners in the invalid block, according to existing regulations, entitled to to army ration four?
- A. So far as I know, yes. At any rate I deduced from the conversation with Mr. Seebauer that he received those rations.
- Q. Compare army ration four with the civilian ration.
- A. The ration four was, in regard to bread and meat, considerably higher than the civilian ration. It was approximately the same as the ration which the heavy laborers in the population received.

(Flocken-direct)

- Q. If therefore ration number four were drawn for a group of people and from the bulk a civilian ration were issued for the same group of people, there would be a considerable surplus, would there not be?
- A. Yes, there would be some left.
- Q. Now this person Seebauer you mentioned, by whom was he employed?
- A. Front Fuhrer Seebauer belonged to the Organization Todt.
- Q. Who retained, according to your conversation with Seebauer, who retained the difference between the civilian ration and ration number four that the invalid block was entitled.
- A. That remained in the QM of the OT.
- Q. Did he state whether or not the SS organization had jurisdiction over the OT Organization, or was it the administration at Dachau?
- A. No, none.
- Q. During the later days of the war, when the population of the various camps increased decidedly, what was the OT's responsibility regarding the new arrivals at the various by-camps?
- A. With respect to these new arrivals, in my opinion, the OT had no responsibility whatsoever. Because the OT could only requisition manpower and could only be responsible for those they requisitioned.
- Q. What caused the new arrivals?
- A. That was the withdrawal of our front and the advance of the Americans.
- Q. During the last few months, just prior to the end

(Flocken-direct;

of the war, were there reductions in the rations you just described?

A. Yes, in February a reduction of the rations was made public, and also in March there was a further reduction.

Q. Was there a corresponding reduction in the civilian rations?

A. Yes.

Q. When did the last reduction occur?

A. The last reduction was in April.

Q. After the last reduction was ordered, was army ration number four then sufficient to sustain health.

A. After the last reduction this ration was not sufficient for heavy laborers.

Q. As of this time, compare that with the corresponding civilian ration - as of the time after the last reduction compare it with the corresponding civilian ration?

A. At that time the civilian ration was just as insufficient.

#### CROSS EXAMINATION

Questions by the prosecution:

Q. Dr. Flocken, when did you work here in Kaufering?

A. I was never in Kaufering.

Q. And what dates were you in Mehlendorf?

A. From the 20th of June until the middle of October or the beginning of October, 1944.

(Flocken-direct)

1300

- Q. From June until the beginning of October, 1944, is that correct?
- A. Yes.
- Q. How many prisoners were housed at Muehldorf at the time you left in October, 1944?
- A. I cannot say for sure. There must have been about 2,000 of them.
- Q. When you left Muehldorf, what was your position in the camp?
- A. I then had nothing more to do with the camp.
- Q. I said, "What was your position at the time you left the Camp?"
- A. I was chief physician of the field hospital at Schwindegg.
- Q. And that was the position that you held just immediately prior to the time you left Muehldorf in October, 1944, is that correct?
- A. No, I had that position since the beginning of my activities with the OT.
- Q. Well, when did you begin your activities with the OT?
- A. 20 June 1944.
- Q. In this position did you have any contact with the prisoners who were living at Muehldorf?
- A. Yes.
- Q. And what was that contact that you had with the prisoners in these camps?
- A. When these camps were opened there, my superior physician told me I should keep an eye on the camp because the OT was interested in the work of these prisoners.

(Flocken-cross,

135

- Q. Well, specifically what were your duties there, doctor, to these prisoners in Muehldorf?
- A. As I already said, I only had to watch it and now and then I had to go through the camp in order to take care of the interests of the OT in regard to the work.
- Q. Well, now, was it your duty to examine the physical condition of these prisoners?
- A. It was part of my task to look them over now and then.
- Q. How frequently did you have to look them over, doctor?
- A. I looked the new arrivals over twice, and once I was present at an inspection with an SS doctor.
- Q. And that was the only looking over that you did between the 20th of June and the 1st of October, 1944?
- A. Yes, at that time I was also in the hospital.
- Q. All right, doctor, what were your duties in the hospital with respect to these prisoners?
- A. I was told that I was supposed to watch things in respect to the sick.
- Q. Was it your duty to determine who could be admitted to the hospital at sick call?
- A. No.
- Q. Well, now, you say that you were just to look after things. In what respect were you to look after things at the hospital?
- A. With respect to the writing of the sick of the labor distribution.

(Flocken-cross)

- Q. Did you keep the record as to the number of prisoners who were sick and those who were able to work.
- A. No, because I only supervised that on the whole.
- Q. Now, doctor, were you relieved from Muhldorf for inefficiency?
- A. No, but because of too much work.
- Q. Too much work! Is it not a fact, doctor, that when you were interrogated on the last day of October 1945, you stated that you were relieved from Muhldorf because of inefficiency?
- A. No, I did not say that.
- Q. Now, doctor, you stated further that the relationship between the prisoners and the OT was governed by contract, is that correct?
- A. Yes.
- Q. And I believe you stated that virtue of that contract OT was to supply the food, is that correct?
- A. Yes.
- Q. And they were to supply the medicine, is that correct?
- A. Yes.
- Q. And the housing facilities, is that correct?
- A. Yes.
- Q. Doctor, did you ever see this contract?
- A. No.
- Q. As a matter of fact, you don't know what that contract contained, do you?
- A. No.
- Q. When did this conversation with Seebauer take place?
- A. I cannot tell you for sure. It must have been

(Flocken-cross)

at the beginning of this year, 1945.

Q. What year?

A. This year.

Q. In January, 1945, is that correct?

A. I do not wish to state any definite month.

Q. Now, as a matter of fact, doctor, you don't know what jurisdiction the OT Organization exercised over the prisoners, do you?

A. Yes, through my activities and from what I learned from the work distributor, Lieberman, and Dr. Starak, who belonged to this work for one month, I found out those things.

Q. All right, what was the jurisdiction the OT exercised over those prisoners?

A. The OT had no jurisdiction over the prisoners.

Q. Now, doctor, during July, 1944, what was the calory content of the daily meal that the prisoners received at Muhlendorf?

A. I cannot name just all the things that were contained in army ration number four. The one that existed in 1944 was similar to that that existed in January and there was not a large difference. I cannot tell you the exact value in calories because I do not remember all the details, but I think I could approximately determine the number.

Q. Do you remember, Dr. Flocken, what foods were contained in army ration number one?

A. No, army ration number one and two were never issued by us; so I don't know.

(Flocken-cross)



Q. Well, do you know what was contained in army ration number three?

A. I can only tell you that approximately - just like in army ration number four.

Q. Well, will you tell the court approximately what was contained in army ration number four?

A. 600 grams of bread per day, 20 grams of fat, 60 to 80 grams of meat, 350 grams of vegetables, 500 grams of potatoes, and then there were other food articles and ersatz coffee, but I can't tell you exactly what it was.

Q. Now, doctor, that is the ration that the prisoners in the concentration camps was supposed to receive, is that correct?

A. Yes.

Q. What was the caloric content of that ration?

A. I have to figure that out. Could I have a piece of paper and a pencil?

Prosecution: Certainly.

A. About 2,100 or 2,200.

Q. And that is the ration the CF furnished for the prisoners, is that correct?

A. Yes.

Prosecution: Nothing further.

#### RE-DIRECT EXAMINATION

Questions by the defense:

Q. Doctor, the ration that you just described was prior to the series of reductions that took place beginning February, 1945, is that correct?

A. Yes.

(Flöcken-cross)

1385

- Q. After the completion of those reductions, will you give the court the calory content of army ration number four?
- A. After the second reduction:
- Q. After the last reduction?
- A. The value of the calories was around 1500. It is possible that the value of calories would differ about 100 or 200.
- Q. That was the ration received by the Organization OT for those prisoners who could be requisitioned as laborers, is that correct?
- A. Yes.
- Q. And was their ration better or worse than the civilian ration at that time?
- A. It was better than the normal civilian ration.
- Q. Was it adequate to sustain health?
- A. With the equivalent type of work, no.
- Q. Was the civilian ration sufficient to sustain health?
- A. No.
- Q. Counsel for the prosecution mentioned an interrogation of you on the 30th of October, 1945. Who conducted that interrogation?
- A. Lt. Guth, in the presence of the prosecution.
- Q. Reference has been made to the contract between the OT and the SS relative to employment of these prisoners, did you ever see this contract?
- A. No, I did not see the contract.
- Q. You do know the responsibility the OT assumed under the contract, do you not?

(Flocken-redirect)

- A. Yes, naturally I found out about that through my work and I had to be told about that.
- Q. I'll ask you if it is not a matter of common knowledge that OT was responsible for the food, billeting and medical supplies of the prisoners at the labor camps?

Interpreter: Would you please enumerate those things again?

Defense: Housing, food, medical supplies.

- A. Yes, that was generally known at the OT, especially at the construction company.
- Q. Would you mind describing to the court further your duties as chief physician at the OT?
- A. I wasn't chief physician of the OT. To get it straight I was chief physician at the higher construction Weingut Number One. I was in charge of the medical care of the OT members and I was in charge or I supervised the camps of the OT as far as medicine was concerned.
- Q. How do you mean that you supervised the camps of the OT so far as medicine was concerned? What do you mean by that?
- A. In hygienic responsibility.
- Q. Who was responsible for the physical medical care of the prisoners at the various camps?
- A. The prisoners' physicians or prisoners' doctors were responsible for that, who worked under the supervision of the SS doctors.
- Q. What SS doctor was at the Kaufering camps? What was his name?
- A. That was Dr. Blanka, if I could say for sure.

(Flocken-redirect)

1307

- Q. Who Made the decision as to whether or not a prisoner was physically fit to work?
- A. At first the prisoners' doctor who was then controlled and supervised by SS doctors as far as one was present in the camp.
- Q. And you say that Dr. Blanke was the SS doctor at the Kaufering camp?
- A. Yes.

RE-CROSS EXAMINATION

Questions by the prosecution:

- Q. What does the code name Weingut mean?
- A. That is a name which really does not mean anything.
- Q. What was it used for?
- A. For a construction camp which was assigned to a certain type of construction and was under the entire program.
- Q. Did it have any reference to the camp?
- A. These by-camps were determined or assigned to the construction company for work.
- Q. And they went under the name of Weingut One, Two, Three and Four, is that correct?
- A. The construction job went under that name. There was a Weingut One and Two, but I can not tell you where it was.
- Q. You stated on your re-direct examination that you were responsible for the hygienic direction at Muehldorf.
- A. For the OT camps.

(Flocken-recross)

Q. Well, did those OT camps contain prisoners?

A. No, there were OT members there.

Q. Your supervision of the hygienic conditions at Muehldorf was confined to the German laborers who were not prisoners, is that correct?

A. Yes.

Prosecution: No further questions.

Defense: No further questions.

President: Any questions from members of the court? Witness is excused.

There being no further questions, the witness was excused and withdrew.

Otto Foerschner, a defendant, took the stand and testified on his own behalf through an interpreter as follows:

DIRECT EXAMINATION

Questions by the defense:

Q. Will you state your full name?

A. Otto Foerschner.

Q. How old are you?

A. 44 years old.

Q. And where is your home?

A. In Weimar.

Q. Are you married?

A. Yes.

Q. Do you have any children?

A. Yes, I have three children.

Q. What was your civilian occupation?

A. I was a professional soldier.

(Foerschner-direct)

- Q. When did you become a professional soldier?
- A. 1922.
- Q. And was that in the regular German Wehrmacht?
- A. That was in the 100,000 man army.
- Q. How long did you remain in the German army?
- A. I served twelve years.
- Q. And at the conclusion of the twelve years of service, what happened?
- A. After I finished twelve years of service, I went over to the Waffen SS.
- Q. And that was in what year?
- A. That was in 1934.
- Q. And where were you first assigned to duty in the SS?
- A. I had duty at the Officers' Candidate School at Bad Tolz.
- Q. And for how long a period of time did you do duty at the Officers' Candidate School in Bad Tolz?
- A. Until the beginning of 1937.
- Q. During this period of service, did you have any combat duty?
- A. Yes.
- Q. And where did you see this combat service?
- A. I was assigned to the Eastern Front.
- Q. And when were you first assigned to the Eastern Front?
- A. On the 20th or 22nd of June I was one of them that marched into Russia.

(Foerschner-direct)

- Q. And for how long a period of time did you serve on the Russian Front?
- A. I was on the Russian Front until December, 1941.
- Q. And why were you returned from the Russian Front in December, 1941?
- A. I was sent back because of illness.
- Q. When you returned, what assignment did you receive?
- A. I was at first in the hospital in Germany.
- Q. How long a period of time were you in the hospital in Germany?
- A. I stayed in the hospital until the end of January, 1942.
- Q. Following your release from the hospital, where did you go?
- A. After my release from the hospital I was transferred to Buchenwald.
- Q. How long did you stay in Buchenwald?
- A. I remained at Buchenwald until the 1st of September, 1943.
- Q. From Buchenwald where did you go?
- A. From Buchenwald I was ordered to Nordhausen.
- Q. How long did you stay in Nordhausen?
- A. I stayed in Nordhausen until the end of January, 1945.
- Q. At that time where were you transferred to?
- A. On the 1st of February I was transferred to Landsberg or Kaufering.
- Q. How long a period of time did you remain in Kaufering after that?
- A. I remained in Kaufering until the 27th of April, 1945.

(Foerschner-direct)

- Q. So that your entire tour of duty in the Kaufering Camp was from 1 February 1945, until the 27th day of April, 1945, is that correct?
- A. Yes.
- Q. And what was your position in Kaufering
- A. I was camp leader for the work camp situated there.
- Q. And how many camps were you the leader of?
- A. At the beginning there were seven camps; later on there were nine.
- Q. Which camp did you make as your headquarters?
- A. I had my headquarters in Camp Number One.
- Q. While you were there from February until April, did you punish any inmates of Camp Number One?
- A. Yes.
- Q. While you were in Camp Number One, did you have women as inmates of Camp Number One?
- A. Yes.
- Q. Did you punish the women inmates of Camp Number One?
- A. Yes.
- Q. What form of punishment did you impose upon these women?
- A. I let the women stand a half day on the formation place and I took food away for one day.
- Q. Did you yourself prescribe this form of punishment on your own behalf?

(Foerschner-direct)



- A. No.
- Q. Who was your superior officer?
- A. My superior officer was Obersturmbannführer Weiter from Dachau.
- Q. Did he or did he not inform you as to the type of punishment to impose on these women?
- A. No, he did not give me rules about it, but in this case I asked him how I was supposed to punish these women.
- Q. Were you on your own power authorized to impose punishments or sentences?
- A. No.
- Q. While you were in Kaufering camps, were there any executions performed?
- A. No.
- Q. Did you attend any executions?
- A. No.
- Q. While you were the commander of the Kaufering Camps, you had a Camp Number 4, did you not?
- A. Yes.
- Q. And what was Camp 4 known as?
- A. Camp 4 was an isolation camp when I took over.
- Q. Were you permitted to enter the camp?
- A. No.
- Q. What, if anything, did you try to do as far as Camp Number 4 was concerned?
- A. I tried the following: After I took over and I had seen one camp in Kaufering and that is Camp Number 1, I went to Dachau in order to tell the camp commander there

about the conditions I found. I asked him to give me specific instructions about what I would do about Camp Number 4, the isolation camp. The camp commandant told me that I had nothing to do with Camp Number 4; that it was purely a matter for the doctor. I asked the camp commandant if he had seen the type of barracks there and to take the sick prisoners away from there and put them in a decent type of barracks.

- Q. What else did you do beside talk to the camp commandant at Dachau about taking sick prisoners away from Camp Number 4?
- A. I sent a report to Berlin.
- Q. What if anything happened after you sent the report to Berlin?
- A. As a result of this report, a commission came from Berlin.
- Q. Do you know who was on that commission, or what that commission consisted of?
- A. In this commission was Standartenfuhrer Lolling.
- Q. What was his position?
- A. He was chief of the medical department, Amtgruppe D.
- Q. Who else was present?
- A. There was a representative for the Group Sturmfuhrer, Glacks, he was an Obersturmfuhrer. He was also an official of Amtgruppe D.
- Q. Who else was present on the commission?

(Foerschner-direct)

- A. Also Camp Commander Weiter of Dachau was present on that commission.
- Q. Did you appear before that commission as commandant of the Landsberg camps?
- A. Yes, the commission came to Landsberg and I told this commission the conditions, the unbearable conditions, and I showed the commission these types of barracks and how they had to live and how the sick people had to live.
- Q. As a result of the meeting of this commission, was anything promised to you relative to remedying the situation?
- A. After I had asked to take the sick prisoners out of these earth holes, I was promised that I could expect a transfer of the sick prisoners in a short time.
- Q. Did that transfer ever take place?
- A. No, this transfer never took place.
- Q. What did happen?
- A. The opposite happened. I received further sick transports that arrived in Landsterg.
- Q. When were the camps at Landsberg evacuated?
- A. The camps were evacuated by order between the 24th and 27th of April.
- Q. And who ordered the evacuation?
- A. It was ordered by Obersturmbannfuhrer Weiter, the camp commander of Dachau.
- Q. Was Camp Number 4 also evacuated?
- A. Camp Number 4 was also evacuated by the doctor.
- Q. That was doctor who?

(Foerschner-direct)

- A. The doctor was Dr. Blanke.
- Q. Did you have any authority whatsoever over the evacuation of Camp Number 4?
- A. No, I had no authority whatsoever of Camp Number 4.
- Q. When did you leave Landsberg?
- A. I left Landsberg in the early morning of the 27th of April.
- Q. Where were you going?
- A. I drove by car to Landsberg, I had the intention to drive back to the camp 1. I hit a mine and was wounded and then I was sent to the hospital.
- Q. You hit a German mine, is that correct?
- A. Yes, that was one of our own mines.
- Q. And you went to the hospital?
- A. Yes, I came to the hospital.
- Q. What injury did you receive as a result of hitting that mine?
- A. I had a very heavy brain concussion and lost my right eye.
- Q. When you left Landsberg, was Dr. Blanke still there?
- A. Yes, the doctor was still there.
- Q. And do you know whether or not there were any dead people left in the camp?
- A. No.
- Q. Do you know whether or not Camp 4 was set on fire?
- A. I don't know.

(Foerschner-direct)

- Q. In the vicinity of Camp Number 4 were there other camps set on fire?
- A. In the night from the 26th to the 27th, various camps were burned, and that is those camps that had to be evacuated.
- Q. Who set them on fire? Do you know?
- A. The OT burned them.
- Q. A witness for the prosecution testified that you beat an inmate with an iron pipe and that he died thereafter within a few days. What do you have to say about that?
- A. I never did that.
- Q. Did you ever beat any of the prisoners while you were there?
- A. No, I never did that.
- Q. The same witness, or another witness, I don't recall right now, also testified that you threw a stone at one of the inmates and hit the inmate on the head; as a result of which, she was taken to the hospital and was never seen again or died. What do you have to say about that?
- A. If I had beaten a prisoner to death or if I had killed one by throwing a rock at him, there would have been talk around the camp very fast, and the first one who would have called me to speak up about it would have been the doctor.
- Q. Which doctor?
- A. Dr. Blanke.

(Foerschner-direct)

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Q. With reference to these camps at Landsberg, were any of them surrounded by electrical wires?

A. All camps were surrounded by barbed wire.

Q. Were they electrified?

A. No, they were not electrified.

Q. There is no question in your opinion that when you got to Landsberg, that the accommodations were pretty bad?

A. The camps, the barracks were very bad, as well as the number of sick people among the prisoners. The status of the sick was very high. Among seven camps which I took over, four were already closed with spotted fever - typhus.

Q. You know Tempel, do you not Foerschner?

A. Yes.

Q. Was he at Camp Number 1 with you?

A. Yes, Tempel was at Camp Number 1 as Report .  
Fuhrer.

Q. At the time of the evacuation of Camp Number 1, when it was being evacuated, did you hear any shooting going on within the camp?

A. No, I heard no shooting.

Q. Did you do any shooting?

A. No.

President: Court will recess for 15 minutes.

At the direction of the president, the court then recessed for fifteen minutes, after which time (10:30 a.m.,) the personnel of the court,

(Foerschner-direct)

The prosecution and the defense, all the accused, the interpreter, the reporter, and the witness resumed their seats.

Otto Foerschner, one of the accused, continued his testimony as follows:

Questions by the defense (continued):

Q. While serving at Kaufering Camps did you know a man named Vinzenz Schoettl?

A. Yes.

Q. Did he serve under you?

A. Yes.

Q. Was he stationed at that camp during the month of March, 1945?

A. Yes, he was.

Q. Was he stationed there during the entire month of March, 1945?

A. Yes.

#### CROSS EXAMINATION

Questions by the prosecution:

Q. Now Schoettl was stationed at one of the Kaufering camps; you don't know that he remained there at one of the camps every day he was stationed there, is that correct?

A. He was at Kauferring every day since he had a special duty assigned him by the camp commander.

Q. What was that special duty he had?

A. His special duty was training a company that was being put together over there and to prepare it for front line duty.

(Foerschner-direct-cross)

- Q. What was the number of the camp where he was stationed at?
- A. It was a camp of the OT, Camp Ude .
- Q. Did it have any number?
- A. No.
- Q. How far was it from Camp Number 1?
- A. It was approximately 5 kilometers from Camp Number 1.
- Q. And you went over to this Camp Ude every day?
- A. Often I went there every day.
- Q. And Schoettl was there every day?
- A. Yes.
- Q. You saw him there every day, is that correct?
- A. He had to be there to supervise the training.
- Q. As commanding officer of Kaufering, you received reports from the camps?
- A. Yes.
- Q. And you received reports from these camps weekly or monthly?
- A. I received them weekly.
- Q. And you received reports from all the camps weekly, did you not?
- A. Yes.
- Q. This commission you talked about, was in that particular camp?
- A. No.
- Q. Did you accompany this commission when it went through all the Kaufering Camps?
- A. No.
- Q. Then you don't know of your own knowledge which camps it did go through and which camps it did not go through?

(Foerschner-cross)

1400



- A. I know that for certain.
- Q. How do you know that when you were not with this commission all the time?
- A. I accompanied the commission.
- Q. Didn't you state that you did not accompany the commission?
- A. No, I did not say that.
- Q. You did in fact state that you accompanied it through certain camps?
- A. Yes.
- Q. Did or did it not go through all of the camps?
- A. No, I stated they did not go through all the camps?
- Q. Which camps didn't they go through?
- A. They only went through Camps Number 1 and 2. They did not go through any other camps.
- Q. How many men did the OT keep at Camp Number 1?
- A. From the OT?
- Q. Yes?
- A. You mean OT men or prisoners?
- Q. How many OT men were kept in Camp Number 1?
- A. In Camp Number 1 there were 20 to 25 OT men and children.
- Q. And how many men in Camp Number 3?
- A. There were no men from the OT in Camp Number 3.
- Q. And in Camp Number 4?
- A. None in Number 4.

(Foerschner-cross)

- Q. As a matter of fact, the only camp at which the OT had men located was at Number 1, is that correct?
- A. No, that is not correct. In Camp Number 7 and in Camp Number 11 there were additional buildings built at the camp where OT men lived.
- Q. Is it a fact that they were built next to the camp and not in the camp?
- A. I said next to the camp and not in the camp.
- Q. You knew that these conditions at the Kaufering Camps were terrible, did you not?
- A. I knew that.
- Q. And you continued to keep those prisoners in this camp, didn't you, with that knowledge?
- A. On my own responsibility I could not take them out of the camp.
- Q. But did you or did you not keep them there?
- A. I had told you that I had to keep them in the camp.
- Q. What was the death rate at Camp Number 4?
- A. I didn't understand the question.
- Q. What was the death rate at Camp Number 4 each week?
- A. The weekly death rate in the beginning was between 100 and 150.
- Q. What was it when you left there?
- A. When I left there it was higher.

(Foerschner-cross)

1402

Q. Do you know how much higher it was?

A. As I remarked, it was 200 or more. Towards the end the camp had twice as many prisoners as in the beginning.

Q. Why were new prisoners brought into Camp Number 4?

A. New prisoners were brought in because of the transports which were afterwards sent to the Kaufering Camps additionally.

#### RE-DIRECT EXAMINATION

Questions by the defense:

Q. This death rate was during the time of the epidemic, is that correct?

A. It was during the time of the typhus epidemic.

Q. This figure included all the camps under quarantine, did it not?

A. Yes.

Defense: That is all.

Prosecution: No further questions.

President: Questions from any member of the court?

If not, witness is excused (and withdrew).

Anton Burgmaier, a witness for the defense, was sworn and testified through an interpreter as follows:

#### DIRECT EXAMINATION

Questions by the defense:

Q. What is your name?

A. Anton Burgmaier.

Q. Where do you live, Mr. Burgmaier?

(Foerschner-redirect)

- A. At Dachau, Enzhausen.
- Q. Are you a business man in the town of Dachau?
- A. I am an inn keeper.
- Q. Do you know a man by the name of Arno Lippmann?
- A. Yes.
- Q. How long have you known Lippmann?
- A. Approximately six to eight years.
- Q. Tell the court the type of man Lippmann is?
- A. I got to know Mr. Lippmann as he always came over to play cards on Saturday. Then I got to know him like other guests as a quiet and sincere man.
- Q. Have you ever hear that Lippmann was a cruel or brutal man to anyone?
- A. No.

#### CROSS EXAMINATION

Questions by the prosecution:

- Q. What nationality are you, Mr. Burgmaier?
- A. I am a German.
- Q. And over what period of time did you know Lippmann?
- A. Six to eight years. I don't know too exactly.
- Q. And you only knew him from your contact in your restaurant, is that correct?
- A. Yes.

#### RE-DIRECT EXAMINATION

Questions by the defense:

- Q. Mr. Burgmaier, among the customers that came into your place of business, did you ever

hear these people speak of Lippmann?

A. No.

Defense: Nothing further.

Prosecution: No further questions.

President: Any questions from any member of the court? If not, witness is excused (and withdrew).

Johann Forster, a witness for the defense, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

Questions by the defense:

Q. What is your name?

A. Johann Forster.

Q. Where do you live?

A. At Wetzenhausen near Dachau.

Q. Are you a business man in or near Dachau?

A. Yes.

Q. You are a German, are you not?

A. Yes.

Q. Do you know a man by the name of Arno Lippmann?

A. Yes.

Q. How long have you known him?

A. I have known him approximately ten years.

Q. In the course of that period of time, did you get to know Lippmann very well?

A. Yes.

Q. What type of man is Lippmann?

A. So far as I know, he was a quiet and sincere person.

Q. Did you ever hear or see him being cruel to anyone?

(Forster-direct)

1+25

A. Never.

Q. Would you say that he was the type of man that would mistreat anyone?

A. I don't believe so.

#### CROSS EXAMINATION

Questions by the prosecution:

Q. Where did you get to know Lippmann?

A. My daughter and his children got to know each other and, thus, I got the opportunity to know him.

Q. Where was that?

A. Near the camp. I live near the camp.

Q. What is your occupation?

A. I am an egg collector.

Q. How long have you been in that occupation?

A. Always. Fifteen years.

Q. And the only occasion you had to know Lippman was that of your children playing together, is that correct?

A. Yes.

#### RE-DIRECT EXAMINATION

Questions by the defense:

Q. And you say that is how you got to know him?

A. He came over to my apartment often.

Q. You say that you knew for ten years, is that correct?

A. Yes, that is correct.

Defense: No further questions.

Prosecution: Nothing further.

President: If there are no questions from any member of the court, witness is excused (and withdrew).

(Forster)

Maria Lippmann, a witness for the defense, was sworn and testified through an interpreter as follows:

DIRECT EXAMINATION

Questions by the defense:

- Q. What is your name, please?
- A. Maria Lippmann.
- Q. How old are you?
- A. I am sixty-two years old.
- Q. What relation are you to Arno Lippmann?
- A. He is my husband.
- Q. Have you any children, Mrs. Lippmann?
- A. Yes, three. One was killed in action.
- Q. Where do you live, Mrs. Lippmann?
- A. At the time, I live at Illman Strasse, Dachau.
- Q. Mrs. Lippmann, was your husband ever stationed at one of the Kaufering Camps?
- A. Yes.
- Q. Did you live with him when he was stationed there?
- A. I lived there part of the time, and the rest of the time I went back home.
- Q. At the time you were living there, did you have any occasion to see any prisoners?
- A. Yes.
- Q. Where did you see the prisoners?
- A. They always came over to my husband and brought the food. The lawyer Bernstein was a clerk of my husband.
- Q. What did these prisoners say about your husband?

(Maria Lippmann-direct)

- A. The prisoners always said that they could not get a better man than my husband. They always said good things about him.
- Q. Would you say that he ever mistreated any of the prisoners?
- A. No, he was not cruel. When he was transferred from Kaufering to Landsberg, all the prisoners wanted to accompany my husband. All the prisoners came and said, "Take me along. We would not get such a good person as you to take your place." I gave the prisoners bread to eat and other things.
- Q. Is your husband a brutal or unkind man?
- A. No, he is a very good person. He is a quiet and unassuming person.

#### CROSS EXAMINATION

Questions by the prosecution:

- Q. You had food to give away to these prisoners?
- A. I had my own food and I always went home and got a big pot of potatoes. The girl came with me and cooked the potatoes for the prisoners.

#### RE-DIRECT EXAMINATION

Questions by the defense:

- Q. Who was this clerk your husband had?
- A. His name was Bernstein.
- Q. Did you try to get him as a witness?
- A. Yes, we called his uncle who is a general and an old man who lives in Berlin. We tried to get hold of Bernstein through him, but I guess I reported it too late.

(Maria Lippman cross-redirect)



Defense: No further questions.

Prosecution: Nothing further.

President: Questions from any member of the court?

If not, witness is excused (and withdrew).

Arno Lippman, one of the accused, took the stand and testified through an interpreter on his own behalf:

DIRECT EXAMINATION

Questions by the defense:

Q. What is your name?

A. Arno Lippman.

Q. How old are you?

A. I am fifty-six years old.

Q. What was your civilian occupation?

A. I was a master shoe maker.

Q. What service have you had in the German army?

A. I served from 1912 until 1918.

Q. When again did you serve in the German army?

A. Not any more.

Q. Did you ever serve at Dachau?

A. From 1935 on.

Q. Where you ever stationed at Kaufering or one of the by-camps?

A. Yes.

Q. Now, Lippman, there was a witness for the prosecution by the name of Chaim Zybers~~se~~<sup>ig</sup> who testified that a father and son were separated by you and that you beat the son, is that correct?

A. No, that is not true.

(Lippman-direct)

- Q. This same man also stated that on one occasion some people were gathered around a garbage pit and that you fired into that garbage pit, is that correct?
- A. That is not true.
- Q. Did you ever fire a gun at any prisoners?
- A. No.
- Q. Did you beat any prisoners?
- A. No.
- Q. Did you ever stop anybody else from beating prisoners?
- A. Yes.
- Q. Tell us about that.
- A. I ordered the guards that no prisoners were to be beaten at any time.

CROSS EXAMINATION

Questions by the prosecution:

- Q. While you were at Dachau, you were one of the Schutzhaftlagerfuehrers?
- A. I was employed as a Schutzhaftlagerfuehrer to get acquainted with the duties of a Schutzhaftlagerfuehrer.
- Q. At that time you acted as one, is that not correct?
- A. Yes, approximately.
- Q. During the time that you were acting as a Schutzhaftlagerfuehrer, do you know of any beatings that occurred?
- A. Once I was present at a flogging.

(Lippman, direct-cross)

- Q. You stated that you were not once present at a flogging, is that not correct?,
- A. I was present at one and had to report it.
- Q. And at that time, the prisoner was beaten by an SS man, is that correct?
- A. No, prisoners were doing the beating. They used a stick.
- Q. Prisoners were beating another prisoner in your presence, is that correct?
- A. Not I.
- Q. You were not present at the beating?
- A. I was present and reported that the prisoners were assembled for punishment.
- Q. And these punishments were carried out under your supervision and direction?
- A. Not under my supervision. I had to report that the people were assembled.
- Q. This beating took place while you were present, did it not?
- A. Yes.
- Q. After it was completed, you reported that the beating had taken place, did you not?
- A. No, I was only present.
- Q. Who was the camp commandant then?
- A. Weiss.
- Q. As a matter of fact, fifteen prisoners were beaten on that occasion, weren't they?
- A. Approximately ten or fifteen.
- Q. When did you join the SS?
- A. The first time in 1927.
- Q. What was the highest rank you attained in the SS?

(Lippman-cross)

A. Obersturmfuehrer.

Prosecution: No further questions,

Defense: No further questions.

President: Questions of the court? Witness  
is excused.

Wilhelm Tempel, one of the accused, took  
the stand and testified through an interpreter  
on his own behalf, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q. What is your full name?

A. Wilhelm Rudolph Tempel.

Q. What is your home address?

A. Bad Mergentheim.

Q. How old are you?

A. 37 years old.

Q. Are you married?

A. Yes.

Q. How many children do you have?

A. Five from 1 to 10½ years old.

Q. When did you join the SS?

A. The 2nd of August, 1932.

Q. When did you first come to Dachau or any  
of the by-camps?

A. I got to Dachau on the 6th of August and  
remained two days.

Q. Where did you go from there?

A. From there I went to Allach.

Q. How long did you remain at Allach?

A. I was there approximately two to six weeks.

{Tempel-direct}

- Q. Where did you go from Allach?
- A. I came to Kaufering Camp Number 4.
- Q. When did you get to Camp Number 4?
- A. Approximately the 15th of August or the beginning of August.
- Q. How long did you remain at Kaufering Number 4?
- A. I remained there until the 11th of January, 1945.
- Q. During the time you were there, did Kaufering Number 4 become a sick camp?
- A. It was declared a sick camp on the 15th of December, 1944.
- Q. Was a quarantine put on Camp Number 4 at any time?
- A. A quarantine was commenced at the time when it became a sick camp.
- Q. After you left Camp Number 4, where did you go?
- A. To camp 1.
- Q. How long were you at Camp Number 1?
- A. Till the evening of the 26th of April.
- Q. What were your duties at Camp Number 1 and Camp Number 4?
- A. At Camp Number 4 I was in labor service a time and at Camp Number 1, report leader.
- Q. The witness, Dr. Fried, who was at Camp Number 4, stated that people were beaten by you with your hands and a cable covered with rubber, is that correct?
- A. Yes.

(Tempel-direct)

Q. Is that accusation correct?

A. Yes, I used the whip once that I can remember. Once morning I put together a detail of four prisoners, the camp eldest and four block leaders. They were being used to get the PX supplies for the troops. Seven bottles of wine were stolen from that. The camp eldest admitted immediately his guilt, but the block elders denied any knowledge of the affair. They did not know that the camp eldest had admitted it. I went to the headquarters and I took everybody along. There was a cable consisting of wires one millimeter in diameter, and these wires were covered by artificial rubber. This cable had been brought along by the prisoners from the factory of Moll. This cable was used for airplane engines. Each block elder received three over his buttocks. There was no report handed in, but the camp eldest received a report from Hauptman Morgenstern.

Q. The witness Kuczinsky stated that one day his father was brought in and that he was told by other prisoners that his father had been beaten by you and that several days later he had died in the hospital.

A. That is not true. These are impossible things.

Q. The witness, Moses Berger, stated that on the evacuation from camp 1 to Camp Number 4 that you beat his brother's son badly and that

(Tempel-direct)

he died in the hospital the next day.

- A. I was not present. That is impossible. I cannot be in Camp Number 4 if I am in Camp Number 1.
- Q. The witness Sandowsky stated that you beat a man with a cable on the road detail and then kicked him, that he was taken away, and the next day he was already dead.
- A. That is completely unfounded.
- Q. This same witness, or another witness, stated that on one occasion for the Moll detail there were not sufficient men to fill the detail; that one man who was sick hid from the detail and was later found, and that you beat and kicked him, and he later died. What do you say to that?
- A. That is not true. It is an impossibility.
- Q. The witness, Dr. Katz, and other witness stated that on the evacuation of Camp Number 1 you shot people. What do you say to that?
- A. This is also completely unfounded. No shots were fired then.
- Q. Do you know the defendant, Foerschner?
- A. Yes.
- Q. Did you ever see or hear that Foerschner hit any of the prisoners with a stone that resulted in the death of the prisoner?
- A. I cannot even imagine that a camp commander would stoop down to pick up a stone.
- Q. Is there anything that you wish to state relative to your tour of duty at Camp Number

(Tempel-direct)

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1 or Camp Number 4?

- A. I have to state something about the beatings. As a matter of principle, I always hit them with the hand. I was strict but just. It was entirely necessary, because the elders were all trained in the "superior" system. These block elders and the capos took their own rations from their people. Butter and other things were stolen from the kitchen or taken outside or sold and in some instances cases of eggs were missing. I remained all day in the kitchen to avoid these things happening. I put the kitchen personnel together again. That morning the food became 60% better. In the blocks pieces of meat were beginning to appear in the soup. That was this superior system. That stealing stopped.

CROSS EXAMINATION

Questions by the prosecution:

- Q. Under this superior system you had there, you beat women confined at Camp Number 4, didn't you?
- A. Yes, they were beaten by the camp eldest.
- Q. Also, under this superior system you slapped prisoners every time you came in contact with them, did you not?
- A. No, prisoners weren't beaten without a reason.
- Q. But under this superior system which you put into effect, you always had a reason for beating them, didn't you?

(Tempel-direct-cross)



- A. No.
- Q. You carried this cable around with you most of the time you were at Kauferring, is it not a fact?
- A. It disappeared very fast.
- Q. And the horse whip took its place?
- A. That was not in camp.
- Q. In Lager number 1 the horse whip took the place of the cable under this superior system, is that not correct?
- A. That superior system I did not introduce. That was an order from higher up. I don't know who though.
- Q. How many did you beat at Camp Number 1?
- A. Not one.
- Q. You mean to tell this court that you never beat any prisoners with that cow hide?
- A. No.
- Q. What did you carry it around for?
- A. I did not carry it around. It happened very seldom that I had the whip in my hands.
- Q. When you did have the whip in your hands, you used it, didn't you?
- A. No, I would leave it behind. If, for any reason, I had to use it, I would send someone to bring it to me.
- Q. When you were in Camp Number 4, you were in charge of the labor service, were you not?
- A. Yes.

(Tempel-cross)

- Q. One of your duties was to make up the details that went out to work, is that not so?
- A. Yes.
- Q. One of your duties was to fill requests sent down to you with prisoners, was it not?
- A. I don't understand that question.
- Q. Was it not one of your duties to fill your quota of the number of prisoners that were to go out to work that day?
- A. There were requests coming through. For instance, the Firm Moll requested fifty prisoners through the labor service and I had to supply these fifty prisoners.
- Q. You took just those prisoners who were well, or did you take some who were ill?
- A. Partly, yes.
- Q. You stated that you joined the SS Organization in August, 1942, is that correct?
- A. Yes.
- Q. When you joined the SS, you joined the Death Head Division, didn't you?
- A. I cannot say that it was the Death Head Division.
- Q. When did you join the Death Head unit of the SS?
- A. I didn't know it was a Death Head unit and I didn't know any difference in it. I only found out in this trial that there was a difference.
- Q. When did you join the SS?
- A. 24th of May, 1940.

(Tempel-cross)

- Q. On that day, where were you sent to?
- A. Into a special SS Camp Hinzert.
- Q. Where was that in reference to Lublin?
- A. Lublin is in the general government and Hinzert is near Trier, Germany.
- Q. Hinzert was a concentration camp, was it not?
- A. It was no work camp. It was a special camp.
- Q. When did you go to the Lublin Concentration Camp?
- A. In October, 1942.
- Q. And after you left Lublin, where did you go?
- A. To Warsaw.
- Q. How long did you remain at the Concentration Camp of Warsaw?
- A. It was a work camp; not a concentration camp.
- Q. How long were you there?
- A. Up to the 27th of July, 1944.
- Q. From there you brought a transport to Dachau, did you not?
- A. Yes.
- Q. Is it not a fact that while you were at Camp Number 4, you beat prisoners, slapped them in the face and hit them in the head? Is it not true that you broke bones and hit them in other places besides their buttocks?
- A. No, it never happened that I had hit a prisoner in the face or broke bones or drew blood.
- Q. The prisoners at Kaufering were undernourished, is that not true?
- A. They were undernourished and very badly so, but

(Tempel-cross)

they were mostly in Camp Number 4 in the hospital and I saw very little of them.

Q. When you were at Camp Number 4, wasn't there a transport going to Auschwitz?

A. At Camp Number 4?

Q. Yes? \*

A. That is possible.

Q. And isn't it a fact that you selected the prisoners?

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(Tempel-cross)

Technician Fourth Grade Lionel C. Counts was sworn as a reporter.

(Cross Examination of Wilhelm Tempel, continued.)

- Q. How many transports, Tempel, went out of Camp Number 4 while you were there as Labor Service Leader?
- A. I can't say that.
- Q. Was it more than one?
- A. I can remember one.
- Q. How many went out on that transport?
- A. I just want to state that there were one hundred and fifty to two hundred, at the most.
- Q. Now, this transport that came down from Warsaw -- how many prisoners died on that, Tempel?
- A. I don't know that.
- Q. Well, in your best judgment, Temple, how many died?
- A. I cannot estimate that; I can only estimate whoever fell out at the side of the road, and so forth.
- Q. Well, those that you can estimate in that fashion, -- were there more than one hundred?
- A. No, four which I saw fall out. Because of tiredness they sat down at the side of the road.
- Q. And they were left there at the side of the road, is that correct?
- A. They remained there, and they were supposed to be loaded on further in the back.
- Q. How many did you start out with from Warsaw?
- A. I cannot state an exact number, but it was approximately four thousand.

(TEMPEL-cross)

- Q. And that took place about what date?
- A. What, on what date?
- Q. That the transport came down from Warsaw?
- A. It left on the 27th of July.
- Q. And those four thousand people were Jews, were they not?
- A. There were also Germans present.
- Q. But those Germans were also Jews, were they not?
- A. No, they were Aryans, German Jews, Hungarians, and Germans. There were German Jews, and there were German Aryans.
- Q. Now, you were present, were you not, when Camp Number 4 was evacuated in April 1945?
- A. Camp 4, forty-five, when?
- Q. In April.
- A. No.
- Q. Well, you were present, were you not, when Camp Number 1 was evacuated in April?
- A. Yes.
- Q. And Foerschner was also present, was he not?
- A. Yes, he gave the orders.
- Q. And how many prisoners left Camp Number 1 at that time?
- A. On the 24th, about one thousand, one hundred, to two hundred. The Schutzhaftlagerfuhrer, Deffner, gave the orders.
- Q. Now, that Evacuation, Tempel, was composed of two parts, was it not?
- A. In three parts; on the 24th, 25th, and 26th, as far as I can recall.

(TEMPEL-cross)

1.2.2

- Q. And you were during all three parts of that evacuation, were you not?
- A. Yes.
- Q. And the sick left on the last day, did they not?
- A. Yes, they were supposed to leave, but they did not leave it.
- Q. In other words, some of them were so sick that they weren't able to walk, isn't that correct?
- A. I don't know, because it never came that far, but I assume that they didn't have to walk.
- Q. Now, as Rapportfuhrer, it was part of your duty, was it not, to collect up all the prisoners and send them out on this transport?
- A. Yes.
- Q. And it was part of your duties, was it not, to go around throughout the camp and see that they were all cleared out?
- A. Normally, yes, but I could not do it; therefore I employed the Capos and the Block Elders.
- Q. And these Capos and Block Elders were appointed by SS men, were they not?
- A. Yes.
- Q. And they operated under the supervision and control of the SS men, did they not?
- A. Under me. Not under my supervision, but under my orders. They acted independently.
- Prosecution: No further questions.

#### REDIRECT EXAMINATION

Questions by defense:

- Q. Tempel, I think there was some misunderstanding as

(TEMPEL -cross, redirect)

to the "Superior" system that you spoke of. Just what do you mean by that?

A. At first it is the prisoner himself; then it is the Block Elder; then the Camp Capos, and Camp Elders.

Q. Now, on cross-examination you stated, or the prosecution stated, that you brought a transport to Dachau from Warsaw.

A. Yes.

Q. Just what were your duties on that transport?

A. I was a guard.

Q. Were you the transport leader?

A. No.

Q. Now, with respect to the evacuation of Camp Number 1, you mentioned a man by the name of Deffner.

A. Yes.

Q. What did you state he had to do with that evacuation?

A. He took over the transport, the first one, consisting of one thousand, two hundred.

Defense: No further questions.

There being no further questions, the witness was excused and resumed his seat in court.

Martin Lechner, a witness for the defense, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by the defense:

Q. State your name.

A. Lechner, Martin.

Q. What is your nationality?

(TEMPEL-redirect)

(LECHNER-direct)



- A. Bavarian.
- Q. Were you ever a member of the SS?
- A. No.
- Q. Were you ever a prisoner at Dachau, or any of the by-camps?
- A. Dachau, Buchenwald, Kaufering 1, and Kaufering 4.
- Q. What is your present status?
- A. I am an auxiliary worker.
- Q. Are you a prisoner here at Dachau?
- A. Yes, I am a prisoner.
- Q. When did you come to Kaufering Number 4?
- A. August, 1944.
- Q. And when did you go to Camp Number 1?
- A. November or December 1944.
- Q. At Camp Number 1. did you know the defendant, Tempel?
- A. Yes.
- Q. Do you know anything that Tempel did for the prisoners at Camp Number 1?
- A. It was known in camp that he beat the prisoners. I did not see it myself.
- Q. Did he do anything in behalf of the prisoners?
- A. He had variety shows. He had an orchestra.
- Q. What do you know as to the death rate before and after Tempel came into Camp Number 1?
- A. It was generally known that the death rate decreased when Tempel arrived, but transports of sick people were transferred to Camp Number 4.
- Q. Now, Lechner, did you ever see a German officer, either in Camp Number 4, or Camp Number 1, armed with a rifle?
- A. No.

(LECHNER-direct)

Q. Now, you say that you heard that Temple beat prisoners. Is that true?

A. Yes.

Q. Did you ever hear that Temple ever shot any prisoners?

A. No.

Q. Did you ever hear that Temple beat any prisoners to death?

A. No.

Q. Did you know a Camp Commandant Foerschner?

A. Yes.

Q. Did you ever hear that Foerschner beat, or threw stones at prisoners, as a result of which they died?

A. No.

Q. Did you ever hear of Foerschner beating any of the prisoners?

A. No.

Defense: No further questions.

#### CROSS-EXAMINATION

Questions by prosecution:

Q. Now, Lechner, when you were at Kauferring, what color triangle did you wear?

A. A green triangle.

Q. And when you were at Kauferring you were a Capo, were you not?

A. Yes.

Q. And as a Capo you worked under Tempel, did you not?

A. Yes.

Q. So that you had a good opportunity to observe his work with the prisoners, isn't that a fact?

(LECHNER-direct, cross)

- A. How do you mean that?
- Q. Is it not a fact that you saw Tempel daily?
- A. No.
- Q. Now, on what detail were you Capo.
- A. Detail Moll. We left at two o'clock in the afternoon and we went home at twelve o'clock at night.
- Q. You were on the night shift, then, that worked out of Kaufering Number 4, is that right?
- A. At that time I was in Camp 1.
- Q. All right, when you were in Camp Number 4, what were your duties there?
- A. At that time I was a Capo at the Firm Holtzmann.
- Q. And at that time Tempel was a Labor Service Leader, was he not?
- A. Yes.
- Q. And you have seen Tempel take the shoes off of those prisoners who were ill and give them to prisoners who were not ill, so they could go out to work, have you not?
- A. Yes.
- Q. How many prisoners were at Kaufering Number 4 when you were there as a Capo?
- A. I can't state that.
- Q. How many German prisoners were at Kaufering when you were at Number 4?
- A. Three.
- Q. And they were all Capos, were they not?
- A. There was one Camp Capo, I was the Capo of the construction side, and there was a Capo in the kitchen.
- Q. Now, at Camp Number 1, how many German prisoners were there?

(LECHNER-cross)

- A. In Camp Number 1 there were nine, or eleven.
- Q. And at that time they were all Capos, were they not?
- A. They were all employed as Capos.
- Q. What triangles did the Capos wear at Kauferring Number 4?
- A. Another one had a green one, and the other one had a red one.
- Q. Now, isn't it a fact that there were two prisoners who wore green triangles, and one prisoner who wore a red triangle at Kauferring Number 4?
- A. Yes, two with a green one, and one with a red one.
- Q. Now, isn't it a fact that at Kauferring Number 1 all of the prisoners that were Germans wore the green triangle?
- A. No, there were red ones, too. The Camp Elders, for instance, wore a red one.
- Q. How many red ones were there?
- A. The Camp Elder, the cook, the prisoner from Luxembourg, had a red triangle, too. The other ones were green.

Prosecution: No further questions.

Defense: No further questions.

There being no further questions, the witness was excused and withdrew.

Otto Moll, one of the accused, was called as a witness in his own behalf by the defense, and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q. What is your name?

(LECHNER-cross)

(MOLL-direct)

A. Otto Moll.

Q. How old are you?

A. Thirty years.

Q. Where were you born?

A. In Mecklenburg.

Q. What was your civilian occupation?

A. Gardener.

Q. Were you a member of the SS?

A. Yes.

Q. When did you join?

A. 30 May 1935.

Q. Were you ever stationed at Dachau?

A. I wasn't at Dachau, I was at Kauferring.

Q. When did you come to Kauferring?

A. On 28 February 1945.

Q. How long were you there?

A. To the 24th or 25th of April 1945.

Q. How long a period of time was that, that you served at Kauferring?

A. I served there for six weeks.

Q. Did you have anything to do with the prisoners while you were stationed there?

A. Yes.

Q. What were your duties?

A. I was Camp Leader, in a small work camp.

Q. There has been a lot of confusion here about this company by the name of Moll. Are you an official in that company, or connected with it in any way?

A. No; this is a contracting firm which had a construction site in Kauferring. The firm had the same name as I have.

(MOLL-direct)

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Q. Did you, or any member of your family, have any control over that company?

A. No.

Q. Now, Moll, there was a witness by the name of Karl Stroh who testified that he saw you beat some prisoners who were cooking in a room at this company. What have you to say about that?

A. I had orders, because of reports by the firm of Moll to the Camp Commandant, and I checked the building sites which were reported in that report. I noticed certain things wrong, where the prisoners had left the work. I met three prisoners in that barracks who were neglecting their work, and who were boiling stolen potatoes during working hours. Because of the severe disease I just went through, I got very angry and therefore I beat the three prisoners who were present. Each prisoner received several hits with a stick over their buttocks.

Q. Was it against the rules of the company for these people to cook during working hours?

A. Firm Moll, under the leadership of the construction engineer, Hans Stroh, handed in several reports, and in them requested severe punishment. Commandant Ferschner ordered me to take over this control, because he did not want to punish any of the prisoners, and did not punish any of the prisoners, who was reported by any one of the civilian employees.

Q. Now, you spoke a few minutes ago of an illness. What was that?

A. I had typhus, a severe skull fracture, and a fracture

(MOLL-direct)

of the upper arm, and at that time I also lost the sight of my right eye. Because of these diseases I am very nervous and very easily excited.

Q. Now, Moll, there was a man by the name of Metzler who testified that you were on a march from this camp some time in April of 1945, and while you were on this march, that you shot twenty-six people. Tell us about that.

A. I didn't shoot any twenty-six people. I didn't shoot anybody. I was a German soldier, not a murderer.

Q. Well, tell us what happened on that march.

A. Near Kirchdorf I was stopped by a Major of the Germany army. At that time I was leading a company of soldiers with orders to march toward Tyrol. The Major ordered me to take over a group of one hundred and fifty Ukrainian civilian workers and to bring these people through the German front line, in order to hand them over to a Ukrainian division which was operating in that vicinity. These people were in good condition and were well clothed, and they were in the earth-colored uniform. As a soldier, I obeyed that order, and I accompanied these people for about three kilometers. Because it was getting dark I proceeded them on a bicycle, in order to determine where these people could be turned over. I was far ahead of them. I looked for quarters, and after a longer period of time I returned. When I returned and wanted to lead on that transport, my men arrived from that transport with a report that this transport was turned over a halfhour ago. I took quarters with some troops in a small village,

(MOLL-direct)

and around four o'clock in the morning I was thrown out of these quarters by the then existing German front, with the remark that "the American troops are approaching." I left, and at that time I did not see any more prisoners.

Q. Now, was this transport a troop transport, or was it a prisoner transport?

A. A troop transport.

Q. Were there any prisoners on this transport?

A. There were prisoners. There were Germans, one Pole, and two Canadians. These prisoners I liberated at Dachau from being prisoners. I got uniforms for them, and, according to their wish, I took them along.

Q. Did anybody shoot that Pole?

A. No. I left the Pole with a farmer in Tolz, so that he could earn his livelihood with the farmer. He didn't want to come along any more, because he was afraid of the American troops.

Q. Did anybody shoot the Canadians?

A. In no case.

Q. Did anybody mistreat them?

A. No.

Q. Now, was this the same transport that the man Degelow was on, or was that another transport?

A. I didn't know any Degelow, and I didn't see any transport of Degelow.

Defense: No further questions.

(MOLL-direct)



The court then, at 11:55 o'clock A. M., 5 December 1945, adjourned until 8:30 A. M. o'clock on 6 December 1945.

*W. D. Denson*

W. D. DENSON,  
Lt Col, JAGD,  
Trial Judge Advocate.

Dachau, Germany,

6 December 1945.

The court met, pursuant to adjournment, at 8:30 o'clock A. M., on the 6th of December 1945, at Dachau, Germany, at which time all the personnel of the court, all the personnel of the defense, and all the accused who were present at the close of the previous session were again present. All the personnel of the prosecution except Captain Heller, absent on business for the prosecution, were present. A reporter and interpreter were also present.

Otto Moll, an accused, who was on the stand at the close of the previous session, was recalled to the stand for cross-examination.

#### CROSS-EXAMINATION

Questions by prosecution:

- Q. Moll, when did you join the SS.  
A. The 1st of May 1935.  
Q. And after you joined the SS in May 1935, to what unit were you assigned?

(MOLL-cross)

- A. To SS Guard Brandenburg.
- Q. And where were you stationed at that time?
- A. Oranienburg.
- Q. And after you left Oranienburg, where did you go to?
- A. I was transferred to Auschwitz as a gardener, to build up a garden there, by the Economic Main Office of the administration.
- Q. And how long did you remain at this construction camp?
- A. From 1941 until January of 1945.
- Q. And after you left Construction Camp Auschwitz, you came to Kaufering, is that correct?
- A. I wasn't in the Construction Camp Auschwitz. The Main Office of Economic Administration was a separate section. It was only called Auschwitz.
- Q. And you never at any time had any contact with the prisoners at Auschwitz?
- A. Some German criminal prisoners, and some female workers were sent to the garden.
- Q. Now, after you came to Kaufering Number 4, who was your immediate commanding officer?
- A. Foerschner.
- Q. And during the time that you were at Kaufering Number 4, you admit that you beat people, is that correct?
- A. In one case I beat prisoners. I admitted that.
- Q. You beat prisoners in the Camp of Kaufering itself, didn't you?
- A. No, I had no reason for that, because the people

(MOLL-cross)

were diligent and liked to work.

Q. And that was in Kaufering Number 2, is that correct?

A. Camp Number 2, yes.

Q. Now, when you went on this transport, I believe you said that there were one hundred and fifty prisoners on it, is that correct?

A. Those weren't prisoners; those were civilian workers.

Q. Civilian workers? And from whom did you receive the custody of them?

A. From a Major of the army under whose care they had been.

Q. And among that transport there were Russians and Poles and Canadians, is that correct?

A. No, those were Ukrainians.

Q. Ukrainians?

A. Ukrainians, yes.

Q. As a matter of fact, Moll, you were given your choice, weren't you, of taking a transport composed of Jews, or a transport composed of Aryans, isn't that correct?

A. No.

Q. And that didn't take place at Koenigsdorf?

A. It wasn't Koenigsdorf. I don't know the place, but I assume it was Koenigsdorf.

Q. As a matter of fact, Moll, when you received this transport, didn't you tell this Wehrmacht officer that you would rather have the Aryans, because if you had the Jews you would kill them?

A. Under no circumstances at all.

Q. And that conversation was never had, is that correct?

A. I received orders from the major of the German Wehrmacht to bring these men through the German lines,

(MOLL-cross)

because they did not know the sector and had to be brought through the German lines.

There being no further questions, the witness was excused and resumed his seat in court.

PETER BETZ, an accused, was called as a witness in his own behalf and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q. State your full name.

A. Peter Betz.

Q. And what is your full address?

A. Diegererden.

Q. Are you married?

A. Yes.

Q. How many children do you have?

A. One child.

Q. When did you join the SS, and under what circumstances?

A. I entered the SS on the 1st of November 1933, because I was unemployed. That was the Allgemeine SS. There were seven of us children and I was the oldest of them. My father was a simple carpenter. We were both continuously unemployed.

Q. Now, when did you first come to Dachau?

A. I was ordered to Dachau on the 5th of August 1935.

Q. And when did you leave Dachau for the last time?

A. I left Dachau on 7 January 1944.

Q. During the period from 1 January 1942 until 7 January 1944, what were your duties?

(MOLL-cross)

(BETZ-direct)

A. First, until January of 1943, I was in the office of the Schutzhaftlagerfuhrer. There I had to do the clerical work of the Schutzhaftlagerfuhrer. From January until the beginning of March I was a Rapportfuhrer in the Schutzhaftlager during the quarantine. The camp was closed and no prisoners went to work. In March of 1943, I then came to Augsburg Haunstetten, to an outside work detail. There I worked in the office in a position similar to that of a sergeant major. For the last two or three months I was then used as an assistant detail leader.

Q. Now, when did you leave Haunstetten?

A. On 7 January 1944 I was transferred to the construction camp Mittelbau near Nordhausen.

Q. After that date, did you ever return to Dachau, or any of the by-camps for duty?

A. No.

Q. Betz, you have given a statement to the prosecution, dated 30 October 1945, is that correct?

A. Yes.

Q. Now, was that before or after you were served with the charges in this case?

A. Before that time.

Q. At the time you made this statement, did you know what the charges were against you?

A. No.

Q. Now, in this statement, you stated that you attended, as a guard, two executions in November 1941. Is that correct?

A. Yes.

Q. Now, in this statement, you have also stated that you

(BETZ-direct)

administered face slappings in the summer of 1942. Do you wish to explain that any further?

- A. I remember that exactly. Those were professional criminals who had stolen from the other prisoners. Otherwise I have not slapped or mis-treated any prisoners.
- Q. Now, in the statement of Redwitz to the prosecution, he stated that you sometimes attended executions. Other than these two executions that you have stated in your declaration to the prosecution, did you ever at any time attend any executions?
- A. No, the legal officer at that time was the reporter.
- Q. At the time you were a clerk in the office of the Schutzhaftlagerfuhrer, who attended executions as protocol fuhrer?
- A. As far as I know, the legal officer. That is the only thing I know.
- Q. Did you ever attend any execution in that capacity, as protocol fuhrer?
- A. No.

Defense: No further questions.

#### CROSS-EXAMINATION

Questions by prosecution:

- Q. When did you join the Deaths-Head Unit of the SS, Betz?
- A. That was in August of 1935. At that time it was called the Guard of Upper Bavaria and belonged to the Deaths-Head Unit.
- Q. And you remained a member of that unit until the end, is that correct?
- A. From the 2nd of September 1939 the Deaths-Head Unit became part of the Waffen SS.

(BETZ-direct, cross)

- Q. Now, when you were in the office of the Schutzhaftlagerfuhrer, what were your duties there?
- A. My chief work was to make out the reports.
- Q. What kind of reports?
- A. That was the report about the coming and goings of prisoners in protective custody to the various camps.
- Q. Isn't it a fact that all prisoners in the camp were in protective custody?
- A. No. There were protective custody prisoners, but they were again sub-divided into political prisoners, criminal prisoners, and so forth.
- Q. And at Dachau you had political prisoners, and criminal prisoners, and anti-social prisoners, didn't you?
- A. Yes, and according to the various nationalities also.
- Q. Now, you say that your duties were to check the reports on these prisoners. Now, what else were your duties at that time.
- A. Then there were also reports about the prisoners, about the conduct of the prisoners, made.
- Q. In other words, those were punishment reports, weren't they, Betz?
- A. No, that was the conduct in the camp, which, upon request, had to be made to the various Gestapo officers.
- Q. All right, conduct reports: You mean whether the man's conduct was good or bad, is that correct?
- A. Yes.
- Q. Now, is it not a fact, also, that in the office of the Schutzhaftlagerfuhrer they had an investigator?
- A. In the building there was an interrogation leader.
- Q. And was it not a fact that he was also under the Schutzhaftlagerfuhrer?

(BETZ-cross)

- A. Yes.
- Q. And is it not a fact that he prepared requests for punishments for prisoners?
- A. Yes. He carried out interrogations of prisoners in case they committed offenses.
- Q. And he recommended punishments, didn't he?
- A. On the basis of the interrogation the punishment was then proposed by the Schutzhaftlagerfuhrer or the Commandant.
- Q. Now is it not also a fact, Betz, that during the course of these interrogations in the office of the Schutzhaftlagerfuhrer you saw many beatings take place?
- A. That was the time during the peace, and at the beginning of the war.
- Q. And who was it that was administering these beatings?
- A. Those were the interrogators.
- Q. And you say that that was during the time of the peace and during the war. is that what you said?
- A. Yes; I think that was up until 1941, because then in 1942 the Oberscharfuhrer did the interrogation.
- Q. Now, while you were in Dachau, you saw many beatings take place, did you not?
- A. Once in a while I saw something, when I happened to come into the room of the interrogator, but otherwise I didn't see anything.
- Q. And that was in the years 1942 and 1943, was it not?
- A. No, that must have been up until 1941, especially under the Schutzhaftlagerfuhrers Gruewerwald and Hoffman.

(BETZ-cross)



Q. So you never saw any beatings, then, Betz, after 1942, is that correct?

A. No, I didn't know anything about that.

Prosecution: No further questions.

#### REDIRECT EXAMINATION

Questions by defense:

Q. With respect to these reports that you mentioned on cross-examination, did you ever make any recommendations or have any other such work to do on the reports?

A. With respect to punishment reports?

Q. Punishment or interrogation reports.

A. On the basis of the interrogation the punishment was then proposed by the Commandant and sent to Berlin for approval.

Q. Did you yourself ever make any recommendations with respect to these reports?

A. No.

Defense: No further questions.

#### RECROSS-EXAMINATION

Questions by prosecution:

Q. But you did send these punishment reports forward, did you not, Betz?

A. Only to the headquarters, and in the headquarters was the superior officer, and they had to send it on to Berlin. That was only a matter of stick beating.

There being no further questions, the witness was excused and resumed his seat in court.

EMIL ERWIN MAHL, one of the accused, was called to the stand by the defense as a witness in his own behalf and testified through the interpreter as follows:

(BETZ-cross, redirect, recross)

DIRECT EXAMINATION

Questions by defense:

Q. What is your name?

A. Emil Erwin Mahl.

Q. When and where were you born?

A. 9 November 1889, in Karlsruhe.

PRESIDENT: I would like to have that date again.

A. 9 November 1899.

Q. What is your civilian profession?

A. Machine mechanic.

Q. What is your family status?

A. Divorced.

Q. Have you any children?

A. One child, 16 years old.

Q. Were you ever a prisoner in the concentration camp Dachau?

A. Yes.

Q. From when, until when?

A. From October 1940 until the liberation.

Q. Why were you sent to the construction camp?

A. Imprisonment to prevent further offenses.

Q. What color triangle did you wear?

A. Green.

Q. What was your work in the camp?

A. I had various details. In 1940, when I came to the camp, I was in the garage construction; in the clothing storehouse; digging out the barn; cleaning up of the damage done by air attack; and at last in the crematory.

Q. How did you come to the crematorium?

A. At the end of 1943 I was in Munich on clearing

(MAHL-direct)

work. While doing this clearing work we found four to six bottles of wine. About ten or twelve of us prisoners drank it. One Michler, by name, made a report. We were received that night when we came in and told that on the next morning we would go out again. On the next morning, from seven thirty in the morning until five thirty in the afternoon our hair was cut, we had to take off our coats, give up our gloves, take off our shoes, and wear wooden shoes, and that way, in the bitter cold, we had to stand from seven thirty in the morning until five thirty in the evening, and from time to time a Rapportfuhrer came from the schuhrhaus and beat us in the face.

Q. Will you please answer my question: How did you come into the crematory?

A. Because I had become disliked in the camp and because of my punishment I was supposed to be sent on a transport, and what it meant to go on a transport we all knew; to go to a destruction camp like Buchenwald, or Mauthausen, or Natzweiler, and never come out again. During that time a comrade of mine was in the crematorium. I asked him to see if I could get a place some place, so that I would not be sent on the transport. On the next day corpses came, and I helped to unload the corpses. After two days I came into the Camp again, and Bongartz, the Administrator of the crematorium, retched me out of the camp again and took me into the crematorium. The first two or three months we were working at burning corpses. However, when Obersturmfuhrer Campe came that stopped

(MAHL-direct)

- and all the prisoners had to attend executions.
- Q. You said that for the first few months you were burning corpses, and then that changed. I ask you, what happened after the first two months or so?
- A. When somebody came who was to be executed, we prisoners had to go into the camp so as not to see anything. We were also told that if anyone told anything in the camp we could count on not coming back to the camp again, and that is what happened to the two details before us.
- Q. And then what happened?
- A. Then, it may have been after three or four months, when somebody was to be executed and came out to the crematorium, the Obersturmfuhrer Campe, who was a great sadist, I must say--
- Q. Did you ever go to Neu Ulm on order of Campe?
- A. We were just at our work burning corpses in the crematorium. A telephone call from the schuhr hause came. Two prisoners were supposed to report there. When we came to the schuhr hause we were loaded on a car. We did not know where we were going. They drove us to the railroad station in Munich. In Munich we entered a train to go to Neu Ulm. When we arrived at Neu Ulm it was 10:30 in the evening. We were put in prison until the morning. The next morning we were let out of prison to attend the execution. I had to put the noose around his neck.
- Q. Who gave you the order to do that?
- A. It was telephoned, and Bongartz, the Administrator of the crematorium, gave us the order.

(MAHL-direct)

- Q. I mean, who gave you the order to go to Neu Ulm?
- A. Obersturmführer Lebkuchner, from the Munich Gestapo.
- Q. After you had carried out this execution in Neu Ulm and returned to Dachau, what happened then?
- A. From then on, we prisoners were no longer taken into the camp. We had to clear away the bodies from each execution.
- Q. That is on the contrary to what had happened before. From then on you had to attend the executions?
- A. Yes.
- Q. At one time previously you stated that you yourself put the noose around their necks before that. How is that correct?
- A. I always put the noose around their neck on order of the Schutzhaftlagerführer, or of Bongartz. Those who know Bongartz knew that if I had ever even shown in my eyes the sign of refusing this order, I would have been finished. Since five years now, today is the first day when I again can talk.
- Q. Did you ever take part in any shootings?
- A. We always had to take the bodies away.
- Q. What do you mean, "take away"?
- A. When the ninety Russian officers were shot, we had a cart on four wheels, and ten men were put in there every time and carried to the morgue.
- Q. Did you, yourself, ever participate in shootings? That is, do the shootings yourself?
- A. I would like to see the one who would put a machine pistol into the hands of a prisoner there.
- Q. Mahl, do you remember an execution in the year 1944, in the vicinity of the Schuhmaus?

(MAHL-direct)

A. Yes.

Q. Who kicked the chair down at that execution?

A. At that execution Bongartz pulled away the chair.

Q. Do you remember that, on 16 November 1944, according to the testimony of Doctor Blaha there was an execution near the schuhr house? In that execution, did you put the noose around the neck?

A. Yes.

Q. That is the same execution, then, in which Bongartz pulled away the chair?

A. Yes.

Q. Where was the accused Boettger at this execution?

A. Boettger stood with the Schutzhaftlagerfuhrer and the physician about six to eight meters away.

Q. At this execution, did you pull the Russian down after he had been hung?

A. No, that would have been out of the question.

The main thing for me was, after I had put the noose around his neck, that I did not have to hear or see any more of it. Then the physician gave me the order to open up his coat and his shirt, so he could examine the heart.

Q. Mahl, did you see or hear of an execution in which the accused, Doctor Hintermayer, killed two pregnant women by means of an injection?

A. Yes.

Q. Will you tell the court when this execution took place?

A. It was probably in April of 1945. There was just an air raid alarm; I went into the crematorium and wanted to fetch the prisoners at for the

(MAHL-direct)

bunker. When I jumped in I saw two stretchers there, and on these stretchers there were two women. They were twenty or twenty-two years of age. Because of the air raid alarm, I then left and went to the bunker. When I came back, after about a half an hour, or three-quarters of an hour, Bongarz told me to take the corpses out to the morgue. When I looked at the corpses I told him, "I can't take those to the crematory, to the morgue, they are still alive. So he told me, "Take them and put them into the morgue." And he took his pistol and again shot at them in the morgue.

Q. Where to?

A. Into the head.

Q. Both of them?

A. Both of them.

Q. What did Doctor Hintermayer have to do with this whole story as you told it?

A. I do not understand that question.

Q. I ask you, what did Doctor Hintermayer have to do with this execution which you have just related? You did not even mention him.

A. He gave them the injection.

Q. And how do you know that?

A. I saw the two women, and I saw Doctor Hintermayer, and I had to assume that he gave them the injection. Morally and my soul was ruined by it. As a walking corpse I had to do horrible things here.

(Special defense counsel asks question in German).

Prosecution: May it please the court, I submit that the witness should be permitted to give his answers, without counsel stopping him. When he starts on an answer I

(MAHL-direct)

think he should be permitted to finish it.

Defense: May it please the court, the counsel wants responsive answers, and this witness is rather a talkative sort of individual, and we will be here all day if some control isn't exercised by counsel.

MEMBER OF COURT: I would like to hear what the last few answers were. I didn't get a thing out of them.

(The reporter then read the last three questions and answers.)

Q. Did you ever take part in an execution of sixty-nine officers?

A. As far as I know, those were ninety Russian officers. They were led into the Crematorium three times, in groups of thirty each. They all had to undress in the courtyard behind the crematorium there, their names were called out, and then always about ten or fifteen men at a time were led to the shooting range. Then they were killed by a shot in the back of the neck.

Q. What was your activity at this execution, Mahl?

A. I have already said that we had to take these corpses away with a cart.

Q. The witness Jendrian stated that he saw you holding a machine pistol, and that he heard the shots.

A. I can only state that never in my life did I have a machine pistol in my hand, and as long as I was in the concentration camp Dachau I never had a firing weapon in my hand. If I had had a firing weapon in my hand, I would have shot myself.

(MAHL-direct)



- Q. The witness stated that in unloading corpses from wagons you let them drop from the wagon to the floor so hard that blood came out of their heads. How about this?
- A. The court must imagine this: in the evening transports arrived by train. There were people in those cars who had been in there for two weeks or three weeks in those railroad cars. One could hardly stand the smell any more. Now, these trains came in at night, at ten or eleven or twelve or one o'clock. Now, these cars were unloaded in front of the crematorium. There was a detail of Russians which took the corpses from the railroad station to the crematorium. Then the car was led up to the doors of the crematorium and the corpses were pulled out by their legs, and everybody was standing and seeing so that it was unloaded fast, so the car could get back to the railroad station. You only get a picture of the whole thing if you are out at the crematorium, and then you can explain how the whole thing happened. Today I must say that I was in a vacation home here in Dacha. Nobody ever did anything wrong. And how often did I stand at the standing bunker and get beatings, but today nobody did it.
- Q. Did you once, in October 1944, take part in the execution of two Russians in the clothing storehouse?
- A. Yes.
- Q. What did you do there?
- A. I put the noose around the neck of one Russian, and Songartz put the noose around the neck of the other Russian. Then he tied up the ropes, and there was a box there, and he pulled away that box.

Defense: No further questions.

(MAHL-direct)

### CROSS-EXAMINATION

Questions by prosecution:

- Q. Today, Mahl, all the beatings occurred before January 1, 1942, did they not?
- A. Yes. The way you hear it today, it was a vacation home, Dachau.
- Q. Nobody got beat after January 1, 1942, did they?
- A. That's the way it looks. In spite of that, I was in a standing bunker, and every place else.
- Q. And nobody was killed after January 1, 1942, were they, Mahl?
- A. I would have respect for these people if they would say, "Yes, we did that," but today nobody did anything. And the fact that I am here today, I can only thank to some higher being. Because when I went to work in the morning I did not know whether I would be ashes in the evening, like others. Because as they had finished the detail of Russians, and the detail of Jews before me, so I was on the list, too, to be finished. I often told the people working with me, "don't tell me, don't tell me, if you know what's going on," because Bongarz often said he would have the whole detail shot if anybody tried to escape. Therefore ask me any question, and I will answer any question, because for five years I could not speak, and today I know that if I speak it will go to the right sources.
- Q. All right, Mahl, you mentioned that a Russian detail was liquidated, is that correct?

(MAHL-cross)

A. Yes.

Q. When did that take place? Tell the court about that.

A. I didn't see that, but Bongartz did know about that.

For half an hour he was the finest man, and then for half an hour he was completely incalculable. That was in 1942 and 1943. He told us that the four Russians had tried to attack him at night, while burning. That is, of course, impossible, because he who was in the crematorium as a prisoner knew what was going on there, and that four prisoners would never attack an Administrator with a gun. No, the man wanted to get a reputation with the Commandant, in order to get a promotion, and shot the four prisoners at night, supposedly because they wanted to attack him and push him into the stove. And immediately thereafter he called an Oberscharfuhrer from the Dog Company and called him for help, to come over there. But when they came there the four Russians were dead.

Q. All right, now, what happened to the Jews that worked on that detail?

A. He told me that he had given ropes to the four Jews and told them to hang themselves, because he didn't want to see them again in the morning; and later on he said that he himself had hanged them in the old crematorium.

Q. So that is what happened to the details that worked from time to time in the crematorium, is that correct, Mahl?

A. Yes. The whole camp knew that he who was in the crematorium never came out again, because he saw too much.

(MAHL-cross)

- Q. And that took place in 1942, and 1943, and 1944, and 1945, did it not, Mahl?
- A. I can only say from February of 1942, when I came out there. How we came out to the camp in the morning and couldn't get the doors open. There were dead people in every room, killed by injections. He told me once toward the end that I should be inoculated for typhus. I would not have gone there to be inoculated, because I was afraid that they would have finished me.
- Q. Who told you that?
- A. I saw that myself, how Doctor Rascher gave the injections.
- Q. I said, who told you that you should be inoculated?
- A. Bongartz. Doctor Rascher was arrested toward the end. On the 26th or 27th of April, around seven o'clock, Bongartz shot Doctor Rascher in Cell Number 73. I, together with two other prisoners, had to load the corpse on and carry it to the crematory.
- Q. Now, Mahl, getting back to these details that worked in the Crematorium; is it not a fact that during the time you were here, from February 1942, on, these details that worked in the crematorium would be killed after they worked there and found out too much. Isn't that a fact?
- A. No, I only know of those two details. I don't know about the others. But because of the fact that the Americans approached so rapidly, he couldn't kill us.

(MAHL-cross)

- Q. I am not asking you about that. Didn't you state a moment ago that it was a matter that was known by all the prisoners at the camp that as soon as this detail knew too much it would be liquidated?
- A. Yes.
- Q. All right, is it not a fact that that was known in 1942?
- A. Yes, it was common talk in the camp.
- Q. Now, Mahl, I believe you stated that you were disliked in the camp, and I wish you would tell the court who it was that disliked you.
- A. I didn't say that.
- Q. I thought I understood you to say, Mahl, that you were disliked in the camp, and for that reason you thought you were going to be sent out on a transport. Isn't that correct?
- A. Yes; because of somebody who had had a previous punishment, somebody who was punished, he would have to disappear from the camp; he would come to Buchenwald, or some destruction camp.
- Q. And who was it, Mahl, that sent these people out on these transports?
- A. As far as I know Welter put these transports together in the bath house. I came in there once and he gave me a kick.
- Q. And that is the same man who is sitting over there in the dock right now, is it not?
- A. Yes.
- Q. Now, Mahl, do you know how many transports, invalid transports, went out of Dachau while you were here?
- A. I know of only one invalid transport. I know that

(MAHL-cross)

- one because a colleague of mine was on that, and that one left in 1943. About August or September.
- Q. All right. Now, do you know, Mahl, how many people were sent out on these transports?
- A. That one transport had one hundred and fifty to two hundred men, in my estimation.
- Q. Now, Mahi, when these transports would come into Dachau from other places, is it not a fact that the prisoners would have to stand out in the formation place for quite a long time?
- A. Yes, for two or three days they were lying on the formation ground, severely sick, they were lying there.
- Q. And nobody did anything for them during that time, either, did they Mahi?
- A. No, I did not see anything. When I went in the morning to get food for the other prisoners they were lying out there in the cold.
- Q. Now, Mahl, during what years did those events take place?
- A. Until the end.
- Q. In other words, it took place all the time, isn't that correct, in 1942, 1943, 1944 and 1945?
- A. Yes, 1945, not before; only 1944 and 1945.
- Q. Do you know Ruppert when you see him, Mahl?
- A. I know Ruppert.
- Q. What was he when you were here as a prisoner?
- A. He was Schutzhaftlagerfuhrer.
- Q. Do you know Suttrop when you see him?
- A. I know Suttrop, but I did not see him before.
- Q. Do you know a man by the name of Jarolin?
- A. I know Jarolin from Allach.
- Q. Eichberger?

(MAHL-cross)

A. Yes.

Q. Trenkle?

A. Yes. My friend, Trenkle, who knocked three of my teeth out.

Q. Wilhelm Wagner?

A. Yes.

Q. Kramer?

A. I didn't really know Kramer. I only heard he was leading the transport. Otherwise I didn't know Kramer.

Q. Do you mean that French transport that came in in the summer of 1944?

A. No, I too thought it was the transport with the five hundred Frenchmen, but that's not the one. He had one hundred of them from Warsaw, or some place like that.

Q. Mahl, did you attend an execution out at Kaufering?

A. Yes.

Q. And who all was present at that execution?

A. At this execution there was Oberscharfuhrer Bongartz. I don't want to say for certain whether Kirsch was present at that, but I did see Kirsch in Kaufering at noon with a stick, and the physician was there. I didn't know him either. And in the evening Obersturmfuhrer<sup>bang</sup> Weiss came in his car-- he was on an inspection tour. I know that, because he had been there in the morning and inspected the kitchen where I was eating.

Q. Now, Mahl, your detail at the crematorium was the first German detail that worked there, was it not?

(MAHL-cross)

- A. So to speak the first German one, yes. The only kind of details that could come to the crematorium were Jews, Russians, and green ones.
- Q. Now, Mahl, you mentioned the dogs. What were the dogs used for?
- A. I said that the Oberscharfuhrer from the dog manger was called.
- Q. And what were those dogs used for?
- A. That was known, every detail leader had a dog so he could set him on a prisoner if he tried to escape.
- Q. Now, do you have any judgment, Mahl, as to the number of people that died here in Dachau during the year 1942?
- A. 1942, I don't know. I can only say about 1944.
- Q. About how many died, in your judgment, Mahl, in 1943?
- A. From February 1943, when I was out there, I can figure on about fifty to sixty corpses which we received every week. Then in November 1944 it really started. Then we had corpses every day, one hundred, one hundred twenty, one hundred thirty, and even one hundred fifty, until the end.
- Q. Mahl, do you remember an occasion on or about 24 April 1945, when Doctor Hintermayer brought eighteen young people down to the crematorium?
- A. Yes.
- Q. And is it not a fact, Mahl, that at that time Dr. Hintermayer killed these eighteen young people with injections?
- A. Yes.
- Prosecution: No further questions.

(MAHL-cross)



REDIRECT EXAMINATION

Questions by defense:

Q. How long did you work in the crematory?

A. From February 1944 until the end.

Q. You are still alive, aren't you?

A. Yes.

Q. Did you ever see Suttrop at an execution?

A. No. I am telling everything exactly.

Q. Who was it that knocked your teeth out?

A. Trenkle.

Q. What was your job among the prisoners?

A. I was Capo.

Q. How long have you been a Capo?

A. From July 1944 until the end.

Q. Who appointed you Capo?

A. That came from the office.

Q. Do you know what particular individual was responsible for your appointment to the office of Capo?

A. In every detail there must be somebody who is Capo.

Q. Did you apply for that job, Mahl?

A. I would never have applied for such a job; because everybody in the camp tries to save his life, and once in a while come from rain to dry spots.

Q. Were there any benefits accrued to you by virtue of being a Capo?

A. I had to do more work, day and night.

Q. Did you get more food?

A. I had less than the other prisoners, because I could not eat, because of the stench in the crematory.

Q. You were here when Commandant Weiss took command of the camp, weren't you, Mahl?

(MAHL-redirect)

- A. Yes.
- Q. You were also here when he left, weren't you?
- A. Yes.
- Q. Who was Commandant prior to Weiss?
- A. Piorkowski.
- Q. And who succeeded Weiss?
- A. Weiter.
- Q. Was your lot any better during Weiss' command?
- A. Yes, I must say that, for the simple reason that I could complain somewhat, and with the others you couldn't complain. That is, if I had complained, it would have come to the Commandant and on the next day I would be dead.
- Q. That didn't exist while Weiss was Commandant, did it?
- A. No.
- Q. Mahl, you mentioned an invalid transport in September of 1943, did you not?
- A. Yes.
- Q. Is that the only information you have on an invalid transport, in September of 1943?
- A. Yes. I was always in the crematory, night and day. One saw many things, but one didn't pay attention to them, because they always happened the same.
- Q. Are you sure that invalid transport happened in September 1943?
- A. It may have been August. I don't want to tie myself down to a certain month.
- Q. Well, would you say August or September?
- A. It may have been October. I don't know about the month, so many things are going through my head.

(MAHL-redirect)

- Q. Are you sure it was in the year 1943?
- A. Yes.
- Q. And are you sure it was in the latter part of 1943?
- A. Yes.
- Q. Mahl, did you ever see Seuss at any of the executions?
- A. No. As I said, if you want to know something about Seuss, get a comrade of mine, a Capo, Hohmel. He knows about Seuss.
- Q. Where is this comrade of yours?
- A. In Zuffenhausen.
- Q. Was he a Capo too?
- A. Yes.
- Q. How did he get that office?
- A. I don't know. He was there longer. He had been in the camp since 1933.
- Q. What kind of triangle did he wear?
- A. Red.
- Q. You mentioned an execution of eighteen people on cross-examination. Did you or not say that Hintermayer was there?
- A. Yes.
- Q. Are you positive of that?
- A. Yes.
- Q. What was your impression as to the reason for the execution of these people?
- A. The people, as I said at the beginning of my interrogation, had mental disturbances; because I cannot make any errors, and I said it a year ago, so I must say it today.
- Q. Do you know a Doctor Schmid, Mahl?
- A. By name, but I couldn't say what he looks like.

(MAHL-redirect)

1480

Q. Mahl, did you ever participate, or were you present at executions, prior to your assignment at the crematorium?

A. No.

Q. The only information you have as to executions is after the time that you were assigned to duty at the crematorium, is it not?

A. Yes.

Q. You don't know anything about the executions that preceded the time you were assigned to the crematorium?

A. No. Much was delivered at that time with Doctor Rascher.

The court then took a recess until 10:20 o'clock A. M., at which time all the personnel of the court, the prosecution, the defense, and all of the accused who were present before the recess resumed their seats. A reporter and interpreter were also present.

The accused Emil Erwin Mahl returned to the stand for continuation of redirect examination by the defense.

Q. Mahl, you stated that the number of bodies to be cremated increased in November 1944, did you not?

A. Yes.

Q. Was that at the time of the start of the epidemic?

A. Yes.

Q. The bodies that were cremated at the crematorium were not exclusively bodies of prisoners who died here in Dachau, but were also the dead who arrived on transports, were they not?

(MAHL-redirect)

- A. Everything that was in Dachau and vicinity.
- Q. Was there ever a case of a living body being cremated while you were there?
- A. No. That couldn't have been, because the bodies would lay in the crematory for about eight days. You have to picture this. Everything was just full of bodies. Some bodies would be there for two weeks, because they were lying on the bottom and everything was full up to the top of the ceiling.
- Q. Is that a condition that existed throughout your stay at Dachau, or did that condition only exist during the last few months at the time the epidemic was raging?
- A. Only in the later days, beginning in about November. Formerly we had to burn twice a week, but starting in November we had to burn day and night.
- Q. You know the defendant Kramer, do you not?
- A. I only heard about Kramer, that he had a transport of about one hundred, and the Russians told me that he was the transport leader.
- Q. You know him now by sight, do you not?
- A. Yes.
- Q. Did you ever see Kramer at an execution?
- A. Not where I was. It is possible that he was present in Kaufering at an execution, but I can't say for sure.
- Q. You know Trenkie?
- A. Yes. I know Trenkie.
- Q. He was the man who knocked your teeth out, was he?
- A. Yes.
- Q. Did you ever see Trenkie at executions?

(MAHL-recross)

1402

- A. Once he was present. He only brought one out who was to be executed.
- Q. When did this occur, Mahl?
- A. I don't remember whether it was January 1945, or when it was. Anyhow, I know it was cold, and I can still see him standing in front of me with his rubber boots.
- Q. Mahl, these eighteen people who were executed, according to your testimony, by Doctor Hintermayer: what was their nationality?
- A. For God's sake, you can't say that any more. They just brought the people there and I couldn't tell. At any rate, there must have been Russians or Poles among them, but I can't say for sure.
- Q. Were there Germans among them?
- A. Yes, there were also Germans among them.
- Q. As a matter of fact, they were all Germans, were they not, Mahl?
- A. No.
- Q. How do you know they were not all Germans?
- A. Because when I told them to get off the wagon, I told them to come on, they didn't understand me. They just looked at me.
- Q. Did you say before that you thought they were crazy?
- A. Yes, but they could talk.
- Defense: No further questions.

#### RECROSS-EXAMINATION

Questions by prosecution:

- Q. Mahl, while you were down there at the crematorium, is it not a fact that Boettger  
(MAHL-redirect, recross)

ordered an American parachutist thrown into the crematorium?

A. No, but I would like to tell you about the French officer who came there on the 19th of April.

Q. All right, tell us about that, Mahl.

A. During the morning, around ten o'clock, I was just in the garden when a man in civilian clothes, with two suitcases, was led in. Oberscharfuhrer Bongartz killed him on the way from the old crematory to the new crematory by shooting him in the back of the neck. Then we had to carry him into the crematory. I wanted to undress him, with the help of the other prisoners. Oberscharfuhrer Bongartz said "No, don't undress him." I said, "It is a pity, because of his clothes." He said everything had to be destroyed. I know it because he had a card which I kept for a long time. I don't remember his name, but I know that the first letter was a "D".

Q. Would you recall that name if it were mentioned to you now?

A. Yes.

Q. Was it Dellestraint?

A. Yes.

Q. Now, when these ninety Russians were shot down there, Mahl, the executioners did a pretty sloppy job of shooting, did they not?

A. You have to picture it this way, as I already said: everybody who wanted to shoot, shot. You had to be afraid, so you wouldn't get shot yourself.

Prosecution: No further questions.

(MAHL-recross)

REDIRECT EXAMINATION

Questions by defense:

- Q. Mahl, you participated in these executions on order, did you not?
- A. We had to carry the corpses away.
- Q. At the executions where you adjusted the noose around the necks of the victims, that was on order, was it not?
- A. All I had to do was just make them see in my eyes, that I didn't even dare do it.
- Q. You certainly didn't want to do it?
- A. I don't think anyone would like to do anything like that.
- Q. So do you still think that the ones who did the shooting at the executions did that because they wanted to? Or were they ordered to?
- A. I will have to tell you I was a prisoner. I had no insight into that. I don't know. And I didn't even learn the names of that man, that man, or that man, after he was executed. I was only a little worm that was stepped on constantly.
- A. Did you ever have malaria, Mahl?
- A. Yes. I was at the Experimental Station. I was especially sent in to Doctor Schilling. I had pock and everything here in Dachau.
- Q. How many relapses have you had since that seizure of Malaria?
- A. I had one attack.
- Q. When was that?
- A. That was in 1944.
- Q. Did you go back to Doctor Schilling for treatment?

(MAHL-redirect)



- A. I would have never gone back into the hospital, if I had collapsed, because I was afraid of injection.
- Q. Who treated you for that disease?
- A. My name was read in the morning, that I had to report to the hospital.
- Q. The question is, who treated you at the time you had the relapse?
- A. As I said before, I would have never gone back to the hospital.
- Q. Did you receive any medical treatment for malaria at all?
- A. No.
- Q. You cured yourself?
- A. Yes.

Defense: Nothing further.

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his seat in court.

OTTO GEHRING, a witness for the defense, was sworn and testified through the interpreter as follows:

#### DIRECT EXAMINATION

Questions by defense:

- Q. State your full name, please.
- A. Otto Gehring.
- Q. And what is your address, Mr. Gehring?
- A. Eronach, Liebensteiner Street, Number 4.
- Q. And what is your nationality?
- A. German.
- Q. Were you ever a prisoner at Dachau?
- A. Yes, as a protective custody prisoner.
- Q. For what were you imprisoned in Dachau?

(MAHL-redirect)

(GEHRING-direct)

- A. Because of preparation for high treason.
- Q. And what color triangle did you wear while you were here?
- A. Red.
- Q. Now, when were you in Dachau, Mr. Gehring?
- A. From the beginning of October 1937 until the beginning of April 1939.
- Q. And during that period did you know a man by the name of Peter Betz?
- A. Yes.
- Q. Who was Peter Betz?
- A. At the time, Peter Betz was Unterscharfuhrer, or something like that, Block Leader, if I remember correctly.
- Q. Now, did you ever see or hear, during the period that you were in Dachau, that Betz ever beat or otherwise mistreated any prisoners?
- A. No.
- Q. Do you know of anything good that Betz ever did for the prisoners while you were here in Dachau?
- A. Yes.
- Q. Will you tell the court anything that you know?
- A. Betz repeatedly, during the time that I was doorman -- I was doorman in the compound for one year -- he repeatedly threw cigarettes and bread out of the window, with the remark to split it up with the other prisoners.
- Q. Now, did Betz ever give you any bread or cigarettes? If so, under what circumstances?
- A. I presume because of a feeling of fellow humans.
- Q. Did he ever give you, personally, any bread or cigarettes?

(GEHRING-direct)

A. Yes.

Q. Now, what is your present occupation, Mr. Gehring?

A. My present occupation is a District Secretary of the Communistic Party.

Q. Now, do you have anything to do with the ex-Dachau inmates office in Kronach?

A. Yes, we have an office at the same time for the care of concentration camp prisoners.

Q. And what do you have to do with that office?

A. We distribute money or clothing to the prisoners that travel through, as much as we can.

Q. Now, in your work in that office, do you have to work with former prisoners from Dachau?

A. Yes.

Q. Have you ever talked with any of those prisoners regarding Betz?

A. Yes.

Q. And what have they said regarding Betz' conduct in Dachau?

A. Most of them have the same judgment as I have, that is, they say he was a good SS man.

Q. Of all the prisoners that you have talked to there in this office, have you ever heard anyone state that he beat or mistreated any prisoners in Dachau?

A. No.

Q. Now, when you state that Betz was a good SS man, do you mean that he was an SS man and was also good to the prisoners?

A. Yes, that is the way I mean it.

Defense: No further questions.

(GEHRING-direct)

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### CROSS-EXAMINATION

Questions by defense:

- Q. Now, Mr. Gehring, you don't know anything of Betz' reputation with respect to seating prisoners after 1942, do you?
- A. As long as I am not told anything by the prisoners. In my capacity as Chief there, I don't know anything.

Prosecution: No further questions.

### REDIRECT EXAMINATION

Questions by defense:

- Q. From the year 1942 until the present time, you have talked with former prisoners in Dachau, have you, Mr. Gehring?
- A. Yes.
- Q. And during that period have any of them, in any discussion, said anything bad about Betz?
- A. No.

Defense: No further questions.

There being no further questions, the witness was excused and withdrew.

ANTON ENDRES, an accused, was called to the stand by the defense as a witness in his own behalf.

### DIRECT EXAMINATION

Questions by defense:

- Q. State your full name.
- A. Anton Endres.
- Q. And what is your home address?
- A. Grienbein, close to Augsburg.
- Q. How old are you, Endres?
- A. Thirty-six years old.
- Q. Are you married?

(GEHRING-cross, redirect; (ENDRES-direct)

- A. Yes.
- Q. How many children do you have?
- A. Three children.
- Q. When did you join the SS, and under what circumstances?
- A. I was called into the Waffen SS on the 7th of September at Dachau.
- Q. 7th of September what year?
- A. 1939.
- Q. Did you volunteer for the SS?
- A. No.
- Q. How did you come to get into the SS?
- A. I was drafted.
- Q. Now did you ever serve at Dachau?
- A. Yes.
- Q. And when did you first come to Dachau?
- A. On 7 September 1939.
- Q. And when did you leave Dachau for the last time?
- A. On 29 April 1945.
- Q. Are you at present a member of the SS, Endres?
- A. No.
- Q. When did you leave the SS?
- A. On 20 May 1944 I was thrown out of the SS.
- Q. And what were the circumstances surrounding your being thrown out of the SS?
- A. I was working in the outside detail in Augsburg, at the Messerschmidt Factory, and I often took prisoners outside the camp with me so they could visit their relatives.
- Q. And as a result of this, what happened to you?
- A. As a result thereof I was put into arrest in November 1943 and stayed there until September 1944, and then

(ENDRES-direct)

was transferred to the punitive camp of the SS at Dachau.

Q. Endres, during the period from 1 January 1942 until you were arrested by the SS, what were your duties in Dachau?

A. I was active in Dachau as a medic.

Q. And how long were you in Dachau as a medic?

A. I was active in Dachau until June 1942 as a medic.

Q. And then where did you go?

A. I was transferred to Lublin; then in July 1943 I returned to Dachau. And I was immediately transferred to the outside detail, Augsburg.

Q. And you were there in Augsburg for how long?

A. I was in Augsburg from July 1943 until I was arrested in November.

Q. And during the time that you were at the hospital at Dachau here, were there other SS aid men there?

A. Yes.

Q. How many were there, if you know?

A. There were four or five aid men there.

Q. And what was your rank while you were working at the hospital?

A. I was Unterscharfuhrer.

Q. And as such, were you the senior aid man at the hospital?

A. No. there was an Oberscharfuhrer who was in charge of all the aid men, and then there was two or three Unterscharfuhrers.

Q. Endres, the witness Stoehr testified to certain acts that you committed, in cooperation with the Capt. Hayden. Stoehr stated that during the year of 1942, and until you left, you assisted Hayden in giving injections. He also stated that you assiste

(ENDRES-direct)

Heyden in beating prisoners with a wet towel. Now, who was Heyden?

A. Heyden was the hospital Capo.

Q. Was he working under you?

A. He was under the Oberscharfuhrer Ratschefsky. He wasn't exactly under Oberscharfuhrer Ratschefsky, but Ratschefsky was in charge of the dispensary, as well as the operation room, as well as the entire Block A, that is the block in which Heyden worked.

Q. Now, did you ever assist Heyden in giving the prisoners any fatal injections?

A. I never helped Heyden and I never was present when Heyden gave these injections. Furthermore, Heyden was released from the camp in December 1941.

Q. Now, did you ever assist Heyden in beating prisoners with a wet towel and putting them under the shower?

A. I was never present and I never saw that a prisoner was rolled into a wool blanket and was then put under a shower. If such a thing had happened, another man, a male nurse, would have run to the Chief Physician and reported me immediately, and I would have gotten into the bunker right away.

Q. The defendant Betz states in his statement to the prosecution that you were present at two executions in which he participated in November 1941. Is that correct, or not?

A. Twice I had to go with the doctor to the rifle range where executions took place. I was detailed as a medic, but I was never detailed in an execution or in a firing squad.

Q. And those were the two executions that Betz described?

A. Yes.

Defense: No further questions.

(ENDRES-direct)

CROSS-EXAMINATION

Questions by prosecution:

- Q. How many executions did you attend after January 1, 1942, Endres?
- A. After 1 January 1942 I was not present at any executions.
- Q. In other words, you attended executions prior to January 1, 1942, but not after January 1, 1942, is that correct?
- A. When large executions took place, I was out there and there was an order that a first aid man had to be there with a doctor.
- Q. And you were out at the executions, is that correct?
- A. Yes.
- Q. Now, you stated a moment ago that these male nurses would have reported you to the Chief Doctor if you had participated in wrapping a prisoner in a blanket and sticking him under a shower. I will ask you if it is not a fact that these male nurses were prisoners?
- A. Yes.
- Q. And you mean to tell this court that these prisoners would report you, an Unterscharfuhrer in the SS, to the Chief Doctor?
- A. They could have reported it to another Unterscharfuhrer, another SS man. They otherwise reported everything.
- Q. And how many instances do you know of in this way a prisoner reported an SS man to a Chief Doctor or to another SS man?

(ENDRES-cross)



- A. The male nurses were present with the SS physician in the dispensary daily, and whenever they had something to say to him they told him about it. Nobody was afraid of that.
- Q. Just answer my question. How many instances do you know of where a male nurse who was a prisoner reported an SS man either to the Chief Doctor or to another SS man?
- A. None.
- Q. When did you join the Deaths-Head Unit of the SS?
- A. I was drafted into the Reserve on 7 September 1939.
- Q. And that is when you joined the Deaths-Head Unit of the SS, is that correct?
- A. Yes.

Prosecution: No further questions.

#### REDIRECT EXAMINATION

Questions by defense:

- Q. Endres, you stated that at large executions, that it was required that a doctor and an aid man attend, is that correct?
- A. Yes, it was like that.
- Q. Now, were there any large executions that occurred at Dachau from November of 1941 until you left in June of 1942?
- A. Yes, several were executed on the rifle range, always thirty to forty men.
- Q. And did you attend any of those other executions as first aid man?
- A. Not each one, because every time another medic had to go along.

There being no further questions, the witness was excused and resumed his seat in court.

(ENDRES-cross, redirect)

DR. FRIDOLIN KARL PUHR, one of the accused, was called to the stand by the defense as a witness in his own behalf, and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

- Q. Doctor, will you state your full name?
- A. Fridolin Karl Pühr.
- Q. How old are you?
- A. Thirty-three years.
- Q. Are you married?
- A. No.
- Q. And where is your home?
- A. Vienna.
- Q. Austria?
- A. Yes.
- Q. What nationality are you?
- A. Austrian.
- Q. When did you join the SS?
- A. I joined the Allgemeine SS in 1937, voluntarily. I was drafted into the Waffen SS in June 1940.
- Q. And when you were drafted into the Waffen SS, what duties were you assigned?
- A. After my military training, which took place for ten weeks in Munich Freimann, I was immediately sent out to be with troops.
- Q. What was your civilian profession?
- A. Doctor.
- Q. When did you graduate from medical school?
- A. In September 1939 I received my diploma as physician, and in June 1940, I received the title of doctor.

{PUHR-direct}

- Q. Did you receive the title of Doctor before or after you were drafted into the Waffen SS?
- A. Before I got into the Waffen SS.
- Q. All right, now, when you were drafted into the Waffen SS, what was your assignment after you finished your military training?
- A. To a skull, or Deaths-Head Division, in France, to field troops.
- Q. You were with a Deaths-Head Division, is that right, a combat outfit?
- A. Yes.
- Q. How long did you stay with a combat division?
- A. I was with these combat troops until I was transferred to Dachau in December 1944, with the exception of several months when I was a patient in various hospitals in the years 1943 and 1944.
- Q. And why were you a patient in various hospitals in the years 1943 and 1944?
- A. Myocardial-infarct, and coronary insufficiency.
- Q. How long were you in the hospital because of your heart trouble?
- A. In 1943 for seven months. In 1944, beginning with the first of August until I was transferred to Dachau in December, which is almost six months.
- Q. And what were your duties with this combat unit that you were with?
- A. I was a troop physician all the time; at first with an infantry unit, later on with a motorcycle battalion, and at last I was in charge of a field hospital.
- Q. You were transferred to Dachau in December of 1944, is that correct?
- A. Yes.

(FUHR-direct)

- Q. What date in December of 1944 did you arrive in Dachau?
- A. It was in the middle of December, about the 12th or 15th of December.
- Q. How long did you stay in Dachau?
- A. Until the 27th of April 1945.
- Q. When you came to Dachau, what were your duties here at the camp?
- A. I was transferred to Dachau as troop physician for the guards.
- Q. Did you have anything whatsoever to do with the prisoners?
- A. No, this task was strongly divided with that of the treatment for the prisoners.
- Q. Just what do you mean by that?
- A. I was only to treat the SS guards, their families, and the civilian employees. My hospital and my dispensary was separated physically from that of the prisoners.
- Q. Your duties as doctor here at Dachau were confined solely to the SS troops themselves, is that correct?
- A. Yes.
- Q. Did you ever work in the camp hospital?
- A. I had the particular of the First Camp Physician to use certain things in the camp hospital for my SS men.
- Q. Did you ever treat any prisoners in the hospital?
- A. When we had large operations, I helped several times as an assistant. And I requested to be allowed to perform several operations myself.

(PUHR-direct)

Q. Did any of the persons upon whom you operated die as a result of the operations which you performed?

A. No.

Q. Did you work with the prisoners' doctors who were in the hospital at the time you were here?

A. Yes, I often called a specialist from the camp hospital over to my hospital in order to ask them about cases which occurred in my hospital. I could do that only with the permission of the First Camp Physician.

Q. While you were here in Dachau, did you, of your own knowledge, know that there were prisoners of war here in Dachau?

A. No, I only found that out by the charge sheet here.

Q. Did you attend any executions at the crematory?

A. Yes, I was ordered to do so.

Q. Who ordered you to attend these executions, Doctor?

A. The order came from the Camp Commandant, through the Adjutant, or through the hospital.

Q. And who was the Camp Commandant here at Dachau while you were here?

A. Obersturmführer<sup>bar:</sup> Weiter.

Q. And who was the Adjutant?

A. Obersturmführer Otto.

Q. And who was the First Doctor?

A. Sturmbannführer Doctor Hintermayer.

Q. How many executions did you attend on orders, as you have just testified?

A. With the exception of the executions which I had to attend, that were executions of SS men, there were six executions.

Q. You attended executions of SS men here at Dachau?

A. Yes.

(PUHR-direct)

- Q. How many executions of SS men did you attend?
- A. Two.
- Q. And when was that?
- A. It must have been in March, about the middle of March.
- Q. As Doctor here in Dachau, could you refuse to attend these executions?
- A. No. That would have been insubordination, and I could have been punished by an immediate execution.
- Q. Just what were your duties when you attended these executions of prisoners?
- A. I had to determine the death of the one executed and had to certify to it on a special form.
- Q. And was that always necessary in executions, that a doctor attend?
- A. According to my knowledge, in each country there is a law that a physician is to be present at executions. Furthermore, I am called to one that is dying, and have to follow that call.
- Q. Did you ever mistreat, beat, or kill any prisoners here at Dachau?
- A. No, I had nothing to do with the prisoners.
- Q. Did you in any way, or by any act of yours, contribute to the beating or mis-treatment of any prisoner here at Dachau?
- A. No, by no means. I became a physician in order to save people, not to beat them or mistreat them.
- Defense: You may cross-examine.

(PUHR-direct)

CROSS-EXAMINATION

Questions by prosecution:

Q. Now, Doctor, when you voluntarily joined the SS in Austria in 1937, I will ask you if it is not a fact that that was an illegal organization at that time?

Defense: I will object to that question, if the court please, as being highly improper, and furthermore it calls for a conclusion on this witness' part as to the legality of the organization.

Prosecution: May it please the court, I think we have the right to show whether this organization was legal or illegal. He voluntarily joined it. I think it has a bearing on the probative value of this witness' testimony.

President: The objection is overruled. The witness will answer the question.

A. The SS was just as much illegal in Austria at that time as was the government of Dollfuss.

Q. And is it not also a fact, Doctor, that you were a member of the Nazi Blood Order from 1934?

A. I received the Blood Order in 1944, because of a very heavy bodily harm which was done to me by the then Austrian Home Guard in 1934.

Q. Now, it is also a fact, Doctor Puhr, that you were a member of the SA from 1933 until 1937?

A. Yes.

Q. Now, you testified here that your only function was that of troop physician for the guards, is that correct?

A. Yes.

Q. Now, what connection did you have with the hospital that was used by the prisoners?

(PUHR-cross)

- A. I had no X-ray installation in my hospital and all X-rays were taken care of in the hospital of the prisoners. Furthermore, since most of the hospitals had been bombed out in Munich, and because of the very difficult traffic, which was almost impossible by the constant bombing, the First Camp Physician, Dr. Hintermayer, allowed me to have my patients examined in the specialists wards of his hospital. And furthermore, as I said before, I asked to take part, and actually perform, some operations. because I had received some surgical training in the field.
- Q. And you were increasing your experience on these prisoners, were you not?
- A. No.
- Q. What were the duties of the Duty Officer in the prisoners' hospital, Doctor?
- A. He really had no duties at all. He just received some papers which he had to sign.
- Q. Well, when did his tour of duty begin, Doctor?
- A. In the middle of December 1944.
- Q. And each day when he reported for duty, what time of day did that duty begin?
- A. My duty?
- Q. The duty of the Duty Officer in the prisoners' hospital. At what time of day did that begin?
- A. In the morning.
- Q. And how long did it last?
- A. Until the next morning.
- Q. And during that time his only function was to sign some papers, is that correct?
- A. As a Doctor, or officer on duty, I had nothing to

(PUHR-cross)



do with the prisoners there. That was done by the prisoners' physician. I was always ready for duty for my troops, or if some of their relatives were sick, I was to be called sometimes outside of Dachau.

Q. Now, is it not a fact, Doctor, that you served as Duty Officer in the prisoners' hospital during the months of January, February, March and April, 1945?

A. No. I had to do my duty in my hospital, and every now and then one of the doctors, when he was out of town, would ask me to do him the favor and sign the papers for him. That was my entire duty in the hospital of the prisoners.

Q. Who made up the duty roster for the Duty Officer in the hospital of the prisoners?

A. Probably the First Camp Physician.

Q. And that was Doctor Hintermayer during that period of time, was it not?

A. Yes.

Q. Now, there was a troop hospital. Was there not, and there was also a hospital for the prisoners?

A. Yes, there was a hospital for the troops, and there was a hospital for the prisoners.

Q. Now, you never were at any time assigned as Duty Officer in the prisoners' hospital, is that correct?

A. I would have never recognized it.

Q. Doctor, I hand you a document (wanted to witness) marked Prosecution Exhibit Number 130 for identification, and ask you to examine it and state what it is.

A. That is the service plan, or duty plan, for the month of April 1945.

Q. And does your name appear on that?

(PUHR-cross)

- A. Yes.
- Q. And under what hospital does it appear?
- A. Hospital.
- Q. Now on what date does it appear there, Doctor?
- A. That is the 28th of March 1945.
- Q. And that is the duty roster for the month of April, is it not?
- A. Yes.
- Q. And on how many days were you assigned as Duty Officer in the prisoners' hospital?
- A. My name appears on here twice, once in parentheses on Sunday, the 1st, and the second time Saturday, the 21st of April. There was the duty for the camp, but not for the hospital. In the hospital you had the prisoners' doctor.
- Q. And they also had a Duty Officer for the troop hospital, did they not?
- A. In the troop hospital I had to be available day and night. That was my job.
- Q. Your name does not appear, does it Doctor, under this list who were on duty in the troop hospital?
- A. I had to go over and make some -- sign some things for the Doctor, because on Sunday he wanted to go away on a trip or something.
- Q. But just the same your name does not appear on any day in the month of April as being the Duty Officer in the troop hospital, does it?
- A. Do you see the name of one single doctor under the troop hospital? Only the name of the nurses, because I had to be there the whole time.
- Q. Just answer my question. Your name does not appear there, does it?

(PUHR-cross)

A. No, because it was presumed that I would constantly be there

Q. Now, Doctor, you stated that you attended these executions because, first of all, you were ordered there, is that correct?

A. Yes.

Q. And you also stated that you attended the executions, and when one was called to die, you had to heed that call, is that correct?

A. Yes.

Q. Now, how many of these people that were shot at executions did you try to save?

A. I couldn't help anyone.

Prosecution: No further questions.

#### REDIRECT EXAMINATION

Questions by defense:

Q. Your name appears here, Doctor, twice, on Prosecution's proposed Exhibit Number 130, and I ask you if you served as Duty Officer on either of those days?

A. No.

Defense: That's all.

#### RECROSS-EXAMINATION

Questions by prosecution:

Q. Doctor, it would be just as much an act of insubordination to fail to attend as Duty Officer as it would be to fail to attend an execution, would it not?

A. I didn't refuse any orders. I had my job lined out, which was the troop hospital, and not the prisoners' hospital.

Prosecution: No further questions.

(PUHR-cross, redirect, recross)

Prosecution: At this time, may it please the court, prosecution offers in evidence as Prosecution Exhibit Number 130, the Duty Officer's Roster for the month of April 1945.

Defense: No objection.

President: It will be received in evidence.

The document was then received in evidence, and is attached hereto marked Prosecution's Exhibit Number 130.

There being no further questions, the witness was excused and resumed his seat in court.

DR. HANS KURT EISELE, one of the accused, was called to the stand by the defense as a witness in his own behalf, and testified as follows through the interpreter:

#### DIRECT EXAMINATION

Q. Will you state your full name?

A. Hans Kurt Eisele.

Q. How old are you?

A. Thirty-three years.

Q. And are you married?

A. I am married.

Q. Do you have any children?

A. Three children.

Q. And where is your home?

A. Since one year, since there was an air attack on Freiburg, I have no home.

Q. And when did you join the SS?

A. On 15 January 1940. Into the AllgemeineSS in November 1943.

(EISELE-direct)

- Q. And prior to that time did you also belong to the SA?
- A. I was about two weeks or three weeks in the SA, and was then transferred to the SS.
- Q. Now, you say you came into the Waffen SS in 1940?
- A. I was drafted into the Waffen SS.
- Q. And when you got into the Waffen SS, what were your first duties?
- A. At first I received the military training in Munich Freimann, then I was Assistant Troop Physician in Munich.
- Q. And for how long a period of time were you Assistant Troop Physician in Munich?
- A. Until about the end of June 1940.
- Q. Where did you go then?
- A. Then I was transferred to Prague, in charge of a company of reserve battalion. At the beginning of January, 1943, I came to Buchenwald as Troop Physician, and in the last two weeks of my present there I had connections with the camp. I was often called down in order to perform emergency operations.
- Q. Did you specialize in surgery?
- A. I did not complete my special training.
- Q. You were studying for a specialty in surgery?
- A. I started it.
- Q. Did you have any combat duty as a doctor?
- A. I had an accident in July 1942. I broke my skull, had a cerebral hemorrhage, and I could not be used for combat duty. But later on I volunteered for field duty. And in 1944 I was with the front line troops for a half-year.
- Q. Where?

(EISELE-direct)

A. At the east front, at the Russian east front.

Q. When did you first come to Dachau?

A. In the middle or the end of February 1945.

Q. And how long did you stay in Dachau?

A. Until the end.

Q. And what were your duties here in Dachau?

A. I was in charge of the surgical department in the prisoners' hospital.

Q. And who was the Chief Physician in the camp when you were in charge of the surgical department?

A. Doctor Hintermayer.

Q. When you arrived at the surgical department, what conditions did you find there?

A. The technical installations in the surgical department were very good - splendid. The bandages and medicine were scarce, but not any worse than it was with the combat troops when I was there. The shelter for the sick prisoners was very limited, mainly in the septic department, that is, the persons who have wounds, infected wounds.

Q. Were you able to get additional medicines at will?

A. No.

Q. Why?

A. Because there weren't any.

Q. Did you try to get additional medicines while you were here?

A. Yes, we tried everything in order to get medicine. In some cases when there was an emergency I would run to the pharmacist, who was a prisoner, and I  
(EISELE-direct)

would actually beg him to get me the last capsule of whatever he had.

Q. When you were here in camp, there was an epidemic, was there not?

A. In the first days after I got here I was told by Dr. Hintermayer that there was a typhus epidemic.

Q. And was this epidemic at its height, or was it just beginning, or was it ebbing out?

A. Dr. Hintermayer told me at that time that it was already ebbing.

Q. During your duty here from February 1945 until April 1945, will you tell us whether there were very many deaths, or do you know?

A. There were very many cases of death.

Q. What were the causes of the deaths, Doctor?

A. I can only tell you about my department, positively. They were mainly people from the septic department with chest infections, who mainly had an empyema, sepsis, and in general the bad condition of nourishment.

Q. You were here from February to April of 1945. How many prisoners were in camp, Doctor?

A. I only learned the exact number here during the trial. At that time I was of the opinion that it was between twenty and thirty thousand.

Q. Was the camp suited to accommodate between twenty and thirty thousand prisoners at that time?

A. I didn't know up until today the size of the camp of Dachau, but I must say that it must have been too small, otherwise people wouldn't have to be in beds of two's and three's.

Q. Will you repeat that answer so we can have the

(EISELE-direct)

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translation over again?

- A. I said that I don't know today the size of the concentration camp of Dachau, I have no idea. But I said it must have been too small, otherwise people wouldn't have been in beds two and three on top of each other.
- Q. You mean people were on top of each other, or the beds were on top of each other?
- A. The beds.
- Q. And were the sanitary facilities in the camp sufficient to accommodate a population of twenty to thirty thousand?
- A. I must presume that it was insufficient; otherwise the typhus epidemic wouldn't have started.
- Q. Of your own knowledge, do you know the sanitary condition, the hygienic condition, which existed in the camp?
- A. I saw some hygienic and sanitary installations by passing by several times. They in themselves looked clean, but I don't know how many of these installations existed.
- Q. Was the sanitary and hygienic conditions in the camp under your supervision, or not?
- A. No.
- Q. Were you personally in any way responsible for the actual health of the inmates of this camp?
- A. No.
- Q. Whose responsibility was that?
- A. That of the First Camp Physician.
- Q. And that was Doctor Hintermayer?
- A. At my time, yes.

(EISELE-direct)



- Q. While you were here, between February and April of 1945, you had the occasion to inspect Camp Muehldorf at the request of Doctor Hintermayer, didn't you?
- A. One time I drove to Muehldorf upon an order of Doctor Hintermayer, at the occasion of an inspection tour of Obersturmführer <sup>bann</sup>Weiss. My task was to find out about the hygienic and sanitary conditions in this camp. Dr. Hintermayer intended to protest to the Organization Todt upon the result of this inspection.
- Q. Did he lodge such a protest, to your knowledge?
- A. I don't know. I later on did it myself.
- Q. To whom did you do it?
- A. The Obersturmführer <sup>bann</sup>Weiss went to Muehldorf a second time about two weeks later, I can't say for sure, and I asked him to take me along, because I wanted to see if anything had changed in the meantime, and I had the opportunity to speak to two physicians of the Organization Todt, and since those two seemed to take no interest, I and Obersturmführer <sup>bann</sup>Weiss together drove to General Tscherassik, and there I set forth my demands.
- Q. As a result of talking to General Tscherassik, was anything done as a result of your demands?
- A. I don't know. I was never in Muehldorf after that. I don't presume so, because Major General Tscherassik said, "Well, the war will be over in four weeks."
- President: The court will recess until 1:15 o'clock P. M.

(EISELE-direct)

President: The court will come to order.

(Time: 1315 hours)

DIRECT EXAMINATION (contd)

Questions by the Defense.

Q Dr. Eisele, while you were at Dachau as a physician were you required to attend any executions?

A Yes

Q And when did you attend executions?

A I cannot state any exact dates, but the first of the three executions, which I can remember, I attended in March

Q And what were your duties when you attended these executions?

A I had to determine the death

Q And how many executions did you attend altogether?

A As far as I can remember at least three

Q Did you voluntarily attend these executions or not?

A I was ordered to these executions

Q And who ordered you to attend these executions?

A The camp commandant

Q Did you have any authority at any of these executions to stop them or exercise any authority over them at all?

A No

Q Your duties were solely to examine the body and then determine the death, is that correct?

A Yes

Q The prosecution's witness, Seybold, stated that he saw you at seven or eight executions between October 1944 and January 1945, what do you say to that?

A During that time I was not in Dachau. Besides that I want to remark that Seybold did not know me before this. He was just introduced to me several weeks ago

(Eisele-direct)

in the bunker and he did not know my name. Secondly, the witness, Seybold, said under oath in front of this court that he never saw these executions but, that he was locked up at the time

Q had you ever been to Dachau before February 1945?

A I think in July 1941 I passed through Dachau and stayed here overnight

Q Had you prior to 20 February 1945 ever attended any executions?

A No

Q I show you here Prosecution's Exhibit No. 128 and 129 and direct your attention on the reverse side of each and ask you if you recognize the signatures?

A That is the signature of Dr. Blanke?

Q What does Exhibit 128 say--that was Exhibit 129?

A That is the same signature

Q Dr. Blanke?

A Yes, that is Dr. Blanke?

Defense: No further questions

#### CROSS EXAMINATION

Questions by the Prosecution.

Q Dr. Eisele, you were not a graduate surgeon, were you?

A I had completed my special education. I have about 20 months of specialized education

Q And you were the doctor at Buchenwald, were you not?

A I was a troop doctor in Buchenwald and during the last six or eight weeks in order to help with appendicitis operations

(Eisele-direct and cross)

- Q And you were also chief doctor in Camp Natzweiler, were you not?
- A From September 1941 until July 1942 I was a doctor in Rotau in Alsace. At that time I was also in charge of a prisoner detail of two to three hundred prisoners and later five hundred prisoners, which had the task to build up the camp of Natzweiler
- Q Now, doctor, when you came here you took over the surgical department of Dachau, did you not?
- A Yes
- Q And I believe you stated that you were short of medical supplies?
- A Yes
- Q Now, what efforts did you make to get additional medical supplies?
- A The same attempt which the first doctor--Dr. Hintermeyer--made--bandages and drugs from Berlin
- Q From whom did you make this application for additional medical supplies?
- A I did not make special requests because Dr. Hintermeyer knew that there was no use in making an application. This was bandage material and drugs
- Q And the fact remains that you did not make additional requests to any one, is that correct?
- A Maybe I went day after day to the druggist--we had our own--and we asked for drugs and bandage materials
- Q And that druggist was a prisoner, was he not?
- A That must be a misunderstanding--I said the druggist was a prisoner but he was an SS haupt-scharfuhrer. He was in charge of the drug de-  
(Eisele-cross)

partment and the prisoner was in charge of the handing out of the drugs. That time it was a fact that the prisoner had more to say than the druggist.

Q So the only one who applied for drugs was the prisoner, is that correct?

A I also talked to the druggist Schulz

Q And the hauptscharfuhrer and the druggist were the only people that you consulted with respect to obtaining medicines?

A They were the only ones there--no other possibilities

Q As a matter of fact, <sup>there</sup> was a large medical dump in Munich?

A I don't know that

Q You never made any effort to find out, did you?

A No

Q Now, you stated that you made an inspection trip to Muehldorf?

A Yes

Q What date did that inspection trip take place?

A I cannot state the accurate date. It must have been the middle of March 1945

Q And when you were there you found that the hygienic conditions in terrible shape, were they not?

A I inspected three camps in Muehldorf. One camp was near the airport, another camp, the so-called forest camp, and there was a third smaller camp called Mittergas. The conditions at the camp near the airport were in comparison somewhat bearable.

(Eisele-cross)

The conditions in the other camps were a catastrophe

Q And who was the commandant of the camp at the time you made those inspections at the camp?

A I believe Weiter

Q Who was Weiter's representative at Muehldorf?

A In the camp near the airport--Langleist; as far as I can remember the forest camp was in charge of a Wehrmacht officer; I don't know who had the small camp--he was a non-commissioned officer

Q Isn't it a fact, doctor, the Langleist had general supervision of all those camps at Muehldorf?

A I don't know that

Q You do know, though, that he was the senior officer in that group of camps, do you not?

A I can't state that here

Q Who was Dr. Blanke?

A When I was in Weimar and Buchenwald, Dr. Blanke was in charge of both the troops and the camp

Q Did you ever see Dr. Blanke here at Kaufering?

A Yes, once. At the time I saw him, Weiss was good enough to take me to Bausengen. And at that time we stayed several hours in Kaufering. There I met Dr. Blanke

Q Isn't it a fact that Weiss was the inspector general of the Muehldorf area?

A I was never very clear on the duties and the tasks of Weiss. I always had the impression that he was in charge of something

Q Didn't you make one of these inspection trips with Weiss?

A Because I had to get to Muehldorf he took me along.  
(Eisele-cross)

It was too hard to get there by train and he had a car

Q Well, isn't it a fact that you went on one of these inspection trips with Weiss?

A I went along with Weiss but I was not under his command

Q While you accompanied Weiss, whether you were under his command or not, didn't you accompany him when he made an inspection trip of Muehldorf camps?

A I rode in the car with Weiss to Muehldorf

Q When you got down to Muehldorf, did you continue in the presence of Weiss?

A No, from Muehldorf I was brought to the individual camps by a special car. Only the building side I inspected with Weiss

Q Now, doctor, did you ever perform a mastoid operation before you came to Dachau?

A No

Q And after you got here to Dachau, how many mastoid operations did you perform?

A I assisted Dr. Schreiber, who is a specialist for ear and nose diseases for six or eight times and then I, myself, performed four to six mastoid operations

Q And how many of those persons upon whom you performed those operations, died, doctor?

A None

Q You are sure about that?

A Yes, at least Dr. Schreiber, the man in charge of the ward, did not tell me that anything was wrong

(Eisele-cross)

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or that any died, and the patients upon whom I operated I visited and they were well

Prosecution: No further questions

Defense: No questions

President: The witness is excused.

Defense: The defense calls as its next witness, Walter Cieslik. This witness would like to speak through a Polish interpreter.

Walter Cieslik, a witness for the defense; was sworn in, and testified through a Polish interpreter as follows:

DIRECT EXAMINATION

Questions by the Defense.

Q Will you state your name?

A Walter Cieslik

Q Mr. Cieslik, are you the same witness who testified for the prosecution on the 23d of November?

A Yes

Q And you are in charge of the card files of the prisoners at Dachau, is that correct?

A Yes

Q Now, did you find in those official card files that are under your supervision the man by the name of Heiden?

A Yes

Q I show you a card marked Defense Exhibit No. 18 and ask you what that is?

A It is a card from prisoner Joseph Heiden of the Danish nationality

(Eisele-cross and Cieslik-direct)



Q Does that show the date that Heiden entered Dachau?

A Heiden arrived here on the 24th of May 1938

Q Does that card show the date that Heiden left Dachau?

A Yes, he left on the 19th of December 1941

Q And does your card file show that Heiden ever returned to Dachau?

A No

Q At this time I would like to offer into evidence Defense Exhibit No. 18 and request that the copy be substituted for the original so that the files can be kept intact.

President: Accepted in evidence

Q Several days ago, you were asked to search the record to see if a card could be found for Joseph Doszckalski?

A We tried to find such a card but we couldn't. I believe the name was misspelled

Q Did you look under the letter "y"?

A Yes

Q What other letters did you look under?

A "j" and "i"

Q And you found no such name under any of those letters?

A No, I didn't

Defense: No further questions

Prosecution: No questions

President: The witness is excused

(Cieslik-direct)

Defense: The defense calls as its next witness, Professor Schilling.

Professor Schilling testified through an interpreter as follows:

DIRECT EXAMINATION

Questions by the Defense

Q Professor, will you state your full name?

A Klaus Karl Schilling

Q And how old are you?

A 74 years old

Q Are you married?

A Yes

Q Do you have any children?

A Yes, one son

Q And where is your home?

A I lived in Berlin, Liessenbergstr, 12 but this building was bombed out. Later on I lived in Dachau

Q And what is your profession?

A I am a physician

Q And do you specialize in any branch of medicine?

A Yes, in tropical diseases

Q For how long have you specialized in tropical diseases?

A Since 1898

Q And where did you make a study of tropical diseases?

A At first in the Institute Robert Koch in Berlin

Q Did you study under Professor Koch?

A Yes

Q How long did you study under Professor Koch?

A Approximately six months

(Schilling-direct)

Q Where did you graduate from school?  
A In Munich  
Q And, as a physician?  
A Yes  
Q And when was that?  
A 1894  
Q And where did you conduct your studies of tropical diseases?  
A In the Institute of Robert Koch  
Q And were all your studies confined at the institute?  
A Yes  
Q Did you make any researches?  
A Yes  
Q Was that also done at the institute?  
A At that time newly build Institute Robert Koch  
Q Did you make any scientific researches of any kind in Africa?  
A From 1899 to 1900 in East Africa in Tanganyika  
Q And what were you studying down there?  
A First line malaria  
Q Did you make any searches under other lines there?  
A Yes  
Q What studies did you conduct?  
A Sleeping sickness and tsetse diseases  
Q What was scientific name for sleeping sickness?  
A Trypanosiasis  
Q Under whose direction was it that you were making the study of sleeping sickness?  
(Schilling-direct)

A Myself

Q During what period of time was it that you were in Africa making those studies?

A I went to Africa four times

Q When was the last time you went there?

A From 1933 to 1935

Q And under whose direction were you making your studies at that time?

A Individually

Q Were you acquainted with anybody in the Rockefeller Foundation?

A Yes, first one is Dr. Hackett

Q Did you, at any time, go to Africa for the Rockefeller Foundation?

A Not to Africa

Q Where did you go?

A I worked for the Rockefeller Foundation in Berlin

Q Did you receive a grant from the Rockefeller Foundation?

A Yes

Q Do you understand English? Speak in German.

Q When did you receive a grant from the Rockefeller Foundation?

A in 1911

Q And what was that for, doctor?

A For my study of tsetse diseases

Q Did you receive any further grants from the Rockefeller Foundation?

A Yes

(Schilling-direct)

Q When was the next time you received a grant from the Rockefeller Foundation?

A 1932

Q What was that for?

A It was for a trip--for a studying trip to Rome for my assistant

Q What was the amount of that grant?

A As far as I remember, it was 3,000 marks. The first grant consisted of 20,000 marks

Q And did you send your assistant to Rome for the purpose of the grant you received in 1932?

A Yes

Q I show you here a paper marked Defense Exhibit No. 19 in English and ask you if you can tell me what that is?

A It is a notification to me from the Rockefeller Foundation of Paris. It is in the amount of twenty five hundred dollars for South Africa

Defense: We submit Defense Exhibit No. 19 in evidence.

Prosecution: No objections

President: Received in evidence

Q how long, doctor, have you been experiment<sup>ing</sup>/with malaria?

A Starting with 1898 or.

Q Do you recall being in Italy and meeting a Dr. Conti?

A Yes

Q When was that?

A In December 1941

(Schilling-direct)

- Q Now, what was the occasion of your meeting Dr. Conti in Italy?
- A I came from Voltaire to Rome in order to have a conference in the Institute of Infectious Diseases in Rome and at a breakfast, which was given by Von Mackensen,, I met Dr. Conti
- Q And, as a result of meeting Dr. Conti and the German ambassador what happened?
- A Dr. Conti stepped up to me and asked me how my experiments of malaria was doing
- Q What was your reply?
- A I was of the conviction that an immunization with a vaccination against malaria was possible
- Q As a result of the meeting of Dr. Conti, what happened?
- A Dr. Conti told me that he wanted to talk to me in more details that evening and at that conference he said it was right to continue these experiments in Germany
- Q How long were you in Italy?
- A I was in Italy with several interruptions from 1935 to 1941
- Q Did you return to Germany?
- A Then I returned to Germany
- Q Where did you go in Germany?
- A To Berlin
- Q How did you happen to come to Dachau?
- A In Berlin, approximately December 1941, I received an invitation from Dr. Conti to make a trip to see Himmler

(Schilling-direct)

Q Did you go to Himmler's headquarters?

A Yes

Q When did you go to Himmler's headquarters?

A It was December or January in the winter--  
I don't remember exactly when

Q Who was present when you went there?

A Dr. Conti And Dr. Grawitz

Q Was Himmler there?

A Yes

Q As a result of that meeting there what happened?

A Himmler, himself, gave me the order to continue  
my studies in Dachau

Q Did you come to Dachau at that time?

A Yes

Q At that time, when you were talking to Himmler,  
did he tell you in what manner you could continue  
your studies in malaria?

A Nothing in particular

Q Did he tell you that you would be able to use the  
prisoner patients here for your experiments?

A As far as I can remember there was no talk about  
that with Himmler himself. But I talked with Dr.  
Conti or Dr. Grawitz that the prisoners could be  
used voluntarily but this <sup>question</sup> was not discussed at all  
at that time

Q When was this question discussed?

A Not at all

Q When did you come to Dachau?

A January 1942

Q When did you first use prisoners here for your ex-  
periments?

(Schilling-direct)

A In February 1942

Q Were you a member of the SS?

A Never

Q Were you a member of the Nazi Party?

A Never

Q How many prisoners here in Dachau did you inoculate with malaria?

A It must be thousands

Q And what kind of malaria did you infect them with?

A With malaria Benign Tertian

Q Ordinarily, professor, is Benign Tertian fatal?

A No

Q What was the purpose that you had in mind when you infected those thousands of patients with malaria?

A The sole purpose was to find a vaccination against malaria--nothing else

Q Is there a vaccination against malaria now that you know of?

A I do not besides mine

Q Have you determined an immunization against malaria?

A Yes

Q Will you explain to the court your methods of injection of malaria parasites?

A There are several ways of vaccinating a human being with malaria. The most natural way is to have the human being stung by an affected anopheles mosquitoes. The second method is to transmit blood from a person who suffers from malaria to a healthy person by means of a syringe. The blood can be

(Schilling-direct)



injected into the veins or interdermally

Q What methods did you use for your experiments here at Dachau?

A All three methods

Q Did you use the mosquitoes?

A Yes

Q How do you use the mosquitoes?

A The mosquitoes were put into a cage of 10 cm wide and 10 cm long and just as high. These cages were covered by mosquito gauze. Such a cage was then put in between the legs or the arm was put on top of the cage. Then the mosquitoes bite through the gauze

Q And were all the patients inoculated in one of the three ways that you just described?

A The majority of them were inoculated in one of these ways. But in order to be entirely correct, I have to state that patients also came to me who were infected with malaria before I ever saw them--some Italians, Spanish and maybe one Russian.

Q Did you, at any time, in your experiments here in Dachau use any other strain than Benign Tertian?

A No

Q Why did you just use Benign Tertian?

A The Benign Tertian is the most harmless form of malaria. The differentiation from other forms is because most malaria lies a long time--like malignant malaria. But the malignant malaria produces a more severe disease which you can see by the name. Therefore, I chose the less dangerous form of malaria

(Schilling-direct)

- Q After these patients were infected by this malaria, what was your course of procedure?
- A From the moment of infection the body temperature of the patient was examined every three hours, day and night. And according to the manner of injection, either into the vein or under the skin the blood was examined every two or three days. Usually the temperature went up at first, depending on the manner of injection. After the mosquito bit the time up to the first day of temperature, incubation time took about 14 days. If I injected them into the vein the temperature rose in the second day--incubation was only one day. The parasites were to be seen in the blood usually one or several days later.
- Q Was this patient treated by you immediately after the infection?
- A It depended on the purpose of the injection. The purpose was two-fold.
- Q Will you explain that, doctor?
- A In order to produce the infection from human beings to human beings or from the human being to the mosquito to the human being again, I used several strains of malaria. One group of my patients were only used for that purpose in order to keep up the strains. The second group--that was the more important group--were the cases where I tried to get immunization. There were approximately just as many people used for keeping up
- (Schilling-direct)

the strains as there were people vaccinated for the immunization

Q The second group could be used for reinfections?

A The majority of them were used for reinfection

Prosecution: Will you ask the doctor to repeat the answer--there is a question on the translation.

A Most of the people which were to be used for immunization were injected repeatedly

Q What was that purpose?

A The purpose is to step up their immunity

Q how often did you repeat this reinfection?

A I believe that it was five times at the most

Q How many patients did you say of the number that you infected altogether were so reinfected?

A The majority of them. If I infected a patient for immunization, I tried to heal the infection immediately. May I explain that. My thoughts in method I were to obtain the immunization and that was as follows: Man develops in the previously mentioned incubation period a resistance to the infection. That is shown by the fact that an infection runs in individual attacks. My idea was to settle the infection. Then to wait throughout the incubation period and right before the end of the incubation period when I could expect the temperature to rise anytime, then to cut off the incubation through a chemical agent

Q How many patients did you re infect in that manner, doctor?

A At that time I reinfected about 4/5ths or approxi- (Schillin -direct)

mately 400 patients

Q As a result of these reinfections, what drugs did you use for treatment?

A Mainly, I used quinine and atabrine and a dye

Q What was that?

A A dye and neo-salvarsan. Besides that, I used a dye which was known as 2516

Q What is 2516?

A It is aquadine dye--similar structure as atabrine

Q Did you build up any immunity in any of the patients of yours?

A Such patients, I believe, could be immune. In order to prove immunity, I had to infect these persons again when I thought they reached a sufficient state of immunization in order to test it. These infections which were to build the proof of immunization had been carried out very energetically--again in several ways--through mosquitoes or through injections of blood. And only this way I could determine whether the people were completely immunized or achieved resistance. I was asked hundreds of times why I do not work with animals. The simple answer is that malaria of the human being cannot be transmitted to animals--even highly developed apes, chimpanzees are not receivers of malaria. And that is a recognized principle of malaria experiments

Q And as a matter of fact, man is used considerably in the experiments of malaria throughout the world?

A Yes

(Schilling-direct)

Q Are you familiar with Admiral Stitt?

A I have his book

Q Are you also familiar with Mark Boyd?

A Certainly--a world known name

Q Do you, of your own knowledge, know that they use human beings for malaria experiments?

A I do not know personally, but I assume it without a doubt

Q Have you read in Admiral Stitt's book that Boyd and Dr. Strong have used man for their experiments in malaria?

A I did not find it in here

Q But it is a known fact that the human progressive paralysis is treated with malaria

A Yes. This is a great discovery of the Austrian research worker and psychiatrist Wagner von Jauregg that malaria has a healing influence on progressive paralysis. Fifty per cent of the people suffering from paralysis can be better or healed by malaria. This fact that malaria is used to infect the people suffering of paralysis widened our knowledge of malaria experiments. If a parietic person is to be cured he has to go through 13 to 15 attacks of fever and because of that one gains a lot of facts about malaria. And on such infected parietic persons I made my first experiments in vaccination in Berlin in 1935

Q The second paragraph on page 60 refers to Boyd, does it not?

(Schilling-direct)

1505

A This paragraph shows that also American experiments are being made on people

Q Were the patients that you used here in Dachau voluntary or involuntary?

A This question was considered only with a very few patients. There were only about four or five patients who refused to be immunized. I talked to these four or five patients and I explained to them that the vaccination would not be dangerous to them and that these experiments are of such a great importance that they could cause a great scientific discovery. Then these four or five patients did not offer any resistance any more.

Q Did you examine these patients prior to the time you infected them with malaria?

A Yes

Q What kind of examination did you give them, doctor?

A All these patients were admitted with very few exceptions to the malaria ward before they were infected. There I saw them daily and the temperature was taken every three hours everyday and night immediately after their admittance to the malaria ward. So, therefore, it could be determined with great security that the patient who was admitted to the ward was not affected already. The smallest rise in temperature could be known at any time. But this was not the only examination. Maybe I can explain now the selection of the patients took place.

Q I wish you would, doctor.

(Schilling-direct)

A The highest offices in Berlin conceded to me that I would be made available approximately 30 patients per month. After the number of candidates kept in reserve decreased, then I wrote an application to the commandant for new prisoners. This short letter went through the office of the camp physician to the commandant's office and from there it went to the camp labor leader. And this one selected healthy prisoners from the ones which were available to him. This list came back to my office for a second check and I ordered my assistants to examine the physical condition of these people which were sent over by the labor service. I want to state here that I never determined an individual patient for these malaria experiments, but I let my assistants select these patients--that is, the SS doctors. And this examination took place--special emphasis was placed on the fluoroscope of the would-be patients. Because I put a special emphasis that no tubercular patients would be used, they did it that way. If these patients were found to be healthy, their names were submitted to Berlin and a third check of the list took place. It was then returned again and again it went through the office of the camp physician to me and then the patients were called as they were needed. This matter could be determined whether they were political prisoners or prisoners who could be released and they were, of course, given a thor-

(Schilling-direct)

ough physical check. I told my assistants repeatedly that they should only give me patients that did not suffer from hidden diseases. Besides that I had to control the first days in my wards

Q Who were your assistants, doctor?

A The first was Dr. Brachtel, an obersturmfuhrer at that time. And then when Dr. Brachtel was called to the front hauptsturmfuhrer Ploetner was called

Q Now, your fluoroscope examinations of these patients were done solely for the purpose of determining whether or not they were tuberculars?

A Not only that, the urine was examined too

Q That was for Tuberculosis?

A If they were suffering from kidney trouble

Q Did you infect any persons who had active tuberculosis?

A People who were suffering from active tuberculosis were not infected upon my orders

Q Was the camp commander of the camp in a position to deny to you the 30 patients per month?

A It was an order from Himmler himself to the camp commandant that the commandant should grant me every possible support during my experiments. I know myself that Himmler himself was personally interested

Q Were you present on the 10th of November 1942 when Himmler visited this camp and your malaria station?

A No; Himmler, as far as I was told later, had come (Schilling-direct)



after five o'clock. Then I had left the camp already. And I lived so far away that they could not get me and I found out next morning that Himmler had been there

Q To go back to the treatment of these patients, what dosage of neo-salvarsan did you give the patients?

A The doses of neo-salvarsan were the usual-- 1.45 grams injected into the blood vessels. I also used the not uncommon does of .6.

Q Were either of those dosages which you have just mentioned fatal?

A No. I have here 11 cases which I picked out from the rest of my notes where I injected the .6 neo-salvarsan and that continued for four days with .3--that is half a dose. Out of these 11 cases it is shown that they were treated all along without showing the reactions of neo-salvarsan poisoning. They were kept a month at a time and there were no reactions from this very energetic treatment

Q Did you also have working in your department a man by the name of Zimmerman?

A No

Q Did he work in the tuberculosis ward?

A I don't know--as far as I know he was a capo

Q And did you recognize while here in the courtroom the prosecution's witness by the name of Stohr?

A No

Q Did you also have a male nurse in the hospital by the name of Kronfeldner?

A Yes. He worked in my laboratory.

(Schilling-direct)

1510

Q And did you ever, in your experiments, with malaria, here in Dachau, use the drug known as pyramidon?

A Yes

Q What is the drug pyramidon?

A Pyramidon is a pyrol derivative. The actual pyramidon is that it lowers the temperature of the body but, as it was shown by the experiments for the first time, that the infection of malaria is not influenced by pyramidon. That is a very important factor in the Plan No. 2 in the inoculation--I mean--immunization against malaria. Pyramidon is with<sup>out</sup> improvement in malaria. It can only lower the temperature and I used it for that purpose

Q What is the effect of pyramidon?

A Pyramidon lowers the temperature but it has an unfavorable reaction on the white corpuscles

Q And when you say that it has an unfavorable reaction on the white corpuscles what do you mean-- does it destroy them?

A Different forms of white corpuscles--we divide between several forms--This one form, the so-called segmented corpuscle with the nucleus of the cell segmented--is kept back as I think in the internal organs. By the action of pyramidon it shows that the so-called segmented corpuscles --that their number is kept down by the action of pyramidon, but that these same blood corpuscles

(Schilling-direct)

are seen in the blood again as soon as the pyramidon is continued. That is the same thing in all cases

Q How many cases did you actually experiment with the use of the drug pyramidon?

A Approximately 15 cases. The first cases were small trials. In order to determine the amount of pyramidon which can be utilized without any consequences, I increased these amounts up to 2 grams per day. I found out that after I gave 2 grams of pyramidon to a person infected with malaria, I found the very important determination that this ~~doe~~ is not harmful to the patient, but that the malaria parasites did not disappear from the blood. That was very important to me because in that way you could, without getting the patient to a state of fever, the malaria infection could be kept up so that the body can react to the infection without fever.

President: The court will recess for 15 minutes

President: The court will come to order.

DIRECT EXAMINATION (contd)

Questions by the Defense.

Q Doctor, during your experiments with pyramidon, did any of the patients upon whom you experimented, die as a result of overdosage of pyramidon?

A Not from pyramidon

Q What was the dosage of pyramidon that you used?

A Two grams per day--one gram in the mouth and one gram introduced through the rectum

(Schilling-direct)

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Q Did any of your patients that you were experimenting with die as a result of the dosage with .6 grams of neo-salvarsan?

A No, not that I know of. Nothing of that sort was told to me

Q Is .6 grams of neo-salvarsan a recognized dosage?

A Yes, .6 neo-salvarsan can be had in German drug stores finished for use

Q Is malaria used as a cure of other diseases at times by injection?

A All sorts of sicknesses, including primary syphilis. Attempts were made to cure that through malaria. There had been an experiment on tertiary syphilis, that is, paresis, but they left it again. That is the specific effect not only of the fever but of the malaria on the patients. After neo-salvarsan was introduced into therapy by my old and highly respected friend, Ehrlich. It was also experimented with malaria. But then when atabrine appeared it was left again. I remembered these former publications and I, too, tried it against malaria. And I found that neo-salvarsan acts more quickly than any other means. I have here a card that shows that neo-salvarsan can result overnight from a high temperature to normal. It has the disadvantage of not preventing relapse. Neo-salvarsan is a very good means in order to bring about a quick disappearance of the parasites in the fever

Q Doctor, did you attempt any autopsies with Dr. Blaha on any patients from your malarial ward which indicated intoxication by pyramidon?

(Schilling-direct)

- A No, I did not learn from Dr. Blaha of these cases of poisoning. If I learned it from him I would have come to the autopsies and looked at these cases. He kept these cases secret from me
- Q I'll repeat the question. Doctor, did you attend any autopsies with Dr. Blaha on any patients from your malarial ward which indicated intoxication by pyramidon?
- A No, if I had learned from Dr. Blaha of these dissections then I would, of course, come to his dissecting room and looked at those organs, which he found in the autopsies. He simply kept these dissections secret from me
- Q In other words, Dr. Blaha never told you of his findings in his autopsies?
- A No
- Q Had you ever been informed by Dr. Blaha that any of his post-mortem indicated deaths by neo-salvarsan?
- A I can give exactly the same answer. If Dr. Blaha had told me, "Here you have a case which was treated with neo-salvarsan", then I would have come to his autopsy room to see if it was a diagnosis to see if it was neo-salvarsan poisoning
- Q Did you or did <sup>you</sup> not instruct your patients that you had inoculated with malaria to return to you if there was a relapse after they left the hospital?
- A When the people were released from the ward then either I, myself, instructed them, "Come back if you feel sick in any way at all" or if it was the case of people who were not German then I instructed the interpreters to tell them to report to the

(Schilling-direct)

laboratory in case of any bad feelings any day or night. When a patient was dismissed from the ward into the camp then he had to come back again after two weeks. If Thursday at 12 o'clock, when the former patients had their hour off, a number of patients were waiting forme or else, if I could not be there, for my assistants, and one after the other/<sup>was</sup>asked, "Do you feel well" or "Do you have any fever" or anything of that sort. If he said "yes", that he had a cold spell, the appearance of malar~~gia~~, then he was immediately sent to the laboratory and a blood test was made there. Frequently, several days in a row he stayed there, in order to be sure there was no recurrence. If parasites were found, he was immediately received in the sick room again. If the patient said "no" that he had no fever, then he was told to come back again after four weeks and again asked the same thing. If he said again "no" that he didn't feel sick, then he was told to come back again after three months. And in case he said "no" again, he was told to come back again after six months and the last question was after one year. No patient who had a recurrence within one year was declared by me to be cured. I told the patient, "In your own interest, tell us if you have been ill. If you don't tell me or don't report yourself, then how can I treat you". That patients were afraid of my treatment and that they had medicine come from outside the camp, that I never knew. For such stupid patients I could do nothing

Q Would some of these patients come back to you for  
(Schilling-direct)

treatment, doctor?

A A great number

Q A moment ago you testified to the court that malaria was frequently inoculated into patients who were suffering from paresis. What is paresis?

A It is the third state of syphilis. It is always fatal and through the treatment of paresis, introduced by Wagner, thousands of patients have been saved

Q When such inoculations of malaria are made to the patients of paresis, does the patient do it voluntarily or not?

A If, in view of his paresis, he is still able to decide whether or not he wishes to be inoculated, then he can state whether he wants that treatment or not. If he no longer is able to decide whether or not he wants to be treated then it remains for the relatives of the patient concerned to be asked. When there are no relatives available, which happens from time to time, then I do not think that any physician would hesitate with malaria to use on the patient without his consent

Q Doctor, if Himmler were to ask you today to conduct these experiments that you conducted at Dachau, what would you answer him?

A On volunteers, "yes", on people who do not volunteer "no". I believe that the burden on the soul of a person who has to do such things without consent is too large. But because of the tremendous importance which such a protective inoculation of malaria is, I could have had continued the experiments. In 1932 the malaria Commission of the League of Nations determined (Schilling-direct)

that in that year about 17 million cases of malaria occurred in the world. In the southern states of America there were approximately 1 million malaria patients in 1936. From that you can see easily what importance such a prophylactic inoculation would have

Defense: If the court please, may I withdraw the doctor for the present.

Prosecution: No objections

President: The witness may be withdrawn for the present.

Defense: The defense calls as its next witness, Mrs.

Huebner

Mrs. Huebner, a witness for the defense, is sworn in and testified in English as follows:

DIRECT EXAMINATION

Questions by the Defense.

Q Will you state your full name?

A Mrs. Carmen Huebner

Q Will you spell your last name, please?

A H-U-B-N-E-R

Q Where do you live?

A In Munich

Q Are you married?

A I am a widow

Q For how long have you been a widow?

A Since 1938

Q And do you have any children?

A I have two children

Q And was your husband a member of the Nazi Party?

A No, he went to American as a professor but he did not come back because he hated the Nazi Party

Q And how long have you know Professor Schilling?

A Since 30 years I have known him

(Schilling-direct and Huebner-direct)



- Q Were you with Professor Schilling when he was in Italy?
- A I was from 1940 to 1943 in Italy and was a good deal of this time together with Professor Schilling
- Q Was his family there?
- A He and his wife
- Q Did you come in contact with Professor Schilling often?
- A Yes, I saw him frequently, sometimes everyday, as we lived in the same boarding house
- Q And did you know him here in Germany before that time?
- A Yes, first I was a friend of his daughter in 1914 and before 1914 we met at the seaside and later frequently in Berlin and the most of the time in Italy
- Q What was Dr. Schilling doing, if you know, when he was in Italy?
- A When I saw him in Rome he was going to work in the state institute of hygiene in Rome
- Q Now, you saw him often in Berlin before did you not?
- A In Berlin I didn't see him so often--it was my family that saw him
- Q Do you know Professor Schilling's reputation for truth and veracity in the community?
- A I know very many people who are his friends and who have been physicians

Prosecution: May it please the court, I object to that answer as not being responsive to the question.  
(Hubner-direct)

The question was, "Does she know Professor Schilling's reputation for truth and veracity". She should answer "yes" or "no".

Whereupon there was argument made by both defense and prosecution.

President: Objection is overruled, but the court asks to insist on an entire degree of responsiveness..

Q Do you know what Dr. Schilling's reputation was in the community in which he lived for truth and veracity?

A Yes, I know that

Q Will you tell the court what Dr. Schilling's reputation was in the community where he lived for truth and veracity?

Prosecution: May it please the court, I object in that it is improper. The defense has the right to ask whether or not the reputation is good or bad.

Whereupon there was argument made by both defense and prosecution.

President: Objection overruled

A His reputation was good

Q When you were in Italy with Dr. Schilling and his family, did you learn that he was going to Dachau?

A I got a letter from him--it was written in Munich--telling me that he was going to work in Dachau

Q Did that information, in any way, surprise you?

A It did not surprise me--it shocked me

Q And why?

A I could not understand that he, who was always against such people, now wanted to work for them

(Hubner-direct)

But somehow I believe that what he did do would all right

Q Did you have much connection with Professor Schilling in connection with his work?

A I have asked him frequently about his work and had him explain what his work was about, especially after he started working here and, when I came back to Munich, I asked him about it. In Italy I knew that he was working on the State Institution of Hygiene and in Voltaire in the Lunatic Asylum. And when he worked here I inquired about it. Then he told me that it was the last possibility that was offered to him to go on with his research work. He said he was already old and not many years left to him. He spoke to me about the disease of malaria as a scourge of humanity in the world. And he said he had only one aim and that was to help and to cure this disease. He told me that assistants and much help and money was offered him for laboratory here. And he would take this opportunity to to on with the research. That I understood. And as I had never any reason to doubt his honesty or his good will I had no reason to doubt his good will now

Q You are presently employed in the Military Government, are you not?

A I am employed in the Military Government since May of this year

Defense: That is all

(Hubner-direct)

CROSS EXAMINATION

Questions by the Prosecution.

Q Mrs. Hubner, do you still believe at this time that Dr. Schilling's work here at Dachau was perfectly legitimate and proper?

A I am not an expert but I believe that his intentions were ok

Q I didn't ask you that question, Mrs. Hubner, I asked you, do you still believe at this time that Dr. Schilling's work here at Dachau was perfectly legitimate and proper? Do you understand the question?

A I believe it is a funny question to answer

Q Can you answer that question?

Defense: I object to that question because that is what the court is here for--the court is to decide that question.

President: The objection is overruled.

A If he had volunteers it would have been absolutely legitimate. If he had volunteers as patients

Q And the fact that he did not have volunteers makes it grossly improper?

A One can discuss that

Q Dr. Schilling told you that malaria was the scourge of humanity, did he not?

A Yes

Q Did he also tell you that he was increasing that scourge by inoculating people who had been healthy people?

A The risk he had taken with the healthy people was (Hubner-cross)

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a few people. It was a small comparison to the hundreds of millions of people who would benefit by his experiments

Q And do you feel that he had the right to inoculate these people without consulting their own wishes in the matter?

A No

Q And the ultimate aim of finding a cure for malaria would not justify his inoculating these people against their will, is that correct?

A I can't decide that

Q Do you know the physical condition of the prisoners upon whom he performed these experiments?

A No, how should I, but I think he did absolutely his best to choose somebody who would be the fittest he thought

Q And, of course, you base that solely on your opinion of Dr. Schilling, is that correct?

A Of course

Q And what would you think of Dr. Schilling if he took a person who was not suffering from malaria or typhus and took the blood from a person who had malaria or typhus and injected it into a man and killed him?

A Here is only a question of malaria?

Q And typhus

A I object to doing it to people who are not volunteers

Q I didn't ask you that question

Defense: I object. The witness is entitled to some protection. The prosecution is going into philosophy, and, in my opinion, the question is not relevant.

(Hubner-cross)

President: The objection is overruled

A If Dr. Schilling would take the blood of a person who had malaria and would infect another person, I think he did it for the very best intentions and did good by it for his research work. That is what I think

Q In your opinion, Mrs. Huebner, a man who would do the things that I have outlined to you would not be a murderer, is that correct?

A No

Prosecution: That is all

Defense: No questions

President: The witness is excused

Defense: The defense calls at this time Frau Duerck. Frau Duerck, a witness for the defense, was sworn in and testified through an interpreter as follows.

#### DIRECT EXAMINATION

Questions by the Defense

Q Will you state your full name, please?

A Mrs. Maximilian Duerck

Q Will you spell your last name, please?

A D-U-E-R-C-K

Q Where do you live?

A In Munich

Q And whereabouts in Munich?

A Bavaria Ring No. 6

Q And what was your husband's name?

A Hermann Duerck

Q And what was his profession?

A Anatomical Pathologist and university professor

Q And was he, in any way, interested in malaria research?

A Very specially

(Duerck-direct)

- Q Did he also spell his name Duerck?
- A No, our name always was Duerck but was frequently misspelled
- Q And how long have you know Professor Schilling?
- A Since 1924
- Q Are you related to Professor Schilling?
- A No
- Q And what was your personal profession?
- A I was a nurse
- Q And did you assist your husband, Professor Duerck, in his experiments with malaria?
- A Many years
- Q And how well do you know Professor Schilling?
- A Very well
- Q Will you tell the court what Professor Schilling's reputation was in the community for truth and veracity?
- A I can only say that it was untouchable
- Q Did your husband, Professor Duerck, work with Professor Schilling?
- A I do not think so, but I can't say
- Q Do you know whether or not your husband, Professor Duerck, studied with him?
- A Yes for all their student years the two men were together
- Q Do you know Professor Herst?
- A No
- Q Derheart?
- A No
- Q Do you know whether or not your husband worked with them?
- A No
- (Duerck-direct)

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Q Do you know what Professor Schilling's reputation was in the field of his work?

A Yes, he was always regarded by his colleagues as a serious scientist

Defense: That is all

#### CROSS EXAMINATION

Questions by the Prosecution.

Q Mrs. Duerck, do you know what work Dr. Schilling was engaged in here at Dachau?

A Yes, I know

Q Would your husband have done the same thing?

A No

Prosecution: No further questions

Defense: No questions

President: The witness is excused

Defense: The defense calls as its next witness, Dr. Eisenberger.

Dr. Eisenberger, a witness for the defense, was sworn in and testified through an interpreter as follows

#### DIRECT EXAMINATION

Questions by the Defense

Q Will you state your full name, doctor?

A Karl Eisenberger

Q And where do you live, doctor?

A Petten Kofenstrasse 35, Munich

Q What is your profession, doctor?

A Lawyer--secret legal counsel

Q And how long have you been practicing law?

A 52 years

Q How long have you known Dr. Schilling?

A Over 30 years

(Duerck-direct, cross and Eisenberger-direct)



Q And do you know Dr. Schilling's reputation in the community in which he lives, for truth and veracity?

A I learned to know Dr. Schilling from the fact that his family had a friendship with a married sister of mine. This acquaintance goes back for 40 years and is still lasting

Q Do you know what his reputation is for truth and veracity?

A I frequently had the opportunity, through my friendship, with his family, to meet Dr. Schilling when he visited his relatives in Munich. We discussed various things, familiar and personal, and, in that way, I learned to know him personally

Q What do you know of his character?

A I consider him a highly respectable man, reliable and of good will. I also would like to say that I consider him a serious research man. And that I learned from his conversations that he was looking only for the advantage of science and not for his own advantage. I would also like to add to his character study that I do not think that Dr. Schilling would ever do anything that he personally considers to be wrong.

Defense: That is all

#### CROSS EXAMINATION

Questions by the Prosecution

Q Doctor, do you know what work Dr. Schilling was engaged in at Dachau?

A No

Prosecution: No further questions

Defense: No questions

President: Witness is excused

(Eisenberger-direct and cross)

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Defense: If it please the court, the next witness has no connections whatsoever with Dr. Schilling.

Prosecution: I don't object to it

Defense: The defense calls as its next witness, Dr. Flocken

Prosecution: Dr. Flocken, you are still under oath.

Dr. Flocken, a witness for the defense, testified through an interpreter as follows.

#### DIRECT EXAMINATION

Questions by the Defense

Q Dr. Flocken, you testified yesterday:

A Yes

Q I hand you a document marked for identification Defense Exhibit No. 20 and ask you what it is?

A That is a document of the Reich Ministry for Food and Agriculture which determines the rations for April 1945

Q On page 4 and 5 thereof what do you find?

A I find the quantitative amount of rations for the civilian population

Q State whether or not that was the last effective ration under the 3d Reich?

A Yes, according to this document

Q Do you know whether or not there was another reduction by that was never carried out?

A Yes

Q On pages 4 and 5 what is line 1?

A On line 1 there is the normal civilian ration

Q What is line number 14?

A On line 14 there are additions for heavy laborers (Flocken-direct)

Q In other words, a heavy laboring civilian is entitled to the quantities we found in line 1 and line 14?

A Yes

Q What unit of measure is used in each of those lines?

A Grams

Q Now, I hand you a piece of paper marked Defense Exhibit No. 21, for identification, and ask you if you recognize that?

A Yes, that is the number of calories in the various rations which are entered in here

Q Defense Exhibit No. 21 reflects the calorie content of the rations on which two lines?

A On lines 1 and 14 of this document No. 20

Q And who made the entries on Defense Exhibit No. 21?

A I entered the number of calories on it

Q Now the quantity shown in Defense Exhibit No. 20 is for what period?

A For three weeks--from the 2d to the 29th of April

Q What are the total calories allowed by the quantities shown in line 1?

A For those on which I could determine it is 18,115

Q Those figures are not yours--the addition--are they?

A No it is not mine

Q Would you like to check it?

A No, I did yesterday

Q What would be the calorie allowance for one day for a normal adult German civilian?

A Those were 900 calories--about 900

Q What then is the allowance in calories for one day for an adult German civilian who is going hard work?

(Flocken-direct)

A 1300 calories. I must add something--that in these rations the food that is vegetables and potatoes are not contained, neither for the normal using parties nor for the heavy workers

Defense: At this time I would like to introduce Defense Exhibits No. 20 and 21 into evidence.

Prosecution: No objections

President: Received in evidence

#### CROSS EXAMINATION

Questions by the Prosecution

Q Dr. Flocken, the data contained on pages 4 and 5 of Defense Exhibit No. 20, does it in any sense include all the rations that a normal German person was entitled to receive during the month of April 1945?

A As I have just said, vegetables and potatoes are not contained here

Q And how many calories are there in 100 grams of potatoes?

A 90 calories

Q How many calories are there in 100 grams of beets?

A I cannot say that

Q Have you any judgment?

A That depends on the sugar and water content and you would have to be a food chemist in order to do that

Q Doctor, this data contained on page 4 and 5 of Defense Exhibit No. 20, it concerns only those rationed and foods, is that correct?

A Yes

(Flocken-direct and cross)

## REDIRECT EXAMINATION

### Questions by the Defense

Q Were potatoes rationed?

A Yes, with the exceptions--I have to correct myself--with the exceptions of potatoes and vegetables, which were rationed

## RECROSS EXAMINATION

### Questions by the Prosecution

Q Doctor, as I understand the computations that you have on Defense Exhibit No. 21 do not include the calorie content of cheese or coffee, is that correct?

A No

Q This total of 18,115 calories would be increased by the cheese and coffee, is that correct?

A It would be increased by cheese and coffee, but it does not amount to a very large number--the difference would be the same

Q When you say that that was approximately 900 calories, I'll ask you whether or not it included the calories content of both coffee and cheese?

A No

Q And all foods were not rationed in the German Reich at that time?

A Most all, I hardly know of an exception

## REDIRECT EXAMINATION

### Questions by the Defense.

Q Was cheese rationed?

A Yes

(Flecken--redirect and recross)

Q Was coffee rationed?

A Yes

Q Were potatoes rationed?

A Yes

Q Were beets rationed?

A Yes

Defense: No further questions

Prosecution No questions

President: The witness is excused

Defense: The defense calls as its next witness,  
Hans Mursch

Prosecution: Mr. Mursch, I remind you that you  
are still under oath

Mr. Hans Mursch, a witness for the defense, testi-  
fied through an interpreter as follows.

#### DIRECT EXAMINATION

Questions by the Defense.

Q Are you the same witness who testified for the  
prosecution on November 20,

A Yes

Q And you were the recording officer from 1941 to  
1945, is that correct?

A Yes

Q And have you been requested to look through the  
death records for a man by the name of Docekalski?

A Yes, Stephan

Q I hand you Prosecution's Exhibit No. 53 and ask  
you if you found that name in that book. Will  
you see if you can find it there now?

A Yes, here it is

Q Will you spell the name, please?

(Flocken-redirect and Morsch-direct)

A The gardener Stephan D-O-C-Z-E-K-A-L-S-K-I

Q Is that the only name similar to that that you found in your search for a Doczekalski?

A That is the only one

Q Does that certificate show the nationality of that prisoner?

A No

Q Does it give the date of death?

A 20 September 1942, at 3 o'clock

Q And what is the cause of death?

A The failure of the heart and circulation system with a post pleurisy

Defense: No further questions

Prosecution: No further Questions

President: The witness is excused

President: The court will adjourn until 0830 tomorrow morning (December 7, 1945)

*W. D. Denson*  
W. D. DENSON  
Lt Col JAGD  
Trial Judge Advocate

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Dachau, Germany

7 December 1945

The court met pursuant to adjournment at 6:30 o'clock a.m., all of the personnel of the court, prosecution, and defense, who were present at the close of the previous session in this case, being present.

All the accused, the reporter and interpreter were also present.

Questions by defense:

Q Doctor, are you familiar with autopsies in general?

A I was an assistant for one and a half years in the pathological institution of Munich and I also performed autopsies where malaria was involved so I'm fairly well informed.

Q Can you tell the court, Doctor, what you would expect to find on an autopsy in the event of death by neosalvarsan intoxication.

A In intoxication of neosalvarsan almost all organs are affected.

Q How can you determine what effect neosalvarsan is upon the organs by an autopsy?

A The most important signs will be found in the kidneys because neosalvarsan, after it is injected into the blood stream, will be thrown out in the kidneys first. The kidneys will be inflamed, also the liver will be effected by neosalvarsan, and the rest of the organs in a lesser degree. The inflammation can develop into the dying of the cells, necrosis, and also the blood cells, capillaries, have to suffer the intoxication. Before a diagnosis by a poisoning by arsenic, the chemical set up of arsenic must be determined chemically. There must

(Schilling-direct)



be a chemical determination of arsenic in order to prove that arsenic is present. The amounts of arsenic which are usual in the treatment, for instance of primary syphilis, the syphilis is treated with amounts up to six grams over a time of six to eight weeks. As I mentioned yesterday, I used doses of one point eight grams instead of this six grams. I had nine cases which were observed for 23 months, that is almost two years, and nothing happened to them.

Q Is it possible, Professor, to determine the cause of death to be malaria by a mere autopsy without the use of microscopic examinations?

A No.

Q Is it possible, Doctor, to determine the cause of death to be malaria without complication, without the use of microscopic examinations as to what extent malaria contributed to the death?

A A pure case of malaria deaths, as you run across in Greece, very often the cause of death can be determined even without a microscope but to determine without a microscope how much malaria contributed to the death when there were other complications, impossible.

Q Can you tell, without the aid of microscopic examination, whether or not a person died as a result of a dose of pyramidon?

A That is a very difficult question.

Q And in what way is it difficult, Doctor?

A Because pyramidon intoxication is a very rare case. I think that in literature you will find very few cases where pyramidon is determined as the cause of death, but

(Schilling-direct)

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if in those cases which I'm charged pyramidon was used in connection with typhus, then I will say it is impossible to determine whether this is a case of pyramidon or typhus.

Q How many cases, Doctor, will you say died in Dachau of the one thousand that you infected with malaria.

A How many died of malaria?

Q Yes.

A According to my knowledge, not a single one died of uncomplicated malaria. Not a single case was told me by the Doctor Blaha, who performed the autopsies, that showed malaria as a pure cause of death without complication. It would have been of very great interest to me to see such a case and to determine that this is a case where death was caused by pure malaria.

Q Tell the court something about the weight of your patients, Doctor, during the experiments that you performed.

A I made up a compilation on that, and I determined that in case of a relapse or recurring attack, the weight had somewhat decreased, that should ever be known to a layman on account of the fever that there will be a slight decrease in weight. As here, the case of Wiccki, who is a witness here for the prosecution, on 26 July 1942 when he entered the malaria station, he weighed fifty kilos during the fever period which succeeded his injection, that is after he was infected by mosquitoes, about four weeks later he weighed 49.5 kilos, which is about one pound less, than after four months he was weighed again and he weighed 51 kilos and after a further four months he weighed 61 kilos. That is from July until April of the next year where he gained 11 kilos. I figured out an average with a large number of patients and the increase in weight was on an average

(Schilling-direct)

of 1.7 kilos and we had weight increases up to 23 kilos. In this compilation I paid no attention to the fact of whether the patient had a fever attack shortly before he was weighed, so that I might say that the weight increase was not disturbed by the malaria, otherwise the general increase, the average increase of 1.7 kilos would not have been positive, and furthermore, you can say that the food that these people received was at least sufficient. At first, I was able to give the patients additional food, food in addition to their regular diet. This additional food was bread, fat, margarine, and above all, milk. That was the addition which was given the hard laborers. Under those circumstances, you cannot say that the patients in the malaria station did not get enough to eat.

Q Did you ever transfer from the malaria station to another station, or ward, any patients who had been infected with malaria and were about ready to die so that they would not die in the malaria ward but in another ward?

A That is a thought that the malaria station should not be charged with. Any deaths - if a patient became sick in my ward of an infectious disease, then it would have been a crime against my duty as a doctor to let the patient lie among the other patients, because then I would have further infections in the ward. There was a ward for infectious diseases, and I had to transfer my patients out of my ward into this infectious ward. It would have been pitiful if I had transferred the man into another ward just to say that this man did not die in my ward.

Q Did you give any instructions on a situation of that kind in regard to the death certificate, which names the cause of death?

(Schilling-direct)

A I never gave any instructions of that kind, I never even expressed my wish towards anyone that there should be irregularities in the cause of death. It would have been against my scientific interest not to say the real cause of death. Only a man who has no knowledge of scientific work can make such a statement.

Q Repeat the last part of that answer please.

A A man who makes such a statement has no idea about what a scientist considers his highest law.

Q Tell the court just why you accepted this commission to come here to Dachau and perform these experiments on prisoners that they had here?

A Before the conversation took place with Doctor Conti, and above all, with Himmler, I stood, you might say, in front of a scale. On the one side there were the thoughts and considerations which each doctor must have if he desires to perform experiments on human beings. On the other side of the scales there was the great importance of these experiments. I said yesterday that 17 million cases of malaria were determined by commission of the League of Nations, of which I am a member myself, and these millions of sicknesses, and even death cases, they constituted the heavy weight which tipped the scales. I knew of the responsibility and I took it upon myself, in the name of science, and above all, in the name of humanity.

Defense: You may cross examine.

#### CROSS EXAMINATION

Questions by prosecution:

Q You say you did this in the name of humanity, then why didn't you experiment on yourself?

(Schilling-direct,cross)

- A I can answer that like this, because I myself had malaria in 1933. I was infected with malaria at least three times in Africa. If a man has once had malaria, his state of immunity is changed with respect to a man who has never had malaria up to that time. If you had injected it in me, you wouldn't have proved anything. Among the many cases which I examined in this respect, you will find that a man who had malaria even 20 years before cannot give you a clear picture of the infection.
- Q So that these people that you infected, 20 years from now they will still have malaria, is that correct?
- A No, he would have the consequences, but not the malaria.
- Q What are the consequences of malaria that these men will have?
- A If I infected a man who had malaria a year before, or two years, or twenty years before, I observed cases that didn't react at all to malaria. That is the foundation of my entire work, that malaria changes its immunity, so it can happen that a man who had malaria but has no more parasites of malaria in his body will not react at all to a new infection. I also observed cases where a man of that type will have a very short attack of malaria and then there was a condition which I call labile infection. That is a condition where parasites appear in the blood, but without fever. That is an appearance which is frequent, for with other types of diseases which are caused by one celled animals.
- Q Isn't it a fact that malaria is a recurring disease?
- A Yes.
- Q Will you please describe to the court the effect of malaria on the human constitution?

(Schilling-cross)

A That might be best if I answered this question, how does the human body react in the early years of childhood.

Take for instance, a very heavy endemic.

Q Just a minute, Doctor, I would rather that you would just tell the court how malaria effects the heart?

A That, I will tell you in the course of the picture.

Q I don't know how long this picture would take, but will you please just answer the question that I propound to you?

A I shall do it if you insist, but I would like to ask for my right to explain what I consider necessary.

Q Doctor, if you can't answer the question that I asked you, you have the right to say so, all I want to know is how does malaria effect the heart.

A I am going to answer it, but I wish to answer it in the course of the matter that I wish to tell you.

Prosecution: I would like to have the witness instructed that he can answer the question properly, and later, if he wants to, he can elaborate, but he can do that at the proper time, but now just answer these questions that I ask him. How does malaria effect the heart of a human being.

Defense: I don't claim to be scientifically informed, but I do know that the average case requires more than an answer of Yes or no, and I request the court to let Doctor Schilling to give his answer to the court as he sees fit.

Prosecution: Anything that the defense wants to add later on is perfectly all right. I haven't asked Doctor Schilling for a yes or no answer, I merely want to know how does malaria effect the heart of a human being. If he can tell us, all right I want the answer without a lot of elaborating, and that is what I think is proper.

(Schilling-cross)

President: Doctor Schilling, you have in your behalf the defense counsel in whose questions in direct and redirect examination that you have you can give to the court every view that you feel is necessary for your defense. The prosecution desires to bring out certain facts before the court. We feel that you should be as responsive in your answer as possible. Such details as not brought out by their questions can be brought out by your counsel in redirect examination. We do not want to limit you in your defense, but we do feel that it is reasonable to expect you to answer his questions if you can.

Doctor Schilling: In the course of my explanation, I will answer this question.

President: The question should be answered with the greatest conciseness and brevity, confined to the question itself, don't go into the byways and highways, just briefly and consisely as possible.

Q I'll ask you again, what is the effect of malaria on the heart of the average human being?

A The heart will take a very small part in acute malaria in a simple attack. It is different if you are confronted with chronic malaria. Then, of course, the heart muscles will suffer under the malaria poison. And if the patient should die of malaria you will find several strains of muscles will be shrunken, the heart will be flabby, possibly even somewhat diminished in size. A picture which you will frequently find in connection with chronic diseases, for instances, tuberculosis.

Q Will you tell us please what is the effect of malaria on the blood of an average human being?

(Schilling-cross)

A The blood decreases in blood cells, red blood corpuscles and an anaemia will take place, there will be a slight change of the white blood corpuscles, you will find more so-called monolytes, the watery substance of the blood will increase at the cost of the red blood corpuscles, and that is the effect.

Q The red corpuscles feed the nervous system of the brain, do they not?

A The brain is the main organ with respect to acute malaria. Of course, the brain will also suffer under the anaemia of chronic malaria, but the most important changes are in the brain. The smallest capularies of the brain will be, as a matter, plugged and blocked. Because of the fact that the malaria parasites will cling to the walls of the blood vessels. The most important sign in the brain will be small collections of white blood corpuscles. These changes were named by Duerck, the husband of the witness who was here yesterday and as a consequence are called the Duerck corpuscles. In doubtful cases where you might doubt whether you are confronted with malaria or not, the proof of the presence of these corpuscles is absolutely necessary. Secondly, furthermore, malaria is designated by the forming of a black pigment, and this pigment is very characteristic for malaria and when you have a case where it is doubtful whether malaria contributed to the death or whether another disease, then the proof of the presence of this black pigment is very important. The Duerck corpuscles can only be determined by microscopic examination, and the presence of Duerck corpuscles can only be proven by preserved sections of a cut, by a microtome, while the presence of the pigment can be proven by a mere squeezing of the organ.

(Schilling-cross)



Q Is it not a fact that malaria consists of both chills and fever?

A Yes.

Q And the effect of malaria, less any certain diseases, is to wear down the human constitution to susceptibility of other diseases?

A As a general rule, you might answer this question with yes, but the acute malaria is only very little able to lower the susceptibility of the body towards other diseases. It is different with the chronic.

Q The presence of fever tends to lower the resistance of the body to other diseases does it not?

A I don't wish to answer that with Yes, without comment.

Q Just a minute, Doctor. I'm not asking you any further with respect to that.

A I haven't finished my answer yet. I observed a number of cases where the patients got typhoid fever and I had seven cases like that and of those seven cases, two died, so that is a mortality which is no higher than the mortality of the entire camp on typhoid fever, so you cannot say that the typhoid infection lowered the resistance against malaria, at least, you can say the opposite.

Q In either event, the presence of both the malaria and the typhoid contributed to the death of that individual did it not?

A That is possible, but it is <sup>not</sup> impossible that those two people if they had had no malaria wouldn't have died anyway of typhoid. I just mention that the mortality rate in the camp was in relation to two to seven, that is pure typhoid cases, there were plenty that died in the camp.

(Schilling-cross)

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- Q Now, Doctor, these patients that you had, I believe you were asked yesterday whether or not they were volunteers, is it not a fact that these people that you inoculated with malaria were not volunteers?
- A Yes, that is correct.
- Q Now, you mentioned just a moment ago two cases of death from typhoid fever, is that correct?
- A Yes.
- Q Now, that was not typhus fever was it?
- A No.
- Q Now, in the conduction of your office, I believe that you stated that you had each patient examined thoroughly prior to the time that they were subjected to the inoculation, is that correct?
- A Yes, I left that up to my assistants, the SS doctors. I observed the temperature of the people before the fever appeared. The temperature is a very great process in order to determine the general health of the human being.
- Q And you visited that block every day did you not?
- A During week days and Sundays, with few exceptions, I was in the ward.
- Q You examined the different patients that you had there did you not?
- A Naturally.
- Q And the records that were kept were kept under your direction and supervision were they not?
- A Yes, I constantly looked through the records. I had the records constantly at my fingertips.
- Q And when you went to the hospital in the early part of 1945 you still kept in touch with the malaria establishment did you not?

(Schilling-cross)

A An SS man was sent to me in the hospital who told me through my assistants all about the conditions of the patients. Of specific interest there were the pyramidon cases which he was preserving. The first entry was on the 14th of March and go on until the 21st of April.

Q How many patients did you treat with the pyramidon?

A There might have been altogether 16 to 17 cases.

Q Do you remember the name of Balcerick?

A No, I don't remember the name.

Q Do you remember any of these names, doctor?

A I can only remember these last five cases, Butkrow, Gurchyk, Schtschitina.

Q I hand you a card marked as prosecution's exhibit number 131 and ask you to state whether or not you have ever seen that before?

A Yes, I saw it before.

Q And what is it Doctor?

A That is a compilation of the cases which I treated with pyramidon, 19 cases.

Q And of those cases, Doctor, don't you know as a fact that four of them died?

A As I remember these, there were three, not four. I might say the following about these cases. A group of cases were treated by me with pyramidon as an experiment in order to find out what effects pyramidon has, first on the fever, second on the parasites. These experiments were of the greatest importance of the entire problem of immunization and determined that pyramidon can decrease the temperature so that the patient doesn't feel anything of his fever, he has a normal temperature but has parasites in the blood. Then, I noticed that the effect of pyramidon (Schilling-cross)

decreases after several days and that is the effect on the fever. After I determined that I could give up to two grams of pyramidon without noticing any harmful effects on the patient, so I gave two grams of pyramidon to five people who were in the first stage of malaria. if I remember correctly, I have no records of this, because my records were burned in my absence, I noticed that with three patients at different times in the same day, the temperature rose. I examined the patient and then I found the first one and the second and the third, all had the characteristic rash of the skin which is a sign of typhus. I myself had typhus in Persia and I knew this rash from other cases very well. So that I was convinced that here I was confronted with the typical, real, typhus. So it was my duty to remove these patients from the malaria ward because a transmittal from man to man is possible. From out of these five patients, according to my knowledge, two recovered and three died, so far as I know; I don't know about the fourth.

Q Of those three that died, how much pyramidon did you give them?

A Two grams per day.

Q You never at any time gave them more than two grams per day is that correct?

A It is possible that I gave maybe one of the patients three grams.

Q At the time you gave the three grams you were experimenting with him by giving him an overdose were you not?

A They were all experiments - there was nothing unusual.

Q And three grams was more dangerous then when giving two grams was it not?

(Schilling-cross)

- A Not necessarily so.
- Q As a matter of fact, didn't you give those five men that you mentioned three grams of pyramidon and directed that they receive three grams of pyramidon for the next ten days?
- A That was the intention, to give pyramidon as long as - I don't remember that anymore. It was those five that I gave pyramidon.
- Q Isn't it a fact that you gave or directed that they should receive one and a half grams of pyramidon through the mouth and one and a half grams through the rectum as one dose?
- A Yes.
- Q Now, Doctor, you knew that in November 1944 there was a typhus epidemic raging in the camp did you not?
- A Yes, I heard about it.
- Q And as a matter of fact, you were also aware that blocks 21, 23, 25, 27 and 30 were quarantined as typhus blocks, did you not?
- A No, I did not know that.
- Q You never at any time knew that those blocks were quarantined as being typhus blocks?
- A No.
- Q As a matter of fact were you not informed by one of your assistants that typhus was raging in the camp and that these experiments should not go on because of that fact?
- A No, an assistant did not tell me that. I found out by talking with colleagues, like Doctor Hintermayer. I doubt that one of my assistants told me that.
- Q In any event, it is a fact that you knew that this typhus epidemic was raging and that people were dying like flies, is that not correct?

(Schilling-cross)

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A That the people died like flies, I don't know. But I did know that typhus was in the camp.

Q It is a fact is it not that you continued these experiments during that time?

A Why not?

Q Just answer my question, Doctor.

A That I continued the experiments, naturally I continued.

Q And you continued to inoculate those who did not have malaria with the blood of people who had malaria and which came from this typhus infected camp did you not?

A I inoculated them by means of the anopheles mosquito and the blood of the people that were in the malaria station and under my own eyes. That I ever transmitted blood from a patient who was infected with typhus into a perfectly healthy one, that is out of the question. I didn't do that, didn't order that at any rate.

Q Isn't it a fact that you had men inoculated with malaria who never remained in the malaria block?

A That is not at all possible.

Q You mean to tell the court that every time that a man was inoculated he was immediately brought to the malaria station and remained there.

A I don't know of any case that ran any different.

Q Doctor, do you recall a man by the name of Jechezowsky.

A I heard so many names like that that I can't remember.

Q Doctor, I hand you a card marked as prosecution's exhibit number 132 and ask you to state what that is.

A That is the record of one case.

Q Record of one case of what, Doctor?

A He received two CC's five times of the blood from Jasoshillen Untrachtora

(Schilling-cross)

- Q Look at this card. Tell the court what the words stand for on the left hand side of the card marked as prosecution's exhibit number 132.
- A Here it is written in pencil - ambulant.
- Q Whose hand writing is that that wrote ambulant?
- A I don't think it is my hand writing, that is the hand writing of one of my assistants, I don't write like that.
- Q That term "ambulant" was placed on those cards for what purpose, Doctor?
- A When a patient was treated and had no parasites in his blood, like in this case, and was later on treated, then several patients, I relieved, and that is the meaning of the word ambulant.
- Q In other words, that man after he had been inoculated five times with two CC's of blood of infected persons, he was sent back to his block, was he not?
- A He went to his block and was treated with quinine and atabrine as here noted.
- Q Looking at the case history of that man, what happened to him on the eighth day of March 1945?
- A He died of typhus after he had been received in the infectious department on 26 February.
- Q In other words, on the 27th day of January 1945 you again inoculated him with five CC's from the blood of another infected man did you not?
- A Yes, but I took the blood of a malaria case, from *Pigiclinos nasae*, and he received a third injection in the course of the inoculation.
- Q And what date was that third injection?
- A January 1945.

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Q On the fourth day of February he had parasites in his blood did he not?

A Yes, as happened often.

Q And on that same day forty five hundredths grams of neosalvarsan?

A Yes.

Q And on the fifth day of February three tenths grams of atabrine were given him were they not?

A Point three grams of atabrine.

Q On the sixth day of February you gave him two grams of quinine didn't you?

A Yes, that is here.

Q And on the 26th day of February you sent him to the infectious ward did you not?

A Yes.

Q And on the eighth day of March he died of fleck fever, is that correct?

A Yes.

Prosecution: We offer at this time prosecution's exhibit number 132 in evidence.

President: Received in evidence.

The court then took a fifteen minute recess until 10:15 O'clock am., at which hour all members of the court, the prosecution and defense, all the accused, the reporter and interpreter resumed their seats. The witness, Doctor Schilling, resumed the stand.

Q With respect to the doses of pyramidon, is it not a fact that you gave or directed that there should be given doses of three grams per day for a period of five successive days?

A Yes.

(Schilling-cross)



Q You mention these persons that died who had received the pyramidon, do you know how long it was after they received the last doses of pyramidon that they died?

A I don't know that because the people were transferred because of their typhus and Doctor Blaha did not notify me that the new born cases of pyramidon poison. If Doctor Blaha would have notified me I would have stopped the experiments immediately. The cases are Doctor Blaha's fault.

Q Do you recall a man by the name of Sowa?

A No.

Q Doctor, I hand you a document marked as prosecution's exhibit number 133 and ask you to examine it and tell the court what that is?

A Here it says Sowa Peter, he was infected with a strain of Madagascar and then he was a donor for the transmittal of the strain, then he received neosalvarsan and quinine and then it seems that he was transferred back from the infectious ward to the malaria ward.

Q Tell the court, please, just what that chart represents.

A I don't know that.

Q You never saw that chart before?

A No, I can't state that with certainty. I don't remember to have seen this chart before. The first entries were on 5 April 1945, at that time I was in the hospital in Harr, near Munich, four days after my operation. I couldn't have seen that chart, because after I returned to Dachau after my operation I was not at the malaria station any more. I do not know why this man was transferred from the typhus ward and not mentioned here.

(Schilling-cross)

Q Isn't it a fact that charts of that kind were kept under your direction and supervision?

A Yes, uncountable.

Q And that is the typhus chart that was kept regularly by you to show the fever that the particular patients had over a period of time is that correct?

A Not by myself, but by my assistants.

Q Do you recognize the hand writing that appears on that document marked as prosecution's exhibit number 133?

A It might have been the hand writing of Eugene Ost.

Q Was Eugene Ost one of your assistants?

A The prisoner who worked as my clerk.

Q And he worked as your clerk over what period of time, Doctor?

A Possibly a year.

Q As a matter of fact don't you know that he started working for you in 1942, February or March, and continued working for you until liberation?

A I cannot remember that, my laboratory workers changed over

Q Was he a laboratory worker or a clerk, Doctor?

A In the first place, he was a clerk. I do not know whether he took part in the examination, but I trusted this man and he deceived me.

Q Doctor, you say you trusted this man, in what respect did you trust him?

A He had admittance to all records - to all files.

Prosecution: We offer at this time prosecution's exhibit number 133 in evidence.

Defense: I object to the admission of this chart because it is not his chart, he knows nothing about it. This chart was not made by himself, but when this witness was in the hospital. I object to any writings or explanatory matter made during his  
(Schilling-cross)

presence as not being evidence in this case.

Prosecution: The charts were kept under his direction and supervision and control. This is in the hand writing that appears to be hand writing of Eugene Ost, and I submit to the court that if it was done under his control it is the same as if prepared by himself.

President: Received in evidence.

Q Doctor, I hand you two cards marked as prosecution's exhibit number 134 and ask you to examine them and tell the court what they are.

A This is one of the usual card file cards of which I assume they were burned - they were not burned, they were put aside so that they could be used as evidence against me.

Q Why do you think that they should be put aside and used as evidence against you.

A Because otherwise they would have been burned.

Q With respect to prosecution's exhibit number 134 was that man ever inoculated with the blood of one of the carriers of malaria?

A It seems that way - that is what it says.

Q On the page three of this exhibit marked as prosecution's exhibit number 134, I ask you whether or not on the 20th day of February 1945 this man Luszinski was inoculated with five cubic centimeters of the blood from the man Sowa?

A Yes.

Q Also is it not stated that on the fifteenth day of March 1945 this man Luszinski was transferred to the typhus fever ward?

It says so here.

Prosecution: I object at this time, may it please the court, two cards attached to the other as prosecution's exhibit number 134.

Schilling-Proctor

President: Received in evidence.

Q Now, Doctor, how many other men can you recall at this time were infected from the blood of this man Sallow?

A I cannot remember it.

Q You remember an Italian by the name of Calderoni don't you?

A I remember the name, Yes.

Q Isn't it a fact that on 20 February 1945 he was infected with Sowa's blood?

A I don't know that.

Q Isn't it a further fact that within a few days thereafter he developed typhus fever?

A That is possible, but with so many people having typhus it is possible that he received it not from the injection and that is what the prosecutor is driving at, but that he received it through a natural infection.

Q Don't you know that on 4 March 1945 that the man Calderoni died?

A How should I remember that - I cannot remember individual cases.

Q Isn't it a fact that so many died that you can't remember any individual cases?

A No, I don't mean that.

Q Doctor, with respect to the giving of doses of neosalvarsan, is it not a fact that the size of the dose is determined by the physical condition of the person who receives it?

A You will not give doses of neosalvarsan to a severely sick person who is at death's door but to an average person, you can give an average dose.

Q It also makes a difference does it not as to whether or not a man is suffering from malnutrition as to how much you can give him?

(Schilling-cross)

4000

A If a man is suffering from malnutrition so that it is shortly before his death, then one would be careful not to give him a big dose of neosalvarsan.

Q But before you would have to change the sizes of the doses the man would have to be at death's door from malnutrition is that correct?

A I don't understand the question.

Q As I understand your statement, Doctor, is it not a fact from what you state that a man would have been in a dying condition from malnutrition before it would be necessary to change the doses of neosalvarsan that you would give him?

A Then I would not give any neosalvarsan at all if I had a dying man in front of me.

Q If a man is suffering in any degree or form from malnutrition would that effect the size of the dose of neosalvarsan that you would give him?

A That depends on why I would want to give him the neosalvarsan. If I would believe that I could save the life of a man by giving neosalvarsan, I would take the risk.

Q Would it make any difference in the size of the dose of neosalvarsan that you would give a man that is suffering from malnutrition in order to prevent the recurrence of malaria?

A I would not give him the biggest dose but I would give him neosalvarsan.

Q And six tenths of a gram of neosalvarsan every day is a big dose is it not?

A Only for a man who is at death's door.

Q Did you ever hear of the Bayer Pharmaceutical company?

A Yes, certainly.

(Schilling-cross)

- Q Are they a recognized manufacturer of pharmaceutical supplies?
- A It is a very famous firm.
- Q And the information that they put out with respect to the administering of the drugs that they produce is usually accurate is it not?
- A Yes.
- Q Doctor, when you give a man a dose of .6 grams of neosalvarsan over what period of time would it be possible for you to repeat that dose without any detriment to the man to whom you gave that dose?
- A It depends on the entire physical condition of that man, and why I would want to give him that dose.
- Q It would depend then on the physical condition of that man. If he was suffering from malnutrition over what period of time could you repeat that dose of neosalvarsan?
- A It depends of what the man is suffering. If he is suffering of a disease which I can influence only by using neosalvarsan, then I will.
- Q Assuming that he is suffering from malaria that you injected into his blood.
- A And you think that he has been suffering from malnutrition?
- Q And he is suffering from malnutrition?
- A I did not see such severe cases of malnutrition that I had doubts whether or not to give him neosalvarsan or not.
- Q Father Wiecki weighed only fifty kilos when he came to you did he not?
- A Yes.
- Q Do you tell this court that a man of that physical size of weight as Father Wiecki was not suffering from malnutrition when he weighed only 50 kilos?

(Schilling-cross)

A After Wiecki was injected on 27 July through mosquito bites he received on 25 August neosalvarsan and quinine. During these days Wiecki did not give the impression that he was suffering from such a severe case that it would not warrant giving neosalvarsan.

Q A man, in your opinion, of the size of Father Wiecki, weighing only 50 kilos, was not suffering from malnutrition that it would not be detrimental to give neosalvarsan in the size of doses that you gave?

A I did not have the impression that he was suffering from such a severe case that he could not receive the doses that I gave him.

Q If a man weighs only two thirds his normal weight is he suffering from malnutrition?

A What is the normal weight?

Q I didn't ask you that, please answer my question.

A If he's weighing 50 kilos at his height, I cannot say without thinking about it what his normal weight is.

Q You observed the physical condition of his body when he came there, didn't you?

A I saw him.

Q And you saw him and you saw that you could count every rib in his body did you not?

A I cannot remember that specifically but as to whether you could count every rib in his body, you can count every rib in my body too.

Q Isn't it a fact that from the appearance of Father Wiecki's body that he was suffering from malnutrition was plain.

(Schilling-cross)

1555

A The nutritional state of a person you can only say as you would see under normal circumstances.

Prosecution: We object to the translation. Please translate the entire answer, what he started to say and what he said. Ask him to please repeat exactly what he said before.

A In general the nutritional states of the summer of 1942 were not bad yet.

Q Is that the answer you made to the question that was asked you previously, Doctor?

A I said it somewhat differently, I said before, is it not in the notes, its meaning is the same.

Q Would you please repeat if you will, Doctor, the exact words that you stated before which were not interpreted by the official interpreter.

Defense: I submit that any error in translation is not Professor Schilling's fault, and I don't think that he should have to submit to a brow beating by the prosecution. Prior to this the practice has been to merely state the question over and get the answer again.

Prosecution: If the witness made an answer which was not interpreted, I think it fair that he be asked to repeat the same line that he used before and let the interpreter translate it, and I think it fair and just that he do that.

Defense: I submit that I think the prosecution should continue to play ball with us as we have done with him.

Prosecution: And I think that we are doing that, may it please the court.

President: The objection is not sustained. It is not a question of an error, but a question not interpreting the complete answer.

(Schilling-ccoss)

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Prosecution: Will you please at this time state again the answer that you made when the question was first asked you, please?

A I want to hear the question again.

Whereupon the reporter reread the question.

A Then I started to give an answer that the physical condition was as it was in general in the case, you remember that it is .....

Q Doctor, we'll go to something else. Now, with respect to people that are suffering from malnutrition, does that fact play any part in determining the frequency and the sizes of the doses of neosalvarsan that person may receive?

A If a man would suffer from recognizable malnutrition and if I would have to give him neosalvarsan then certainly I would give him small doses.

Q And these patients of yours received six tenths grams of neosalvarsan at a time did they not?

A Then it was necessary.

Q And a number of them were suffering from malnutrition were they not?

A Not of such severe malnutrition that neosalvarsan was contraindicative.

Q Is it possible without endangering the health of the person who receives the neosalvarsan to receive doses every day of six tenths grams?

A According to my knowledge I never administered neosalvarsan six tenths of a gram over a period of several days in a row.

Q Over what period of time did you administer these doses of neosalvarsan and in what quantities?

A I think I said it yesterday that I gave a group of nine or eleven patients one day six tenths grams of neosalvarsan and then four days later, point three grams.

Prosecution: We object to that translation, may it please (Schilling-cross)

the court. Doctor, will you please repeat your answer?

A Yes, on one day I gave .6 grams of neosalvarsan and then on four days .3 grams each.

Q Those were four consecutive days is that correct?

A Yes.

Q So that you gave a total of three grams of neosalvarsan in the space of five days?

A No, that is 1.8 grams.

Q Doctor, was that the largest dose that you ever gave over that period of time to any of these men?

A As far as I can remember, yes.

Q If a man is suffering from dysentery is it not a fact that it is dangerous to give doses of neosalvarsan in the amount of six tenths grams?

A I don't believe so.

Q As a matter of fact you and your assistants gave doses of six tenths grams of neosalvarsan to persons who were suffering from dysentery didn't you?

A I cannot remember that.

Q Do you say at this time that you did not do such a thing?

A I state that I don't know it any more.

Q In other words, you may have done so, is that correct?

A It all depends on the degree of dysentery. If a man who has a light case of dysentery, who is suffering from loose stool, I would have no objections of giving him six tenths grams of neosalvarsan. If different in severeness then we give them entirely different doses. I want to add

(Schilling-cross)

that in the treatment of syphilis, neosalvarsan is given twice a week and so long until he receives six grams of neosalvarsan. I never used such amounts.

Q Doctor, what is enteritis?

A Enteritis is an inflammation of the intestines.

Q Commonly called dysentary is it not?

A No.

Q What sort of an inflammation is it?

A As I said, an inflammation of the intestines.

Q How does it effect the body?

A It is a temporary sickness of the body.

Q What are the symptoms of it?

A Diarrhea of different degrees.

Q I hand you a document marked as prosecution's exhibit number 134B and ask you to examine it and state what it is?

A This is a leaflet which included in the packages of neosalvarsan.

Q By whom is that issued?

A By the Bayer I.G. Farben Industry.

Q Doctor, will you please - I call your attention to paragraph 7 of prosecution's exhibit for identification number 134B and ask you to read that to the court.

Defense: I object to the witness reading from a document which is not in evidence and which the court knows nothing about. We don't know whether it is instructions to physicians or if it is instructions contained with neosalvarsan for public consumption and is not necessarily evidential in this case.

Prosecution: I submit that it would be evidential whether it is instructions to a layman or to a doctor.

(Schilling-cross)

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Defense: Bayer Company is a company which puts together a lot of these drugs which are sold over the counter which contain instructions for public consumption. And I submit that instructions to a physician would be entirely different matters and that is what we are interested in at the moment. I submit to the court that even a firm like Bayers would not attempt the instruction of physicians in the use of its drugs.

President: The objection is overruled.

A "In between the individual infections, spaces of time should be permitted to elapse, from three to seven days." These are instructions which are for the treatment of syphilis.

Q And for what else, Doctor?

A They are without importance of the treatment of malaria with neosalvarsan.

Q Doctor, read the first page, please, the top line.

A "Preparations of neosalvarsan can be used in all forms of syphilis." The directions for the use of neosalvarsan preparations.

Q And that direction for the use of neosalvarsan preparations appears at the top of this document does it not?

A It is on the third page of this.

Q Then it talks about syphilis too, does it not?

A Only the question of syphilis is discussed.

Q The only question discussed in that document is the one of syphilis, is that correct?

A Yes.

Q Read paragraph 5 please.

A "Such caution in the use of neosalvarsan preparation is also recommended in high degree, under nourished, cocttic, and severe enemic patients. Patients in the status of thymalymphaticus, with diabetic, thyroid diseases, goitor and adascent diseases, tuberculosis,

(Schilling-cross)

diseases of the lungs, of the heart and vessels of the kidneys and liver, even if there is proof of such diseases of these organs suffering of the intestines organs. In fat persons, alcoholism, appalepsy and bronchitus, at first trial doses should be given and only if it is satisfactory should a number of doses be given. The same procedure in people suffering from syphilis with symptoms of the central nervous system."

Q This document does not confine itself wholly to the treatment of syphilis?

A Ontop of page three it says that neosalvarsan preparation can be used in all forms of syphilis and it gives the dose.

Q This says that neosalvarsan can be used in treating syphilis does it not and it also discusses the use of neosalvarsan with respect to persons suffering from tuberculosis.

A Not for treatment according to these doses.

Q It also discusses the use of neosalvarsan with respect to persons who have appalepsies?

A This first part is a general rule.

Q Did you say that the first part is general?

A Yes, and then the dosages are discussed under the heading "Syphilis".

Q Doctor, it also tells you that you should be careful in the doses that you give persons that suffer from intestinal diseases doesn't it?

A Yes.

(Schilling-cross)

- Q It also says to be careful with respect to doses for people suffering from malnutrition does it not?
- A Yes, but here it says that all people who are suffering from a high degree of malnutrition or and some who did not use neosalvarsan in people who were suffering from a high degree - high degree, that is the important point.
- Q It doesn't make any difference whether he is suffering from syphilis or malaria but if he is also suffering from extreme malnutrition you have to be very careful with the size of the dose you give him do you not?
- A Yes, high degree.
- Q Do you remember a man by the name of Grabowski?
- A I remember the name but I cannot visualize the person.
- Q Doctor, to refresh your recollection, in the summer of 1942 isn't it a fact that this man Grabowski got two or three injections of neosalvarsan?
- A How am I to remember that.
- Q And this man developed a skin disease?
- A No, I don't know that.
- Q Isn't it a fact that this man Grabowski developed this skin disease and he was brought to you by one Adam Cierkwick?
- A I can't remember.
- Q Did you have an assistant by the name of Adam Cierkwick?
- A Yes.
- Q Isn't it a fact that Adam Cierkwick brought Grabowski to you in the summer of 1944 and that you decided he should not receive another injection of neosalvarsan?
- (Schilling-cross)

- A If I could see Grabowski I could remember it possibly.
- Q I don't think you can see him, Doctor.
- A I remember one case of general skin disease over the entire body well.
- Q Isn't it a fact that after you had been informed of this man's condition you instructed this Adam Cierkowiez to give him another injection of neo-salvarsan?
- A I don't know that anymore.
- Q Isn't it a further fact that this man broke out in running eczema all over his body?
- A Yes.
- Q Isn't it a further fact, Doctor, that he was then put in the hospital where he remained for over six months?
- A I don't know whether he stayed six months, but it was a long time.
- Q The ultimate fact was that he suffered from locomotor-ataxia?
- A Yes, but he recovered completely.
- Q When did you last see him, Doctor?
- A I don't remember that anymore, but he recovered.
- Q from his locomotorataxia.
- Q Do you remember a Polish priest by the name of Stachowski?
- A Stachowski - is that the man who Father Wiecki mentioned that he died here?
- Q It is a fact that he died here is it not?

(Schilling-cross)

A Not in my list - I looked after that name. Only the name is stated but not the fact that he died.

Q He was a patient of yours wasn't he, Doctor?

A Yes.

Q And you treated him with neoselvarsan, didn't you?

A I don't know that anymore.

Q Isn't it a fact that when he died you went over to the morgue and was present when Doctor Blaha performed the autopsy on this patient?

A I cannot state that anymore.

Q How many times were you over at Doctor Blaha's morgue where he performed autopsies?

A That was three to four or five times.

Q And each time you were interested in the cause of death of patients of yours were you not?

A Certainly.

Q As a matter of fact, with respect to rather Stachowski did you not order that his internal organs should be sent to the University of Frankfurt?

A No, I did not order that.

Q Who was Doctor Conti?

A Doctor Conti was the Reich Physician Leader and at the same time he was secretary of the Ministry of the Interior in Berlin.

Q You were not an SS man were you Doctor?

A No.

Q You were not subject to their control?

A No, I was a free, independent, research man.

Q And you selected Dachau as the place where you would perform your experiments rather than another camp did you not?

(Schilling-cross)



- A Yes, I picked Dachau because it was near the place where I was born.
- Q While you were here you knew that these prisoners were being beaten and being executed from time to time did you not?
- A There was all sorts of rumors about the camp of Dachau but as an outsider, one never knew what was going on in here.
- Q It was happening all around you wasn't it, Doctor?
- A No, around 9:00 o'clock in the morning I went to my laboratory. I went there directly from the gate, across the formation grounds. The same thing I went back at noon. It was my principle not to concern myself about things that were not my business.
- Q These prisoners were the guinea pigs upon which you performed were they not?
- A I ask the prosecutor not to use the expression guinea pigs any more - it is a lowering.
- Q You use, as a scientist, you use guinea pigs in experiments do you not?
- A For my malaria experiments?
- Q No, I didn't ask you that.
- A What do you mean, human guinea pigs or real guinea pigs?
- Q In other words, these prisoners were used as human guinea pigs were they not?
- A No.
- Q The only reason you didn't use the animal is because malaria cannot be transferred to them is that correct?

(Schilling-cross)

A That is correct.

Q Instead of using animal guinea pigs, you used human guinea pigs. Is that not correct?

A I could not use an animal guinea pig. It would not have any sense.

Q So you substituted human guinea pigs for animal guinea pigs?

A It would not have any sense to use the animal guinea pig.

Q Just answer my question, please.

A That is my answer.

Prosecution: No further questions.

#### REDIRECT EXAMINATION

Questions by defense:

Q Just what is this term "Kacharix" referring to which is used in reading Bayet's affidavit?

A Kacharix should be a condition which is free from diseases. It is a severe form of emaciation of weight.

Prosecution: If you will, the court will have in evidence so that the court may see the records before them.

Defense: No objection to that.

Prosecution: That's what he thinks, your Honor.

President: Received in evidence.

Q Professor, referring to your records, you say you say you thought they had been destroyed. Did you tell you that your records had been destroyed?

A I heard from my assistants and that they had been destroyed.

(Schilling-cross, retired)

Q You did infect Father Wiecki with malaria did you?

A Yes, not any more than all other patients.

Q And you treated them with neo-salvarsan didn't you?

A Yes.

Q And he's alive and sitting in the court room today is he not?

A I saw him today, yes.

Q And did you give him the same amount of neo-salvarsan that you administered to other patients that were suffering from the same degree of malaria?

A Yes. May I say something else about the burning of my records?

Q Yes, please do.

A An order came from Berlin on 12 March 1945 to burn all documents which related to my experiments on malaria. I must confess that this order hit me at the innermost. This terrific amount of work involved just to destroy that - that is a terrible impression for me but I did not have any choice. On the 14th of March I had to enter the hospital of Doctor May.

Q How long were you in the hospital?

A Four weeks.

Q When did you get out of the hospital?

A Middle of April 1945.

Q Did you yourself burn the records which you compiled on your malaria experiments in Dachau?

A No, they were burned while I was away.

Q All the testimony brought out by prosecution that a patient was infected by you with malaria, was sent to the hospital with locomotoraxia what (Schilling-cross)

did the treatment of neosalvarsan have with respect to the locomotorataxia that this patient had?

A That locomotorataxia only developed with the bulk of that rash.

Q Did your injection - the treatment - of neosalvarsan, was it in any way a contributing cause to the locomotorataxia which this patient subsequently had?

A I assumed that too.

Q It did or did not? Did your injection of neosalvarsan, have any contributing cause on the locomotorataxia?

A Yes, I assume that.

Q Did the patient die?

A No, certainly I don't know whether he died now or not.

Q Did he die as a result of the locomotorataxia or of the neosalvarsan injections which you gave him?

A No.

Q The Father Stachowski that died, did Blaha tell you that he died from a neosalvarsan intoxication?

A No.

Q You had two assistants I understand, Professor?

A Yes.

Q Will you give me their names?

A The first, Obersturmfuhrer Brachtel, the second one was Pl oetner , he was a hauptsturmfuhrer.

Q Both SS men were they not?

A Yes.

Q Did you have as medical aid men a man by the name of Ost and Adam the Polish boy?

A Yes.

(Schilling-redirect)

Q And did you know that Doctor Brachtel was conducting his own experiments in Dachau in addition to the ones you were doing?

A I did not know that until day before yesterday.

Q Did you know a man by the name of Kronenfelder?

A Yes, he was a prisoner and aid man in my laboratory.

Q And you did not know that Doctor Brachtel was conducting experiments on his own hook so to speak?

A If I would have known that he would have been removed from my malaria laboratory and I would have complained about him.

Q When did Doctor Ploetner come to work for you?

A It must have been in the winter or spring of 1943,

Q How long did he stay with you?

A Until July 1944.

Q Isn't it a fact that he took Doctor Rascher's place later on?

A Yes.

Q Doctor Ploetner experimented with blood coagulation did he not?

A I don't know that.

Q And do you recall the prosecution's witness by the name of Stoehr?

A Yes.

Q Did you know that Ploetner copied all of your records and turned them over to the academy in Paris?

A No.

Q When did you find that out?

A Day before yesterday.

Defense: That is all.

(Schilling-redirect)

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RECRASS EXAMINATION

Questions by prosecution:

Q Who told you, Doctor?

A I found it out from the major.

President: The witness is excused.

Doctor Schilling: I have worked out this great amount of labor - it would be really a terrible loss if I could not finish my work - my report about my experiments as this report will be the substance of further research, and material of - well, you have seen the size of the whole matter and you know the importance of malaria as on the ground of my experiments, can be further a practical and heavy use for research, then it would be of an enormous profit for humanity. I don't ask you as a court, I ask you personally to do what you can - to do what you can to help me that I may finish this report. It is two thirds already complete, I need only a table and a chair and a typewriter and then I could finish this report. Until now, I haven't the possibility to do that but if it is - it would be an enormous help for science, for my colleagues and a good part to rehabilitate my person.

The witness, Doctor Schilling, then took his seat in the prisoner's dock.

President: The court will recess until 1:15 o'clock p.m.

(Schilling-recross)

The court having recessed at 1155 hours,  
7 December 1945, opened at 1315 hours, 7 December  
1945, all the members of the court, the personnel  
of the prosecution and the defense, all of the  
accused, and the interpreter, resuming their seats.

The reporter was also present.

President: The court will come to order.

Defense: The defense calls, as its next witness,  
Fritz Becher.

Fritz Becher, one of the accused in this case,  
took the stand and testified, through the interpreter,  
as follows:

DIRECT EXAMINATION

Questions by the defense:

Q What is your name?

A Fritz Maximilian Karl Becher.

Q When and where were you born?

A The 24th of October 1904, in Landshut.

Q What is your civilian profession?

A Business man.

Q What is your family status?

A Married; one child.

Q Were you ever a prisoner in the concentration camp at  
Dachau?

A Yes.

Q From when until when?

A From the 12th of May 1938 until the 26th of June  
1943; and from September 1939 until March 1940,  
temporarily in Flossenbuerg.

Q Why were you sent to the concentration camp?

A Political.

Q What color triangle did you wear?

A Red.

(Becher-Direct)

- Q What was your work in the concentration camp?
- A First I was in the punishment camp for one and one-half years, then I was in the garage construction, in the gravel pit, on the plantation; then in the prisoner's chamber. Then I was room eldest and then block eldest.
- Q On which blocks were you block eldest?
- A I was on Block 8, Block 15, 19, 26, and Block 19.
- Q Please describe to the court your activities, and the range of your activities, as block eldest.
- A I had to see to it that everything was orderly, clean, and see to the discipline, saw to it that violations of the camp rules were avoided. I distributed the food and saw after that; and led the prisoners to the hospital if they were ill.
- Q Did you ever beat, or beat to death, prisoners?
- A I never beat anyone to death or else I would be in jail today. Now and again I administered a slap in the face as a reprimand, but that was necessary in order to avoid punishment reports to the SS, and so the prisoner would not be handed over to the SS, because otherwise he would have received terrible camp punishment.
- Q Did you ever kick with your feet?
- A I never kicked with my feet, but I told people while marching "get up, see that you get up."
- Q The witness Seibold said that you beat Russians to such an extent that their noses bled as a result. Is that correct?
- A It is possible that a slight bleeding of the nose occurred on a person whom I slapped on the face. I cannot remember any such case,

(Becher-Direct)



because that was years ago and in the meantime I had been a soldier for two years.

Q As block eldest did you ever take any part in any sending-off on invalid transports?

A That was impossible. I was a prisoner and didn't have the power to transfer anybody. That was a matter for the Camp headquarters and the physicians.

Q Becher, did you ever, on your own, exceed the time that was given to you for punitive exercises?

A I could not do that because SS men were present all the time, and the time was determined by the camp headquarters.

Q Becher, there was a witness who testified that you beat another prisoner, Kowalski to such an extent that he had to be sent to the hospital, and died.

A I can remember the case of Kowalski exactly. Kowalski was in charge of the food in my room. The block fuhrer, an SS man, removed him from that position because these positions were alternated. He once became frenzied to me and made personal recriminations against me, and for that I gave two slaps in the face, and he had to go to the plantation for easy work. When he came back he had dysentery. He remained in the block for three days, made the beds filthy, and then I took him over to the hospital. After five or six days, the report came that he had died of dysentery. He

(Becher-Direct)

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suffered from a severe kidney disease.

Q Becher, I have no further questions to put to you. However, in view of the seriousness of your situation, do you want to make any further statement to the court, or to unburden your heart in any way? You may do so.

A Yes. I would like to say that it happened that certain prisoners attempted to make homosexual digressions on other prisoners, and, naturally, these people had to be corrected. It happened that people stole. For example, the smoking tobacco of a man was stolen. Thereupon I asked him whether that was true. He said "No, I could swear to it, it was not true." Then the other prisoner told me to search him, he had the tobacco in his pocket. And that was actually true. I found the tobacco belonging to the other man in his pocket. Then he told me that he had stolen, that he had a weak moment, and that on the next day he would be sorry for it. I could never refuse an order. In 1938, my comrade was shot by the SS block fuhrer, because he had refused the order for us to roll over in poison ivy. Or else I had to climb up on a tree and sing "Silent Night" while two other comrades had to chop the tree down. Or else push a stick in the ground, and dance around it until it was finished. I cannot understand that these people are so cowardly today, and say that these things that happened in Dachau is a lie. The greatest shame

(Becher-Direct)

on culture in Germany were the concentration camps and hell was in Dachau. That is all.

CROSS EXAMINATION

Questions by the prosecution:

Q Now, Becher, after 1942, were any of your comrades shot in Dachau?

A No. That was all before 1942.

Q Did any beatings take place in Dachau after 1942?

A Yes.

Q Who did the beating, Becher?

A Beating? Almost every SS man beat. I never knew an SS Hauptscharfuhrer that did not beat me.

Q Do you know Michael Redwitz?

A Yes.

Q Did he beat you?

A No. He didn't beat me. He was before my time; before I was block eldest. Jarolin and Trinkle beat me, for instance. I had to drive a cart. My hands and forehead were full of pus, but I couldn't go to the hospital. When Seuss saw me, he beat me.

Q Did Seuss beat others?

A Yes.

Q Who else did Seuss beat, that you know of?

A Whomever he could catch.

Q And did he beat them badly?

A I was always crazy when he beat me; he had a pretty strong hand.

Q How badly did he beat the other prisoners, Becher?

A They were also crazy.

(Becher-Cross)

- Q Did Trenkle beat the other prisoners the same way?
- A He was my detail leader in 1939 and 1940, in the punishment camp.
- Q Did you see Trenkle beat anybody after 1942?
- A When he was rapport fuhrer and assistant of the camp leader.
- Q And, during that time, whom did you see Trenkle beat?
- A All nationalities.
- Q Now, you mention Willie Wagner. Whom did you see Willie Wagner beat?
- A He beat me personally, which was in the prisoner's chamber and he beat me in the laundry. Everybody was scared of Wagner.
- Q Did he beat anybody besides you, Becher?
- A For example, when I went to get the laundry, for the men for my block, and a piece was missing, he beat almost all the prisoners.
- Q Who else sitting over there in that dock. Becher, was a beater?
- A Ruppert was well known, too.
- Q And did he beat prisoners very badly?
- A A Pole once showed me how he was beaten by Ruppert in the security workshop.
- Q And was he beaten badly?
- A It was always pretty bad when you were beaten by the SS. No one can imagine what it was like in a concentration camp except he who was in a concentration camp. We were completely finished -- in soul, and in every respect.

(Becher-Cross)

- Q Now, as block eldest in Block 28, it was your duty to determine, in that block, who could work and who could not work, was it not?
- A No. That was not my activity.
- Q But you knew who could work and who could not work in that Block, did you not.
- A No. I didn't know that.
- Q You had nothing to do, then, with the workers that came from Block 28? Is that correct?
- A Block 28 was a working block.
- Q And when a man in Block 28 couldn't work, what did you do with him?
- A He remained on the block and then those who were not sent to anything, and were ill, had to fall out and were taken to the hospital. The physician determined whether or not he was able to work.
- Q Who was sent to the invalid block, Becher?
- A Those who couldn't work.
- Q Isn't it a fact that the block eldest made that selection?
- A No. That is not a fact.
- Q Do you know what an invalid transport is, Becher?
- A Yes.
- Q And invalid transports were sent away from Dachau, were they not?
- A Yes.
- Q And you were block eldest on Block 28, were you not?
- A Yes.

(Becher-Cross)

- Q And isn't it a fact, Becher, that the block eldest had to choose invalids in his block?
- A No. We took them out and were present at their selection, but we didn't pick them out.
- Q Now, it is a fact, then, Becher, that you picked these men out of the Block, isn't it?
- A I did not pick them out of the block for invalid transport. I just led them out.
- Q Isn't it a fact that the block eldest had to pick out the invalids in their block?
- A No. The physician did that.
- Q Isn't it a fact, Becher, that on the 29th of October 1945, you made a sworn statement to Second Lieutenant Lawrence, in which you stated "the block eldest had to pick out the invalids, in their blocks"?
- A Yes, but that was meant in an entirely different sense. I couldn't select them. I was a prisoner.
- Q Now, it is a fact, is it not, Becher, that you had charge of this formation during Holy Week, in 1943, when the priests were driven around the formation place. Isn't that so?
- A I think that was 1942.
- Q Is that correct, and that you were in charge of it in 1942?
- A Seven hundred dollars were found on a prisoner on my block -- gold dollar pieces, and so on. Thereupon the camp leader, Hoffman, ordered the entire block on punitive exercises.
- Q And you had charge of those punitive exercises, did you not?

(Becher-Cross)

- A I had to exercise with them. Five SS men gave the orders to fall down, get up, and so on.
- Q And, during that time, you saw to it that the priests did fall down and that the priests did get up, did you not?
- A I, too; I had to do it, too.
- Q And isn't it also a fact, Becher, that in that block, there were old priests and young priests?
- A Yes.
- Q In fact, there were some of them older than sixty-five years of age, were there not, Becher?
- A Yes, there were some older ones there.
- Q And all of these old priests had to go through these exercises with the young priests, did they not?
- A Yes. That was the order of rapport fuhrer Hipp. He was in charge.
- Q And it is also a fact, is it not, Becher, that you saw that those orders were carried out, even though you had to do it yourself?
- A Yes. I had it, too. Otherwise, I couldn't do anything. If I had refused I would have been punished.
- Q How long did this exercise last?
- A After morning rollcall until noon, and in the afternoon.
- Q And for how many days did it last, Becher?
- A As far as I can still remember, I think it was two days.
- Q And isn't it a fact that during that exercise, a number of those priests fell out from sheer exhaustion?

(Becher-Cross)

A Yes.

Q And isn't it a fact that you kicked those priests that fell out from exhaustion, urging them up and onward.

A No. That is not a fact. No, the opposite thing: I took them to the side and told them, "Come, get up again." Hipp beat me because of that.

Q And you say at this time that you didn't use any force on any of those priests that fell down. Is that correct?

A No.

Q Now, you knew, prior to the time that you beat Kowalski, that he was suffering from a kidney ailment, did you not?

A No, I didn't know it. I had over one hundred fifty in my room -- more than six hundred.

Q How old a man was Kowalski?

A I estimate that he was more than fifty.

Q And you beat Kowalski in the face, did you not?

A With the flat of the hand.

Q And you also beat Kowalski in the body, did you not?

A No, only in the face.

Q Now, you were in the Russian camp, were you not; in Block 19?

A Yes.

Q How many Russians did you have in that Block?

A When I was there first, there were only two or three hundred -- the Russian PWs. Block 17 through Block 29 was closed off.

Q And they were closed off and had a sign "Russian PWs" on them, did they not?

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(Continued)



A On top there was a big sign, "Prisoners of War".  
It also didn't have any number, and no triangle.  
They had SU on them.

Q Now, Becher, how many of these men did you beat  
while you were block eldest?

A No, beat people? I didn't beat any people. I  
only corrected them. If somebody stole from his  
comrades, or if he was a homosexual. What else  
could I do?

Q It is a fact, isn't it, that you corrected by  
beating them?

A Yes. With the hand: I beat them with the hand,  
and never with an object and never so that they  
would be injured or go to the hospital. If I  
hadn't done that I would have been punished or  
sent away. It would have been my death.

Q What happened to those PWs?

A They were led away, about one hundred or one  
hundred fifty, by the camp leader, and the  
report leader.

Q And what date was that, Becher?

A That must have been about the middle of 1941.

Q Were you in Block 19 in 1941?

A '42 -- it must have been the end of '42 to  
'43 that I was in Block 19.

Q That is the time those Russian PWs were in  
Block 19?

A No. That was before that. During that time  
I was in Block 28.

Prosecution: No further questions.

(Becher-ross)

REDIRECT EXAMINATION

Questions by the defense:

Q You say that some of these defendants mistreated you?

A Yes.

Q And you say that some of them mistreated other people. Is that correct?

A Yes.

Q What about Weiss? What kind of a fellow was he?

A I never saw Weiss beat.

Q What kind of a fellow was he?

A Weiss was like anybody else. He was good to the prisoners insofar as it was his duty. For me, every SS man who was in the concentration camp, or did guard there, was a criminal. Such a thing should not have been allowed.

Q What about Suttrop? Did he mistreat you?

A I don't know Suttrop.

Q What about Wetzel? Do you know him?

A No. I don't know him.

Q What about Kick?

A Kick I only saw in coming; not otherwise, never.

Q Did any of these other fellows, other than those you named, ever mistreat anybody that you know of?

A I don't know the others. At my time they were not in the camp or else they were in other camps. I know only in Dachau.

Defense: Nothing further.

Prosecution: No questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew to his proper place in the courtroom.

Defense: The defense calls, as its next witness,  
Ludwig Knoll.

DIRECT EXAMINATION

Questions by the defense:

Q What is your name?

A Ludwig Christof Knoll.

Q When and where were you born?

A The 20th of April 1890, in Dambach near Furt.

Q What is your civilian profession?

A Tailor and construction leader.

Q What is your family status?

A In 1936 I was divorced in the concentration camp,  
and I have two children, aged 26 and 16.

Q Were you ever a prisoner in the Dachau concentra-  
tion camp?

A Yes.

Q From when to when?

A From September 1933 until the end of the war.

Q Why were you in the concentration camp?

A Because I was too strongly on the side of the National  
Socialist ideas, that is why.

Q What color triangle did you wear?

A Red.

Q What was your work here in the Dachau concentra-  
tion camp?

A Because of my two professions. I was used in various  
ways. On construction work and as a tailor. In  
July, until January or the beginning of February  
1940 to 1941, I was block eldest on the punishment  
block, Number 15.

Q Do you admit to have beaten people?

(Knoll-Direct)

No. But I did give out slaps in the face, where, according to my feeling, I had a right to do so. Or else, if I didn't <sup>I would h</sup>ave to make a report to the SS. ✓

Or in order to save the prisoner from getting the twenty-five and the other usual things that accompanied it, because I myself experienced the twenty-five and the other things.

Q You said before that you did that in order to correct them. What made you correct them?

A In order to tell that to the court I would have to talk until tomorrow, in order to explain all those things that could happen in a block with one thousand people. I would like to tell you only one case. One evening, on passing by a block, in order to see what is going on in the block, I see somebody there using a newspaper instead of the toilet. I wanted to look in to see what he is doing, but I didn't look in for long, because the whole mess flew in my face. I do not think that I should have given any special rewards to this man. Or else somebody comes in the morning hopping on one leg with his shoe in the hand, shouting "Look, block eldest, look what you did to me." Or else if somebody is too lazy to get out of bed, and pulls his covers away and opens the straw sack, and uses that as a latrine. Or else if the room eldest gives jam and bread to somebody else for distribution, at noon when they fall in again, twelve or ten complain that they didn't have any marmalade. When I questioned the man who did the distribution, he told me "My stomach wanted sweet things." Or else when you were

(Ksc11-Direct)

trying to select fifty or sixty people for work, you picked out ten because they were the strong ones. By the time you picked out ten more the first ten would have disappeared. And those various cases, I could continue to tel. you about them until tomorrow morning. -

Q All those things of which you spoke, Knoll, those happened while you were block eldest?

A Yes.

Q And ended at what time?

A At the end of January, or the beginning of February 1941, and I turned the block over to my predecessor, set on this chair before me.

Q Then, the time during which you were block eldest, and during which you now and again administered correction, was before the time of the accusation?

A Yes.

Q The witness Wolff said that on your detail in the gravel pit, you had a car come in behind the detail and that was full of dead people? What about that? And he added that those were people who had presumably been killed by you as a capo.

A I have to explain to the court that Wolff saw very well. But not in reality, but only in his fantasy, because on the 2d of August 1942 I was no longer in Camp Dachau. According to Wolff's statement in this court, he only came to Dachau on the 26th of September. Then this thing is made up of thin air.

Q Now, were you ever capo in the gravel pit?

A I was never capo in the gravel pit.

(Knoll-Direct)

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Q The same witness stated that during the year 1944 you beat a Pole on Block 16 with the leg of a chair, until that man broke down unconscious. What about that?

A As the consequences of the punishment camp Matzweiler, until I could recover myself again, I was nearly during most of the time in the hospital until March. With the exception of a few days when I had the invalid detail, and I would do the gardening near the crematory. I was not finished, and because I had foruncloisis I came back to the hospital to Block 7. I left the hospital when my foruncloisis was not completely cured yet. On the 14th of July I was transferred to the OT camp Karlsfeld, where I remained until the 17th of February 1945. After the 17th of February I went to Muehldorf with volunteers from my detail in order to load two hundred lanterns of cement. On the day when I came to Muehldorf with my twenty-nine comrades, I met Obersturmbannfuhrer Weiss in Muehldorf. He told me that it was a good thing that people did come over there who would clean up the camp. I told Obersturmbannfuhrer Weiss that I had not built up this pig sty and would not clean it up, either, but would go back to Dachau. Weiss told me, who had to give the orders? I said that I had legs with which to run away. Because in that time it was different than it had been before, because one could count on the American troops. For this accusation, that I knocked down a young Pole, especially a Pole, has been well invented. It is

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not only an invention, but I can say, also, that it was like this: and that is in the accusation itself. Because a prisoner who has been in the camp for two or two and one-half years no longer speaks of the leg of a chair but of the leg of a stool. And how quickly do you think I would have been reported to a camp headquarters if I could have beaten somebody so that they had broken down?

Q In other words, you want to say that you couldn't have beaten up the Pole, because from October 1943 until the 15th day of the seventh month of 1944 you were in the hospital with the exception of a few days when you say you were out on the plantation, and then you were released from the hospital, not entirely cured yet?

A Yes.

Q The witness Kaltenbacher said that at a Christmas celebration you bragged that you had killed ninety-seven Jews, and you needed only three more, I forget just the number it was, to get extra food from the commandant? This conversation was supposed to have been witnessed by a Sister Pia, who was supposed to have been present at that celebration. Please explain this to the court.

A I listened to the witness tell this court how I was supposed to have spoken to Hauptsturmführer Zill at Christmas 1942. As I have already said, I was not in the camp at Dachau during Christmas 1942-1943, but this matter was in 1940-1941 and happened like this. I was capo, head capo, at the plantation, while it was being built. While dig-

(Knoll-Direct)

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ging over the large area of the plantation, there were many moles in that plantation. The detail at the time was very great -- fourteen, fifteen, or eighteen hundred prisoners. They caught those, skinned them and baked them. The Hauptsturmfuhrer saw that and asked where their furs are. He gave me the orders to collect those and he would have a fur jacket made for his wife out of them. He needed at least one hundred to one hundred fifty. I had them stored at the construction site, and the gypsy brought dies and things and had the hides prepared. I could not deliver the required number, because in the year 1939 the entire camp was evacuated. Besides, I myself did not catch any moles. In the meantime, the entire camp was filled again with people from Flossenburg and Mauthausen. From that time on, I was used in the tailor shop of the DAW, the German Armament Works. Now and again I received some mole skins and delivered the same to Zill. Then I was taken from the tailor shop and became block eldest, and no longer had any connections to get them. With Sister Pia, not Pia but Zill, this happened: He said "Knoll, how is it going?" I told them I still had to kill thirteen until I had the first one hundred. I said that aloud and as clear as I am saying it in court today. The listeners didn't know what it was about. After that they talked about what I could kill. Naturally the question came: only Jews. In the same

(Knoll-Direct)

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moment the word was born that I was a killer of Jews. There was no talk of a Jew. Because otherwise, according to my time, during which I was block eldest -- I will figure this out -- from the 13th of July until the end of August I had a mixed block. That was thirty-five days; let us say five weeks. Then at the end of August until the beginning of 1941 the block was filled up again. Well, let's count it. Sixty-five days and thirty-five days -- that makes one hundred. In the meantime I was caught, because I had gotten a letter for a Jewish comrade, whom I knew from Nuremberg: I was arrested for five days, together with the well-known twenty-five. For fourteen days I was in the blasting detail Schleichheimer so that I had the block for eighty days. I would have had to kill more than one Jew every day and I still would not have reached the named number of eighty-seven. If I had even violated or injured anyone, then I would not be sitting on the chair today, and I would not be a war criminal. But I would be in the prison, or if it were really bad, in a State Prison. And, because of that, I am now sitting here as a war criminal. But I would like to explain something to the court. As a prisoner of twelve years standing in the camp, I believe that I had some insight into it. The prosecutor says "cepo" and "room eldest". He doesn't seem to know what that is. A cepo is a prisoner, selected by the SS because of a profession. In the SS there were very few people available who had a profession. So they took a prisoner

(Knoll-Direct)

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and put the whole burden on him, even if he was unable to carry this burden. So they made it easier for him with twenty-five hits, hanging up by the arm, removal of food, and so forth. I do not think that the court really knows what such a post was. It hasn't even seen it. You have to see such things. Then if you see it, you can get a picture of why one saw to it that there was order in the detail. If, for example, you had only known Hauptsturmführer Gruenewald, Hauptsturmführer Loritz and Hauptsturmführer Koegel, then you would have had something of an idea of what was going on <sup>in</sup> the camp. I would like to give you a short experience of how somebody was received in the concentration camp in 1933. "Why are you here? Member of the Communist Part. Why? Of the Communist Party. Dirty Dog, dirty pig." They had hardly finished saying this, and a dentist can't pull teeth as fast as they were coming out. Then on the next day, when you were in the camp, in the evening it said "This one, that one, that one, and that one, will report at the gate in the morning." With the most beautiful music playing on the radio, the first twenty-five -- in name only, but actually forty, fifty, or sixty were given out -- in the Schlageterhaus, and that happened like this: You came into a little house, which was a munitions bunker, and was completely in the dark. Before you could even think of where you were, five or six strong electric pocket lights were

(Knoll-Direct)

flashed in your face. Quickly you were put over a table and a blanket was put over your head, and then it started. Hardly were you finished than somebody stepped on your stomach and you were outside again. And then when you came to the camp, the first lecture was like this: "You are in a concentration camp. A concentration camp is no jail, is no penitentiary, and it certainly isn't a vacation home. Here, there is martial law. The smallest SS man, no matter how young and irresponsible he is, is your superior. And every order of such a man is to be obeyed. Even if somebody spits on the floor, and the order is 'lap it up' you have to do it." But then Dachau was still a camp which was classified IA. 1941 and 1942 until June I was in the tailor shop. From today until tomorrow four barracks were, so to speak, sprung out of the earth. One remembered me -- I was given over the detail to build the headquarters. I was supposed to do that in the shortest time, with comrades who didn't know anything about it. In spite of the good work, the things were going much too slowly for Obersturmführer Hoffman. I told him that under no circumstances could things be improved, and I was doing the best work. Rewards were immediately showered upon me in the form of beating, with fists, kicks, and so on. In that way I was inspected upon order of Obersturmführer Hoffman every day. On the next day the work distribution

(Knoll-Direct)

leader told me to come to see him. That was because the work was not progressing in the way they wanted it to. I told him: This time I was not made a capo by the camp headquarters, but by the work distribution leader, and I told him: I had no interest in making enemies of my other comrades by starting to beat again. Under these circumstances I would sooner have twenty-five and be in the bunker, but I won't be a capo any longer. The work service leader agreed with that, and accepted my request. On the next day I had a capo above me and I went out with the detail, and worked like the other prisoners. Because I refused to be a capo I received that which is called "growing pink" and came to the punishment camp in Natzweiler, and when I came there it was even better that it is here. But I don't want to accuse here and accuse there. Everybody beat, not only I myself. Out of these SS men here, with none of whom I sat <sup>before</sup> as closely as I do now, I don't want to accuse a single one of them. I am too proud for that. If they are SS men, then they must have the character to stand here before this court as men, and to admit, upon questioning that which they did. That is all.

Defense: You may take the witness.

#### CROSS EXAMINATION

Questions by the prosecution:

Q So, Knoll, as I understand your testimony, you never beat anybody after 1942. Is that right?

(Knoll-Cross)

A Somebody should prove that.

Q Will you answer my question, please?

A No. I came to the punishment camp, because I wouldn't do it any longer.

Q But you did beat and correct people up until 1942. Is that correct?

A No. Until the end of January or the beginning of February 1941, at which time I left the block.

Q Now, Knoll, what happened to the soul-comforter you used to carry around with you?

A Soul-comforter?

Q Yes.

A I had no need of any soul-comforter, or anything, in the tailor shop.

Q Where did you need it?

A I know what the prosecutor is trying to do. He means the rubber hose which is used for the water tap on the block, and which was called Lazarus.

Q And what else did you use that for, Knoll?

A Where it was needed, in order to reach out.

Q And you reached out pretty frequently, didn't you?

A I explained that -- when and where it was needed.

Q Now, you worked on the punishment company, did you not?

A I explained that to you -- for eighty days.

Q And, during that time, you worked at the gravel pit, did you not?

A I was never in the gravel pit.

Q The punishment company never worked in the gravel pit. Is that correct?

(Knoll-Cross)

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A I couldn't have been block eldest and capo at the same time; therefore I was never in the pit, because I was eldest.

Q The block eldest didn't have to do any work, is that correct?

A No work? I had to run around and work that way because I had the punishment block -- more than anybody else, because I was the only one who could get out of the block. I had to get clothing, laundry, food, and everything.

Q And how many men did you have in this detail?

A In the detail? The block?

Q Of the block?

A Up to a thousand.

Q And of that detail there were Poles, Hungarians and Czechs, were they not?

A There were Poles, Russians, and Czechs in the camp.

Q Well, who was it that you had in the block, Knoll?

A First I had mixed ones.

Q And you mean by mixed ones?

A Poles, Czechs, Hungarians, and forty-two Jews.

I was not talking about political faith -- I am talking about nationality.

Q There were all Germans.

So the only people you ever had in your block were Poles, Czechs, and you never beat anybody after 1942. Is that correct?

A In 1942 I was in the tailor shop until I left there, and what is there to beat in the tailor shop?

(Knoll-Cross)

Q Did any prisoners ever come to the tailor shop?

A Yes.

Q And you never beat any of the prisoners in the tailor shop?

A There was no reason for that.

Q You didn't have to correct anybody in the tailor shop. Is that correct?

A We all worked together very well on the sewing work, because that was all there was in the tailor shop, and we had to work together.

Q When <sup>were</sup> you in Natzweiler?

A From the 2d of August until the 3d of March 1943. There were only Germans there. Also, as Doctor Eisele already explained yesterday, there were only four hundred Germans who built up the camp.

The members of the court declined to question the witness.

There being no further questions, the witness was excused and withdrew to his proper place in the courtroom.

Defense: Doctor Muthig.

Doctor Julius Muthig, a witness for the defense, was sworn and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q What is your name, Doctor?

A Julius Muthig.

Q When and where were you born?

A The 9th of May 1908, at Aschaffenburg.

(Muthig-Direct)

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Q What is your profession?

A Physician.

Q You are now a prisoner here?

A Yes.

Q Were you ever a member of the Waffen or the  
Allgemeine SS?

A Yes.

Q Were you ever active in the Dachau concentration  
camp?

A Yes.

Q Will you describe your activities in Dachau?

A On the 8th of February 1940 I came to Dachau  
for the first time. I was ordered there, as  
physician for the troops and for the camp. I  
worked in the hospital until the month of July 1940.  
Then I left. I was transferred to Hamburg Neuen  
Gamme. There I was the local physician. During  
this time in Hamburg, I was ordered to troop train-  
ing program, and after the completion of this train-  
ing I came back to Dachau on the 1st of April 1941.  
From the 1st of April 1941, until the first of March  
1942 I was again in the hospital as first camp  
physician.

Q Now, Doctor, do you know the notification of death,  
which was written up by the prisoners here?

A I don't understand -- which notification which  
was written by prisoners?

Q Do you know what notification of death which was  
sent to the Bureau of Statistics, and which gave  
the reason for death?

(Muthig-Direct)



A When a prisoner had died, it was reported in the office, and then the report was submitted to me for my signature. Then I or another physician signed it.

Q What, Doctor, would you have to put down as the cause of death if you had received a prisoner from a block, who had been severely beaten and died from that?

A Then I would have had to put down that he died of these injuries, which I did in one case.

Q What happened in that one case where you did this?

A That was reported at the prosecutor's, in Munich, and the person concerned, a capo, was then brought before the court and sentenced to a jail term.

Q What was the name of that capo?

A I believe, if I remember correctly, that it was Bruchen, but I cannot say for sure that that name is correct.

Q Perhaps it was Bruger?

A It would be possible.

Q Do you think it possible on the part of the physicians that if somebody was brought in with a severe injury, the cause of death would be failure of the circulatory system, heart weakness, and dysentery?

A No, because many people would have learned about that and nobody would have dared to falsify, or keep secret, the actual cause.

Q Do you know the accused Becher?

A Yes.

Q Do you know him from the time when he was block eldest?

(Muthig-Direct)

A I know him from 1941, the summer or fall of that year. I remember having seen him, by meeting him in a certain block where Russian prisoners were.

Q Did you ever receive any dead, or dying, people from Becker's block, who were in that state because of injuries?

A No. No such thing was reported to me.

Q Do you know the accused Knoll?

A I know him from seeing him, but I cannot remember him as exactly as I do Becker.

Defense: No further questions.

CROSS EXAMINATION

Questions by the prosecution:

Q Doctor, heart weakness and failure of the circulatory system was a stock phrase used on these death certificates, was it not?

A No. I can remember an order, I do not know when it was issued, which stated that not only that cause of death should appear on the death certificate, but the exact basic illness was to be noted. The entire form, exactly, was given there. The report had to show how long the patient was in the hospital, and for what disease he was treated.

Q Isn't it a fact, Doctor, that so many of these reports came down with heart weakness and failure of the circulatory system, as being the cause of death, that they had to issue an order directing that the true cause of death be included?

(Muthig-Cross)

A The actual cause of death; not only heart failure and failure of the circulatory system.

Q Now, during the time from April 1941 to March 1942 did you tell this court that only one man died of beatings, as a result of being in Dachau?

A That was not during that time. That was in 1940.

Q What time in 1940, Doctor?

A I cannot state the month exactly -- it was in the summer.

Q Was it before or after you went to Neuengamme?

A No. It was before that time, because I was called before the court as a witness from Neuengamme.

Q And you don't know how the records were kept here in Dachau after March 1942, do you, Doctor?

A No.

Prosecution: No further questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

Defense: Mr. Hirner.

Mr. Wilhelm Hirner, a witness for the defense, was recalled, reminded that he was still under oath, and testified through the interpreter as follows:

Questions by the defense:

Q Please give your entire name.

A Wilhelm Hirner.

Q When and where were you born?

A On the 15th day of the ninth Month, 1918, in Lindau.

(Hirner-Recall)

Q Were you a member of the SS?

A Yes.

Q What is your civilian profession?

A Butcher.

Q Are you a prisoner now?

A Yes.

Q Were you ever before in the concentration camp  
Dachau during your activities as a member of  
the SS?

A Yes.

Q As what?

A As camp police.

Q Do you know the accused Knoll?

A Yes.

Q Will you tell the court what you found on the  
plantation in connection with a control which was  
carried out by you as camp police?

A When I had the control, and came out to the  
plantation, I came to a construction hut, and  
saw that there was some skins there. I asked  
what those skins were doing there. The  
prisoner told me that the capo, Knoll, had given  
him an order to catch the moles to take the skins  
off, and to save the skins. Then I went to capo  
Knoll, together with the prisoner, and I asked  
him who had given him the order. He told me  
that Hauptsturmfuhrer Sill gave the order, in  
order to make a fur jacket.

Q When was that?

A That was in the summer of 1939 to 1940.

Defense: That is all.

(Hirner-Recall)

The prosecution declined to examine the witness.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

President: The court will take a fifteen-minute recess.

The court then, at 1500 hours, 7 December 1945, took a recess until 1515 hours, 7 December 1945, at which time all the members of the court, the personnel of the prosecution and the defense, all of the accused, the interpreter and the reporter, resumed their places.

President: The court will come to order.

Defense: Magnus Keller.

Mr. Magnus Keller, a witness for the defense, was sworn and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q What is your full name?

A Magnus Keller.

Q When and where were you born?

A The 13th of March 1896, in Kempton.

Q What is your civilian occupation?

A Mechanic.

Q Are you under arrest at the present time?

A Yes.

Q Were you ever a prisoner in a German concentration camp?

A Yes.

(Keller-Direct)

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Q When and where?

A '35 to '39 in Dachau; '39 to '42 in Mauthausen;  
'42 to '45 in Ebensee.

Q What type of prisoner, were you, Mr. Keller?

A Political.

Q What type of triangle did you wear?

A Red.

Q If I understood you correctly, now, you were ten  
years in concentration camps.

A Yes.

Q During that time about six years in an extermina-  
tion company?

A Yes.

Q What type of work did you have in Mauthausen?

A Camp eldest for one year.

Q Do you know the accused Knoll?

A Yes.

Q Please tell the court about Knoll, especially in  
that respect if you know him from your accusa-  
tion, as being a beater or a murderer?

A I know Knoll as a beater, but during my time I  
don't know of anyone that he beat to death  
until they bled. Knoll wasn't even taken  
serious by us old inmates.

Q Why not?

A Because he ran always around and hollered  
yelled like somebody who is nuts. He caught  
mice and moles and I don't know what all he  
caught.

Q Did you know that he had caught some moles, and  
that he later on sold the skins of the moles?

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(Keller-Direct)

A I know that he had some skins there during my time and he got cigarettes for them, but I don't know just how far this reached.

Q But you know that it is a fact that he did catch moles?

A If that was his business or not. I don't know.

Q Now, Mr. Keller, you have had ten years experience, and what is your opinion now -- what would have happened to an inmate who would have refused to beat another, or to hang him?

A If a block leader, for instance, would come to a capo and say "Look, there is some dirt there. Go and slap that guy." If he doesn't go and slap him, he will get slapped himself.

Q What would have happened if he had refused to hang another one -- for instance, the capo in the laboratory?

A If he had refused, they would have hung the capo.

Q Now, you were on the tour of Martin Weiss as commandant?

A Yes.

Q Describe to the court your impression of the administration of Martin Weiss.

A I know Martin Weiss from the year 1935 up to 1945. I remember correctly he was an Usternsturmfuhrer. He was in charge at that time of the technical security workshop. I was occupied in that workshop under the supervision of Weiss.

Q Did you know him while he was commandant at Dachau?

A No. I don't know him from there. I only knew him until the time he became obersturmfuhrer.

Keller-direct

Defense: Nothing further.

Prosecution: No questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

Defense: The defense calls witness Heinrich Stoehr

Mr. Heinrich Stoehr, a witness for the defense, was recalled, reminded that he was still under oath, and testified, through the interpreter, as follows:

Questions by the defense:

- Q What was your job here in Dachau?
- A In the last years I was station male nurse on the surgical ward.
- Q Do you happen to know the names of the assistants working in the malaria ward?
- A Yes. The first one was Doctor Brachtel.
- Q What was he? An SS man or a prisoner?
- A An SS man.
- Q Who else?
- A His successor was Doctor Ploechner
- Q Was he an SS Doctor?
- A Yes.
- Q And what other assistants were there in the malaria ward?
- A There were some prisoners there.
- Q And what were some of the names of those prisoners?
- A There was one by the name of Vieweg.
- Q Was his first name August?
- A Yes.

(Stoehr recalled)



- Q Who else?
- A Max Kronenfelder.
- Q And who else?
- A Then there was a Polish doctor, by the first name of Adam.
- Q Anybody else?
- A And there was a clerk there.
- Q Do you remember what his name was?
- A Eugene Ost, I believe.
- Q And was there a capo there by the name of Zimmerman?
- A He was not in the malaria station.
- Q Now, do you know, having worked in the malaria section, on whose authority Doctor Schilling used prisoners for his experiments?
- A On which department was I supposed to have worked?
- Q Do you know on whose authority Doctor Schilling used prisoners for his experiments?
- A Well, it was generally known that Schilling worked on instruction of Himmler.
- Q Do you know who examined the patients for Doctor Schilling prior to the time that they were subjected to these experiments?
- A That was partly the camp physicians. I think also Doctor Brachtel and Doctor Plotner.
- Q Do you know whether or not Doctor Brachtel cooperated with Doctor Schilling?
- A Doctor Brachtel was his assistant.
- Q Did the persons who worked with Doctor Schilling give him their full cooperation?

(Stoehrrecalled)

A No.

Q And in what way didn't they cooperate?

A As a layman, I can't judge about that without some consideration. I can only tell you the things that the doctors said about the work of Doctor Schilling, which they considered unscientific.

Q Before you got into that -- that was Doctor Brachtel that said that. Is that correct?

A It was Doctor Brachtel, and Doctor Professor Blosser who told me that the notion of Dr. Schilling was against the scientific notions.

Q Now Doctor Brachtel has a statement stating that Dr. Schilling

is a good researcher, experiments in surgery, particularly in the human eye, was very able, and vigorous, intelligent.

Q Did he say anything else about his patients, that he was a good doctor, was intelligent?

A Yes, he said he observed that Dr. Schilling had some patients who were former patients of Doctor Schilling.

Q And that they were on Blood B and I think were the, were that?

A At that time I told Brachtel Blosser experiments with state no.

Q Now Doctor Blosser performed these experiments with the knowledge of Doctor Schilling?

A That is beyond my knowledge.

(StocherKscalled)

- Q Isn't it a fact that Doctor Brachtel was in charge of the tuberculosis Block Number 5, and didn't spend much time, if he could help it, with Doctor Schilling?
- A Doctor Brachtel, in my estimation, did almost nothing in the malaria station.
- Q Now, when patients came to the hospital, who had previously been infected with malaria, and returned to the hospital for treatment, did they return to Doctor Schilling, or not?
- A Partly they came back, but most of our comrades we treated ourselves with medicine because we just couldn't see them suffer under the methods of Doctor Schilling.
- Q Were you personally familiar with the methods of Doctor Schilling?
- A Yes, we were very familiar. We saw those people suffer under the fever, and the malaria.
- Q Were you personally acquainted with the methods used by Doctor Schilling? Did you want to know?
- A Yes, I measure temperature, every day two weeks in the malaria station, because the man nurse was sick. I know very well what went on.
- Q When a patient came back to the hospital, then, with a relapse, instead of sending him to Doctor Schilling, he was treated in the general hospital. Is that correct?
- A That is correct. If he went to the general hospital he was treated by Doctor Schilling, but if he came to the hospital, and said "Please help me, because

(Stochnhercalled:

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- most people were afraid of Doctor Schilling,  
then we helped him, because we had found out and  
learned how to cure malaria.
- Q And from whom did you learn how to cure malaria?
- A It is general knowledge that you take quinine  
for malaria.
- Q And was that all the medicine, or treatment, that  
you gave the patients -- quinine? Not that you gave  
it, but was that all that was given to these  
patients?
- A I don't understand that.
- Q Was that the sole treatment given to these patients  
who came to the hospital with relapses of malaria?
- A That is varied. Doctor Schilling worked with  
neosalvarsan, quinine, and so on. When our com-  
rades came to us we used to hide them tablets to  
take to the blocks, because no one ever knew if  
Doctor Schilling would continue with the experi-  
ments.
- Q You only gave quinine and you don't know if any-  
body ever gave the patients neosalvarsan, do you?
- A I got some quinine from outside the camp, and  
gave it to my friends.
- Q Did you know Doctor Floetner?
- A Yes.
- Q When did he first come to Dachau?
- A After Doctor Brachtel left.
- Q And, of your own knowledge, Doctor Floetner copied  
all the records and cards of the malaria patients,  
didn't he?
- A Yes. I discovered that in Lindau after I saw the  
cards.

Q Was this before, or after, liberation?

A I discovered this index eight days before we were liberated by the French.

Q And were you down there in Lindau at the time?

A I came to Lindau several weeks before the liberation, because I was afraid that the same thing would happen to me as to most of my German comrades, and I would be put in the SS.

Q What did you do, insofar as Doctor Plotner is concerned, with the French?

A Doctor Plotner was turned over to the French, by us.

Q Who else was with you?

A There were five prisoners, and

Q And you turned Doctor Plotner over to the French authorities?

A Yes. I was one of them.

Q And you had at that time the possession of the cards and notes of approximately fifteen hundred patients that Doctor Plotner had copied from Doctor Schilling's records?

A I found two cartons on the cart, and from the label on it, you noticed that it was the card index from the malaria station.

Q And what did you do with those cards?

A I immediately recognized the value of those cards, and for two reasons I took them and hid them.

Q What did you finally do with them?

A After the liberation, I immediately turned the cards over to French doctors, with the request

(Stoehr recalled)

to please keep them for me, and they told me that they would send them immediately to the Academy in Paris.

Q You took a receipt for them, didn't you?

A Yes.

Q You gave the receipt to the members of the prosecution?

A Yes.

Defense: That is all. You may take the witness.

Prosecution: No questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

Defense: The defense calls Max Kronfeldner

Mr. Max Kronfeldner a witness for the defense, was recalled to the stand, reminded that he was still under oath, and testified, through the interpreter, as follows:

Questions by the defense:

Q You worked in the malaria station under Doctor Schilling. Is that correct?

A Yes.

Q And can you tell us just when you started working there?

A I started there when the station was opened.

Q Do you recall the approximate date?

A It was in February. I think it was in 1941, but it might have been 1942.

Q And you worked in the malaria ward right up to the end?

A No. I worked there until the 24th of June 1943; then  
(Kronfeldner-Recalled)

I was released.

Q During the period of time that you worked there, did you work with, or under, Doctor Brachtel?

A Yes.

Q And did Doctor Brachtel cooperate with Doctor Schilling in the treatment of these patients in the malaria ward?

A They worked together.

Q Did you know the prisoner by the name of Adam Cierkowiec?

A Adam Cierkowiec, that was a Polish prisoner physician who was detailed there.

Q And just what were his duties in the ward?

A He had to do the examining for the professor. Then he gave injections; then he made blood transmissions; then he gave out medicine. The professor first talked about it with the Hauptsturmführer Brachtel, and Doctor Brachtel then told the prisoner that he had to do it. And then he gave it to the various patients, whatever he had to give -- atabrine, or whatever it was.

Q Of your own knowledge, do you know whether or not Doctor Brachtel conducted any private experiments with malaria?

A I know that he made experiments, but I don't know whether they were private or under his SS thing, so to speak.

Q Do you know whether they were made with the knowledge of Doctor Schilling?

A No. They were done without the knowledge of Doctor Schilling.

(Kronfeldner -Recalled)

- Q And who assisted Doctor Brachtel with these private experiments?
- A Adam Cierkowicz
- Q And what was the position you held in the ward?
- A My work was to clean up and wash out those glasses and things he had there. And to take the blood out of the ear of the patient. And then to make a smear and then eye it, after the way we learned to do it. And then I also looked into the glass that Doctor Schilling told me to do, so that he wouldn't make a fuss with me.
- Q Did you make these blood examinations for Doctor Brachtel on his private examinations?
- A I didn't examine blood; I only took the blood.
- Q Did you take the blood from the patients that Doctor Brachtel performed on himself, without the knowledge of Doctor Schilling?
- A I had the order from Doctor Brachtel to take the blood from the patients that were infected and to put it aside so that the professor wouldn't see it.
- Q Put it where?
- A We had a laboratory there where all the preparations were. Number One, for instance, named Meyer, and those for Doctor Brachtel we put to one side there so the professor wouldn't see them.
- Q And in what ward was that, that you put them so that Doctor Schilling wouldn't see them?
- A That was in the laboratory. We had a table there. We hid them in a drawer; nobody had anything there but me.

(Kronfeldner -Recalled)



Q Where were the patients located, that you took the blood from -- in<sup>what</sup> ward?

A These Doctor Brachtel had were in the TEC station. Number Five.

Q What were the patients in Block Five suffering from?

A In Block Number Five -- it was known in the camp and to me as TEC.

Q Will you tell us just what TEC is, if you know?

A TEC means, from what I understand, lung tuberculosis.

Q Did Doctor Brachtel experiment with the malarial blood with the TB patients?

A Yes.

Q During the time that you were working there in the malaria ward, did this Polish doctor, Adam, permit the patients who had been infected by Doctor Schilling to take the prescribed amount of medicine that Doctor Schilling ordered?

A I don't understand that.

Defense: I withdraw that question.

Q Did Adam give the correct dosage of medicine to the malarial patients, if you know?

A Yes, in my opinion, yes. He was a responsible man. I never paid any attention to what type of medicine we got. I just took my blood and I saw everything there. And the clerk who worked for Doctor Schilling at that time told us what type of work we were supposed to do, who was to have blood taken from them, and what we were supposed to do.

Q Was Adam always in the hospital in the malarial ward, where he was employed?

(Kronfeldner-Recalled)

A Adam was always there and that's what he was sick, once I carried a microscope to his tent, and then he looked at it, but this testimony only goes as long as I was in the camp.

Q Did you ever have to go and lure Adam for Doctor Schilling?

A Yes. As a tent is outside his tent is something who had office there, while we had to go outside to get bread -- for instance, croissants.

Q Did you ever have to go find Adam for Doctor Schilling? That is all I want to know.

A Professor Schilling has a bell, and he would ring once, twice, or three times. Three times meant Adam, and when he wasn't there, we had to go get him.

Q Where did you have to go?

A He was mostly in the morgue back there.

Q With whom?

A I don't know. I was in the morgue one time, and there was a corpse of mine laying there; I didn't like to go in there.

Q Do you know who had charge of the morgue?

A A certain Doctor Blaha. There were several others but I didn't know their names. I only knew Doctor Blaha. Before that there was a certain Bruno there, but I don't know the other part of his name. And there was a certain Willie Merke, but that went to the SS. But if they were in there when the malaria went on, I don't know, because I only went in there once.

Defense: You may take the witness.

(Kronfeldner - Recalled)

Questions by the prosecution:

- Q Doctor Brachtel was assistant to Doctor Schilling, was he not?
- A Yes.
- Q And how long time the supervisor was to the of Doctor Schilling, was he not?
- A His experiments, he carried out behind the back of Doctor Schilling.
- Q As a matter of fact, you don't know exactly how the experiments that Brachtel did, except for the fact that you took some blood out of these patients. Isn't that so?
- A I know exactly what kind of experiments he made, he made these experiments, I was in the hospital, took them in the hospital.
- Q How long time you were in the hospital?
- A I was in the hospital, three years after my operation.
- Q How long was Doctor Brachtel here?
- A Doctor Brachtel, was here maybe not from two years.
- Q He was here from 1941 to June 1943, isn't that correct?
- A He wasn't here until 1943, because in the meantime Hauptsturmfuhrer Doctor Plözner was here.
- Q And he wasn't here in 1943, either, was he?
- A I don't know exactly the exact, at the time that he was there. He was there during my time and in that time there you just forget all of the time.
- Q Now, you don't know what the nature of Doctor Brachtel's experiment was with these TB patients, do you?
- A What he was trying to find out, what he was experimenting on, that I don't know, because I wasn't at that station.

(Kronenfelder-Recalled)

Prosecution: No further questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

Defense: The defense would like to recall Martin Weiss to the stand.

Martin Weiss, one of the accused in this case, was recalled to the stand, and testified, through the interpreter, as follows:

Questions by the defense:

Q Martin Weiss, I show you a paper, here, marked Defense Exhibit 22, and ask if you can tell the court what that is?

A That is my command order from the first of November 1944.

Q It orders you to do what?

A It is concerned with the putting to work of prisoners in the Weingut Betrieb GMBH. It is directed to the leader of the Commission of the Instruments of Armament in the Reich Ministry for Armament and War Production, Doctor Heyna, Berlin, Southwest 68, Friesen Street Number 16. I would like you to receive the knowledge that I have assigned SS Obersturmbannfuhrer Weiss as a special deputy for the arrangement of the prison camps and for the preparations of the einsatz for the Weingut Betrieb GMBH. Acknowledge thirty thousand prisoners.

Prosecution: We object to the last translation.

Defense: We will object, too.

Interpreter: Yes, it is wrong.

(Weiss-Recalled)

Prosecution: May it please the court we would like to have the official translator translate it. If this interpreter is having difficulty, we suggest that we use another one.

President: Use another interpreter.

Corporal Kuritzkes, an official interpreter for the court, then translated the document as follows: "I ask you to take knowledge of the fact that I have appointed as special representative for the construction of the prison camp, and the preparation of work for the Vineyard Corporation, Incorporated, and that thirty thousand prisoners are intended to be turned over to the chief of office for special duty, of my office, SS Obersturmbannführer Weiss."

Defense: And what is the next paragraph?

Interpreter (reading): "SS Obersturmbannführer Weiss has the orders to work in close contact with the management of the corporation, and with the local OT construction firm, which is responsible for the duty of the prisoners and to confer about the measures to be taken, and to carry out these measures. In all future questions about the duty of the prisoners he will talk with a gentleman from their place. Heil Hitler. (Signed) Glueck, SS Gruppenführer, Lieutenant General, Waffen SS. One copy each to: 1st, to Weingut; 2d to Commandant Dachau; 3d, to Obersturmbannführer Weiss; 4th, to Oranienburg."

Defense: And on the back?

Interpreter (reading): "To the Commandant, SS Obersturmbannführer Weiter, Concentration Camp

(Weiss-Recalled)

Dachau: You receive the copy of the reverse for your knowledge. I want to notify you of the following: first, SS Obersturmbannfuhrer Weiss is right under me as office chief for special duty. He has the duty, as you can see by the copy on the back page, to work independently of Dachau, and to take measures for the construction and for the duty of the intended thirty thousand prisoners. Second, the prisoners on duty now, which work at Vineyard in the two labor camps are, now, as before, under the administration of the concentration camp Dachau. Third, As soon as future working labor camps are finished, they will be taken over by the concentration camp Dachau. (Signature) Glueck, SS Gruppenfuhrer, Lieutenant General, Waffen SS."

Defense: May it please the court, we offer Defense Exhibit 22 in evidence.

President: The exhibit is received in evidence.

Defense: No further questions. You may take the witness.

Questions by the prosecution:

Q What does Weingut stand for, Weiss?

A Weingut is a code name for Armament Industry.

Q Where was that located?

A At Muehldorf

Q And that pertains to Muehldorf camp, testified to in this trial?

A No. These two existing camps in Muehldorf existed before that. I had the order to plan and to erect new camps, in cooperation with the OT and Weingut Corporation.

(Weiss-Recalled)

Q And did you carry out the orders contained in Defense Exhibit 22?

A Yes. I had planned already with the OT, and talked with them, but the plans could not be executed any more.

Q What was the date of those orders?

A I received the orders on the 25th of October 1944, in Oranienburg.

Prosecution: No further questions.

Questions by the defense:

Q I have one question directed to you as former commandant of a concentration camp: To what extent can a prisoner be a member of the administration of the concentration camp?

A Not at all.

Questions by the prosecution:

Q Now, these prisoners who were capos -- were they appointed by the SS, or were they not?

A Yes.

Prosecution: No further questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and resumed his proper place in the courtroom.

Defense: If the court please, the defense calls its next witness, Doctor Hintermayer.

Doctor Fritz Hintermayer, one of the accused in this case, took the stand and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q State your full name?  
(Hintermayer-Direct)

A Hintermayer, Fritz.

Q How old are you?

A Thirty-four years.

Q Are you married?

A Yes.

Q Have you any children?

A I have four children. The eldest is six years; the second is four years; the third is three years; and I have a daughter who is nine months.

Q Where is your home?

A In Markt Grafing-Godeberg Street Number One.

Q When did you first join the SS?

A I came to the Waffen SS on the 1st of January 1939.

Q And when you did come to the Waffen SS in January 1939, to what duties were you assigned?

A At first I was assigned to the SS hospital, at Dachau, and one month as assistant physician. Then I became assistant physician at the local doctor's at Dachau. That was up to the 1st of September 1939.

Q And from September 1939 where did you go?

A On the 1st of September 1939, I joined the First Battalion of the Armored Division, Death Head.

Q That was a combat unit?

A Yes.

Q Did you see combat duty?

A Yes. I moved to the western front in January 1940 with the division, and in 1941 to the eastern front.

Q How long did you stay on the eastern front?

A I remained at the eastern front until the middle of February 1944.

(Hintermayer-Direct)



Q While you were on the eastern front, what were your duties?

A At first I was Battalion physician; later on I became Regimental physician.

Q While you were serving on the eastern front, were you wounded?

A Yes. I was wounded once in February 1942.

Q Where did this wound take place -- on the eastern front or the western front?

A At the eastern front.

Q And what were the circumstances surrounding your being wounded?

A In 1942 my division was surrounded at the Ilmsee. Nearly every day we were attacked by Russian armored units. I had my troop first-aid station near a bunker. When another Russian tank attack came towards our lines, I was just taking care of a wounded comrade, When the NCO who was working with me in the bunker, and who helped me in the care of the wounded men, saw a Russian tank roll toward the bunker. He was still warning us of it, and while the NCO was still shouting at us about it, we received a square grenade hit from the tank.

Q What happened to you as a result of that hit?

A The sash of the window -- this sash was torn down -- hit me at my head, because I was kneeling down taking care of the wounded.

Q What happened to you as a result of being hit on the head?

A At first I became unconscious, and when I woke, in about twenty minutes, I had concussion of the brain.

(Hintermayer-Direct)

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Q Did you go to the hospital, as a result?

A No. At that time I didn't have any time to come to a hospital.

Q Were you at any time subsequently wounded?

A I was wounded once before, and that was during a student fight.

Q What happened to you at that time?

A I received a sharp cut in the so-called one-quarter side -- that is approximately here (indicating).

Q When was that?

A That was when I was approximately twenty-one years old.

Q Did you receive any other wounds in the war?

A Otherwise I did not suffer any more wounds during the war.

Q Have you ever been afflicted with Saint Vitus dance?

A Yes.

Q When?

A As a child of twelve years.

Q Have you had any recent attacks?

A Yes. Later on, at twenty-three years, and sometimes I notice traces of it, especially during the present time.

Q What do you mean 'during the present time'?

A During the cold times, and, now, during the trial, because of the mental work.

Q Have you had any attacks of Saint Vitus dance during the course of this trial?

A Yes. Only several days ago I had several complaints because of it.

(Hintermayer-Direct)

Q When was the last attack?

A Approximately three days ago.

Q During the night, or during the day time?

A During the day time.

Q When did you return from the eastern front?

A I returned from the eastern front in the middle of February 1944.

Q Do you have any further ailments that you wish to tell the court about?

A Yes.

Q Will you tell of them?

A Since my injury in Moosburg, I was strangulated at my throat at that time, and since that beating in Fuerstenfeldbruck, where I was beaten unconscious. I have difficulties in thinking. I have headaches.

Q How frequent are these headaches?

A At the time being, I really have it all the time.

Q Do you have any other ailments?

A From that time on, also, the complaints due to this Saint Vitus dance increased. I am suffering of strong depressions. Then there is the lack of will.

Q How long have you been suffering depressions and lack of will?

A Approximately since I received my wounds during the war.

Q Did you graduate from medical school?

A Yes.

Q Are you a registered doctor?

A No. I do not have a doctor title.

(Hintermayer-Direct)

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- Q What do you have to do to obtain your doctor's title?
- A I have to finish a doctor thesis and have to pass a so-called doctor examination.
- Q When <sup>did</sup> you graduate from medical school?
- A I made the medical state examination at the University in Munich in December 1938.
- Q Was that when you finished your medical education at school?
- A Yes. I left the university at that time.
- Q And when did you first join the armed forces, did you say?
- A As a rifleman I first went in 1938 to Brandenburg to the mountain riflemen, and then I was in Lengrie as aid man.
- Q And when did you first get your assignment as troop doctor?
- A During that time I received my first assignment as troop doctor.
- Q When did you come to Dachau?
- A I came to Dachau the 1st of January 1939.
- Q When did you first come to Dachau as a doctor?
- A The 1st of January 1939.
- Q After your tour of duty on the eastern front, when did you come to Dachau?
- A I came to Dachau in March 1944, first as troop doctor, then as second camp physician.
- Q Who was camp physician when you arrived?
- A Doctor Witteler was camp physician.
- Q And you were the second doctor?
- A After I had been troop doctor for several weeks, I became second camp physician.

(Hintermayer-Direct)

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- Q And when did you become chief doctor at Dachau?
- A I was appointed as chief doctor at Dachau, on the 1st of October 1944.
- Q And whom did you succeed as chief doctor?
- A I succeeded Doctor Witteler.
- Q During your tour of duty at Dachau, as chief doctor, how many prisoners were there here in Dachau?
- A In the beginning when I was in Dachau I had thirty-two thousand prisoners, including the bycamps. Later on, towards the end of April 1945, there were forty-five thousand prisoners.
- Q That includes the outcamps?
- A No. Including those, there were sixty-five thousand.
- Q Had you volunteered to come to Dachau as camp physician?
- A No.
- Q How did you happen to come here?
- A I returned from the front, because my brain injury was such that I couldn't fulfill front duty any more. Besides, I was ordered from the medical office in Berlin.
- Q When you arrived here, I believe that your testimony was that you had about thirty-thousand inmates here in Dachau. Is that correct?
- A Including the bycamps.
- Q Did you think yourself qualified, as a doctor, to take care of Dachau?
- A No. I was not trained enough for that task, because my sole activity was that of troop doctor all the time.

(Hintermayer-Direct)

Q Was that realized by your immediate superior officer?

A Yes. I reported that to Regimental Commander Lolling.

He visited me in October 1944 and at the end of March 1945. He answered me at that time: that he would not have any substitute for me, and that I had to remain at the post to which I was assigned.

Q What were the first duties of the camp physician here at Dachau?

A First of all, it was the sanitary supervision of the prisoners. Secondly, the control of the firm doctors, who were used for the bycamps at that time. Thirdly of all, I didn't have anything to do with the camp of the OT.

Q Who was the commandant of the Camp Dachau when you arrived?

A Camp Commandant was Obersturmbannfuhrer Weiter.

Q You were under the command of Weiter for disciplinary measures, were you not?

A I was under Obersturmbannfuhrer Weiter for duty, and professionally I was under Regimental Commander Lolling.

Q When you first came to Dachau, what did you find, as far as conditions were concerned?

A I found out that the hygienic conditions were impossible.

Q Were you able to do anything about that?

A I tried to do several things for that is why I went to the commandant immediately. I proposed to him to increase the space of the camp.

(Hintermayer-Direct)

I immediately planned the building of new latrine buildings, and I started to build a new delousing station.

Q During this time, did any other new transports arrive in the camp?

A Since December 1944 numerous transports arrived in camp.

Q Did any arrive subsequent to your becoming chief doctor on the 1st of October 1944?

A Yes. Very many.

Q Was the delousing station, which was here, in operation at the camp, sufficient to take care of all new arrivals as they arrived?

A No. For that purpose the delousing station was insufficient.

Q Did you report that situation to the camp commandant, or not?

A I reported that almost daily to the camp commandant.

Q What, if anything, was done by him?

A He told me that this was the sixth year of war. The order for the overcrowding of the camp came from Berling and I had to be satisfied with these bad hygienic conditions.

Q An epidemic broke out in camp while you were camp physician, did it not?

A Yes.

Q What kind of epidemic?

A In November 1944 an abdominal typhoid epidemic broke out.

(Hintermayer-Direct)

- Q How long did it last?
- A This epidemic lasted until the middle of December 1944.
- Q What measures did you take, or adopt, to control it?
- A I immediately quarantined the barracks which were hit by it. Secondly, I put disinfecting pans into the latrines. Thirdly, I began to immunize the prisoners against abdominal typhoid.
- Q How many deaths did you have in camp as a result of this typhoid epidemic?
- A Not very many died of typhoid.
- Q Did you have sufficient medicines with which to combat this epidemic at that time?
- A Yes. At that time a sufficient amount of medicine was present.
- Q During that time new transports continued to arrive at Dachau, did they not?
- A A lot of transports arrived during that time.
- Q What was the condition of the personnel on these transports?
- A The condition of the people was extraordinarily bad. Most of them arrived sick in camp. The big part of the new arrivals had died already.
- Q Did you have sufficient accommodations here in camp to take care of the sick who arrived on these new transports?
- A Yes. At that time I still had enough shelter. At the arrival of patients I sent a detail of prisoners, male nurses, and doctors, to the train. They had the task to admit the patients

(Hintermayer-Direct)



immediately to the hospital.

Q As a result, the population in your hospital mounted considerably, did it not?

A Yes.

Q In December 1944, or January 1945, you had the beginning of an epidemic of spotted fever, or typhus. Is that correct?

A Yes.

Q When this was first reported to you, did you, or did you not, believe that it was spotted fever?

A No. I didn't believe it was spotted fever at first, because I still had many cases of abdominal typhoid in the hospital, and because both diseases are very similar.

Q How many cases of typhus did you have in this particular epidemic?

A I had approximately twenty to thirty thousand cases of spotted fever.

Q How many people died during this epidemic?

A Approximately ten percent died.

Q Have you any idea as to what was the original cause of this epidemic?

A The epidemic was brought mainly from the eastern camps. Very few prisoners were infected in the camp itself. Most of the prisoners came from the camps Auschwitz, Flossenbürg, and later on from the bycamp of Muehldorf. In the month of March, from the western camp, which had to be vacated because of the nearing of the enemy, they came here to Dachau.

(Hintermayer-Direct)

- Q When this typhus epidemic broke out in December 1944, or January 1945, were you equipped to handle such an epidemic?
- A No -- I was not equipped at all.
- Q Did you have sufficient medicines with which to combat this epidemic?
- A No. I didn't have any medicines, nor could I get any.
- Q Why couldn't you get any medicines?
- A An SS druggist was responsible for getting drugs to the camp. He had strict orders to get orders from the main medical supply dump at Berlin. The second medical supply dump at Dachau, and the medical dump at Munich were closed to us. Even on the most urgent demands, we couldn't get anything from them.
- Q Why were you unable to get drugs, even though you made urgent demands?
- A The obtaining of drugs was strictly prohibited to me by my superior officer.
- Q Doctor Lolling, or the commandant?
- A Doctor Lolling.
- Q Did you have sufficient personnel to assist you with this epidemic of thirty thousand cases?
- A Yes. I increased the nursing personnel, and also the personnel for the disinfection.
- Q For how long a period of time did this epidemic continue?

(Hintermayer-Direct)

- A It lasted until the liberation of the American Army.
- Q Was it still raging, in fact, when the American Army came into Dachau?
- A Yes. It was rising again at that time.
- Q What did you say was the average number of deaths per day, during the crisis of the epidemic?
- A The average day, during the crisis, was one hundred twenty death per day.
- Q As a result of this epidemic, were you able to take care of everybody in the hospital which was here in the camp?
- A No. I even had to convert the barracks to sick rooms.
- Q How many barracks was it necessary for you to convert?
- A Approximately three to four barracks.
- Q What was the highest number of cases that you had at any one time?
- A The highest number I had was approximately twelve hundred cases.
- Q Were you able to take care of twelve hundred in the hospital?
- A Yes. I had put into use a special typhus station at that time.
- Q How many people was it necessary -- who were suffering from this typhus -- to occupy one bed?
- A In the beginning, three patients slept in two beds. But later on, I gave strict orders to the male nurses not to put more than one infectious patient into one bed.

(Hintermayer-Direct)

Q During the course of this epidemic, did you receive suggestions from your assistant doctors in this camp?

A Yes. I received proposals from the SS doctors and from the prisoner doctors.

President: The court will adjourn until eight-thirty tomorrow morning.

The court then adjourned, to meet at 0830 hours, 8 December 1945.



WILLIAM D. DENSON  
Lieutenant Colonel, JAGD  
Trial Judge Advocate

Roll 5

Target 5

Trial Transcripts (RG 538)  
Vol. 5, Dec. 8-13, 1947

Dachau, Germany,

8 December 1945.

The court met, pursuant to adjournment, at 8:30 o'clock A. M., on 8 December 1945, at Dachau, Germany, at which time all the personnel of the court, all the personnel of the defense, and all of the accused who were present at the close of the previous session were again present. All the personnel of the prosecution was present except Captain Heller, who was excused by the court. A reporter and interpreter were also present.

DR. FRITZ HINTERMAYER was recalled to the stand by the defense for the continuation of direct examination, and continued his testimony through the interpreter as follows:

DIRECT EXAMINATION (continued)

Questions by defense:

Q. Dr. Hintermayer, did you make any effort to remedy the situation which existed here, insofar as the control of the epidemic was concerned?

A. Yes, I made several attempts to control the epidemic.

Q. By doing what?

A. I made proposals to the Commandant to erect a sick camp outside of the camp. This proposal was killed, because of the fact that it was impossible at that time to erect another camp, due to the war situation. The whole neighborhood of Dachau was crowded with people who were bombed out and evacuated.

Q. How many tuberculosis cases did you have?

A. In April 1945, I had approximately 860 tuberculosis patients.

Q. And what housing conditions did you have here at Camp Dachau for their care?

A. The shelters for the tuberculosis patients were very poor. I

(HINTERMAYER-direct)

only had a barracks and a half for their purpose.

Q. In your opinion, was that sufficient space and accommodations for the treatment and care of tuberculosis patients that you had here at the camp?

A. No, it was definitely not enough room to treat the tuberculosis patients.

Q. Were you able to do anything about that over-crowded condition?

A. I could not do a thing any more, because I did not have any more barracks available from the camp.

Q. And that was because the camp was overcrowded, is that correct?

A. Yes.

Q. Did you, or did you not receive any assistance from Lager Commandant Weiter?

A. No, the Camp Commandant did not cooperate with me. He told me, upon my daily requests, that I had to be satisfied with the bad condition, since there was a war going on, and I only had to obey his orders.

Q. At that time, what was your medical supply -- what was the condition of your medical supplies?

A. There were very few medical supplies available. Even for civilian purposes it wasn't possible at that time to buy a bandage in a drug store.

Q. Now, you were involved in the execution of two pregnant Russian women, were you not?

A. Yes.

Q. What were the circumstances surrounding that?

A. In January 1945 we received an order from the Reich Main Security Office to execute two pregnant Russian women.

(HINTERMAYER-direct)

- Q. And were these two women executed?
- A. Yes.
- Q. And where did the execution take place?
- A. The execution took place in the crematory.
- Q. What part did you play in it?
- A. I had the order by Commandant Weiter to give injections to these women.
- Q. And why did Commandant Weiter want you to give injections to these women?
- A. He wanted that because they were pregnant and therefore should not be shot.
- Q. Were they to be shot, or hanged?
- A. According to the orders of the Reichs Main Security Office, they were to be shot.
- Q. Did you inject these two women with evapanatrium?
- A. Yes.
- Q. Where was the injection made on the body of each?
- A. It was an intravenous injection.
- Q. In the arm, or in the heart?
- A. Into the arm.
- Q. What was the amount of dosage that you gave?
- A. I gave one point five grams, and ten cubic centimeters of distilled water.
- Q. What is the effect of evapanatrium?
- A. Evipannatirum is a basic narcotic.
- Q. And what is its effect upon a human being, upon injection?
- A. The person is anaesthetized.
- Q. Within what period of time do they go to sleep after the injection?
- A. The sleep, or the anaesthesia, comes in about ten minutes.
- Q. Is it painful?

(HINTERMAYER-direct)



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- A. No, it is not painful at all. This agent for anaesthesia is used in the German army for anaesthesia all the time.
- Q. Did this injection of evapanatrium actually kill these two women, or not?
- A. No.
- Q. Did you see these two women at any time subsequent to the time that you gave them the injection of evapanatrium?
- A. Yes.
- Q. Where did you see them?
- A. I returned to the crematory after the air raid alarm which had been called in between.
- Q. Who was with you at that time?
- A. With me, or present at that time, was Bongartz and Mahl.
- Q. Is Mahl here?
- A. Yes.
- Q. Where were the women at that time that you saw them?
- A. The women were lying in the furnace room in the crematory.
- Q. What was their condition at that time when you saw them?
- A. The women had shots through their heads. They were dead.
- Q. Did you shoot them through the head?
- A. No.
- Q. Did you attend the execution of ninety, or ninety-two, or ninety-six Russian officers?
- A. No.
- Q. Do you know who was the doctor present at that execution?
- A. Doctor Schmidt was the physician on duty at that time. He was appointed to be physician on duty at that time.
- Q. A witness for the prosecution testified that you had in

(HINTERMAYER-direct)

one of the bunkers, seven persons apparently suffering from a mental disease, one of which was a woman; that you visited their room in the bunker, and thereafter they were never seen any more. What do you have to say as to that?

- A. I did not have a bunker for the admission of patients.
- Q. Did you ever visit any seven persons in one of the barracks or rooms which was set aside for allegedly psychiatric people?
- A. Yes. Approximately on the 20th of April I received an order from the Camp Commandant to transfer five people suffering from venereal disease to the sick camp of Allach.
- Q. Was that transfer effected?
- A. Yes, the transport took place at that time.
- Q. Did you give those people injections, or not?
- A. No.
- Q. Did their clothes return to Dachau?
- A. The clothing had to be disinfected at that time, because these people had contact with typhus.
- Q. Was new clothing issued or given to those people before they left the camp?
- A. Yes, they received civilian clothing.
- Q. And they were actually transferred to Allach, is that correct?
- A. Yes, they were brought to Allach, because the driver of the vehicle later on reported to me that he had fulfilled the orders.
- Q. What was the nationality of these people that were transferred to Allach?
- A. They were German.
- Q. Did you ever attend the execution by injection of some eighteen persons in the crematory, who were allegedly insane?
- A. No.

(HINTERMAYER-direct)

- Q. Did you at any time, other than the injection of the two Russian women, inject any persons with any kind of a lethal drug, either in the crematorium or anywhere else in Dachau?
- A. No.
- Q. You made a diagnosis of a sore throat instead of diphtheria on one of the prosecutions witnesses. Can you describe to the court why that happened?
- A. Prince Leopold of Prussia came to me as a patient at that time. He was complaining of a sore throat and a raw throat. At that time I had a suspicion that it was diphtheria, and I sent him to the throat doctor, who diagnosed it as diphtheria.
- Q. Is it, or is it not a fact that all diphtheria cases have a basis of a sore throat?
- A. Yes.
- Q. How many executions did you attend as a doctor?
- A. I attended approximately ten executions as a physician.
- Q. When you say you attended them as a physician, just what do you mean?
- A. Upon order of the commanding officer I had to take care of the inquests.
- Q. And is that the only duty that you had at these executions, other than the two pregnant Russian women?
- A. Yes.
- Defense: You may take the witness.

CROSS-EXAMINATION

Questions by prosecution:

- Q. Doctor Hintermayer, what was the first information that you had of a typhus epidemic in Dachau after you came here as the Chief Physician?

(HINTERMAYER-direct)  
cross)

- A. My attention was called to that by Doctor Blaha.
- Q. And what date was that, Dr. Hintermayer?
- A. I can't state that any more.
- Q. Well, to refresh your recollection, was it around the first part of November?
- A. No, it was in December.
- Q. Was it before or after Christmas?
- A. As far as I can remember it was before Christmas.
- Q. And at that time, is it not a fact, Doctor Hintermayer, that Doctor Blaha told you that the entire camp should be quarantined?
- A. No, he did not say anything about it.
- Q. Is it not a fact, Doctor, that in reply to that statement by Doctor Blaha, you told him that that would be sabotaging the war effort?
- A. No, I never gave him that answer. I would have had sabotaged the war effort if I would not have taken any measures to prevent the typhus.
- Q. As a matter of fact, didn't you tell Doctor Blaha on this occasion that he should not mention the word "typhus" at all?
- A. No, I don't know anything about it.
- Q. And is it not a further fact that you told him that, if it was typhus, that they would have to quarantine the camp and the prisoners could no longer engage in armament work?
- A. The prisoners would have been able to go to the armament industries in spite of the quarantine.
- Q. Is it not a further fact that the deaths that occurred during December from typhus were not listed on the death certificates as typhus at all?
- A. All of them were entered as typhus cases.
- Q. How many typhus deaths did you have during December, Doctor?

(HINTERMAYER- cross)

SAS

- A. I can't state that any more.
- Q. Well, what is your best judgment?
- A. I don't know that any more.
- Q. Well, how many people died during the month of January from typhus, Doctor Hintermayer?
- A. I believe it was approximately forty per day.
- Q. And during that same period of time, Doctor Hintermayer, how many SS men died of typhus fever?
- A. As far as I can remember now, approximately four.
- Q. Now, did that rate of death of forty per day increase during the month of February?
- A. Yes, it was a very great rise.
- Q. And during the month of February how many SS men died from typhus fever?
- A. I can't state that, either.
- Q. As a matter of fact, Doctor, is it not true that not a single SS man died during the month of February or March from typhus fever?
- A. Yes, several died.
- Q. And how many?
- A. I cannot state that.
- Q. Well, was it more than four?
- A. I believe that in the hospital of Dachau more than four died of typhus at that time.
- Q. All right, now you stated that you did not have enough medicine to treat these prisoners, is that correct?
- A. Yes.
- Q. And at that time there were supplies in the SS hospital here at Dachau, were there not?
- A. In which hospital?

(HINTERMAYER-cross)

- Q. The one that was used by the SS troops.
- A. No, there were just as little supplies as in mine.
- Q. How many hospitals were there located here at Dachau during January and February of 1945, Doctor?
- A. The SS Hospital was here; the Camp Hospital; and the General Hospital. It belonged to the City of Dachau.
- Q. All right, and there were supplies in both the SS Hospital and in the Hospital that belonged to the City of Dachau, were there not?
- A. Yes, there could have been supplies, but I had the orders not to take any supplies from these hospitals, and I did not receive any medicines upon my request.
- Q. And is it not a fact, Doctor, that you never made any request to the SS hospital for supplies?
- A. Yes.
- Q. And is it not also a fact that you never made any request to the hospital at the City of Dachau for supplies?
- A. My druggist many times requested something from the SS Hospital. I did not have any business at all with the Municipal Hospital of Dachau.
- Q. What was the rank of that druggist?
- A. He was an Oberscharfuhrer.
- Q. And what was your rank, Doctor?
- A. Sturmabannfuhrer.
- Q. Now, do you know Doctor Rossmann?
- A. Yes.
- Q. Is it not a fact that you never at any time asked Doctor Rossmann for any medical supplies?
- A. My druggist many times came to the station doctor and asked the druggist there for medicine.
- Q. Will you answer my question, please, Doctor?

(HINTERMAYER-cross)

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A. I did not understand the question.

(The question was then read by the reporter.)

A. Yes, I asked him many times for them.

Q. All right, will you tell the court on what occasions you asked Doctor Rossmann for these supplies?

A. I can't recall that.

Q. And is it not a fact that you never at any time asked Doctor Rossmann for any vaccine?

A. I did not have to do that, because I had vaccines in my hospital.

Q. And did you use those vaccines on the prisoners?

A. Yes.

Q. And what kind of vaccine was this that you used on the prisoners?

A. Vaccine which we usually had available for inoculation against typhus.

Q. And is it not a fact that that vaccine was so old that it was of no value at all?

A. I cannot judge that.

Q. Well, you are a doctor, are you not?

A. Yes.

Q. And as a doctor you are familiar with the efficiency of different vaccines, are you not, that are used in the treatment of typhus?

A. I didn't carry out the vaccination at that time.

Q. When did you carry it out, doctor?

A. I didn't understand the question.

Q. When did you carry out the vaccination?

A. I carried out these vaccinations in the fall of 1944.

Q. And were all the prisoners inoculated at that time?

(HINTERMAYER-cross)

- A. Yes, all prisoners who were at the camp at that time were inoculated.
- Q. Now, is it not a fact that that inoculation did not take place until the beginning of 1945?
- A. The vaccination took place in a few cases in January, 1945.
- Q. Now, Doctor, what type of vaccine was used on the prisoners?
- A. The vaccine, as far as I can remember, came from Buchenwald.
- Q. Do you know the name of it, Doctor?
- A. No, I don't know that any more.
- Q. What kind of vaccine was used on the SS men?
- A. The same vaccines were used.
- Q. Is it not a fact that the vaccine that you used on the prisoners was ineffective?
- A. Just the opposite. The inoculations turned out to be harmful for the prisoners.
- Q. And to what do you attribute the fact that this inoculation was harmful to the prisoners?
- A. We recognized that inoculations against typhus during the incubation period caused a more severe disease.
- Q. So, how many prisoners were inoculated, Doctor?
- A. I can't state the numbers of the prisoners who were inoculated in that manner.
- Q. And is it not a fact that practically all of them were inoculated in that manner?
- A. No.
- Q. And is it not a fact, Doctor, that when this transport came in from Hungary that had these typhus cases on it, that they were not segregated, but were distributed among all the blocks?
- A. Do you mean the transport which came from Hungary, at that time, and brought along abdominal typhoid?

(HINTERMAYER-cross)



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- Q. I am talking about the transport which came along from Hungary and came to Dachau, and upon which certain prisoners died, and Doctor Blaha informed you that they died of typhus fever.
- A. A quarantine was put over these blocks immediately.
- Q. Over what blocks, Doctor?
- A. Over the blocks where typhus cases appeared.
- Q. Is it not a fact, Doctor, that the first quarantine that was put on was put on on the 12th day of January 1945, and that was over Blocks 21, 23, 25, 27, 29 and 30?
- A. At that time the typhus epidemic only started.
- Q. And that was the first time that the quarantine was put on those blocks, is that not so?
- A. No, the quarantine existed already since the time of the abdominal typhoid.
- Q. And was the entire camp in quarantine at that time?
- A. No, only the blocks with uneven numbers where typhus appeared were under control, or quarantine.
- Q. There was a medical supply dump in Munich, was there not?
- A. That is true, yes.
- Q. Now, Doctor, when did this delousing station go into operation?
- A. As far as I can remember, the delousing station started toward the end of March.
- Q. And is it not a fact that you had that delousing station here at Dachau and not in operation as early as October 1944?
- A. There were delousing stations here in Dachau -- that is there were two delousing stations, and both of them were

(HINTERMAYER-cross)

operating in October 1944.

- Q. Is it not a fact, Doctor, that this short-wave delousing station was not put into operation until the end of March?
- A. I said before that the short-wave delousing station started to work toward the end of February.
- Q. And is it not a fact that it was here at Camp Dachau and remained in boxes up until it was put into operation, and it had been here since October 1944?
- A. No, that is not true.
- Q. When did it first get here, Doctor?
- A. The station arrived, as far as I can remember, towards the end of January 1945. It was built up immediately and we started to work towards the beginning of February.
- Q. Now, as a matter of fact, Doctor, didn't you refuse to put this station into operation because you didn't want to take the responsibility for it?
- A. No, that is also not true, because I did not have to take any responsibility for that station at all.
- Q. In other words, that did not come under your supervision and control, is that correct?
- A. No.
- Q. It was not a part of the hygienic facilities of the camp, is that correct?
- A. That station was under the supervision of the Administration.
- Q. Do you know a man by the name of Funrmann?
- A. Yes.
- Q. Who was he, Doctor?
- A. He was the NCO who was in charge of hygienic conditions of the camp.
- Q. And he worked under your supervision and control, did he not?
- A. He was under the supervision of the Camp Commandant.

(HINTERMAYER-cross)

8A14

- Q. Well, so were you, weren't you, Doctor?
- A. No, I was not a Camp Commandant.
- Q. I didn't ask you that. I said, you were under the supervision and control of the Camp Commandant also, were you not?
- A. Yes, I was.
- Q. And Fuhrmann was also under your supervision and control, was he not?
- A. No, Fuhrmann received direct orders from the Commandant.
- Q. Well, now, is it not a fact that he was part of your medical personnel?
- A. Yes, but he was not under my supervision.
- Q. In other words then, the Administration Section of the camp had charge of the hygienic conditions, and you had nothing to do with that, is that correct?
- A. I had something to do with the hygienic supervision until the beginning of March 1945. Later on the hygienic supervision was taken over by a hygienic laboratory which was under the supervision of a Doctor Weber.
- Q. Well, then, prior to that time Fuhrmann had charge of the delousing station and he was under your supervision and control, is that not correct?
- A. Fuhrmann received direct orders from the Administration, as far as the delousing station was concerned.
- Q. What directions did he receive from you?
- A. He only received instructions as far as his daily service as a medical aid man was concerned.
- Q. You mean he was a medical aid man in addition to being in charge of the delousing station?
- A. No, he didn't have a delousing station under him, but the delousing station was under the supervision and control of the camp Administration itself.

(HINTERMAYER-cross)

Q. As a matter of fact, Doctor, this delousing station was under your supervision and control the entire time, was it not?

A. No.

Q. And is it not a fact that during the month of February you made requisitions for supplies that were to be used in the delousing station?

A. The request for the delousing stations were made by my druggist.

Q. And you had nothing to do with it whatsoever, is that correct?

A. I only had to sign the requisitions.

Q. Well, you signed the requisitions, and they were made through you, were they not?

A. No, my druggist made these requisitions.

Q. Well, what was the purpose of your signing them?

A. Most probably they were submitted to me without me being told for what purpose these requisitions were made.

Q. Well, now, to whom were these requisitions addressed?

A. I can't state that.

Q. As a matter of fact, don't you know that these requisitions were directed to Berlin?

A. No, I don't know this, and I can't know that.

Q. You were the First SS Doctor on the 5th day of February 1945, were you not?

A. Yes.

Q. And you mean to tell this court that the requisitions that went to Berlin for the supplies for a delousing station were signed by an Oberscharfuhrer and not by you as the First Doctor?

A. Yes, that was the case.

Q. Doctor, I hand you a document marked Prosecution's Exhibit Number 134 and ask you to examine it and tell the court

(HINTERMAYER-cross)

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what it is, if you know (document handed to witness).

- A. "Requisition of the First SS Lagerarzts, Concentration Camp Dachau, to the Office of the Reichs Doctor of the SS and Police and the Chief Hygenic Doctor, Berlin - Zehlendorf 6, Spanische Allee 10/12."
- Q. Is it not a fact, Doctor, that that requisition was prepared in your office and sent forward to Berlin to be complied with?
- A. Yes, it was prepared. But there is a signature missing.
- Q. It was prepared, was it not, Doctor, and for whose signature was it prepared?
- A. For my signature, but I did not sign it, because I cannot recognize it.
- Q. Because what?
- A. Because I did not sign it.
- Q. And you never at any time signed these requisitions, is that correct, that were sent to Berlin?
- A. Other requisitions I signed, but not this one.
- Q. In other words, you signed all the requisitions then for supplies for the delousing station, up to the month of February 1945, is that correct?
- A. I can't state that any more.
- Q. Well, that was one of your duties, was it not, Doctor?
- A. If the duties of the First Camp Physician had only consisted of that -- according to my convictions the First Camp Physician had more important duties.
- Q. Well, then, according to your judgment it was not important to maintain this delousing station, is that correct?
- A. The delousing stations were kept up by me, and this is proven by the fact that I had a new delousing station built in the camp.

(HINTERMAYER-cross)

Q. Will you answer my question, please, Doctor?

A. I didn't understand the question.

The question was then read by the reporter.

A. Just the opposite. I kept up these delousing stations, and even towards the end of February 1945 a new station was built.

Q. Well, is it not a fact that you told this court that these stations were not under your supervision and control, but came under the Administrative section of Dachau?

A. I didn't understand the question.

Prosecution: Will you read it back to him, please

(The question was then repeated by the interpreter.)

A. The delousing stations were under the control of the Administration.

Q. And you had nothing in the world to do with it, is that correct?

A. No, as I stated before, the Hygenic laboratory was in charge of it since the 1st of March. Before that Oberscharfuhrer Fuhrmann was in charge.

Q. Doctor, I hand you a document marked Prosecution Exhibit Number 135 (handed to witness), for identification, and ask you to examine it and state what it is.

A. This is the report about medical troops.

Q. And to whom was that report made?

A. I believe that was only for my office.

Q. And by whom was it made?

A. I don't know that.

Q. You never saw that before, or a copy of it?

A. No.

Q. Have you ever seen the original of this report, of which this is a copy?

A. I never saw that.

(HINTERMAYER-cross)

- Q. Well, now, you say that this report was prepared for your office, is that correct?
- A. Yes.
- Q. And you tell the court at this time that you don't know who prepared it?
- A. No, I cannot state that.
- Q. And you don't know who was directed to prepare such a report?
- A. I cannot remember these details any more.
- Q. Doctor, to refresh your recollection, will you look at Page 2 of this document marked Prosecution Exhibit Number 135 and tell the court whose name appears as Number 11?
- A. Kari Fuhrmann, SS Oscha, 23.6.89 -- that is the birth-date. I do not know what the next thing means.
- Q. What is the next thing?
- A. Reserve.
- Q. And the next?
- A. In charge of disinfection.
- Q. And what does the "KLD" stand for?
- A. Concentration Camp Dachau.
- Q. As a matter of fact, he came to Dachau and took over the delousing station there during the month of February, did he not?
- A. No, he didn't take over the delousing station in February, and this does not mean that he took over the delousing station in February. As far as one can tell from that, it means that he was sent to Kaufering on the 15th of February.
- Q. Well, as a matter of fact, didn't he come from Kaufering to Dachau?

(HINTERMAYER-cross)

A. He came pretty often to Dachau, but only for official business.

Q. And is it not a fact that he was an aid man out at Kaufering and at Augsburg?

A. He was a male nurse in Kaufering and Augsburg.

Q. And on the 15th day of February he came to Dachau, did he not?

A. Yes, he came to Dachau, and he was on an official visit.

Q. I hand you a document marked Prosecution Exhibit Number 136 for identification (handed to witness), and ask you to examine it and state what that is?

A. That is a duty roster.

Q. All right, now, whose name is signed to that?

A. My name.

Q. And is it not a fact that that is part of the report that was made up under your direction and under your supervision?

A. Yes.

Q. And is it not a fact that in that report is incorporated the medical personnel under your supervision and control?

A. Yes.

Q. And is it not a fact that Oberscharfuhrer Fuhrmann's name appears on there?

A. As far as I can remember, Fuhrmann was ordered from Kaufering in February, as in charge of disinfection. This duty roster was made out in January.

Q. Now, Doctor, I hand you another document marked Prosecution Exhibit Number 130 (handed to witness) and ask you to examine that and state what that is.

A. That is another duty roster.

Q. And that's the duty roster that was prepared under your direction and supervision, was it not?

A. Yes.

Q. And I will ask you to examine that and tell the court whether

(HINTERMAYER-cross)



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or not Fuhrmann's name appears on that duty roster for the month of April?

A. Yes. But I did not sign this duty roster. I cannot recognize that one. I cannot accept this one.

Q. You can't accept that one, but you can accept the one over here that you signed, is that correct?

A. Yes, the one I signed.

Q. And you have never seen the one marked Prosecution Exhibit Number 130 before at all, have you?

A. No, I never saw that one before.

Q. Nor the original of it?

A. I don't know the original either. I would have known that if I had signed it.

Q. In other words, you signed all the copies, is that correct?

A. Yes.

Q. Now, you stated that you made a proposition to the Camp Commandant to enlarge the camp, is that correct?

A. Yes.

Q. And that request was denied?

A. This request was denied.

Q. And why was it denied?

A. Because the whole city of Dachau, the whole surroundings of Dachau, were overcrowded with people who were damaged by bombs or were evacuated.

Q. And as a matter of fact, there were a number of buildings on this post which could have been used for barracks were there not?

A. I don't know any such buildings.

Q. Do you know, Doctor, how many persons were stationed here in the SS?

A. No.

(HINTER-YER-cross)

- Q. Is it not a fact that it was somewhere between three and four thousand?
- A. I can't state that.
- Q. Do you have any judgment as to the number at all?
- A. No.
- Q. Doctor, did you ever suffer from epilepsy?
- A. No.
- Q. And when did you say this attack of St. Vitus Dance first came over you?
- A. The first time, when I was twelve years old. The second time when I was approximately twenty-two years old.
- Q. And that was the last time?
- A. Yes.
- Q. Now, when you came to Dachau you stated that you found the hygenic conditions were in a terrible condition here in the camp, is that not correct?
- A. No, that is not true, either.
- Q. You did not make that statement before this court yesterday?
- A. By that I meant when I took over the office of the First Camp Physician I found the hygenic conditions terrible.
- Q. And that is a fact, is it not, Doctor?
- A. Yes, on the 1st of October when I took over the office, the hygenic conditions were terrible.
- Q. And you succeeded Doctor Wittler, did you not, as First Camp Doctor?
- A. At first, in the month of September, I was his representative, and I was appointed the First Camp Physician the 1st of October.
- Q. Now, Doctor, you were examined, were you not, before you were given a commission in the SS?
- A. Yes, I was examined.

(HINTERMAYER-cross)

- Q. And at that time did you inform the examining officer that you had St. Vitus Dance?
- A. At that time I had no difficulty because of my disease. The difficulty only increased and became worse after my injury.
- Q. I did not ask you that, Doctor, I merely asked you, did you inform the doctor who examined you, prior to the time you were commissioned in the SS, that you had St. Vitus Dance?
- A. No, because I didn't have any more complaints at that time.

Prosecution: No further questions.

The court then took a recess until 10:15 o'clock A.M., at which time all the personnel of the court, the prosecution, the defense, and all the accused resumed their seats. A reporter and interpreter were also present. The witness resumed the stand.

EXAMINATION BY THE COURT

- Q. You say you were beaten over at Moosburg?
- A. That was in the middle of August.
- Q. Who beat you over there?
- A. That was on the occasion of an interrogation by the CIC, and former prisoners were present.
- Q. When did you join the Allgemeine SS?
- A. I am not a member of the Allgemeine SS.

There being no further questions, the witness was excused and resumed his seat in court.

Mrs. Anna Wagner, a witness for the defense, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

(HINTERMAYER-cross, court)

(ANNA WAGNER-direct)

Q. State your full name.

A. Anna Wagner.

Q. And what is your address?

A. Dachau, Zugspitz Strasse Number 10.

Q. Do you know the defendant, Wilhelm Wagner?

A. Yes.

Q. Were you formerly his wife?

A. Yes.

Q. Now, were you his wife during the year 1942?

A. Yes.

Q. Do you know whether or not, during the year 1942, Wagner received a furlough?

A. Yes.

Q. Tell the court when he left on furlough.

A. On the 27th of August.

Q. In what year?

A. 1942.

Q. And how do you recall that date, Mrs. Wagner?

A. Because I made notes of that, and needed those notes for my lawyer in my divorce case.

Q. And when did Wagner return from furlough?

A. On the 1st of October 1942.

Q. Did you subsequently receive a divorce from the defendant Wagner?

A. Yes.

Defense: No further questions.

Prosecution: No questions.

There being no further questions, the witness was excused and withdrew.

Defense: May it please the court, before we close our case for the defense, I would like to make a statement to the court relative to the defendants Schoepp and Gretsch. There has been no

(ANNA WAGNER-direct)

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evidence against either of these two men, either by the prosecution or by any witness for the defense. Therefore, there is nothing that they have to defend. There is no point in either of them taking the stand. There is nothing that they could state on the stand. But they ask me to say to the court that they throw themselves on the court, if there are any questions that any member of the court would like to ask them. They have nothing to hide, and it would be up to the court to ask them any questions they might have.

Prosecution: May it please the court, I would like to say this, in reply to that: That whether or not there is any evidence before the court as to the criminality and culpability, with respect to Schoepp and Gretsch, it is a matter which this court has already decided, in their ruling on the motion for a directed verdict of not guilty. It may be the position of the defense counsel that there is no evidence, but I think it is putting the court in an improper position, and I think it is grossly improper to put the court into the position of asking the accused to be put on the stand. I think it is highly improper for the defense counsel to ask the court to reveal their attitude by putting them in the position of asking the accused Schoepp and Gretsch to take the stand. I think that that is an election which should be made by the accused themselves, after they have conferred with counsel, and it is certainly improper to ask this court whether or not they have any questions that they want to ask the accused at this time.

Defense: May it please the court, that isn't the point at all. These men have nothing to say on the stand, but they don't want the court to get the impression that they are refusing to take the stand, or refusing to answer any questions. They are merely throwing themselves on the court, with these words: "I have nothing to hide." There is no point in their taking the stand. I wouldn't

know what to ask them. The prosecution has not brought out one thing against them. There is nothing for them to defend. But they don't want the court to get the idea they are hiding anything, and for that reason they open themselves to the request of the court. There is nothing improper about that. The burden of proof is on the prosecution to prove that these men are guilty of what they are charged with. There has been no evidence brought out against them. The prosecution takes the position that the burden of proof is on them to prove they are innocent.

Prosecution: The answer to that is that these men are charged with acting in pursuance of a common design to subject these prisoners to killings, beatings, tortures, starvation, abuses and indignities. We have shown by our case that these men were guards, and as such they acted in pursuance of a common design to subject these people to the beatings, killings, starvation, and so forth, as charged in the particulars. I again say that it is entirely up to the accused, with the advice of their counsel, to either take the stand or remain silent, as they see fit, but to try to put this court into the position of making an election, or even attempting to disclose their opinion as to their guilt or innocence at this time is grossly improper.

President: The defense will proceed with their case.

Defense: Do I understand, sir, that the court desires them to take the stand?

President: The court is not going to express itself one way or the other. We have already passed on your motion for a directed verdict of not guilty, at the conclusion of the prosecution's case. You can proceed with your case in any way you think best.

ALBIN GRETSCH, one of the accused, was then called to the stand by the defense, as a witness in his own behalf, and testified through the interpreter as follows:

## DIRECT EXAMINATION

Questions by defense:

Q. What is your name?

A. Albin Gretsach.

Q. How old are you?

A. Forty-six years.

Q. Where were you born?

A. Augsburg.

Q. Did you ever participate in a common design to murder or to mistreat any prisoners, or any person?

A. No.

Defense: No further questions.

## CROSS-EXAMINATION

Questions by prosecution:

Q. Gretsach, when did you join the SS?

A. On 1 September 1944, after five years of service in the Luftwaffe, I was taken over by the SS, without my wish or my knowledge, through some sort of orders.

Q. So that you were a member of the SS, is that correct?

A. Yes.

Q. Now, over what period of time did you serve at Dachau?

A. From 2 November 1944 until 6 January 1945 I was in Dachau for a short period, and before that I was in the out-camp Kaufbeuren, and then from 5 March until the 26th of April I was again in Dachau.

Q. Now, the first time that you were in Dachau, what were your duties here?

A. I was a guard.

Q. And as a guard, what were your duties?

A. I was a guard in the tower, and now and again I had to

(GRETSCHE-direct, cross)

accompany the prisoners.

Q. And at the time that you were standing guard in the tower, you were armed with a weapon, were you not?

A. Yes.

Q. And it was one of your duties to prevent the escape of any prisoners from the camp, was it not?

A. Yes.

Q. And it was also one of your duties to prevent the escape of prisoners that went out on details, was it not?

A. Yes.

Q. And you performed those duties, did you not?

A. Yes.

Q. Now, when you were at Dachau the second time, what were your duties?

A. I had the same duties as the first time.

Q. And you discharged those duties, did you not?

A. Yes, according to orders.

Q. All right, Gretsche, now on the 26th day of April 1945, is it not a fact that you left Dachau with a transport of prisoners?

A. Yes.

Q. And on that transport you were a guard, were you not?

A. Yes.

Q. And your duties on that transport were the same as your duties as a guard back in the Camp of Dachau itself, were they not?

A. Yes.

Q. And you performed those duties, did you not?

A. Yes.

Q. Now, this transport that you were on arrived at Wolfratshausen on the 28th day of April, did it not?

A. Yes.

(GRETSCHE-cross)



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- Q. And at the time it left Dachau it had approximately fifteen hundred prisoners in it, did it not?
- A. Yes, the third company, to which I belonged had, fifteen hundred prisoners to transport.
- Q. And as a matter of fact, when the prisoners arrived at Wolfratshausen, there were only about twelve hundred left, isn't that a fact?
- A. Yes.
- Q. And on the way many of those prisoners died, did they not?
- A. On the way? I can't say on the way.
- Q. After they got to Wolfratshausen many of them died, did they not?
- A. In Wolfratshausen I saw fifteen or twenty who were dead.
- Q. And those prisoners died from exhaustion, did they not?
- A. Yes, that is to be assumed.
- Q. Now, on that march you were armed with a rifle, were you not?
- A. Yes.
- Q. And you also had dogs, did you not?
- A. The dog group was a special formation.
- Q. And you were a part of the guard that had this dog group, were you not?
- A. The dog group was a part of the guard in itself.
- Q. And these guards were also armed with hand grenades and machine pistols, were they not?
- A. No hand grenades were taken along from Dachau. Those were the ones from Allach.
- Q. Well, the guards that accompanied this transport had hand grenades, did they not?
- A. The guards from the Allach camp, but not from the Dachau camp.

(GRETSCHE-cross)

- Q. And where did the guards from the Allach camp join the transport from Dachau?
- A. They went ahead of us. We only saw them on the road.
- Q. And as a matter of fact, Gretsche, you saw guards set dogs on the prisoners, did you not?
- A. I saw one case where a young guard from the dog guard group set his dog on a prisoner.
- Q. And you also saw those guards abuse those prisoners who were hardly able to get along, did you not?
- A. I can't say that I saw actual mistreatment.
- Q. Well, you saw them beating them with rifle butts, didn't you?
- A. I can't determine anyone who beat somebody with a rifle butt.
- Q. You mean you don't know his name?
- A. No.
- Q. He was an SS guard, though, was he not?
- A. Yes.
- Q. Now, it is a fact, is it not, Gretsche, that you left collapsed prisoners lying on the right side, and on the left side of the road, who were unable to continue the march?
- A. Yes, they remained lying there. We let them lie there temporarily.
- Q. And is it not a fact that some of those people were shot when they were unable to go on?
- A. No, I didn't see anything of that sort.
- Q. Well, you heard about it, though, did you not, Gretsche?
- A. I didn't hear anything about shooting. In the woods near Wolfratshausen some people fired a shot into the air, but of actual shootings I heard nothing and saw nothing.
- Q. Now, is it not a fact, Gretsche, before you left Dachau your orders were that every attempt to escape was to be prevented by arms?

(GRETSCHE-cross)

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A. Yes, there was an order to prevent attempted escapes, but Captain Beyer, who issued that order, said that in case of an air alarm we were not to assume that a prisoner was trying to escape if he went away a little ways.

Q. Well, is it not a fact, also, Gretsch, that your orders were that no prisoner was to stay unguarded?

A. Yes--

Defense: We object to the last translation. Can you remember he said "alone", instead of a "little ways".

Interpreter: I can't remember.

Prosecution: Let him say it again.

A. Attempt at escape is to be prevented by arms, but in the case of an air attack one should not be so short-hearted, and should not immediately assume an attempt at escape and use one's weapon if the column disperses because of an air attack. An attempt at escape should not immediately be assumed.

Q. Now, is it not a fact, Gretsch, that a further part of those orders were that no prisoner could stay back unguarded?

A. The order existed, but it could not be carried out practically.

Q. Well, is it not a fact, Gretsch, that since so many were too weak to walk, the whole distance, they were shot along the road by the guards?

A. No.

Q. You never made that statement?

A. No, I never said that anybody was shot down.

Q. Now, Degelow was in command of that transport, was he not?

(GRETSCHE-cross)

- A. Yes, at the time I assumed that Degelow was commander of the transport, because the battalion was in charge of the transport and Degelow was Battalion Commander.
- Q. Now, is it not a fact, Gretschi, that these orders you received were the general orders that were given to all the guards?
- A. Yes.
- Q. Gretschi, I hand you a document marked Prosecution Exhibit 117, and ask you to examine it and state what that is. (Handed to witness).
- A. I assume that is my statement.
- Q. All right. Now is it not a fact, Gretschi, that on the 31st day of October 1945, before Second Lieutenant Alfred Lawrence, you made this statement under oath: "Before departure from Dachau we were ordered every attempt to escape had to be prevented by arms. No prisoners stay back unguarded. But since many were too weak to walk the whole distance, they were shot along the road by some guards?"
- A. No, that doesn't say it here (referring to a document). I only talked about shot in the air during my interrogation, and that is what I meant here. I explained that to the interrogating officer.
- Q. Just answer my question, Gretschi. Did you, or didn't you, make the statement I just asked you about?
- A. I heard shots, but I didn't see anybody shot down. To shoot, and to be shot down, are two different things.
- Q. There is no question about that, Gretschi, but is it not a fact that you did make the statement to Lieutenant Lawrence, under oath, that "since many were too weak to walk the whole distance, they were shot along the road by some guards." Did you or did you not make that statement?

(GRETSCHI-cross)

- A. Yes, but it also says, "I did not see with my own eyes how the people were shot."
- Q. Did you or did you not make the statement I asked you about?
- A. A statement written in English and signed by about fifty people was shown to me during my interrogation.
- Q. I didn't ask you that, Gretsche, I merely asked you whether or not you made that statement?

Defense: May it please the court, if I recall, the third answer back, the second answer back, was this, "Yes, but it also says -- ". It just occurs to me that that is answering the prosecution's question.

Prosecution: May it please the court, if that was his answer, that is all right. I didn't hear the "Yes". If he did say the "Yes", that is all right.

- Q. You say it also says that "I could hear the shooting, for instance, in the Wolfratshausen Forest, but with my own eyes I did not see how people were shot", is that correct?
- A. Yes, that is correct.
- Q. So, then you base your information then, on the fact that the guards shot these people who were too weak to walk, on the fact that you heard that from somebody, is that correct?
- A. No, I didn't hear anything about it.
- Q. Well, will you tell the court why you made that statement?
- A. That statement was read to me during my interrogation and I admitted the possibility that some of them might have been shot. That possibility existed.
- Q. Well, now, Gretsche, you did make that statement, though, as I understand that statement, that is correct, is it not?

(GRETSCHE-cross)

- A. Not in the same words as it is written down here.
- Q. Well, now, you know the meaning of an oath, do you not?
- A. Yes.
- Q. And you swore to this statement, did you not?
- A. I only swore to it after the whole thing was written down.
- Q. All right, Gretsich, I will ask you this: Will you read to the court this portion of the statement which is in your own handwriting (indicating to witness)?
- A. "I have made the above statement without compulsion, and I have read and corrected it and understand it fully. I swear before God that it is the pure truth." However, I did not read the statement, it was read to me.
- Q. In other words, you made that statement in your own handwriting, that you had read it, when as a matter of fact you had not read it, is that correct?
- A. I did not read it, but it was read to me.
- Q. But you did sign a statement that you had read it, that is correct is it not?
- A. Yes, that was dictated to me.
- Q. And you signed it in your own handwriting, did you not?
- A. Yes.
- Q. And that statement was the truth at the time you signed it, was it not?
- A. Yes, the statements which I made were true.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by defense:

- Q. Gretsich, is this statement in your handwriting?
- A. No, that isn't my handwriting.
- Q. What part of this paper is in your handwriting?

(GRETSCHE-cross, redirect)

- A. This is my handwriting here (indicating).
- Q. And what is this? What part of the paper is that?
- A. That is, "I have made the above statement without compulsion, and I have read and corrected it and understand it fully. I swear before God that it is the pure truth."
- Q. That is the oath, is it not?
- A. Yes, that is the oath.
- Q. And is the oath the only part of this statement that is in your handwriting?
- A. Yes.
- Q. Now, Gretsch, you said you were a tower guard in one of these camps, is that true?
- A. Yes.
- Q. Did you shoot anybody from one of those towers?
- A. No, I never fired a shot.
- Q. Did you ever see anybody escape while you were a guard on one of those towers?
- A. No.
- Q. Did anybody ever escape from the camp while you were there?
- A. Not in Dachau. In Kaufbeuren.
- Q. How many escaped from Kaufbeuren?
- A. Once there were two men, and once there were four men.
- Q. Did you shoot at these people to prevent them from escaping?
- A. I wasn't on duty at that time. I wasn't on guard. I only stated that because the interrogating officer asked me whether anybody had escaped and then I admitted that.
- Q. Now, when you were on this last transport, you say you saw a man put a dog on a prisoner, is that true?
- A. Yes.

(GRETSCH-redirect)

Q. Did you have anything to say to that guard?

A. Yes, I made his account for that.

Q. Now, Gretsich, there is no doubt about it that they had orders from Dachau not to allow any prisoners to escape. That is true, is it not?

A. Yes.

Q. And you say you saw fifteen people lying on the side of the road?

A. Yes.

Q. Did you leave those people there?

A. The people remained there. I couldn't help that. I had to remain with the marching troops. They were then collected in vehicles.

Defense: No further questions.

#### RECROSS-EXAMINATION

Questions by prosecution:

Q. Gretsich, you signed each page of Prosecutions Exhibit Number 117, did you not?

A. Yes, I signed it on the bottom, but I didn't read it. It was in a hurry.

Q. When was this statement taken?

A. On the 31st of October.

Prosecution: No further questions.

#### REDIRECT EXAMINATION

Questions by defense:

Q. Were you told to sign your name to each sheet of paper?

A. Yes, but only after the oath. I did that the last thing.

There being no further questions, the witness was excused and resumed his seat in court.

(GRETSCHE-redirect, recross-END)



JOHANN SCHOEPP, one of the accused, was called to the stand by the defense as a witness in his own behalf and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

- Q. What is your name?  
A. Johann Schoepp.  
Q. How old are you, Schoepp?  
A. Thirty-four and a half years.  
Q. Where were you born?  
A. In Alcen, Rumania.  
Q. Are you a Rumanian citizen?  
A. Yes.

Defense: No further questions.

CROSS-EXAMINATION

Questions by prosecution:

- Q. Schoepp, when did you first come to Dachau?  
A. 21 August 1943.  
Q. When did you join the SS?  
A. We weren't told anything about that. We came to Oranienburg first, and then we were assigned to the guard troop.  
Q. When did you join the SS?  
A. We came here to Dachau and there were only SS men here in Dachau. On the 21st of August.  
Q. So on the 21st of August 1943 you joined the SS, is that correct?  
A. Yes, we were assigned to them.  
Q. And how long did you remain in Dachau?  
A. Until the 2nd of October.  
Q. What year?

(SCHOEPP-direct, cross)

A. 1943.

Q. And during the time that you were here at Dachau, what were your duties?

A. First, for five or six days, we remained in civilian clothes. We did not get our uniforms. Then we were trained for about ten days. Then my feet became ill and I went to the hospital. After that I went on a furlough. On the 1st of November I came back and I was immediately transferred to Feldafing, and went there.

Q. And Feldafing is an out-camp of Dachau, is it not?

A. Yes.

Q. And what were your duties at Feldafing?

A. I was a guard post there.

Q. And as a guard, it was your duty to keep the prisoners from escaping, was it not?

A. Yes.

Q. And you carried those duties out did you not?

A. Yes, as much as was possible.

Q. And you were armed with a weapon, were you not, to carry out those orders?

A. Yes.

Q. Now, how long did you remain at Feldafing as a guard?

A. Until the 23d of April 1945.

Q. And on that date where did you go?

A. On 23 April we came to Dachau on trucks, together with the prisoners.

Q. And after you got to Dachau, what happened to the prisoners?

A. We came twice from Feldafing with the car on that day. A comrade of mine, Rottenfuhrer Munchen, came with the first transport. And he came to me when I came in with the truck

(SCHOEPP-cross)

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and he told me, "Come on down, you have been assigned to go to the Tyrols with the transport that is standing here."

Q. Now, how many prisoners were on this transport that you took down in the direction of the Tyrols?

A. I don't know, exactly, but we were told it was eighteen or nineteen hundred.

Q. And those prisoners were in pretty bad physical condition were they not?

A. Yes, one could see that. They weren't strong. They were weak.

Q. And this transport that you left on went down in the direction of Garmisch, did it not?

A. Yes.

Q. And you got as far as Seefeld, is that correct?

A. I didn't go along with that train from Garmisch. I went after them with a freight train.

Q. Well, you know a man by the name of Lausterer, do you not?

A. Yes, I knew him. He was at Feldafing for a time.

Q. And you were on the same transport with Lausterer, were you not?

A. Yes, we were together. The reserve guard -- I don't remember how many of us there were -- and he sat behind me, in the next compartment.

Q. And it was part of your duties, was it not, to prevent the escape of prisoners on that transport?

A. I had nothing to do with that. I was a reserve guard.

Q. And as a reserve guard, you were there to relieve any guard who was unable to continue his duties, were you not?

(SCHOEPP-cross)

- A. That never happened. There were too many guards for that, because it was supposed to be cleared out.
- Q. That was one of your duties, though, was it not?
- A. It didn't come to that. I didn't have any duties on that transport.
- Q. What was the function or duties of reserve guards?
- A. It is the way I told you. There were several of us, because we were supposed to be transferred to the Tyrols.
- Q. Will you please tell us, Schoepp, what were the duties of the reserve guards?
- A. A reserve guard is in reserve, and waits for an order.
- Q. Now, how many reserve guards were on that transport?
- A. All those of us who were in that compartment were reserve guards.
- Q. How many were in that compartment, Schoepp?
- A. I can't say. It was a long wagon. I don't know. There were fifty or sixty, or maybe up to one hundred. There were many.
- Q. Well, what is your best judgment?
- A. Nobody concerned himself with anything. I can't say anything more accurately than I have already stated.
- Q. Well, will you tell the court please, Schoepp, how many guards you had on that transport?
- A. I have no idea. They were assigned to the cars on which the prisoners were.
- Q. How many guards were assigned to a car?
- A. I have no idea, because I wasn't present when they were distributed.
- Q. What orders did you receive before you left?
- A. They had been issued before I got there. I was told nothing except "You are coming along to the Tyrol."
- Q. Who told you that?
- A. My comrade, Munchen.

(SCHOEPP-cross)

8A40

Q. No officer gave you any order of any kind, is that correct?

A. No one.

Q. What rank did you have in the SS?

A. Rottenfuhrer. I was only a private first class before that, and I was promoted on the 20th of April.

Q. So you just got on this transport going down to the Tyrol because a comrade said "Come on, let's get on it" is that right?

A. He told me that I had been assigned to it on the list.

Q. Now this comrade was not an officer, was he?

A. He was a Rottenfuhrer also.

Q. Where did you leave Lausterer?

A. He went ahead and I remained behind in Garmisch.

Q. Now who else remained behind in Garmisch with you?

A. Rottenfuhrer Munchen and an Oberscharfuhrer.

Q. And what was the occasion of your remaining behind in Garmisch?

A. We were eating in a restaurant in Garmisch.

Q. And didn't you have orders to go on down to the Tyrol?

A. We were supposed to go to the Tyrol, but by the time we came out they had left. At that time, while we were in the restaurant, the news came from Munich that the war was over, and we didn't ever think about going. The news came on the radio. And we were eating there, and when we came out part of them had left.

Q. And how many were sitting there in that restaurant?

A. The three of us.

Q. And where did the rest of the members of the transport eat?

A. They didn't come out. Part of them were guards and the  
(SCHOEPP-cross)

rest of them remained in the reserve guard compartment.

We had some food stamps, and we got something to eat.

Q. And what was the date on which you say that you heard this news that the war was over?

A. I don't remember whether it was the 27th or the 28th, or the 26th. No, it wasn't the 26th, because I hear we left here on the 26th.

Q. As a matter of fact, you don't know what date it was, isn't that correct?

A. I didn't note it down, exactly, but I know it was on that day and Munchen could confirm that if he could come here.

Q. Who was in charge, or the commanding officer, of the reserve guards?

A. Nobody told me anything about it. We got in there with Munchen and then nobody spoke to us; nobody concerned themselves with us, because that was an evacuation.

Q. In other words you had no formation at all, is that correct?

A. Not in that compartment.

Q. Did you have any before you got on the train?

A. Only what Rottenfuhrer Munchen told me; otherwise nobody told me anything.

Q. So you were on this transport without knowing who the commanding officer was, or without having received any orders, is that correct?

A. That's what I told the prosecutor when he asked me about it. I told him that I could describe who was the transport commander but I don't know his name. He ran up and down in Dachau while we were sitting in the train, and I described him, that he was an old man, about sixty-two or seventy-two years old -- that's what my comrade told me when I asked him, and he had a white mustache and white hair.

(SCHOEPP-cross)

8A42

- Q. And that transport commander was also in command of the reserve guards, was he not?
- A. What he was, I don't know. Probably he was in charge of everybody, but he didn't tell us anything; he didn't give any orders.
- Q. Well, was there a different man who had charge of the reserve guards?
- A. No, I only know him.
- Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by defense:

- Q. Schoepp, you say you were a reserve guard on that transport?
- A. We were reserve because we had no orders and we had nothing to do.
- Q. Did you guard any prisoners on that transport?
- A. No.
- Q. Did you have a gun?
- A. I didn't have one on me.
- Q. Did you relieve any of the regular guards while you were on that transport?
- A. No.
- Q. I believe you said you were in the Rumanian Army, is that correct?
- A. Yes, I have got all the papers.
- Q. And how did you get mixed up with the German Army?
- A. As I have already stated, all of us between seventeen and thirty-five years of age were picked out and we were assigned and selected for the Germany Army.
- Q. Did you volunteer for the Germany Army?
- A. No.

Defense: No further questions.

(SCHOEPP-cross)

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his seat in court.

Defense: Defense rests.

TESTIMONY FOR THE PROSECUTION  
IN REBUTTAL

COLONEL DAVID CHAVEZ, JR., a witness for the prosecution was recalled to the stand.

Prosecution: Colonel, you are reminded you are still under oath.

DIRECT EXAMINATION

Questions by prosecution:

Q. Colonel, your name is Colonel David Chavez, Jr.?

A. Yes.

Q. While conducting the investigation of Dachau in the early part of May 1945, did you have occasion to examine one Johann Kick?

A. I did.

Q. Now, Colonel, Kick has testified that from the 8th of May until the 15th of May he was beaten daily, and that he was beaten so badly that his arm was paralyzed. I will ask you whether or not you had occasion to examine Kick?

A. Yes.

Q. On what date did that examination take place?

A. If I recall, it was on May 9, 1945. He appeared before me, as the investigating examiner, and before Captain Walker, the recorder and the interpreter, in a hearing similar to the hearing which is being held here today, in conformity with directives issued by this Theater for all War Crimes Investigating Teams.

(CHAVEZ-direct recall)



8444

Q. Now, Colonel, I was in error with respect to the date.

Kick testified that he was beaten daily from the 7th of May until the 15th of May. When he appeared before you, Colonel, did you have occasion to observe his physical condition?

A. I did.

Q. Did he have any black eyes?

A. He did not.

Q. Did he show any evidence of violence having been used upon him?

A. He did not.

Q. Was any one or both of his arms paralyzed?

A. Not that I observed. He was just as natural as he is now. In fact, he looked better at that time than he does now. I observed nothing. He was very cooperative, and the record will so indicate. He was sworn and he gave his testimony in a very gentle manner.

Q. Did he at any time state to you, Colonel, that he had been beaten or in any manner mistreated?

A. He did not.

Prosecution: No further questions.

#### CROSS-EXAMINATION

Questions by defense:

Q. How often did you see him?

A. Just during the time that he was interrogated.

Q. Just the one day?

A. No, I don't know whether it was one day or not. I think it was one or two days. His testimony wasn't very much. I think probably it was just one day.

Q. And that was on the 9th of May 1945?

(CHAVEZ (recall) direct, cross)

A. Yes, as I recall it was on the 9th of May.

Q. And where did you conduct this examination, Colonel?

A. Right here in Dachau, in one of the buildings - the Post Commandant. General Adams' office was right underneath ours.

Q. You say you saw him on the 9th of May 1945, and he showed no physical evidences of violence at that time?

A. That is true.

Q. When was the next time you saw him?

A. I don't think we ever saw him after we interrogated him. I went on -- we interrogated, oh, probably ninety or one hundred witnesses. As soon as we got through with one we took another.

Q. When you got through with Kick you did not see him again?

A. No.

Q. And did you personally talk with him?

A. Yes, I, and Captain Walker. I examined him, and Captain Walker examined him; both of us did.

Q. And you examined him for testimony?

A. Yes, in that form, as the record discloses.

Q. And of course he wasn't stripped at that time was he? He was fully clothed?

A. Yes.

Q. So if there was any evidence of physical violence on his body it wouldn't be seen by you at all, would it?

A. No more than I could see on you if there was anything underneath your clothes.

Q. Was Breiding, the prosecution witness Breiding, with you at that time?

A. I don't know Breiding.

Q. But there is no question about it -- at the time you talked

(CHAVEZ (recall) cross)

8A46

with him you say he was quite cooperative?

A. He was. The record will so show.

Q. You don't know what happened to him after the time you last saw him?

A. No.

Defense: No further questions.

There being no further questions, the witness was excused and withdrew.

Lieutenant Alfred E. Laurence, a witness for the prosecution, was recalled to the stand and testified as follows:

Prosecution: Lieutenant Laurence, you are reminded you are still under oath.

A. Yes.

DIRECT EXAMINATION

Questions by prosecution:

Q. On or about the 31st day of October 1945, did you have occasion to examine Albin Gretsah?

A. Yes, sir.

Q. And at the time that you examined him, do you know whether or not he read this statement over which I hand you, marked Prosecution Exhibit Number 117 (handed to witness)?

A. He read it, sir, but my handwriting which appears here is pretty difficult to read, and I had him sitting here, and I read it out and he had his eyes on it at the same time, so I say he read it. I was reading it aloud at the same time.

Q. And did he complain of any mis-statements that were contained in Prosecution's Exhibit Number 117 at that time?

A. Not at all, sir. As a matter of fact, several things, as (CHAVEZ - recall - cross)

(LAURENCE - recall - direct)

you will find them here, he asked me to put in. This one, for instance: "With my own eyes I didn't see -- "; "somebody escaped, but I didn't shoot"; and "the boy put the cog on the man." You will find all of that in the statement.

Q. In other words, you included in Prosecution's Exhibit Number 11? the matters that he told you at that time?

A. Exactly. They are mostly his own words, sir. And may I add, sir, that I wasn't in a hurry at all. He took many hours and as he was rather slow in answering, I gave him all the time he wanted. And there was a paper which was not in English, but in Russian language, signed by a Russian Brigadier General, and that was the paper he referred to.

Prosecution: No further questions.

#### CROSS-EXAMINATION

Questions by defense:

Q. The statement, with the exception of the oath, is in your handwriting, is it not, Lieutenant Laurence?

A. Yes.

Defense: No further questions.

There being no further questions, the witness was excused and withdrew.

Llewellyn Edwards, a witness for the prosecution, was sworn and testified as follows:

#### DIRECT EXAMINATION

Questions by prosecution:

Q. Will you state your full name, please?

A. Edwards, Llewellyn Edwards.

Q. And how old are you?

A. Thirty-five years of age.

Q. And what is your home address?

(LAURENCE - recall -direct,  
cross)  
(EDWARDS - direct)

A. 12 Nora Street, Roath, Cardiff, Wales.

Q. Are you a member of the British Army?

A. I am, sir.

Q. And what is your regiment?

A. Welsh Regiment, sir.

Q. And where are you stationed at the present time.

A. Landside.

Q. And how long have you been a soldier?

A. Sixteen years, sir.

Q. Now, Edwards, I will ask you whether or not you were taken prisoner in North Africa?

A. Yes, sir.

Q. On what date?

A. 11 February 1942, sir.

Q. And by whom were you taken prisoner?

A. By the Germans, sir.

Q. Now, after you were taken prisoner, to what place were you taken?

A. To Camp 85, Brindisi, Italy, sir.

Q. And after you left Camp 85, where were you taken?

A. In May to Camp 65, near Graviani.

Q. And from Camp 65 to what place were you taken?

A. In June 1943 to Camp 52, near Genoa.

Q. And from Camp 52, where were you taken?

A. After the capitulation of Italy we were being transferred, officers and senior noncommissioned officers -- being transferred by train to Germany.

Q. And what, if anything, happened to you while you were on that train?

A. I escaped from the train three miles north of Cremona, sir.

Q. Were you subsequently recaptured?

(EDWARDS - direct)

A. Yes, after nearly a month.

Q. And after you were recaptured, were you later brought to Germany?

A. Yes, sir.

Q. And to what place in Germany were you brought?

A. Dachau Concentration Camp, sir.

Q. And when did you arrive at the Dachau Concentration Camp?

A. On the 18th of October 1945, sir.

Q. Now, when you arrived here, were you alone or were there other people with you?

A. No, sir, there were about eighty of us.

Q. Were there any other members of the British Armed forces with you?

A. Yes, sir, two or three French and two English sailors.

Q. Now, Edwards, when you arrived here in the camp at Dachau, about what time of the day was it?

A. It was just before mid-day, sir, around about mid-day.

Q. And where were you taken within the camp?

A. To the Camp square. -- I can't speak very plainly, because I have no teeth.

Q. Now, when you arrived at the camp square, what happened there?

A. We had to take all our clothing off, sir.

Q. What was the weather that day?

A. It was drizzling cold rain, sir.

Q. And after you had your clothes taken off, then where were you taken?

A. Taken down, and all the hair taken from our body and head with the clippers.

Q. And then where did they take you?

A. To the bath, sir, hot and cold, sir.

(EDWARDS - direct)

8A50

- Q. And then after you were in the shower room, then where were you taken?
- A. Taken along and given prison uniforms, sir.
- Q. And after you received your uniform, where did you go?
- A. Back and collected our uniform which we had taken off.
- Q. And what was done with that?
- A. That was put in brown bags with whatever belongings were in our pockets, put in brown bags and put into a magazine.
- Q. Now, following that, will you please state whether or not you were placed in a block?
- A. Yes.
- Q. Now, after you were placed in the block, did you make any effort to obtain an interview with the Camp Commandant?
- A. Every day, sir.
- Q. Was this effort to obtain an interview successful?
- A. No, sir.
- Q. Who was the Camp Commandant at that time?
- A. Weiss, sir.
- Q. Now, did you later see the Camp Commandant?
- A. Not Weiss, sir.
- Q. Who was it that you later saw?
- A. Another officer that took over from Camp Commandant Weiss, sir.
- Q. And approximately when was it that you saw that officer?
- A. In the early days of November 1945, sir.
- Q. And where was it that you happened to see him?
- A. The Camp Commandant was coming down to the camp with the then Rapportfuhrer.
- Q. What was the name of the Rapportfuhrer?

(EDWARDS - direct)

A. That one there (pointing).

Q. What is his number, please? Stand up and look and see which man it is.

A. Boettger, sir.

Q. Now will you explain what happened on that occasion?

A. As all my applications had failed to reach the Camp Commandant, I approached him in person. I saluted him in a military fashion without removing my head-dress. The Rapportfuhrer struck me down.

Defense: Now, if it please the court, I want to object to this matter, as being an incident of evidence not proper in rebuttal proof. It is an entirely new incident, which has nowhere appeared in the record before. According to the Manual here, the defense will not be entitled to surrebuttal, so this is as though a witness were coming in here and making an accusation, and not permitting the accused an opportunity to affirm or deny the accusation. I therefore object to the introduction in rebuttal proof of any new matter, and this is the first material bit of proof that has occurred in this line of testimony, and is definitely without the scope of either the prosecution's proof in chief or the defense's proof in chief.

President: What is your reference?

Defense: Sir, I don't have the paragraph open here. Colonel Lenson probably has the reference.

Prosecution: It is page 36. It doesn't say what you say, though, I don't say that.

Defense: I probably left out a "the" or an "and". (Defense counsel then read from the Manual.) I didn't quote it verbatim, and I will apologize to the court for that delinquency.

(EDWARDS - direct)



Prosecution: May it please the court, may I have the opportunity to answer that? The matter which has already been testified to by Sergeant Edwards is preliminary to the main gist of his testimony. We think we are entitled to show the circumstances leading up to the main point for which he is being put on the stand, which is in direct rebuttal to the testimony of one of the defendants produced in this case. And we think, as a matter of orderly procedure, we are entitled to show the circumstances preceding the main event which he will testify to in a couple of minutes. That is why he is being taken along step by step, and we submit that that is perfectly proper procedure.

Defense: May it please the court, I haven't the remotest idea what the main event, the feature, will be, but I submit to the court that it is improper to permit counsel, by chronological relation of certain events preceding the feature, to accuse forty people of murder, just under the guise of it being incidental to that feature that we wait for. Now this man has come in and testified that one of the defendants knocked him down. That is a new matter. It is an accusation against Boettger. It is an accusation that Boettger will not have the opportunity to either admit, deny, or explain, and therefore I submit, as a matter of law, and as a matter of just plain, simple fair play, such matter should not be permitted to be introduced in proof without giving defense an opportunity for surrebuttal, and that opportunity is not provided in the rules for procedure.

President: The objection is overruled. The court wants it clearly understood by the accused that we will continue to receive evidence on any matter that you feel is essential to

(EDWARDS - direct)

the defense of the accused, that it is proper to receive, that has probative value, and we will continue to receive it for an indefinite period.

Q. Now, Edwards, after you were struck down, what was said?

A. It was told me by a Polish interpreter at that time that the Camp Commandant said, "What does that dog want?"

Q. Then what was said?

A. The Polish interpreter asked me -- I told him I was a British soldier, ex-prisoner of war in Italy, and that I should have gone to a prisoner of war camp in Germany. He then gave me permission for a political interview.

Q. Now, who did you go to see for that political interview?

A. The Political Agent and Criminal Investigator for Dachau.

Q. Did you get to see him the first time you went to see him?

A. No, sir.

Q. What was on the door at the office there when you went to see this man?

A. Herr Kick, Political Agent, Criminal Investigator.

Q. How many times did you have to go there before you finally got to see Kick?

A. I saw him on the fifth time I went over there, sir.

Q. Now, when you got to see him on the fifth time, explain what happened.

A. I had the Polish interpreter with me, and Kick said, "What does this man want", in German. The Polish interpreter told him who I was, and what I was, and the Polish interpreter was trying to assist me in asking Kick questions, to try and get me what I was after.

Q. Then what happened?

A. Then Kick struck the interpreter.

Q. Then what happened?

A. He ordered the interpreter out.

(EDWARDS - direct)

Q. Then what happened?

A. He told me in plain English -- "Now we can speak."  
He asked me what I was, who I was, and I told him.  
He asked me what my nationality was, and I told him  
English. He called me a liar. I said I wasn't, I  
was English, and a British soldier. He called me a  
liar. At this time there was an SS man came into the  
room, and Kick spoke to the SS man, and the SS man  
pushed me. Kick struck me, and that was carried on be-  
tween one and the other for a period of, I should imagine,  
of over an hour.

Q. Now, with what did Kick strike you?

A. With his fist, sir.

Q. Now, Edwards, did he hit you with his open hand, or with  
his fist?

A. His fist and open hand, sir.

Q. At the time you went in Kick's office, how many teeth did  
you have in your head?

A. Fifteen, sir. On the bottom, sir. Fifteen of my own, sir.  
On the top I had artificial teeth.

Q. And when you came out of Kick's office, how many teeth did  
you have?

A. I just had a stump here and there, sir.

Q. You may state whether or not those teeth were knocked out in  
Kick's office.

A. They were, sir.

Q. Now, were there any lacerations or cuts any place on your  
body as a result of that beating?

A. Yes, sir.

Q. Where?

A. Here (indicating).

(EDWARDS - direct)

Q. Do you have a scar there at the present time?

A. Yes, sir.

Q. Was there any other place on your body that you were cut as a result of that beating?

A. My mouth and nose, sir.

Q. Now, after that, were you given medical treatment?

A. Yes, sir.

Q. Where?

A. In the hospital, by a prisoner, sir.

Q. And were you subsequently transferred to a prisoner of war camp?

A. Not for quite a long time, sir.

Q. On what date were you transferred to a prisoner of war camp?

A. At the end of March, sir.

Q. Of what year?

A. 1944.

Prosecution: You may inquire.

#### CROSS-EXAMINATION

Questions by defense:

Q. Where were you taken prisoner?

A. In Libya, sir.

Q. And what was your unit in Libya?

A. Welsh Regiment.

Q. How long had you been in Africa?

A. Since the declaration of war, sir.

Q. And you went to all of these camps in Italy first?

A. Yes, sir.

Q. And you were taken prisoner by Germans, or by Italians?

A. By Germans, sir.

(EDWARDS - direct)  
cross)

- Q. And you first came to Dachau on the 18th of October 1943, is that correct?
- A. Yes, sir.
- Q. And the first Camp Commander in Dachau that you saw was not Weiss, was it?
- A. The first Commandant when I arrived in Dachau was Weiss.
- Q. Did you see him?
- A. I saw him going around the camp, sir.
- Q. But he wasn't the man who said, and spoke to you, "What does that dog want"?
- A. No, sir.
- Q. In fact, you never had any conversations with Weiss, did you?
- A. No, sir.
- Q. Do you know the name of the Commandant who said to you, or in your presence, "What does that dog want"?
- A. I think his name was Weiter.
- Q. And at that time you say Weiter, the man up there on the extreme right, knocked you down?
- A. Yes, sir.
- Q. And where did he hit you?
- A. He hit me here (indicating).
- Q. In the face?
- A. Yes.
- Q. Did you lose any teeth as a result of that?
- A. No, sir.
- Q. So after the Polish interpreter told the Commandant Weiter what you wanted, Weiter gave you permission to go to the Political Department. is that right?
- A. He told the Polish interpreter, sir, that I was to see the Political Agent.

(EDWARDS - cross)

Q. And when was the first time you went to see any Political Agent?

A. In November, sir, 1943.

Q. About what time?

A. Around about the 7th or the 8th, sir.

Q. And was it necessary for you to go back to his office five times before you were able to get to see him, is that correct?

A. Yes, sir.

Q. Now, the Polish interpreter spoke to Kick, is that correct?

A. Yes, sir.

Q. In German?

A. In German, yes.

Q. Do you know what he said?

A. No, sir.

Q. Do you know what, if anything, he said that caused Kick to strike him?

A. No, sir, he was interpreting from English into German. I couldn't speak German.

Q. Do you know exactly what it was that he said in German to Kick that caused Kick to strike him?

A. Well, if he interpreted what I told him, I told him I was an English prisoner of war, and I wished to be sent to a Prisoner of War Camp, or for the Geneva people to be informed that I was in Dachau.

Q. But you don't know, of your own knowledge, do you, whether or not that was exactly what the Polish interpreter interpreted to Kick?

A. No, sir.

Q. As a result of this conversation that was going on between the Polish interpreter and Kick apparently for no reason at all Kick hauled off and struck him?

A. That is what I said, sir.

Q. And then you say Kick told the Polish interpreter to go out, and he turned to you and started talking in English, is that

QA58

correct?

A. In slow English, yes, sir.

Q. Did he speak good English?

A. Well, understandable, sir.

Q. How long did you talk with him in English?

A. Well, for about twenty minutes, sir, and then for the remainder I was just answering that I was English and I was being called a liar, and I said "I am not, I am English."

Q. What did Kick accuse you of being?

A. Not of being English.

Q. And up until that time did Kick strike you?

A. The first man to push me was an SS man.

Q. No. Will you please answer my question, Sergeant. Up until that time had Kick struck you?

A. No, sir.

Q. And after apparently twenty minutes elapsed an SS man came in, is that right?

A. Yes, sir.

Q. Is he here in the box?

A. No, I don't see him.

Q. Do you know what his name is?

A. No, sir.

Q. And he pushed you?

A. Yes, sir.

Q. Do you know why?

A. After Kick had spoken to him, sir.

Q. And do you know Kick had said to him?

A. No, sir, I have no knowledge of German sir.

Q. When the SS man pushed you, what did you do?

A. I just stumbled the way I was pushed, sir.

Q. Did you make any effort or attempt to come back at the SS man?

(EDWARDS-cross)

- A. I had been too long in Dachau to try anything like that.
- Q. You had been in Dachau just about less than a month?
- A. Yes, sir.
- Q. And your being here that length of time made you realize the futility of making any passes back at SS men?
- A. Yes, sir.
- Q. So that when this SS man pushed you, you made no remonstrances whatever?
- A. No, sir.
- Q. You just took it?
- A. Yes, sir.
- Q. Did he push you toward Kick, or away from Kick?
- A. Toward him.
- Q. Now, when you were pushed in the direction of Kick, what did Kick do?
- A. He struck me.
- Q. With open hand or a fist?
- A. Well, it felt like his boot.
- Q. Did he hit you with a boot?
- A. No, but it felt like it.
- Q. Where did he hit you?
- A. On the face.
- Q. What part of the face?
- A. Here (indicating).  
Defense: Indicating the right nostril.
- Q. When he hit you, what happened to you?
- A. I swayed back to my original position, sir.
- Q. Back to the SS man?
- A. Yes, sir.
- Q. What did he do, push you back toward Kick?
- A. Yes, sir.
- Q. What did he strike you with?

(EDWARDS-cross)



Q460

A. His fist, sir.

Q. Where did he hit you?

A. Here, sir (indicating).

Defense: Indicating under the right ear.

Q. Then what happened?

A. That went on, backwards and forwards, for about an hour, sir.

Q. After this SS man hit you, did you bounce back toward Kick?

A. I was trying to dodge one or two.

Q. Were you successful?

A. One or two, yes, sir.

Q. And you say this beating took place between the SS man and Kick for about an hour?

A. Yes, sir.

Q. And as a result of that you lost several teeth, is that right?

A. Fifteen, sir.

Q. Fifteen teeth? After this all was over, how did you leave the room?

A. I staggered out of the room, sir -- with assistance.

Q. Who helped you?

A. A foot from the SS man.

Q. And did you leave the building in which the room was in?

A. Yes, sir.

Q. Where did you go?

A. I was escorted back into the camp, sir.

Q. By whom?

A. An SS man.

Q. The same SS man?

A. No, sir, a sentry.

Q. Where had he been?

A. Well, they used them to bring people coming over, a sentry

(EDWARDS-cross)

brings them over and accompanies them back.

Q. Is he here in the court-room?

A. No, sir.

Q. Do you know what his name is?

A. No, sir.

Q. Did you ever see him after that?

A. I saw him around the camp, yes, sir.

Q. Never knew what his name was?

A. No, sir.

Q. Is that the only time that you ever saw Kick?

A. No, sir.

Q. Did you see him again?

A. Yes, sir.

Q. Did he beat you that time too?

A. He pushed me this time, sir.

Q. Where was this, in his office?

A. No, sir, inside of the camp, sir.

Q. How long after this push that you received was it that you were transferred to a prisoner of war camp?

A. About four months, sir.

Q. Did you see Kick after that -- after the push.

A. You mean after I left Dachau, sir?

Q. No, after you got pushed the second time in camp.

A. I saw Kick on the second time inside of the camp.

Q. Yes, that is the time he pushed you?

A. Yes, sir.

Q. Did you see him after that?

A. Not up until now, sir.

Defense: No further questions.

There being no further questions, the witness was excused and withdrew.

(EDWARDS-cross)

The court then, at 12:10 o'clock P. M., on 8 December  
1945, adjourned to meet at 8:30 o'clock A. M., on 10  
December 1945.

*W. D. Denson*  
W. D. DENSON,  
Lt Col, JAGD,  
Trial Judge Advocate.

Dachau, Germany

10 December 1945

The court met, pursuant to adjournment, at 8:30 o'clock a.m., all of the personnel of the court, prosecution, and defense, who were present at the close of the previous session in this case, being present.

All the accused, the reporter and interpreters were also present.

Prosecution: At this time prosecution offers in evidence prosecution's exhibit number 126 which has been previously identified.

President: Received in evidence.

Prosecution: Prosecution calls as its next witness Lieutenant Bowser.

Lieutenant Bowser, after being reminded that he was still under oath took the stand and testified as follows:

DIPECT EXAMINATION

Questions by prosecution:

Q Toward the latter part of October or the first part of November you had occasion to take the statement of one Johann Eichelsdorfer did you not?

A I did sir.

Q At that time will you tell the court whether or not Eichelsdorfer read the statement over before he signed it?

A The accused Johann Eichelsdorfer had ample time to read this statement over. I remember, as a matter of fact, that I had to secure glasses for the accused and he read it and practically studied it before he signed it.

Q Lieutenant Bowser, I hand you a document marked as prosecution's exhibit number 118 and ask you to examine it and state whether (Bowser-direct)

or not the accused Johann Eichelsdorfer made the statements contained in prosecution's exhibit number 118.

A This statement was made to me by the accused Johann Eichelsdorfer and he read this statement. In proof of that, on the first page there are several corrections and they are initialed and also on the second page and he has signed both pages.

Prosecution: No further questions.

#### CROSS EXAMINATION

Questions by defense:

Q Lieutenant Bowser, is this statement in Eichelsdorfer's own handwriting?

A No, it isn't.

Q At the time this statement was written you had to procure a pair of glasses for Eichelsdorfer, is that correct?

A That is correct.

Q Were those glasses that you procured for him his own glasses?

A No, they weren't.

Q You state that after it was written, Eichelsdorfer apparently studied it, is that correct?

A I stated that he read the statement and he took so much time in reading it, that he made sure that everything that was in it was what he stated. I asked him if he could read it and asked him "Before you read this statement, can you see with these glasses?", and he said "Yes."

Q The question was, did you state on direct examination that he apparently studied this statement before he signed it?

A He read it and he studied it.

Defense: No further questions.

(Bowser-cross)

EXAMINATION BY THE COURT

Questions by the court:

Q Was Eichelsdorfer informed of the charges against him before he signed the statement?

A Yes, sir.

The being no further questions, the witness was excused and withdrew.

Prosecution: Lieutenant Guth is called as the next witness for the prosecution:

Lieutenant Guth, a witness for the prosecution, was reminded that he was still under oath and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q On or about the fourth day of November 1945, I ask you whether or not you interrogated one Willy Witteler?

A Yes, sir, I did.

Q Now, how old are you Lieutenant Guth?

A I am now 23 years old sir.

Q When Doctor Witteler came before you for interrogation I'll ask you whether or not you used a spot light to shine in his face during the interrogation?

A No, sir, I did not.

Q I'll ask you whether or not you kept Doctor Wilhelm Witteler standing on his feet for seven and a half hours during that interrogation?

A No, sir, I did not.

Q Approximately how long did that interrogation last, Lieutenant Guth?

A Three and a half to four hours.

(Bowser-court)  
(Guth-direct)

Q At what time was that interrogation completed?

A At 11:00 o'clock, approximately 11:00 o'clock.

Q And during the course of that interrogation did you threaten to use any force of violence on Doctor Witteler?

A No, sir.

Q At any time did you abuse him by calling him a criminal, murderer or other types of epithets?

A I did not abuse him, no sir.

Q On or about the first day of November did you have occasion to interrogate one Michael Redwitz?

A Yes, sir, I did.

Q During the course of that interrogation, Lieutenant Guth, did you at any time use any force or violence on Michael Redwitz?

A No, sir, I did not.

Q During that interrogation did you threaten to strike him in the face with an ash tray?

A No, sir, I did not.

Q Did you threaten to strike him anywhere with anything?

A No, sir.

Q I hand you a document marked as prosecution's exhibit number 95 and ask you to state whether or not that contains the statement that Redwitz made to you on or about the last of November 1945?

A Yes, it does.

Q And those are his statements, is that correct?

A Yes, sir.

Q I hand you a document marked as prosecution's exhibit number 94 and ask you to state whether or not that exhibit contains the statement of one Willy Witteler?

(Guth-direct)

A Yes, sir.

Q I believe you had occasion to interrogate one Johann Kick did you not?

A Yes, sir, I did, sir.

Q Are the statements that are contained in the statement introduced into evidence as Kick's statement and identified by you, does that contain his language or your language?

A His, sir.

Prosecution: No further questions.

#### CROSS EXAMINATION

Questions by defense:

Q What time of day was it that you started the interrogation with Witteler?

A Approximately 7:00 o'clock sir.

Q And you finished at approximately 11:00 o'clock?

A Yes, sir.

Q And it took you all that time to get a page and a half of statement?

A I don't quite understand

Q It took you all that time to get the statement from Witteler?

A No, sir.

Q How much time?

A With several breaks, and Doctor Blaha talked and ...

Q It took you from seven o'clock until at least eleven o'clock according to your recollection to get that much statement from Witteler, including the break?

A It took that long.

(Guth-direct,cross)



- Q How long did it take to get the entire statement?
- A You mean to say how long it took to write the statement?
- Q How long did it take to get the statement?
- A How long it took to get the statement before writing it or how long it took to write the statement?
- Q How long did it take you to obtain the statement you have here?
- A About three or four hours.
- Q And of course you interrogated him in the same tone of voice that you are using now?
- A The most effective tone - I know what to use.
- Q Who were you interrogating between two and four o'clock on the fourth of November in the room next to Captain Hansen's room?
- A A man by the name of Schneider or Kruger.
- Q One of the defendants?
- A No, sir.
- Q Did you use the same tone of voice on that character that you used on Witteler?
- A My tone of voice may have been somewhat different - more firm.
- Q Does it make any difference to whom you are talking when you are interrogating as to the tone of your voice?
- A Yes, sir, it is obvious that you talk differently with an educated person than if you talk with an NCO who hasn't had much education.
- Q Do you specifically consider Witteler an educated person?
- A Yes, sir.
- Q You threw a book all around the place on Sunday afternoon and raised your voice?
- A No, sir.
- (Sigh-cross)

Q You said that you did not?

A No, sir, I did not.

Q You threw a book upon the table like that on Sunday  
November 4 didn't you, Lieutenant?

A No, sir.

Q In the room next to Captain Hansen's office right down  
the hall?

A That is my office, but I did not throw a book down.

Q You were asked if you had used epithets and you didn't answer  
that.

A I did not use epithets.

Q Did you answer prosecution's question?

A I think I did - the prosecutor was satisfied.

Lieutenant Guth: Sir, I understood counsel to just say  
that I was lying.

Defense: I did not.

Q Lieutenant Guth, will you describe to the court the identi-  
fication parades that you conducted at the bunker with  
these forty defendants or parts of them?

A I would take whatever witnesses came to Dachau down to the  
office at the bunker and then ask Marion, the man in  
charge of the bunker, to take the prisoners past the  
window on the way to the interrogation. After that was  
over I would ask the witnesses whether they recognized  
any of the accused.

Q With approximately how many witnesses did you conduct  
this form of identification?

A To the best of my recollection, a group of about ten people  
once and a group of about four people the other time. The

(Guth-cross)

reason was that some of these people felt rather badly towards the defendants and I didn't want any scenes so I put them behind the window so that there would be no danger of any scenes.

Q Did you have occasion to repeat the performance - I mean did you require the defendants to pass by the window more than once?

A There was one occasion when I had ten witnesses, I believe there was a woman that asked to have one of the defendants recalled. On that occasion I requested to have that man called back and pass by the window again.

Q Only on that one occasion were the defendants or any part of them required to pass for identification more than one time, for any one particular witness, is that correct or not?

A I believe that there was only one occasion when that happened, it may have been more - I think it was only one occasion.

Q As the different defendants would pass the window were their names announced?

A They were not announced to the witness, no sir, but they were called outside of the house by whoever assembled the formation. It was hard to understand the name inside.

Q Do you recall whether or not the witness Opitz was in on an identification parade like that?

A I believe not, sir.

Q You are not sure, though.

A I couldn't say positively but to the best of my recollection the first time I saw Mr. Opitz was in the court room - I think so anyway.

(Guth-cross)

Q Did you have several of the female witnesses out as spectators in that identification parade?

A I think, sir, there were three of them, one never got a chance to look, she got sick, maybe it was because it was so warm in the bunker and maybe because of the excitement.

Q This spot light that has been mentioned and identified as an ordinary reading light, you do use that in your interrogation do you not?

A Yes, sir.

Defense: No further questions.

#### REDIRECT EXAMINATION

Questions by prosecution:

Q Tell the court how you used that light, Lieutenant Guth.

A It was usually turned down on the table or up towards the ceiling. I don't use it as an interrogation aid.

Q Did you ever at any time direct it in the face of the person being interrogated?

A I did once or twice during the first two minutes of the interrogation to look at the man, but I turned it away after two or three minutes.

Q Was that done on the interrogation of Pedwitz?

A No, sir.

Q Was it done during the interrogation of Witteler?

A No, sir.

Q Did you do that during the interrogation of Kick?

A I only interrogated Kick during the day time, sir.

Prosecution: No further questions.

#### RECROSS EXAMINATION

Questions by defense:

(Guth-cross, redirect)

Q Do you recall a witness by the name of Gertrude ~~Elman~~?

A She's the one that got sick, sir.

Q But she was at the interrogation?

A She was there but she didn't get a chance to look at them. As a matter of fact, I had to send a car down to pick her up later on.

Q Where were you born, Lieutenant Guth?

A I was born in Vienna.

Q How long have you been in America?

A Four years.

Defense: No further questions.

President: The members of the court are convinced that the defense did not call you a liar. I don't need to say that if any comments were made, the court would hold the maker in contempt. I caution, as we have before, that in cross examination we demand that the counsel use ordinary tone of voice and without violent gestures.

There being no further questions, the witness was excused and withdrew.

Prosecution: The prosecution call as its next witness Doctor Blaha.

Doctor Blaha, a witness for the prosecution, was reminded that he was still under oath and testified through the interpreter as follows:

#### DIRECT EXAMINATION

Questions by prosecution:

Q Doctor, during the time that you were confined here at Dachau as a prisoner between 1941 and liberation in 1945 will you tell the court whether or not any so-called notables of the Nazi party visited Camp Dachau.

(Guth-recross; Blaha-direct)

Q Do you recall a witness by the name of Gertrude ~~Klan~~?

A She's the one that got sick, sir.

Q But she was at the interrogation?

A She was there but she didn't get a chance to look at them. As a matter of fact, I had to send a car down to pick her up later on.

Q Where were you born, Lieutenant Guth?

A I was born in Vienna.

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Questions by prosecution:

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(Guth-recross; Blaha-direct)

A Very frequently.

Q At this time can you give us the names of some of the men who visited Camp Dachau?

A Some of them I saw, others I only heard about and others I didn't hear about but knew about them. Twice, Himmler was here, once Frick and Funk, then Sauckel, Rosenberg, then Kaltenbrunner, Gauleiter Wagner and Gauleiter Giesler, and then many others about whom one only heard - they never introduced themselves.

Q Doctor, is it a fact that that man's name is spelled K-A-L-T-E-N-B-R-U-N-N-E-R?

A Yes.

Prosecution: In as much as the last three pictures here are identical with the first three I would like to have the reporter to mark the corresponding pictures with numbers - this is done for the purpose of using these additional pictures in another tribunal.

Q Doctor, I hand you a photograph marked prosecution's exhibit number 137 for identification and ask you to state who that is?

A Rosenberg.

Q And you so stated that you saw that man at Dachau while you were a prisoner in camp?

A Yes, I believe it was in the year of 1941 or the beginning of 1942.

Q I hand you a photograph marked as prosecution's exhibit number 138 for identification and ask you to state what that is.

A I believe that is Frick.

(Blaha-direct)

A Very frequently.

Q At this time can you give us the names of some of the men who visited Camp Dachau?

A Some of them I saw, others I only heard about and others I didn't hear about but knew about them. Twice, Himmler was here, once Frick and Funk, then Sauckel, Rosenberg, then Kaltenbrunner, Gauleiter Wagner and Gauleiter Giesler, and then many others about whom one only heard - they never introduced themselves.

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A Yes, I believe it was in the year of 1941 or the beginning of 1942.

Q I hand you a photograph marked as prosecution's exhibit number 138 for identification and ask you to state what that is.

A I believe that is Frick.

(Blaha-direct)



Q I'll ask you to state where, while you were in Dachau, you saw that man Frick here in Dachau?

A I believe he was here in the year 1944.

Q I hand you another photograph marked as prosecution's exhibit number 139 for identification and ask you to state what that is.

A Kaltenbrunner.

Q And while you were here in Dachau as prisoner I ask you whether or not you saw that man Kaltenbrunner here in camp?

A I believe it was in the year 1941.

Prosecution: We offer at this time a photograph marked as prosecution's exhibit number 137 as being the photograph of Rosenberg and identified as such.

President: Received in evidence.

Prosecution: And we offer a photograph marked as prosecution's exhibit number 138 as being the photograph of Frick.

President: Received in evidence.

Prosecution: And the photograph marked as prosecution's exhibit number 139 having been identified as being the photograph of the man Kaltenbrunner.

President: Received in evidence.

Q You mention a man by the name of Sauckel, I ask you if it is spelled S-A-U-C-K-E-L?

A Yes.

Q Now, these men when you saw them here in Dachau, I'll ask you to state whether or not they were on an inspection tour of the camp.

(Blaha-direct)

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A I believe he was here in the year 1944.

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A Yes.

Q Now, these men when you saw them here in Dachau, I'll ask you to state whether or not they were on an inspection tour of the camp.

(Blaha-direct)

- A They were here as visitors, whether it was an inspection tour, I don't know that.
- Q Now, Doctor, who was it that performed the autopsies in the morgue up until the time you took over in the middle of 1942?
- A The majority of the corpses up to the end of 1942 were not dissected at all but exceptionally - some corpses were dissected there, only the interesting cases, were dissected upon orders of the SS physician of the ward, capo of the ward Bruno.
- Q Do you know what Bruno's occupation was prior to coming to Dachau?
- A Driver.
- Q Prior to 1944, Doctor, I'll ask you to state how the causes of death were made out upon prisoners who died in the camp?
- A Up until the beginning of 1944 the cause of death was determined only by statements made by male nursing personnel of the hospital. The clerks of the hospital copied that off the medical case history. Then from 1944 on I regulated it so that the clerks had to wait with entries until I made my determination through dissection.
- Q Prior to that time state whether or not the use of heart weakness and failure of circulation was not a stock phrase as the cause of death?
- A Yes, that was the most usual one. The male nursing personnel were all laymen and didn't know much about it and gave that as the cause of death and up to that time no prisoner physicians were in the hospital.
- Q What was the last date of the request of skulls from Dachau by Oranienburg?
- A The last time a request came through Doctor Hintermayer was in February 1945 - that was for two skulls and one skeleton.
- (Blaha-direct)

- A They were here as visitors, whether it was an inspection tour, I don't know that.
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- A The last time a request came through Doctor Hintermayer was in February 1945 - that was for two skulls and one skeleton.
- (Blaha-direct)

Q Were those orders filled, Doctor?

A Yes.

Q Will you state, Doctor, what was the procedure with respect to notifying Doctor Schilling when one of his patients died?

Q We had the orders to report to the malaria station the deaths so any man who had been dissected, even if he died in another section of the hospital, if he had passed through the malaria station, each corpse was left until somebody called for the autopsy from the malaria station. Sometimes it was Professor Schilling himself, again Doctor Brachtel or Doctor Platner or the assistants came. Eugene Ost was always present as well as some clerk from the malaria station, that was Father Romeier, or after him Franz Mieske, and they made copies of the records.

Q Did Schilling ever appear personally at the autopsy of a man who died of neosalvarsan.

A That was towards the end of 1912, it was a man, I believe by the name of Stachowski, Professor Schilling, together with Doctor Brachtel, were present and I can remember that he made some remarks about the records and he gave the order that we were to leave for him the brain, the liver, kidneys, spleen and a piece of the stomach, or intestines.

Q State whether or not it is a fact that Doctor Schilling dictated a sentence into the findings as to the cause of death of Stachowski?

A Several sentences.

Q Now, when the autopsies were performed on patients that died of pyramidon tell the court who was present.

(Blaha-direct)

Q Were those orders filled, Doctor?

A Yes.

Q Will you state, Doctor, what was the procedure with respect to notifying Doctor Schilling when one of his patients died?

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A Several sentences.

Q Now, when the autopsies were performed on patients that died of pyramidon tell the court who was present.

(Blaha-direct)

A I can remember that quite well because it isn't so long ago. First, three died on the same day and that was a big sensation in the entire hospital. I believe that the majority of the prisoners were present. Sturmbannfuhrer Kieger, who took part in my autopsies almost daily, Doctor Cierkowicz, of the malaria station, Eugene Ost and Franz Mischner, the clerk from the staff of physicians several new stations.

Q Was the cause of death made known to those present?

A Yes.

Q Now, Doctor, based on your experience as a physician and surgeon and based on your knowledge of the physical condition of the people who received this pyramidon, I'll ask you to state in your opinion what is the largest dose that these patients could receive without it having a detrimental effect on their bodies?

A In ordinary cases we use three times point three pyramidon. In more serious cases, three times point point five. The largest dose I would consider would be two grams per day, but on that you have to suppose that the man is healthy and sufficiently strong because weak and under-nourished people can stand only less than that.

Q Based on your experience as a physician and surgeon and based on your knowledge of the physical condition of the people who received this pyramidon describe to the court how frequently these doses of pyramidon could be taken without it having a detrimental effect upon the person receiving it?

(Blaha-direct)

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Q Based on your experience as a physician and surgeon and based on your knowledge of the physical condition of the people who received this pyramidon describe to the court how frequently these doses of pyramidon could be taken without it having a detrimental effect upon the person receiving it?

(Blaha-direct)



- A Perhaps one and a half to two grams for a few days, but not too long because the poisonous action of the pyramidon becomes dangerous when it acts for a long time.
- Q I ask you to state, based on your experience as a physician and surgeon and based on your knowledge of the physical condition of the people who received this pyramidon, what, in your opinion, would be the effect upon patients receiving three grams of pyramidon per day for three successive days?
- A After three days signs of poisoning would show up and so forth, vomiting.
- Q Are you familiar with the drug known as evapanatrium?
- A Yes.
- Q Are you familiar with the effect of that drug on the human constitution?
- A That was frequently used as anesthesia in surgical operation.
- Q I ask you to state to the court in what manner evapanatrium may be used on the human body as anesthesia without producing bad effects on the body?
- A First of all, it was to be injected slowly after one tenth of one CC. For example, in ten minutes, .0.7.
- Q It may be administered in doses of .5 grams over a long period of time, is that correct?
- A Yes.
- Q Now, Doctor, what is the effect of injecting that same dose of evapanatrium into the human system at one time?
- A That may cause a paralysis of the respiratory system.
- (Blaha-direct)

- A Perhaps one and a half to two grams for a few days, but not too long because the poisonous action of the pyramidon becomes dangerous when it acts for a long time.
- Q I ask you to state, based on your experience as a physician and surgeon and based on your knowledge of the physical condition of the people who received this pyramidon, what, in your opinion, would be the effect upon patients receiving three grams of pyramidon per day for three successive days?
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- (Blaha-direct)

Q And when injected all in one dose is it sufficient to paralyze the respiratory system long enough to produce death?

A It is possible.

Q And, Doctor, if this evipanatrium is used in greater quantities of .5 grams, is the effect on the human body more immediate?

A Certainly.

Q How many SS men died from typhus in the year of 1945 here at Dachau?

A I dissected a total of approximately 25 SS men, in the year of 1945 and of those, six or seven died of typhus.

Q Doctor, from the autopsies that you performed, how many persons died solely as a result of beatings received here in Dachau during 1944?

A I cannot judge exactly how many died in this fashion, in 1944; I believe that I dissected 25 to 30 such people in the last three years who had been beaten to death. I can only remember a few cases and one of these was in the year of 1944. That was a Russian who was more than two meters tall. He was brought to us from the bunker and Doctor Hintermayer who was not chief physician at this time, and Schutzhaftlager-fuhrer Campe were present. In this autopsy, it was concussion of the brain, broken skull and internal bleeding. One week later we received another man who also had a fractured skull, also from the bunker, and he was led directly to the crematorium. Then we had more people who had been beaten to death. We also kept a separate

(Blaha-direct)

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(Blaha-direct)

record and we always turned that in to the medical office.

- Q Doctor, as a result of these reports that you made to the medical office concerning these beatings, do you know whether or not any investigations were ever made?
- A I can remember two cases.
- Q Doctor, did you ever have occasion to ascertain from these people whom you say that you treated where they had been beaten?
- A Yes, that was in the summer of 1944, block number 1, room number 2. There were several high Russian officers there. They were brought to the hospital completely beaten up from the political department. These people had to lie on their stomach for weeks. Their rear areas, their ribs and their legs were beaten up so that whole areas of skin and muscle tissue died off.
- Q There has been some testimony before the court that insane persons were sent to Allach, tell the court whether or not you made a trip to Allach the latter part of April in 1945?
- A Yes, two days after the liberation.
- Q And during that time while you were at Allach did you find any insane persons in Allach?
- A No, as camp physician I made inspections together with the American officers and we found no insane people or people with nervous diseases.
- Q With respect to the phlegmon experiments, do you know whether or not they were conducted directly under the direction of Himmler?
- A No, I don't know about that. These phlegmon experiments were purely a matter within the camp and the people for (Blaha-direct)

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these experiments were not assigned from Berlin but selected from the block by the hospital capo and were immediately taken to the hospital without a requisition.

- Q And during whose time - who was the schutzhaftlagerfuhrer and the lagercommandant during the time the experiments were being conducted?
- A These phlegmon experiments were from the beginning of 1942 until the end of 1943. At first Piorowski was still commandant and then Weiss, and as schutzhaftlagerfuhrer it was first Hoffmann, and then Redwitz.
- Q There has been some testimony before the court to the effect that commissions selected invalid transports, tell the court whether or not invalid transports were made up by commissions that came into the camp.
- A Yes, I too was before such a commission in the fall of 1941, but then in 1942 and 1943 further invalid transports were selected then. There was no camp physician and no camp commandant, it was done only by the block elder under the supervision of the SS man from the work distribution office and in the hospital it was usually done by the hospital capo and exceptionally there was an SS physician. Only then, after the entire list for the invalid transport had been completely compiled, then the SS physician had to sign it. All these invalid transport lists were put together in the office of the hospital.
- Q Doctor, do you recall a transport coming to Dachau upon which there was evidence of cannibalism among the prisoners?
- (Blaha-direct)

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(Blaha-direct)



- A Yes, that was in the middle of November 1942 from Stuthof. Three, large invalid transports arrived one after the other. The first was from Gross-Rosen, the second from Mauthausen and the third from Stuthof. On the last transport such signs were determined on, I believe 11 corpses.
- Q Who was the lager commandant at that time?
- A At that time Martin Weiss. I saw him at all three transports.
- Q At the time that this transport came in containing bodies that had been desecrated will you state whether or not Obergruppenfuhrer Pohl was present?
- A Yes, he was there on a visit.
- Q And you saw Weiss present at that time is that correct?
- A We brought the corpses to the hospital and at the hospital the corpses were photographed by the SS men.
- Q Do you know a German physician by the name of Doctor Fridolin Karl Puhr?
- A Yes.
- Q Did you have occasion to see him over in the office of the duty officer in the prisoners' hospital?
- A He was in the hospital sometimes and sometimes he came to my autopsies.
- Q Will you state whether or not Doctor Puhr's name appeared regularly in 1945 as the officer on duty in the prisoner's hospital?
- A Yes, at the gate of the hospital there was a bulletin board on which it said which SS physician and which medic was on duty and amongst those names appeared Doctor Puhr's  
(Blaha-direct)

from time to time.

Q Doctor Hintermayer testified that during the latter part of 1944 there was an epidemic of typhoid fever here in the camp, I ask you whether or not there was such a typhoid epidemic?

A In November and December there was no typhoid epidemic in the camp. We always had a few cases of typhoid from time to time, about two or three a month, but at that time in the beginning of November, those were the first cases of typhus. I determined that to be typhus and I reported it. In November I estimate that about 50 people died of typhus and in December, twice as many, and during the first part of 1945 I believe about ten thousand.

Q At the time that this epidemic was raging, I'll ask you whether or not there was any room available in the camp for expansion?

A Yes.

Q And where was it?

A There were various possibilities for isolation, and secondly, to extend the hospital of the working blocks. We proposed that during the first period it would be best to have this isolation on block number 3. That had formerly been a house of ill repute which had been inhabited by only twelve women and was well furnished. In that house 80 to 100 people could have been easily isolated. Then there were other possibilities in the camp. Various work details which no longer went out to work because of lack of raw material, they were used as store houses

(Blaha-direct)

and these things could have easily been brought to another camp or an outcamp. Those were two barracks near the former Messerschmidt barracks, block 29 was the weaving store and the new barracks on the formation ground, and then the fifth block, that was empty and was not used, that was the so-called ancestors' station which had not been operated during the last few years.

Q Were any of those facilities for expansion used during October, November, December or the first part of 1945?

A No, we used them only after liberation.

Q In what period of time after liberation was that epidemic under control?

A In fourteen days.

Q And, Doctor, based on your knowledge of the physical condition of these prisoners and based on your knowledge of the manner in which this epidemic was raging, state how many prisoners, in your opinion, would be alive if liberation had been thirty days later?

A I don't believe that one fifth of these thirty thousand prisoners would have gotten home.

The court then took a fifteen minute recess until 10:05 o'clock, at which hour the members of the court, the personnel of the prosecution and defense, the reporter and interpreter, and all the accused resumed their seats. The witness, Doctor Blaha, was reminded that he was still under oath.

Q Doctor Hintermayer testified that he had nothing to do with the disinfection station, will you tell the court what you know with respect to Doctor Hintermayer's (Blaha-direct)

association with the disinfecting station?

- A Disinfecting was a part of the hospital. It had its own capo and was in charge of the Oberscharfuhrer Fuhrmann. He was the rank oldest of the SGD and always sat in the office of the hospital in the front room of the chief physician and had other duties in the hospital for instance, he always signed the group transport list and so on. Beginning in February 1945 a Doctor Heinrich Schuster from Auschwitz and he was ordered by the chief doctor, Doctor Hintermayer, to be in charge of the entire disinfection and the delousing, that was until the liberation.
- Q Now, Doctor, tell the court what, if anything, you found here at Dachau with respect to beds and medicines immediately after the liberation?
- A Immediately on the day when we were liberated we went out in a car and we found in the SS hospital as well as in store rooms in the vicinity of the so-called Dutch Hall, a large amount of medicine, beds, mattresses and so on, so that we were able to increase the status of beds by one half, and these medicines were enough for us for more than two weeks until the American evacuation department arrived who brought their own medicines.
- Q I'm not sure that I have asked you this question before or not, tell the court what, at the present time, are your duties, your occupation in Prague?
- A At the present time I am in charge of a Poly-technical clinic of an insurance company in Prague.
- Q What is the size of that clinic?
- A I have 48 doctors, 10 professional doctors and 120 nurses and personnel and aid personnel.
- Q How many beds in the hospital?
- (Blaha-direct)

A Altogether two thousand beds.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q How well acquainted, Doctor, are you with pyramidon?

A Very well, I used it very often.

Q Before you came to Dachau?

A Yes, for years.

Q Do you know how much pyramidon there is in the ordinary mydol tablet?

A 3.

Q And that's sold over the open counter, isn't it?

A Yes.

Q And some use it frequently don't they?

A Yes, for headaches and other types of pains, cramps and so on.

Q Is there any direction for how often to give the mydol tablets?

A Yes.

Q How often is it to be taken and what doses?

A That differs, whether you take it all at once or over the course of a day or longer period.

Q Does that have any ill effects on a human body?

A If you take it in moderate doses, no, if you take it in large doses, there is a bad effect.

Q You never served in the German army did you?

A No.

(Blaha-direct, cross)

Q Do you know whether or not they used it in the German army for the relief of pain?

A Pyramidon?

Q Yes.

A We, too.

Q As a matter of fact they use 2.5 grams per day for 6 days?

A I never use such large doses.

Q As a matter of fact they use it in the German army for the relief of pain, 2.5 daily for six days, do you know that?

A I don't know that.

Q Would you say that they don't?

A No.

Q When did these pyramidon intoxications take place?

A In February 1945.

Q So that, Doctor - you say February 1945?

A I think it was February 1945.

Q Was Doctor Witteler here during that time?

A No, that was in 1945, that was under Hintermayer.

Q You say that Doctor Fuhr appeared as the officer of the day at the hospital is that correct?

A He was written down on the bulletin board.

Q Did you ever see him there as officer of the day?

A I don't know, he hasn't informed me when he is on that type of duty, but I saw him various times in the hospital, in the operation room, with me in the autopsy room, in the doctors' room and so on.

Q Did you ever see him there as officer of the day?

(Blaha-cross)

A I can't say - I didn't know whether he was on duty or not.

I could only tell that from the bulletin board.

Q On the day that you saw him O his name on the bulletin board did you see him as officer of the day?

A I saw him there, there was always several SS doctors there besides the one on duty.

Q Do you know whether or not he was actually on duty on the days you saw him in the hospital?

A I only saw his name on the bulletin board but otherwise, whether he was on duty or not, I can't say.

Q Now, as to the space here in camp you say that there was adequate storage space here in the camp?

A Not enough but for the first time when you didn't have so many cases of typhus it was enough to isolate those cases.

Q Isn't it a fact that it was so crowded that it was necessary to erect two additional tents on the parade grounds just for storing clothing alone?

A Yes.

Q Were there any other temporary barracks or tents built for the storing of clothing or the housing of prisoners?

A Yes, but there were so many rooms here in the camp for matter which were entirely useless, like store room for orchestras and various instruments and such.

Q On these dissections that you performed can you tell the difference between intoxication by pyramidon and typhus?

A Yes.

Q And would you mind telling the court what the difference is in the findings between intoxication by pyramidon and typhus?

(Blaha-cross)

A During that autopsy sudden lung adema occurred as it usually occurs during suffocation and when you have typhus there are certain specific signs which you can tell without microscopic examination you can tell that it is typhus. That is insofolitus, that is meningitis, then bronchial pneumonia then an especially large spleen and then the bleeding, hemorages, in the heart muscles, the liver, the intestines and especially in the kidneys. Usually on a hemorrhage, kidney inflammation.

Q Is this your findings on pyramidon or typhus?

A Typhus.

Q What do you find in pyramidon?

A When you have pyramidon the result of the autopsy is that of a sudden suffocation.

Q That's familiar to your typhus or fleck fever isn't it?

A No.

Q Didn't you say that you have evidences of suffocation in typhus?

A Not with typhus - pyramidon I said.

Q So you have no suffocation with typhus?

A No.

Q What is the next finding you have in pyramidon?

A That is a stoppage of blood in all organs, especially in the brain and lungs, then you have the infact in the heart and an especially large blood stoppage in the stomach and since we knew exactly what the case was we found that out by making special examinations, microscopic exarinations in the blood.

(Blaha-cross)



Q Are you able to determine these other findings without microscopic examination?

A Those which I told you about without microscope.

Q The only microscope examinations was of the blood in pyramidon cases, is that correct?

A We also made cuts of the liver, the spleen and kidneys.

Q Had you ever made any autopsies involving pyramidon prior to coming to Dachau?

A No.

Q This transport that came in from Stuthof on 20 November , you testified that you saw Commandant Weiss there, is that correct?

A Yes.

Q Isn't it a fact that Weiss was at a conference at Berlin on 20 November 1942?

A I don't know.

Q But you are sure that he met this transport that came in from Stuthof on that day?

A I think it was the 11th, or around there, of November.

Q Didn't you testify that it was on the 20th of November?

A No, it was in November, around the middle of November.

Q Did you ever see Weiss at the phlegmon experiments?

A No.

Q Who conducted these experiments, Doctor?

A Stubbannfuhrer Doctor Schulz, Doctor Kieselwetter and Doctor Rascher.

Q Did Doctor Rascher ever conduct the phlegmon experiments?

A That was a different section.

(Blaha-cross)

Q Do you know whether or not these phlegmon experiments were being conducted under direct orders from Berlin?

A No.

Q You don't know that or they weren't, which?

A There were no special requisitions made like there were for the malaria station and for Doctor Rascher and that they were among the other cases in the hospital, they were not separated like Doctor Rascher's and the malaria station.

Q The malaria and Doctor Rascher's experiments were kept distinctly different?

A Yes.

Q Did you work all over the hospital or just in the morgue?

A I only worked in the morgue but since I got the corpses from all parts of the hospital I went into each and every block each day, furthermore, I was only doctor in the hospital for two years, 1942 and 1943, and called on the various nurses of various wards for consultations, and then when there were prisoner doctors in the hospital I was called almost daily for consultation into the various blocks.

Q Did you do any personal operations in the year 1942 and 1943?

A In 1942.

Q Did any other doctors do any surgical work in 1942 and 1943?

A Yes.

Q Were they SS doctors or prisoner doctors?

A At first, only SS doctors and only starting with the year 1943 prisoner doctors came to the hospital.

Q You know the prisoner Trenkle here don't you?

A Yes.

(Blaha-cross)

- Q You know that a prisoner doctor operated on him for an ailment in the back of the neck in July 1943?
- A That is possible.
- Q These medical supplies that you found on liberation, do you know whether or not they were available to the SS doctors in charge?
- A I don't know.
- Q And do you know where the medicines came from that were in the hospital here?
- A They came from Oranienburg.
- Q Direct from Oranienburg to Dachau?
- A Usually.
- Q So that the medicines that were stored here were not available to the physicians here is that correct?
- A I don't know.
- Q Did you get medicines from any place else besides Oranienburg?
- A Not in a legal way, illegally we received medicines from various places.
- Q Like Red Cross packages, is that what you mean?
- A No Red Cross packages, that was the least.
- Q What other methods were used to get medicines?
- A Like various factories and pharmacies and for instance, from Czechoslovakia. They sent, upon my request, packages to the laboratory of the plantation and then this was brought to me from the laboratory by the prisoner.
- Q And that illegal method of obtaining medicines was solely your responsibility?

(Blaha-cross)

A Yes.

Q None of the other doctors did that, did they?

A Also, whoever had the possibility would help.

Q That included the SS doctors too, didn't it?

A I don't know that, but I can only say that some of the SS doctors knew that we did that.

Q And they didn't prevent you from doing that did they?

A No, but the SS rapportfuhrers and the SS people were on the look out for it and many people who had brought that into camp were beaten for that reason.

Q But the doctors in the hospital used these medicines that you procured under that means, including the SS doctors didn't they?

A I can't say that but some of them borrowed various medicines from me.

Q Who was that?

A Doctor Witteler.

Q During what period of time was that?

A That was in the summer of spring of 1944.

Q What kind of medicine was that?

A He needed some type of medicine at that time for angina-pectoris.

Q That is a heart trouble isn't it?

A Yes.

Q One more question on pyramidon - did you know prior to the time that you performed the autopsies on them that they had been given pyramidon?

A Yes, that was reported to us by the ward.

Q And prior to the time you performed the autopsy on the case?  
(Blaha-cross)

A Yes, there were ward doctors present and for instance, the one in charge of the internal station, Doctor Missa, he was a chief doctor from Lublania, Yugoslavia and a Dutch intern, Doctor Dross.

Q If you had not known that pyramidon had been used prior to the time you performed the autopsy would you have been able to determine the case as intoxication from pyramidon?

A I could have determined at the most that it was a fatal poisoning which effected the blood chemically.

Q You would have been able to determine that without the use of microscopes?

A No, not without microscopes, we had them in that laboratory.

Q But knowing that they had been treated with pyramidon you definitely looked for that, didn't you?

A Yes.

Q And did you look for any other causes of death besides pyramidon?

A Yes.

Q Were there any other causes or contributory causes of death besides pyramidon?

A If I remember correctly, the cause of death was somewhat like this written down, "suffocation by intoxication, especially in the blood, lung edema."

Q And no mention was made of pyramidon was it?

A You never write that down, that was the chemical intoxication. That is then not a matter for us.

(Blaha-cross)

Q Did you report these deaths of pyramidon to Doctor Schilling?

A It was reported. Eugene Ott, secretary of Professor Schilling, made out a special report for him and then the assistant of Doctor Schilling, Doctor Cierkowicz was present and he took the liver, spleen and stomach with him for examination by Professor Schilling.

Q Was that prior or subsequent to the time when you examined it under the microscope?

A We only took a very small part for microscopic examination.

Questions by civilian counsel:

Q On the 16th of November you testified that you came to the hospital in June 1942 is that correct?

A Yes.

Q Where did you work before that?

A In the plantation.

Q And you testified today that occasionally failure of circulation was given as cause of death even if not true?

A Yes, that is correct until the year 1944.

Q Could you be positive today if we showed you the books that this cause of death is correct and this is not?

A I can say to you that I never determined any such cause of death in one of my autopsies because that is not a part of my autopsy. Everybody who dies has something the matter with his circulation and his heart.

Q I would like to put the question in another way. If a prisoner had been beaten to death and we would now

(Blaha-cross)

find that the cause of death was given as cessation of the circulation and heart, would you be able today then to tell us positively whether this report is correct and this one is not?

A That is impossible because I had 12 thousand people on the table so you can't name any one of these 20 thousand prisoners unless a very close friend or close acquaintance.

Q And now I ask you, can you state this is most impossible before your time in the hospital, that is before April 1942?

A Naturally, because at that time the bodies were not dissected at all.

Questions by defense:

Q In approximately 1944, were the male nurses present in the hospital?

A Yes, always.

Q You mentioned a number of cases, Doctor, during your three years work as pathologist that were diagnosed by/as <sup>you</sup> beaten to death?

A Yes.

Q And two of those cases were investigated is that correct?

A Yes, police investigation.

Q When did these two investigations occur?

A Once at the time of Witteler and once in the time of Hintermayer.

Q In what year?

A Both of them in 1944.

Q And what was the result of the investigation?

(Blaha-cross)

A I don't know, I only know that there was an interrogation in the room of the chief physician and I know that a rapport-fuhrer or a schutzhaftlagerfuhrer and I were called as a witness.

Q And you don't know the result of the investigation?

A No.

Q You also stated that in 1944 Russians were brought from the political department beaten to death.

A No, that this dead one came from the bunker.

Q Didn't you mention the political department before?

A No, they were other cases. They were the Russian officers.

Q How many Russian officers were brought to the morgue beaten to death from the political department?

A I don't know.

Q Were any?

A One or two died after a longer time but at least six or eight were treated septic and surgical departments.

Q How do you know that they came from the political department?

A They told me that.

Q How did you know the dead ones came from there?

A Because one or two died later on.

Q You have a large hospital in Prague?

A Yes.

Q In that hospital do you have a pathological laboratory?

A Yes.

Q And in that pathological laboratory do you have organs of human beings?

(Blaha-cross)



A Yes for examination.

Q Do you have skulls and skeletons in that hospital?

A No, I don't have any there because I don't have any lectures and we only have those in universities for lectures for students.

Q In that large hospital you have not a single skeleton?

A Yes.

Q How many do you have?

A I think I have one, it is possible two.

Q That's customary for hospitals and even single practitioners to have a skeleton available in the hospital?

A You mean in the pathological ward?

Q Doctor Blaha is it a fact that the malaria that infects human beings cannot be transmitted to animals and vice versa?

A Only mosquitoes.

Q Do you classify a mosquito as an animal?

A Yes, it is an animal.

Q Is animal malaria the same disease as malaria that infects human beings?

A I never heard of malaria for animals.

Defense: That is all.

There being no further questions, the witness was excused and withdrew.

Prosecution: Prosecution calls as its next witness Mr. Ludwig Woehrl.

Ludwig Woehrl, a witness for the prosecution, was sworn and testified as follows:

(Blaha-cross)

DIRECT EXAMINATION

Questions by prosecution:

Q What is your name?

A Ludwig Woehrl.

Q Where do you live?

A In Munich.

Q What is your occupation?

A At first I was a cabinet maker and since 1928, male nurse.

Q Were you ever in Dachau Concentration Camp?

A Yes, since 1934 until 1942.

Q What time in 1942 did you leave Dachau?

A On 19 August, I was transferred to Auschwitz.

Q What color triangle did you wear while in Dachau?

A Red, political.

Q What were your duties in Dachau in 1942, Mr. Worel?

A I was male nurse.

Q While you were male nurse did you ever know a man by the name of Endres?

A Yes.

Q And what were his duties in 1942?

A He was SDG, first aid man.

Q Was he a prisoner or an SS man?

A SS man.

Q Did you see him in the place where you worked?

A Yes, often, every day.

Q Did you see him in 1942?

A Yes.

(Woehrl-direct)

Q Did you ever see Endres mistreat any prisoners in 1942?

A Yes.

Q What did he do to the prisoners that he mistreated?

A He kicked them with the feet, he beat them.

Q Do you know the nationalities of the people that he beat?

A We had about 30 nations and he made no exceptions.

Q Mr. Woehrl, did you ever see anybody die as a result of mistreatment on the part of Endres?

A Yes.

Q When and who was it?

Q That was during the Easter, I know of a typical case of a Polish clergyman. I had the X-ray station for the people two years and I went around the various wards to get those that I had to X-ray and on one of those occasions I came into a block, room number 1, where there were TB patients. I remember this case very well because I often talked with the clergyman.

Q What did you see happen at that time?

A I saw there that Endres has made an injection into the veins.

Q Did you see him inject that particular man in the veins?

A Yes.

Q And who was the man?

A A Polish clergyman.

Q Do you know what happened to that man?

A I saw him a short while later over in the morgue.

Q Was he dead or alive?

A He was dead.

(Woehrl-direct)

Q Had you seen that man previous to that time?

A I talked to him often.

Q You are positive that Endres was the man that gave him the injection?

A Yes.

Q Is he present in the court room, if so please point him out.

A Yes, there, number 20.

Prosecution: Let the record show that the witness identified the man wearing number 20 as the accused Endres.

Prosecution: No further questions.

#### CROSS EXAMINATION

Questions by defense:

Q What was the name of this priest that was injected by Endres?

A I don't remember, the Polish names are very hard to remember.

Q And what time did you say it was?

A It was after the noon meal.

Q I mean what date?

A I don't know exactly, around the Easter holiday.

Q Do you recall what date the Easter holiday was that year?

A I cannot.

Q What ward in the hospital did this injection occur?

A It was in block one. You go into the entrance and he was in the first bed on the right.

Q What was block one - what was it called?

A That was an internal station for pneumonia and so forth and later on it was used by Professor Schilling for malaria experiments.

(Woehrl-direct, cross)

Q At the time the injection took place it was used for pneumonia is that correct?

A Yes, it differs, there were many among those being experimented on who had pneumonia.

Q Do you know for what this priest was in the hospital at that time?

A I presume that he had a cold and that he had gotten pneumonia as many others.

Q Who else was present during the time this injection was given?

A He was alone.

Q You were the only other person in the block at that time with Endres, is that correct?

A No, all the patients were there.

Q But other than patients, just you and Endres?

A I only went through because I wanted to get my people for examination and I saw it.

Q Where in the body was the injection given?

A Into the veins.

Q In the arm?

A Yes.

Q And you don't know, of course, what injection it was do you?

A No, but it was talked around the hospital that it was gasoline but we had no proof of that.

Q That was a rumor in the hospital is that correct?

A Yes, because injections were given often.

Q You didn't see Endres prior to the time on that day that you entered block one did you?

(“oehrl-cross)

- A I saw in the morning, he came there in the morning to start his tour of duty and he had to start his duty in the morning, I went through the wards and I saw him often.
- Q You didn't see him enter block one did you?
- A No.
- Q Do you know whether or not it was customary to give injections in the treatment of pneumonia?
- A Yes, I know about this case because I had X-rayed him the day before.
- Q His X-ray didn't show that he had been injected with benzine did it?
- A No, after that he was dead in the morgue. I had nothing more to do with him.
- Q You don't know of what he died do you?
- A That is to be presumed because of the injection, because I had X-rayed him the day before and the pneumonia was so light, he didn't die of that.
- Q You determined the degree of pneumonia that he had from his X-ray didn't you?
- A Yes.
- Q Do you know when Endres left Dachau, Mr. Woehrl?
- A It must have been around May, June 1942.
- Q Was Endres at this time assigned to block number one, do you know?
- A He worked everywhere, namely in block number five with Doctor Rascher.
- Q Block number one was not his regular block to take care of is that correct?
- (Woehrl - cross)

A It is like this, there were so few first aid men and he had to help out even in the dispensary and operation room.

Q As near as you can remember this took part during the Easter period?

A Yes.

Defense: No further questions.

There being no further questions, the witness was excused and withdrew.

Prosecution: Prosecution calls as its next witness Mr. Schnabel.

Raymond Schnabel, a witness for the prosecution, recalled, was reminded that he was still under oath and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q Will you again please state your full name?

A Raymond Schnabel.

Q And where do you live?

A Munich.

Q And were you a prisoner here in the Dachau Concentration Camp?

A Yes, from the second of September 1942 until liberation.

Q Mr. Schnabel, do you know of your own knowledge whether or not a disinfecting station came to the Dachau Concentration Camp?

A There was also a disinfecting station in Dachau but it was not sufficient. At the evacuation of the Concentration Camp Auschwitz it was sent to Dachau.

Q What time did it arrive at Dachau?

A I don't remember the exact date, but it was the fall of 1944.

Q When it arrived here was it immediately set up?

(Schnabel-direct)

- A It was not immediately set up. It was packed into crates and put into a barracks in front of the bath.
- Q And was that inside the prisoners' compound.
- A That was inside the prisoner compound.
- Q Did you say anything to anybody about having that disinfection station put into operation?
- A The hygienic condition in the camp was very bad through the overcrowding of the barracks, the entire population was full of lice. We prisoners tried to work against that but without success. We were glad then when this station came which was supposed to have been very good.
- Q To whom did you speak about having it erected?
- A I went to Doctor Hintermayer and asked why it wasn't set up. Doctor Hintermayer said that a special technician for that had been requisitioned. Again weeks passed by and nothing happened, so I looked around the camp and found two men who were specialists in that type of work. I went to Doctor Hintermayer and told him that I had to specialists who understood that and could set it up. Then Doctor Hintermayer told me that the station could only be set up by the technician of the factory who produced it. I told him that the situation was so bad that it had to be set up, furthermore, these two people were specialists too. He then answered me that the firm that had produced the station would not take any responsibility, for that reason he could not take the responsibility of having other people set it up.
- Q How many times did you talk to Doctor Hintermayer about having that station set up?

(Schnabel-direct)



A I asked him at least ten times to have this station set up on his responsibility.

Q Did you say anything to Doctor Hintermayer about using some more buildings in the camp, having them prepared for the use of the prisoners?

A Yes, often.

Q And what was Doctor Hintermayer's response to those requests?

A I especially talked to Doctor Hintermayer to have the house of ill repute removed, especially since we decent prisoners had sabotaged that any way. This could have been used for isolation. Doctor Hintermayer did nothing.

Q Mr. Schnabel, while you were here at Dachau did you know a man by the name of Welter?

A Yes.

Q When did you first meet Welter?

A I met Welter shortly after my entrance into Dachau.

Q When was that again please?

A I came here on 2 September and saw Welter two or three days later for the first time.

Q Tell what happened on that occasion when you saw Welter for the first time?

A I was at that time in block 15, room number 1, which is the block for new arrivals. Welter at that time came into the room about eight o'clock in the morning. I remember that very well because that was one of my worst adventures. Welter came into the room and someone called attention. We were standing by our lockers. After it was called attention everybody stood at attention. Next to me at the locker there was another prisoner standing. It was a Czech diplomat, formerly a Czech emissary to Vienna,  
(Schnabel-direct)

a very good comrade of mine. He was an elderly man. He was rather large and had some trouble with his lungs. For that reason he had stooped shoulder somewhat. Welter yelled at him why he didn't stand stiff. Rochotratsky was his name. While Rochotratsky tried to straighten out his shoulders Welter hit him in the face twice with his fist. I jumped a little and he hit me too. Rochotratsky fell against the edge of the locker with his head and he fell down on the ground but he could get up himself. The entire room then had to line up in the block street. The people were members or parts of all nationalities. Above all Czechs, Poles and Frenchmen. Welter said that when attention was called out it didn't go quickly enough. Then we had to go down on knee bends and jump up and down the block street for 45 minutes. The hands out to the front, every now and then we had to sing. Older or sicker persons naturally fell down occasionally. Welter then kicked them with his feet so that they would keep on. I remember this case very well because I was never so ashamed in all my life to be a German.

Q Did you see Welter a few days later?

A Yes.

Q What happened on that occasion?

A About two or three days later the entire block, about two or three hundred men, had to line up in the block street. The Jews had to line up separate, there were about 20 or 30. Welter asked each one as to his name, his profession and reason for arrest and he beat almost everyone, either because he didn't stand at attention well enough or didn't

(Schnabel-direct)

like his answer or didn't like his face. He beat many, too. He beat everybody who looked a little intelligent or was wearing glasses. I was lined up on the right, just next the Jews. The first one of the Jews that he asked was a county judge from Munich. I don't remember the name but I had talked to him before that a few times. He asked him why he was in the camp. The man answered because he was a Jew. Thereupon he hit him in his face. The man then did something foolish, he told him that he was a reserve officer in the world war. Thereupon Welter yelled in such a hysterical manner that I didn't understand him. He hit him until he fell on the ground and kicked him in the stomach. The man lay on the ground and crouched together. He then kicked him again. The man stretched out somewhat and lay quiet. I never saw him again; after he was carried away I never saw him again. The next man was a Czech Jew. He tried to explain that he was only half Jewish. Welter hit him so long with his fist that he fell on the ground and also kicked him in the stomach and pushed on to the other.

Q Did you ever see that man again?

A I didn't see him again. The Jews all left later.

Q When Welter was striking these people was he doing it with his open hand or with his fist?

A He did it with his open hand and with his fist.

Prosecution: No further questions.

#### CROSS EXAMINATION

Questions by defense:

Q Mr. Schnable, you say that these incidents that you (Schnabel-direct, cross)

- describe to have taken place in the first half of September is that correct?
- A It was shortly before I saw Weiss for the first time, so it must have been around September.
- Q The first incident took place shortly after you came to camp is that right?
- A Yes, it could have been two days later.
- Q And the second incident several days after the first incident is that correct?
- A That is the next day or the day after.
- Q All must have taken place within the first week of September then?
- A Beginning of September.
- Q You say that this Czech that was beaten by Welter in the barracks was a large man is that correct?
- A Yes.
- Q How tall would you say he was?
- A He was taller than I.
- Q Was he heavier than you?
- A No, he was ill.
- Q You state he had something wrong with his lungs, but you don't know what it was, is that correct?
- A He said himself that he had a lung disease. Then he was later on in the hospital until liberation.
- Q Welter hit this Czech and also you with his hand is that correct?
- A Yes.

(Schnabel-cross)

- Q Now, the day or two later on the formation ground Welter also used his hand to hit the prisoners there is that correct?
- A Yes.
- Q Did you state that you don't know the name of this judge who was beaten at that time by Welter?
- A I don't remember it because talked to this man a few times before that. He left then and I never saw him again.
- Q And this Czech who Welter beat at that time, do you know his name?
- A No, I don't know it, but I'm sure that he was still alive. I wanted to pick him up later on with a comrade. Then Welter hit me and my comrade and said, "Let the swine lay there", and then he prohibited the block elders to let the man into the hospital. Later on we treated him in the barracks as best we could and all the Jews left.
- Q And this Czech left with the rest of the inmates is that correct?
- A That's right. I didn't see him anymore because I was sent to the hospital.
- Q As far as you know, the county judge hit by Welter also left at this time with the rest of the Jewish inmates?
- A I can't say because I wasn't there when those people left - I was in the hospital. I didn't see the county judge at all after the beating.

(Schmabel-cross)

Q As a matter of fact, after several days when the Jews left you didn't see any of them after that did you?

A No, none of them.

Q This formation that was had at the time that these last two beatings you described took place, was that composed of the people from the new arrival block also?

A Yes, all of them that always occurred when new arrivals came into the camp that someone from the labor distribution would come and find out their professions.

Q How many people were on the formation place at that time?

A That wasn't on the formation ground, that was the block street.

Q How many people were on the block street?

A Two to three hundred.

Q And Welter hit about each one with his hand or fist is that correct?

A That lasted all morning.

Q And there were very few who escaped without being hit is that correct?

A Yes, very few.

Q But you didn't see Welter use a stick or other instruments at that time?

A No, he had nothing in his hand.

Q When did you see this first short wave delousing equipment?

A In the fall of 1944. The labor distribution had to set up a detail in order to transport this equipment.

(Schnabel-cross)

Q That was in the fall of 1944?

A In the fall of 1944.

Q You don't know exactly what month do you?

A I can't give you an exact date.

Q You are sure that it wasn't the latter part of January 1945?

A No, it was before that - before Christmas.

Q You say in your testimony that it came from Auschwitz?

A Yes, that is the report we got.

Q Was it crated up?

A The people who had transported it told us that it was in crates. I myself did not see the crates.

Q Actually, you don't know whether it came from Auschwitz or not besides what somebody told you?

A No.

Q Have you ever heard of Siemens and Schuckert?

A Yes.

Q Can you tell us what that is?

A That is a German machine factory.

Q Where was it located?

A I know it is a factory in Berlin.

Q And they make electric delousing machines?

A I don't know that, but it is possible.

Q Do you know whether or not this delousing equipment came from Siemens and Schuckert or not?

(Schnabel-cross)

A I was told that it came from Auschwitz but it is believable that it is from Siemens and Schuokert.

Q Did you see the machine itself?

A No, I didn't see it. After it was installed I had fleck fever. From February until liberation I was in the hospital with typhus.

Q It was necessary for an expert to put it together wasn't it, Mr. Schnabel?

A Naturally.

Defense: That's all.

There being no further questions, the witness was excused and withdrew.

Prosecution: The prosecution calls as its next witness Mr. George Walraeve.

Mr. George Walraeve, a witness for the prosecution, was sworn and testified through the interpreter as follows:

Prosecution: May it please the court, this witness prefers to testify in French. We have Lieutenant Laurence here who speaks French and we would like to have him sworn as interpreter.

Lieutenant Alfred E. Laurence was sworn as interpreter.

#### DIRECT EXAMINATION

Questions by prosecution:

Q State your full name, please?

A My name is Walraeve.

Q And what nationality are you, Mr. Walraeve?

A Belgium.

Q And what is your civilian occupation?

A Mechanic.

(Schnabel-cross; Walraeve-direct)

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Q Mr. Walraeve, were you a prisoner here at the Dachau Concentration Camp?

A Yes.

Q During what period?

Q From the first of August 1942 until liberation.

Q Now, Mr. Walraeve, what was your job here at Dachau from January 1944 until liberation?

A Disinfection number 2.

Q And from whom did you receive your orders when you were on that job?

A From SS Oberscharfuhrer Fuhrmann.

Q And do you know from whom Fuhrmann received his orders?

A Yes.

Q And who was that?

A Doctor Hintermayer.

Q Did you ever hear Doctor Hintermayer give orders to Oberscharfuhrer Fuhrmann relative to disinfections?

A Yes.

Q Mr. Walraeve, were you at one time a clerk in block 7, room 3?

A Yes, I was assisting clerk in that room, room number 3 on block number 7.

Q And during what period of time were you a clerk in that room?

A In the year 1943, since the month of August, until January 1944.

(Walraeve-direct)

Q While you were a clerk in that room did you know a man by the name of Arthur Dorange?

A Yes.

Q What nationality was he?

A Belgium.

Q What became of Dorange?

A He left on an invalid transport.

Q Approximately what date?

A Between the end of August and the beginning of September.

Q Do you know how many others went out on an invalid transport at that time?

A Yes, that was a transport of 20 men.

Q Do you know who the camp commandant was at that time?

A Camp Commandant Weiss.

Prosecution: No further questions.

#### CROSS EXAMINATION

Questions by defense:

Q When did you start working in the disinfection station number 2?

A End of January 1944.

Q And when did Hintermayer come here?

A I couldn't say the date exactly when Doctor Hintermayer came here. At that time we had Doctor Witteler. I know that Hintermayer was here at that time but he was not the chief physician.

(Walraeve-direct, cross)

Q Did you ever hear Witteler give Fuhrmann any orders?

A I couldn't hear that at that time because I didn't have a responsible position at the disinfection station.

Q When did you get this responsible position at the disinfection station?

A In the month of March.

Q March of what year?

A 1944.

Q Were you here working in the disinfecting station when the short wave station was set up too?

A Yes, I was here at the disinfecting plant.

Q Were you here when it was set up and put into operation?

A Yes.

Q When was it put into operation?

A Approximately in the month of February 1945.

Q Do you know where it came from?

A Yes.

Q Where did it come from?

A It came as a transport from Auschwitz.

Q Did you see the name on any of the equipment itself?

A No.

Q You've heard of the factory Siemens and Schuckert haven't you?

A Yes.

Q When did you leave the disinfection station?

(Walraeve-cross)

A After the liberation.

Q When were you a clerk?

A In the month of March 1943.

Q How long were you a clerk?

A Until the middle of January 1944.

Q Were you required to write and speak the German language as a clerk?

A Yes.

Q What year did this transport of 20 men leave?

A 1943.

Q In September of 1943?

A In the time between the months of August and September.

Q You say it was an invalid transport?

A Yes, these were 20 cases of psychosis.

Q How do you know they were psychotic cases?

A Because on room 3 block 7 was a so called nerve chamber, and I kept the roster.

President: The court will take a recess until 1:15 o'clock

p.m.

The court, having recessed at 1200 hours, 10 December 1945, opened at 1315 hours, 10 December 1945, all the members of the court, the personnel of the prosecution and the defense, all of the accused, and the interpreter, resuming their seats.

The reporter was also present.

President: The court will come to order.

Witness George Walraeve resumed the stand.

Prosecution: You are reminded that you are still under oath.

Witness: Yes.

Defense: No further questions.

Prosecution: No questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

Prosecution: May it please the court, the prosecution calls as its next witness, Doctor Norbert Fried.

Doctor Norbert Fried, a witness for the prosecution, was recalled to the stand, reminded that he was still under oath, and testified, in English, as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q Are you the same Doctor Fried who testified previously in this case?

A Yes, sir.

Q Now, Doctor, while you were at Kaufering Number Four, I will ask you to state who was the camp

(Fried-Direct)

commander after January 1, 1945?

A In the first days of January, there was the old camp commander Hauptsturmführer Morgenstern, and in the middle of January, Eichelsdorfer.

Q Doctor, while Eichelsdorfer was the camp commander, what were your duties in the camp?

A I was clerk in the office.

Q Now, as clerk in the office, did you have occasion to make out any reports concerning the conditions of the camp?

A Yes. Especially the death reports.

Q Now, Doctor, for whose signature did you prepare these reports?

A As we had no printed stationery in the camp, all of the forms had to be drawn with the hand, and each document, prepared for the signature of the SS men, was prepared in our office. So I remember very well that all of the documents had on the right side a line, and under the line a reading that said "Hauptmannlagerfuhrer".

Q And whose name was signed above the title "Hauptmannlagerfuhrer"?

A Eichelsdorfer. I saw it a thousand times.

Q Now, did you ever see Eichelsdorfer in Camp Number Four, after he came there as camp commander?

A Yes, sir. Several times.

Q Now, who was Doctor Blanke?

A As far as I know, he was head SS physician of all the Kaufering area.

(Fried-Direct)

Q And Kaufering Number Four was one of those camps in that area. Is that correct?

A Yes, sir.

Q Now, did you ever prepare any documents, or reports for the signature of Doctor Blanke?

A No.

Q Now, Doctor, there has been testimony, by Eichelsdorfer, to the effect that the camp was not surrounded by any electrical fence. Is that true or false?

A There was an electrical fence around Kaufering Number Four, as around all the Kaufering camps. I remember that we found, one morning, a dead cat in these wires. The cat tried to crawl under the fence and was killed.

Q Now, Tempel testified that on one occasion some prisoners were accused of stealing, and that he himself punished them, and did not make a punishment report on these prisoners. Do you know whether or not that is true or false?

A Prisoners were very often caught stealing, because it was the only way to make a living in these camps.

Q Do you recall a case when certain prisoners were accused of stealing wine from the SS?

A When I came into the camp, Kaufering Number Four, in October 1944 there I was told that such a thing had happened, just before. The camp eldest, by the name of Max, had been transferred as a result, for punishment for that stealing,

(Fried-Direct)

to another camp. So when I came to Camp Number Four, this thing was over already, because we had a new camp eldest at that time, Gieblinger.

Q Do you know whether or not any of those prisoners, involved in that same theft, received the twenty-five?

A Yes, sir. They had been reported to Dachau, and I remember very well that one day the sentence came from Dachau, and there was four of the prisoners had to get twenty-five lashes. But at that time Kaufering Number Four was a sick camp already, so most of the healthy people had been removed. So, from these four defendants, there was only one left in Kaufering, by the name of Weiss. This Weiss got the twenty-five lashes. I have been a witness to that.

Q Was Tempel present at that time that this man received the twenty-five lashes?

A I am not sure, sir.

Q Now, Tempel testified that he merely slapped prisoners in the face. Will you tell the court, from the nature of the blow that was delivered by Temple, what happened to the prisoners?

A He didn't blow them in the face only, and he didn't strike them with his own hand only, but when he blowed somebody's face, that man had to go immediately down.

(Fried-Direct)



- Q Now, when you say 'blow' do you mean 'strike'?
- A Yes -- what they call a slap in the face.
- Q Now, Doctor, there is some testimony before the court, by a witness who stated, in substance, that Eichelsdorfer had prisoners working in his quarters. Do you know where those prisoners came from?
- A Yes. Because Eichelsdorfer was afraid to get lice from the inmates of Kaufering Number Four, he got eight Jewish girls from other Kaufering camps, and one Jewish barber, for his personal use.
- Q Now, do you know from what place these eight Jewish girls were fed?
- A Yes. These girls had nothing to do with the camp. They got their food never from the camp, but they are cooking and preparing food for the SS in the SS kitchen.
- Q Under Eichelsdorfer, will you tell the court whether or not work details left Kaufering Number Four, even though it was a sick camp?
- A Yes. Regularly, they left. Every day the burial detail, and about fifteen totwenty men, and more. It was a rule -- so many corpses, as many men in the burial detail. Then there were other details. The food had to be brought to our camp. So there was a regular detail for that, going out of the camp almost every day. Then there were many big so-called wood details, with hundreds of men in them.

(Fried-Direct)

Q Now, Doctor, will you tell the court what happened under Eichelsdorfer with respect to the overcoats that the prisoners had at one time?

A About the end of January, an order came that, since we were no working camp any more, we needed no overcoats. So all the overcoats had to be delivered on the parade ground. After long askings, we got the permission to keep about one hundred twenty overcoats in the camp for the use of the burial detail, and those officials who had to go around in the open air. For a camp which had sometimes three thousand prisoners there were only one hundred twenty overcoats left. The overcoats that had been taken away from us were piled on the parade ground, on the local road, and these thousands of overcoats were lying there for many weeks, in rain and snow. They were rotting. There was a steam above this pile of overcoats always. I don't know when, but very late, trucks came to fetch those coats and take them away.

Q Now, Doctor, were complete records kept on the Jews there in the Kaufering camps?

A No records at all, sir.

Prosecution: No further questions.

(Fried-Direct)

CROSS EXAMINATION

Questions by the defense:

- Q Doctor Fried, you say that you saw Eichelsdorrer in the camp on four occasions. Is that correct?
- A Not four times; I said that I saw him several times.
- Q "Several" to me means three or four times. How many times does it mean to you?
- A No. Certainly more frequent.
- Q How many times would you say, Doctor, that you saw him?
- A Well, it is hard to say. Ten or twelve times.
- Q What kind of a man was Captain Morgenstern, whom you mentioned?
- A Well, I can't tell you, because I never saw him personally. I don't remember. I was -- in the time he was there, I was an ordinary laborer there. I became clerk in the office in December. I don't remember; but his reputation was not bad.
- Q I meant physically -- what kind of man was he?
- A I haven't seen him; I can't remember.
- Q Now these death reports that you state you made up yourself, just from blank paper -- is that correct?
- A Not all, sir. There were -- in the beginning we had some printed forms, which we got from Dachau, but soon they went out, and we had to make drawings with our hands.

(Fried-Cross)

Q And every one of the death reports that you made up, or that you saw made up, was made up for the signature of/Hauptmann/<sup>the</sup>lagerrfuhrer. Is that correct?

A Yes.

Q And did you make up any other reports that were to be signed by any of the SS officials?

A That was not especially my job. We were four in the camp office. But I remember that every day reports went out to the SS about how many people are at work, how many in which details there are, and all these things had to be signed outside.

Q Were all made up for signature in the manner?

A I must suppose it.

Q You never saw any made up?

A Oh, yes. I saw it, but of course, those that I didn't do myself I am not so sure about how they looked.

Q What I started to say was: You never saw or knew of, any that were made up for signature, other than as you describe. Is that correct?

A Yes. There was also room for the signature, for example, of arbeits leader, work leader, and so on.

Q None of them were made up for Doctor Blanke's signature?

A No. I can't remember this.

Q Did you, or anyone in the office, make up these monthly reports that were sent out?

(Fried-Cross)

- A These monthly reports were mimeographed and came already ready-made into the office. But this was an occasion once. One of the times -- I had been in the office when we had five. So long as I was in the office we did five monthly reports.
- Q Isn't it true, as a matter of fact, that those, or at least the one introduced in evidence, had a place for Doctor Blanke's signature?
- A I learned it now, and it is certainly true, but I can't remember it.
- Q Now, this discussion had, regarding the electrical apparatus, or wire, around the camp. Have you any way of knowing that that was charged, other than the fact that you saw a dead oat there?
- A Yes. I know it, and it was especially made to prevent prisoners escaping. I can prove that. Once, in the last days of March, or the first days of April, one prisoner, a young Polish boy about nineteen years, a prisoner escaped. After long investigations the place was found where he could escape. He was so skillful that he could spring from the near fence, which was not charged with electric current, he could jump to the guard tower. Immediately when it was found out, a new wire was made so that it touched also the tower. No barbed wire -- only a clean electrical wire.
- Q Do you know any case where any person was killed, or received a shock from that wire?
- A I don't know that somebody was killed. But I know that the capo, Arno, who was in charge of the electric things in the camp, was very

(Fried-Cross)

careful, and once a got a shock when handling something, I don't know what.

Q Is he the only one you know of?

A Yes.

Q Now, this cat that you spoke of, Doctor Fried -- was that found right on the wire?

A Yes, sir.

Q How was it removed?

A As far as I know, Arno went out and the current stopped and they took it away.

Q During these times that you mentioned, that Eichelendorfer came into camp, where did he go? At the office where you worked?

A I saw him several times at the entrance of our office. But you mustn't imagine that it was an office. It was an earth hole, as even some of the defendants said. It was an earth hole and he didn't come in, because he was certainly afraid of such a lousy place. But Tempel was very often with us in our office. He always inspected my coat whether there were any lice on it.

Q The place where you saw Eichelendorfer was at the entrance to this hut? Is that the only place you saw him?

A No. Not the only place. I mean that there I have seen him. He went through the camp and then, especially, I saw him when the camp was evacuated, because, all of the evacuation, from the beginning to the end, he watched.

(Fried-Cross)

Q And that was when Kaufering Number Four evacuated to Camp Number One. Is that right?

A I don't think they went to Camp Number One, but it was the evacuation on April 25th and 26th

Q If the prosecution witness, Moses Berger, stated that he was evacuated with his brother, from Camp Number Four to Camp Number One, would you state that he was mistaken?

A There were many transports, but only one evacuation. By the evacuation we understand that last thing that happened one day before the arrival of the American troops, when the camp was liquidated.

Q My recollection is that the witness Berger stated that on the final clearing of the camp which would be evacuated, he went on the train from Camp Number Four to Camp Number One, and there his brother was beaten by Tempel at Camp Number One.

A That is possible. I have never been on these trains. I was never evacuated. As I told you already, I left the camp on the 26th, running away into the forest.

Q Then, do I understand you now to say that you don't know where the transport from the evacuation went to? Is that correct?

A Well, I met many of my friends that were evacuated at that time, afterwards, here at Dachau, for example, so I know that some of them went to Allach and some to Camp Dachau.

Q The only one you heard of that went to Camp Number One, was the one to which Berger testified -- if you heard that?

(Fired-Cross)

- A It could be.
- Q Did you ever see Eichelisdorfer carry a rifle, Doctor Fried?
- A No, sir; only a dog's whip, because he had a dog.
- Q Did you ever see him carry a stick, other than this dog whip?
- A I can't remember, sir.
- Q Other than the testimony that was given in court, had you ever heard that Eichelisdorfer beat any prisoners with any instrument at Camp Number Four?
- A Not in Camp Number Four, but I heard that Camp Number Seven he was, well, he did beat people in Camp Number Seven. And in Camp Number Four he had not much contact <sup>with</sup> the prisoners.
- Q As a matter of fact, these death reports, made out daily, were usually taken outside to him for signature, were they not?
- A Yes.
- Q And that was the usual practice with all reports other than the few times he happened to come to come to camp?
- A Yes. But, for example, I told you that I saw the signature very often and I can tell you why. For example, once in all these years that I have been in concentration camps, we got once a package from the Red Cross. In these packages there were cards for the receipt -- to sign the receipt. Now, all of these cards were prepared so that they had the signature

(Fried-Cross)



not only of the receiver, but also of the camp commander. We signed those cards, and they went out to the office of the SS. After some days all the cards came back, and we in the office had the job to eraser out all the signatures of the prisoners, and that was because it was said that these cards are going to Switzerland and nobody in Switzerland should know who these packages -- who got them -- and all of these cards, for example, had the signature of Eicheladorfer, Hauptmannlagerfuhrer. There were thousands of them.

Q Thousands of Red Cross packages came in?

A Yes. We were about twenty-five hundred inmates, and we got, in all these years, one Red Cross package each.

Q The only time that you were at Dachau was from October 1944 until April 1945?

A In Dachau, yes; but not in German concentration camps.

Q All we are talking about is Dachau.

A Yes.

Q During that period, you got one Red Cross package -- you and the rest of the prisoners?

A That is correct.

Q Do you know, Doctor, upon whose order the overcoats were taken away from the prisoners?

A That I don't know, sir. There was an order issued by the SS officers, but, of course, I can't say who issued it.

(Fried-Cross)

Q And who did you, or any other prisoners, who obtained permission to keep these one hundred twenty coats -- whom did you see to get that permission?

A Well, we did it. For example, I myself asked "How am I to work, and how am I to go outside and do my work in the camp?" I had to run around a lot, without a coat, so I got permission to have it.

Q Who did you ask -- whom did you make this statement to?

A To the camp eldest and the camp eldest asked the SS -- I don't know who.

Q You had negotiations, or conversations, with the camp eldest?

A Yes.

Q And who was that at that time?

A Ralph Geiblinger.

Q As a result of this conversation with Geiblinger, and the action he took, you were allowed to keep one hundred twenty coats. Is that correct?

A Yes. I think so.

Q These eight Jewish girls, whom you testified about, that were used in Michelsdorfer's house, how did you say they were fed. I didn't quite understand that.

A They were in fed by the prisoner's kitchen, but got their food outside. How -- I don't know.

(Fried-Cross)

Q You don't know what food they got, or where, other than the fact that it didn't come from the prisoner's kitchen?

A No.

Q So that if they made a statement that their food was good, do you think that could possibly be true?

A Everything can be the truth, but I couldn't believe that it was better than Eicheladorfer's food. I heard that here in the court. I heard a witness testify here that the food those prisoners got was better than Eicheladorfer's food.

Q These four men that were caught by Tempal, stealing cognac, or whatever it was, do you know of your own knowledge who reported them?

A No, sir.

Defense: No further questions.

REDIRECT EXAMINATION

Questions by the prosecution:

Q Doctor, I hand you a document, marked Prosecution Exhibit 128, and I ask you to examine the second page of that sheet and to tell the court whether or not the signature, and the printing, that appears on the left hand side, is the same as the printing that appears on the right hand side?

A No. It is not. When we had it in our office, it certainly could not be, because this is a stamp, and that stamp was not on it.

(Fried-Cross)  
& Redirect)

Q Now I hand you Prosecution Exhibit 129, and ask you to examine the second page of that sheet and ask you to state whether or not the matter on the lower left hand corner was on the sheet at the time that it left your office, with Eichelsdorfer's signature on it.

A The same thing -- it couldn't be.

RE-CROSS EXAMINATION

Questions by the defense:

Q You don't know, Doctor, as a matter of fact, that these two particular document left your office with Eichelsdorfer's signature on it?

A No, sir. They must have been signed in the office of Eichelsdorfer.

Q So that at the time that they left you, they had neither Eichelsdorfer's signature, or Doctor Blanke's signature?

A But certainly they had not the stamp. It was never used in our camp. I have never seen it there.

Q The stamp and the signature of Doctor Blanke was put on after the documents left your office?

A Certainly.

Defense: Nothing further.

Prosecution: No further questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

(Fried-Recross)

Prosecution: The prosecution calls, as its next witness, Prince Frederick Leopold.

Prince Frederick Leopold, a witness for the prosecution, was recalled to the stand, and testified, in English, as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q Prince Leopold, you are reminded that you are still under oath.

A Yes.

Q You are the same Prince Frederick Leopold that has testified before in this case?

A Yes.

Q Now, Prince Leopold, I ask you whether or not, while you were here as a prisoner, you had occasion to go to the warehouse where clothing was stored, in Dachau?

A Yes.

Q And on how many occasions did you go to such a warehouse?

A The first time, I went in the beginning or the middle of December 1944.

Q And at that time did you have occasion to observe the quantity of clothing stored there?

A Yes, sir.

Q Will you tell the court, please, sir, just what you saw on that day?

A When we had to start out work in the SS canteen the boss told us we should be better dressed, and he sent us to the storehouse where all the

(Prince Leopold-Direct)

clothes, suits, and overcoats were kept. And when we came there, we went first to the cellar, and saw lots of boots piled up to the ceiling. And then the next room in the cellar -- there were lots of overcoats and fur coats and after we had received our shoes, we went up to the first floor and saw there masses and masses of underwear, shirts and pants, sweaters, shoes and a lot of suits, piled up to masses. You can really say thousands and thousands.

Q Now, Prince Leopold, what was the relative size of this warehouse that you were in?

A The warehouse was perhaps as big as this whole building that we are now in, and the cellar was as long as the half of this building. And the first floor, where we saw all the underwear and shirts, and these things, was about three-quarters of this building. On the second floor, under the roof, that was as long as the whole house.

Q Now, you have described "this building". Could you give the court, please, your estimate of this building, in dimensions of meters, so that the record might reflect, in your opinion, what the size of this building is?

A I think the length would be about two hundred to three hundred yards; and broad -- about twice as broad as this room.

Q In your judgment, how many yards wide is this room?

(Prince Leopold-Direct)

A This is about thirty to forty meters.

Q Now, did you observe any other place that contained clothing, at or about the same time?

A Yes sir. In front of the storehouse, there was a very big barracks, as large as the barracks that may be seen here. That was also filled up to the roof with suits, overcoats, and one part, also, with shoes.

Q Now, Prince Leopold, did you have occasion to visit this storehouse on any other occasion?

A Yes, sir.

Q When was that?

A That was, perhaps, in the months of January and February, and for the last time, in April - the 23d or 24th, -- before we were transferred from here.

Q Will you please tell the court what was the condition of this storehouse, with respect to clothes, the last time you saw it?

A We had to go there on the 23d or 24th of April, before we were taken from here, and we were brought over to this storehouse. They wanted to give us again a new suit and new overcoat. When <sup>were</sup> brought up there, we saw more suits than we had even seen before. And we even saw plenty of women's dresses and even children's dresses, laying about -- Masses and masses of them, I can only say.

Q Now, Prince Leopold, did you see any of those clothes being taken out of that warehouse?

A Yes, sir.

(Prince Leopold-Direct)

Q And when was that?

A That was already in February, March, and April. When I visited two of these two prisoners that were working in the barracks where all these clothes were piled up, I saw, on several of these occasions, some of the SS men, whom I didn't even know, come in and fetch new suits for themselves -- civilian clothes. That happened almost daily. And then, afterwards, I think it was three weeks before the American troops arrived here, wagon loads were taken away with new suits and overcoats, and, as everybody saw, almost, a whole wagon was taken away with fur coats, and they were perhaps the value of one hundred to one hundred fifty thousand marks.

Q Did you, while working in the canteen, have occasion to see any foods that were stored there?

A Yes.

Q Will you describe to the court the foods that you saw stored there at that particular place?

A The one part of our prisoner's quarter was filled with thousands of sacks of this stuff which they made soup of -- i don't know how you call it in English -- big paper sacks, that big (indicating)

Q Do you refer to pre-cooked soup?

A Yes. We also had a lot of white flour; then we had to guard, in our quarters, two wagon

(Prince Leopold-Direct)



loads of Red Cross cases, from the International  
Red Cross in Geneva.

Q Were those cases distributed to the prisoners?

A No, sir.

Q Now, could you give the court any estimate  
as to the quantity of these pre-cooked soups  
that you saw there?

A Yes, sir. About the half of this building here  
was filled up with these sacks -- up to the  
ceiling. And also with this Red Cross cases  
we had there, there were two railway wagons  
full. In the last time, I think the last  
two months, these packages and cases were  
not distributed between the prisoners.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by the defense:

Q Now, Leopold, when you estimated this room to  
be thirty to forty meters, did you mean the  
width, or the length of this room?

A The width.

Q You mean from this corner here, to that corner  
over there, is thirty to forty meters?

A Yes.

Q Well, now, what type of clothing was this  
that you saw in this warehouse?

A I saw all sorts of clothing.

Q Uniforms, or prisoner clothing?

A Mainly civilian clothes.

(Prince Leopold-Cross)

Q Did you see any clothes like Mahl is wearing?

A Do you mean the striped things?

Q Yes.

A Those were in a special room.

Q How long did it take you to make the inventory of this warehouse?

A We stayed there perhaps one hour or one and a half hours.

Defense: No further questions.

Prosecution: No questions.

The members of the court declined to examine the witness.

There being no further questions, the witness was excused and withdrew.

Prosecution: May it please the court, we have a request from the officials at Dachau -- I believe it is from the city of Daccau -- made through Military Government, requesting the return of these volumes, which have been introduced into evidence, that contain the death records from 1940 up until the date that they ceased keeping them. Might I suggest, and ask for permission to have these records withdrawn, after the court has finished their deliberations in this case, and that an adequate description be substituted for each one, so that they may be returned to the archives in Dachau?

President: I suggest that we pass that request on to the reviewing authority.

Prosecution: The prosecution rests.

(Prince Leopold-Cross)

Defense: If it please the court, due to the fact that, on rebuttal, new matter has been introduced, the defense moves that the court recess until tomorrow morning at eight-thirty, to give the defense an opportunity to prepare such sur-rebuttal as may be necessary.

President: The court will recess until eight-thirty tomorrow morning.

The court then, at 1415 hours, 10 December 1945, adjourned, to meet at 0830 hours, 11 December 1945.

*William D. Denson*

WILLIAM D. DENSON  
Lieutenant Colonel, JAGD  
Trial Judge Advocate

Dachau, Germany,  
11 December 1945.

The court met, pursuant to adjournment, at 8:30 o'clock A. M., on the 11th of December 1945, at Dachau, Germany, at which time all the personnel of the court, all the personnel of the prosecution, all the personnel of the defense, and all of the accused who were present at the close of the previous session were again present. A reporter and interpreter were also present.

TESTIMONY FOR THE DEFENSE  
In Surrebuttal

WILHELM WELTER, one of the accused, was recalled to the witness stand by the defense and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q. Will you state your full name?

A. Wilhelm Welter.

Q. And you are one of the defendants who has previously testified in this case?

A. Yes.

Q. Yesterday a witness by the name of Schnabel testified as to certain actions of yours, with respect to new arrivals. He stated, first, that in the block in which he was put upon his arrival, you entered and beat with your fists a Czech. What do you have to say as to that?

A. That is not correct.

Q. Did you ever go into this block of new arrivals and beat anyone there?

(WELTER recall - direct)

A. I was in that block, but I didn't beat anybody there.

Q. How tall are you Welter?

A. One meter seventy.

Q. How much do you weigh?

A. Fifty-six kilograms.

Q. Now, Mr. Schnabel further stated that several days later, which would be around the end of the first week in September, you gathered the new arrivals into the block street, and there you proceeded to beat between two and three hundred of them in one morning. What do you have to say as to that?

A. I have two things to say to that. The witness Schnabel stated yesterday that that time he was ashamed of being a German. I don't know if it is very honorable if German people stand here before this court of the highest American officers and lower each other here. I would also like to say the following to this accusation: You have to imagine this -- one single person is at first supposed to have beaten one or two other persons, and in such a manner that they fell down; and then that same single person is supposed to have beaten two hundred -- no, three hundred, people continuously during the whole course of that morning. If this thing had happened, then it most certainly would have been a topic of discussion in the camp. At that time there were over one hundred details going out, outside the camp, for work. These work details all came into contact with civilians, or civilian workers. Now, I would like to say that these workers weren't all Nazis. And then, in my opinion, it would most certainly have happened that ten or twenty would have made accusations against me about these happenings which have been described by the witness. I have heard somebody testify that packages

(WELTER recall - direct)

and news had gotten into the camp illegally. In the same way news, in the form of letters, left the camp. And in spite of this there was never any report or accusation made against me at some higher office, say in Berlin, about this case. I can only say to this accusation that the witness himself does not believe it, he only hopes that the court will believe it. And besides, I would like to say the following about this: During the middle of August I was operated on. That was in the Prisoner Hospital, and was done by prisoners, and up until the end of October I had bandages, and up to the end of the month a leather protective belt. The scars of the operation can still be seen. I believe it is impossible that I, who am right-handed, beat continuously during that morning two or three hundred people with my left hand.

- Q. Now what was this operation that you had in the middle of August, Welter?
- A. I had blood poisoning in the right hand, and I went to the prisoner's physician and let them operate on me.
- Q. During the entire month of September, was that right hand bandaged as a result of that operation?
- A. Up to the end of October. I can remember this case exactly, because of certain events; because a short time before that there had been a happening in my family. My wife had her second child.

Defense: No further questions.

#### CROSS-EXAMINATION

Questions by prosecution :

- Q. Welter, you do admit that you have beaten prisoners after 1942, do you not?

(WELTER recall - direct, cross)

- A. I have said in my first statement that I slapped prisoners in the face, that is correct. However, I never used any object to do that, and I think all prisoners can testify to that.
- Q. And is it not also a fact, Welter, that there were no prisoners' doctors working in the hospital in 1942?
- A. No, that is not correct, because I was operated on by a prisoner physician, and that was a Czech prisoner.
- Q. And what was his name?
- A. I cannot pronounce the Czech name, but the physician was a Czech and the assistant was a German who had been transferred to the Camp from the German Wehrmacht, as a prisoner.
- Q. Now, you state that you are right-handed, but your right hand was bandaged, or injured, because of blood poisoning, is that correct, in 1942?
- A. During the time spoken of by the witness, yes. I was operated on in August, and I had bandages, or a protective leather cover up to the end of October.
- Q. So that the only hand you could use was your left hand, is that correct?
- A. Yes, and even that only to a limited extent, because in motion the bandages on my other hand would be moved.
- Q. Now, Welter, do I understand your testimony to be that, to you it is degrading for other Germans to come before this court and accuse Germans of misconduct, is that correct?
- A. I don't know if you understood me correctly. I said, I do not think it is honorable if German people degrade each other or lower each other before this court.
- Q. And that, you think, even though what these Germans, the accusations they make against you, are true, is that not correct?

(WELTER recal 1-direct)

- A. No, if the accusations are true, and I have admitted certain things, then I think the accusations are correct, and I would know how to carry the punishment for it.

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his seat in court.

ANTON ENDRES, one of the accused, was recalled to the stand by the defense and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q. Will you state your full name, please?

A. Anton Endres.

Q. You are the same defendant who has previously testified in this case?

A. Yesterday the witness Woenrl testified to an injection which he claims to have seen you give in the hospital in 1942.

This injection was supposedly given to a Polish clergyman during the Easter holidays, in Block Number 1. As a result of the injection, the witness claims the clergyman died, or at least he saw him in the morgue a short time later. What do you wish to state as to that?

A. First, I did not have to give a single injection during all of my activities in Blocks one to seven. All injections were prepared in the dispensary, and the male nurses gave the injections on their own stations. If I had asked for an injection with benzine in the dispensary, or else filled one up myself, when there were six to eight male nurses always working in the dispensary, and if I had run out with the syringe and gone to Block Number 1, then two or three male nurses would have followed me and watched to see what I was

(ENDRES recall- direct)



11 A 6

going to do with the syringe. In the same way, I cannot enter Block Number 1, where there are sixty to eighty patients lying in the room, and give a man an injection of benzine. The witness Woehrl stated that I was alone with the patient. As soon as I came to a block, the block elders, the room elders, the clerk -- there were immediately three or four people with me. It would have been impossible that I, by myself, could have given an injection of benzine. And besides, if the witness Woehrl had seen that, he would have been the first man to run to the Chief Physician and report that. That would have been talked about so quickly among the male nurses that I, as a medic, had given an injection of benzine, that within two hours I would be in the bunker. Then the witness Woehrl states that he had X-rayed the man in the X-ray station on the day before, and he says that it was a good friend of his. At an X-ray, the man must give his name, and now he cannot remember his name, though he says he was a good friend of his. Secondly, a big happening such as this, that I gave somebody an injection of benzine -- one wouldn't forget that so quickly. I can say, with a clear conscience, and I can take an oath to that, that as long as I was in Dachau I never had an injection of benzine in my hands. Furthermore, the witness Woehrl stated that I beat with my fists, and kicked prisoners. I have never beaten a prisoner with my fists, or kicked him. I have slapped prisoners in the face in order to correct them. During all my activity I never made a single report about a prisoner.

Defense: No further questions.

#### CROSS-EXAMINATION

Questions by prosecution:

Q. How many male nurses worked with you, Endres?

(ENDRES recall- direct, cross)

A. SS medics, you mean?

Q. Well, were the male nurses SS medics?

A. There were five to six SS male nurses, and there were about one hundred and fifty prisoner male nurses and nursing students.

Q. Now, these male nurses that you talked about that would follow you if you were going to give an injection, were those the SS male nurses or the prisoner male nurses?

A. Those were the prisoner male nurses.

Q. Now, do you recall the names of any of those male nurses that worked with you?

A. Of SS men?

Q. Yes.

A. Yes. Alois Eigenberg; Oberscharfuhrer Rathiewsky.

Q. Now, Endres, in what block did you give injections?

A. I gave no injections in any block. I was a runner in the hospital. I had no ward under my supervision, and I had no injections to give out.

Q. Were these men Stoehr and Woehrl male nurses?

A. Yes.

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his seat in court.

JOHANN BAPTIST EICHELSDORFER, one of the accused, was recalled to the stand by the defense and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q. Will you state your full name?

A. Johann Baptist Eichelsdorfer.

Q. And are you the same defendant who has testified previously in this case?

A. Yes.

(EICHELSDORFER recall-direct)

Q. Yesterday the witness, Dr. Fried, testified that he was a clerk at Kaufering Number 4 during the time that you were the Lagerfuhrer there. He further stated that all the reports of death were made up in the office of the clerk, and that they were all made for the signature of Hauptmann, Lagerfuhrer. What do you have to say as to that?

A. I never got the notifications of deaths into my hands. And then, I never signed anything as Hauptmann, Lagerfuhrer, because I never, not even for five minutes, was Lagerfuhrer. During my activity in Camp Number 4, Sturmbannfuhrer Ammyer, first, and then Sturmbannfuhrer <sup>Foerschner</sup> were the Lagerfuhrers.

Q. Did you at any time ever sign one of these death reports?

A. No, never.

Q. Now, Dr. Fried further testified that an order came down that all overcoats should be taken away from the prisoners, but that finally they were allowed to keep 120 of them. He further stated that after this order came down these coats were piled out in the snow and the rain for a long period of time. What do you wish to state as to that?

A. This order that the coats be taken away because it was a sick camp, I heard for the first time at this court yesterday. This order is completely foreign to me. As long as I saw prisoners in Camp Number 4 they all had coats on. And this pile of clothing about which the witness spoke, that is correct, there was a pile of clothing, and those were the clothes of the prisoners who had died. These clothes had to lie there because we had no storage space for them, and they had to be taken to Camp Number 1 to be cleaned and disinfected there. But all this was ordered by Dr. Blanke, because I myself was forbidden to enter the camp.

(EICHEISDORFER recall- direct)

- Q. Now Dr. Fried stated he saw you in the camp eight or ten times. What do you say as to that?
- A. In April when I was being interrogated for the first few times I repeatedly stated under oath, at the time when I did not get notice of any charges against me, that I entered Camp Number 4 two times, and that was at the end of March when typhus was more or less over in Camp Number 4. And only after there were new cases of typhus in Camps Numbers 1, 3, 7 and 11 and they were sent to us, then I did not enter the camp again. Then, please take into consideration that Camp Number 4 really consisted of two parts. At the entrance of the camp on the right-hand side were the barracks of the trades-people; that was, the iron mangers place, the cobblers place, the electric work shop, then the office of the Camp Elders, and then there was the barbed-wire enclosure. And then there was the actual sick camp. Those people up front, who were used as trades-man, all were healthy people. And up at the entrance where these people were, I was more frequently. I don't know how many times, but it may have been ten times.
- Q. Now, Eichelsdorfer, the witness Lieut. Bowser, in answer to a question by the court, stated that at the time you signed this statement in front of him the charges had been read to you or rather, that you had been advised of the charges against you.
- A. No, that is not true.
- Q. When were the charges and the particulars in this case first read to you and the other defendants?
- A. I learned that I was accused for the first time on the 2nd of November, when the accusation was read to us. And the particulars of the charges against me I first learned here in the court.
- Q. When you say the particulars of the charges against you, you mean the individual accusations against you yourself, is that correct?

(EICHELSDORFER recall-direct)

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A. Yes.

Q. Now, your statement that you made before Lieut. Bowser is dated 29 October 1945. And you state that the charges were first read to you on 2 November, is that correct?

A. Yes.

Q. Did Lieut. Bowser read any charges to you at that time, at the time you were questioned?

A. No.

Defense: No further questions.

#### CROSS-EXAMINATION

Questions by prosecution:

Q. You never signed any papers, did you Eicheisdorfer, after 1 January 1945?

A. Yes, I signed papers, but those were camp matters, like requisitions for material.

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his seat in court.

(Civilian counsel for defense then read a motion to the court in the German language.)

Defense: May it please the court, I assume what counsel has said is contained in this document that I have here. I will read this motion in English, or the translation I have here:

"Application of Defense to the Military Government Court Dacheu for additional use of German Penal Code.

"I have following application to propose to the high Court, I request it to be decided in a Court resolution:

"The Court should beside the American Penal Code in application make additional application of the German Penal.  
(EICHEISDORFER recall- direct, cross)

Code in the case of my defendants Becher, Knoll and Mahl.

"I call on following reasons:

"The persons tried here are originally German subjects.

They were brought up in the German way of thinking and judging legal questions. The USA entered war in December 41.

"The day stated by the Government of the USA for pursuance of war crimes - antedated in 45 - is the 1 January 42.

"On the 2 November 45 the USA ordered pursuance in the following case of war crimes. The pursuance involves actings that happened in the time from the 1 January 42 till 29 April 45.

"The Government of the USA should have notified till the 1 January 42 at latest to the people of the German nation that it was intended to persue facts and actions collidating with the Penal Code by and with application of the American Penal Code.

"This did not happen.

"After this the Government of the USA did not give the German defendants the opportunity to base and judge their conduct in actions on the American Penal Code.

"Nulla crimen sine lege:

"No man can get judged and banished for crimes committed in his own country by application of a Penal Code not valuable there, for these crimes were necessarily committed before the ordered application of the new Penal Code. I would have liked to see what American subjects would have thought and said in case of a German victory if their conduct should have been judged on the base of the German Penal Code for cases that happened before the application of this code would have been notified. Naturally they would have argued: "How could we have observed a law that we did not know and about which we never thought it could be

(MOTION)

coming to application for us."

"The request of additional application of the German Penal Code - which possesses sufficient paragraphs for judgment and condemnation - by the defendants is absolutely fair and equitable.

"America! Give the same possibility in legal defense to the poorest of your defeated enemies that you would have claimed for yourself if having been defeated."

Defense: I don't vouch for that translation of the original.

Prosecution: May it please the court, I don't know what the translation of that is, either. I have the original if the court interpreter would like to read it.

President: All we are interested in is whether that was a proper translation as presented by the counsel.

Defense: If the court please, I think to save time, a substantial check by the official interpreter would suffice, if it is agreeable with counsel.

Prosecution: I have no objection whatsoever. Is it the pleasure of the court that he do this at this time, before I say anything, or not?

President: He can look over it while you make your comments, and in the event there is anything which is not substantially correct in the translation, he can call the court's attention to it.

Prosecution: As I understand it, may it please the court, this is an application on the part of defense counsel for this court to apply the principles set forth in the German penal code, and not the provisions as to what is set forth, as I think it is termed in that document, the American Penal Code. Well, the application is, of course, based on an erroneous assumption.

(MOTION)

This court is applying international law. This court has before it these forty defendants, charged with violations of the laws and customs of war. Now, it is not a question of their ignorance of international law. Each man that is sitting in that box is presumed to know the law. Whether he does in fact or not is a matter about which we are not concerned, as that law places the burden upon him, the duty of knowing the provisions of international law. These men are charged with aiding, abetting and participating in a common design to subject these persons to killing, beating, tortures and starvation, in violation of international law. There is no reference at all made to the so-called American Penal Code, and for that reason I say that the application, whatever it may be, based on the fact that Becher, Knoll and Mahl should be tried by German law, is without any foundation in reason before this court, because they are charged with violations of international law, and not violations of domestic American law.

President: The accused are not charged under the American Penal Code, but under international law, as expressed by the Geneva Convention, and under well-recognized laws of humanity. The motion is denied.

FRIEDRICH WETZEL, one of the accused, was called to the witness stand by the defense and testified through the interpreter as follows:

#### DIRECT EXAMINATION

Questions by defense:

Q. Wetzel, on yesterday a witness testified in this court that here at Dachau there was a large supply room of clothing and food. Now, he stated that on a trip to this warehouse, that he saw thousands of shoes, boots, clothing of all kinds, and food. Now, if you know anything about this warehouse, tell the court just what you know about it.

(MOTION)

(WETZEL - direct)



A. I know of no such large warehouse as was described here. The rooms are much smaller. It can only be a fraction of that. The clothing which the witness claims to have seen probably consists of the personal effects of the prisoners, their personal clothing, which I could not give out, because it was their personal property, and which also, upon order of the Main Office of Economic Security, could not be given out. In the actual clothing storehouse of the prisoners there were no large supplies. The only thing that is possible is that the daily additions from the cobblers store, the tailor shop, and so on, which was collected there and then given out again. That was a current affair, the laundry came in from the laundry, and then was distributed again, and with these things the entire camp, inclusive of by-camps and the OT, had to be supplied; that is, for sixty to seventy thousand prisoners. The witness says that there were lined boots there. I never had any lined boots for prisoners. Those were the wooden shoes which were delivered to Kaufering. And as for the food supplies, which were under the canteen, that was various kinds of wheat stored in a room by dimension four by six meters, and about as high as a barracks. This wheat was given out currently for nourishment. Some had to be there, in order to be distributed.

Defense: No further questions.

CROSS-EXAMINATION

Questions by prosecution:

Q. Now, Wetzel, you say these personal effects that the witness testified to yesterday belonged to the prisoners, is that not correct?

A. Yes.

(WETZEL - direct, cross)

- Q. And is it not a fact that these prisoners could have been kept warm by the use of this clothing that belonged to them?
- A. I couldn't give out those clothes, first because of the order of the Main Office of Economic Administration and Security, and because I had to hold these clothes back for people who were dismissed; I had to clothe them again when they were dismissed.
- Q. But these clothes were actually physically present here in Dachau, is that not true?
- A. A part of the personal effects of the prisoners was there, yes.
- Q. Now, you say that the lined boots were not for the prisoners. Who were they for, the SS?
- A. Yes, they were for the prisoners, but they weren't lined boots, they were wooden shoes. I didn't own any lined boots.
- Q. Who was it, Wetzel, that kept coming to this storehouse and warehouse and taking away this personal property? Were these SS men that did that?
- A. Those were SS men who were employed in the personal effects administration.
- Q. And these men took civilian clothes out and equipped themselves with it, is that not correct?
- A. No, no civilian clothes were given out of the camp. Civilians didn't have any entry to the camp; civilians could not come in.
- Q. No, the SS men came into the camp and took civilian clothes out, did they not?
- A. What was still there of these clothes were loaded on the transport that went to the Osttal, because the prisoners were supposed to go there. Clothing, and so forth, was sent along with that transport, but never for SS men during the journey, or anything of that sort.
- Q. Now, as a matter of fact, Wetzel, these clothes that you are
- (WETZEL-cross)

talking about had absolutely nothing to do with what was known as the personal effects of the prisoners, is that not correct?

- A. They were the personal effects.
- Q. Well now, wasn't a distinction drawn, Wetzel, between letters and jewelry, and clothing?
- A. A difference only in the way they were kept. The clothes were kept by themselves, and the valuables were kept in a bag.
- Q. Well, is it not also a fact, Wetzel, that clothing was sent in from Auschwitz and from the other camps, into Dachau?
- A. No, not for the concentration camp.
- Q. Not for the concentration camp, but they were sent back here to Dachau, were they not?
- A. I didn't get any clothing.
- Q. Not you personally, but your office got clothing, did it not?
- A. No, the only thing that may have been for the Main Office of the Economic Administration, but the camp here didn't get any.
- Q. Well, is it not a fact that those people who were sent off on invalid transports, their clothing would be sent back to Dachau?
- A. No, I don't even know invalid transports.

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his seat in court.

Technician Fifth Grade Herbert Bernard ROSENSTOCK, a witness for the defense, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by defense:

- Q. What is your name?
- A. Herbert Bernard Rosenstock.

(WETZEL - cross)

(ROSENSTOCK - direct)

Q. Are you a member of the United States Army?

A. Yes, I am.

Q. Were you in the court room yesterday afternoon?

A. Yes, I was.

Q. Did you hear the testimony of this man they called the Prince of Prussia?

A. Yes, sir, I did.

Q. Do you remember just what he said the width of this building was?

A. Yes, sir, he said it was from thirty to forty yards, or from thirty to forty meters.

Q. And, in stating that, did he use that as a comparison of this enormous clothing warehouse here at Dachau?

A. Yes, sir, as far as I remember, he did.

Q. Have you ever had an occasion to measure the width of this room?

A. Yes, sir, I have.

Q. Will you state to the court the exact width of this room from that corner to that corner (indicating), according to your measurements?

A. I measured it to be 13.92 meters.

Q. In other words, it is not quite fourteen meters, is that correct?

A. That is correct, sir.

Defense: No further questions.

Prosecution: No questions.

There being no further questions, the witness was excused.

MRS. WALLI ERNST, a witness for the defense, was sworn and testified through the interpreter as follows:

**DIRECT EXAMINATION**

Questions by defense:

Q. Will you state your full name, please?

A. Walli Ernst.

(ROSENSTOCK-direct)

(WALLI ERNST-direct)

- Q. Will you state where you live?
- A. Riden Street, 71, Dachau.
- Q. Are you married?
- A. I am a widow.
- Q. And do you know the accused, Johann Kick?
- A. Yes.
- Q. And where did you get to know Johann Kick?
- A. I was working for him.
- Q. When did you start to work for Johann Kick?
- A. On 16 October 1943.
- Q. For how long a period of time did you continue to work for Johann Kick?
- A. From 16 October 1943 until the time when Mr. Kick left Dachau. I don't remember exactly the day when he left. About one year.
- Q. Was your place of employment here at the concentration camp at Dachau?
- A. Yes.
- Q. What kind of work did you do for Kick?
- A. I wrote his mail.
- Q. And where was your office, with relation to Kick's office?
- A. I sat in the room of Mr. Kick.
- Q. Did you sit in the room of Mr. Kick when and as he interrogated people who came to him for interrogation?
- A. Mr. Kick almost never did any interrogation.
- Q. But when he did any interrogation, did you remain in the room while he interrogated people?
- A. Yes.
- Q. During the entire time of the interrogation?
- A. Yes.
- Q. Do you remember an interrogation of an Englishman?

(WALLI ERNST)(direct)

A. Yes.

Q. Do you know when you first saw this Englishman?

A. I don't know the time.

Q. What time of the day was it that the Englishman came to Mr. Kick's office?

A. I don't know that, either.

Q. But you do remember an Englishman coming to the office?

A. Yes.

Q. And what makes this particular situation stand out in your mind, that is, an Englishman coming to your office?

A. I wrote two letters to Salzburg.

Q. Do you know the name of the Englishman who came to the office?

A. Yes.

Q. What is his name?

A. At the moment I can't remember. If you tell me I will probably know.

Q. Will you look around the court room and see if you can see the Englishman in the court room? Stand up and look around if you want to. Stand up and look all around the court room.

A. No, I don't see him.

Q. Do you recall his name now?

A. No.

Q. How long was this Englishman in the office when he was being interrogated by Mr. Kick?

A. Perhaps twenty minutes.

Q. A Polish interpreter by the name of Swetka came in with him, didn't he?

A. I don't know whether it was Swetka. An interpreter came in with him, but I don't know who it was.

Q. Was he Polish?

A. I don't know that, either.

(WALLI KIRST-direct)

11A 20

- Q. What was the conversation that took place between Kick and this Englishman?
- A. The Englishman came in and told Kick that he was a prisoner of war and not a political prisoner, and he asked to be transferred to a prisoner of war camp.
- Q. When the Englishman said that to Kick, did Kick call him a liar or what?
- A. No.
- Q. Did the interpreter continue to remain in the room with Kick and the Englishman?
- A. Yes.
- Q. Were you there when the Englishman left?
- A. Yes.
- Q. While you were there, did you see Kick hit the Englishman with his fist, and knock fifteen teeth out of his lower jaw?
- A. He did not do that, that is impossible.
- Q. Did Kick at any time strike the Englishman while you were there during this interrogation?
- A. No.
- Q. As a result of this conversation that Kick had with the Englishman, what did Kick do?
- A. He dictated a letter which was sent on to Salzburg on the same day, and in that letter he asked that this man be transferred to a prisoner of war camp, since it had been proven that he was a prisoner of war.
- Q. Did the Englishman come back to the office at any time thereafter to see Kick?
- A. I don't know that exactly, but I assume so.
- Q. At any time when he came back, did he come into the office?

(WALLI ERNST-direct)

A. I don't understand.

Defense: I'll withdraw that question.

Q. Did you at any time thereafter see Kick mistreat or hit this Englishman?

A. No, that is impossible. Kick was very sympathetic towards that man, or else he wouldn't have written to Salzburg twice asking for his transfer.

Q. Did he write the second time to Salzburg?

A. I can remember the second time exactly. It is possible that he wrote three times, but I don't remember that so well.

Q. You were not in court yesterday when the Englishman testified, were you?

A. No, I was never here before.

Q. How many times did you actually have the occasion to see the Englishman here in camp?

A. I can only remember that one time, when he was interrogated by Kick, when he was there for about twenty minutes.

Q. I see. And how was he dressed at that time?

A. I don't know.

Q. Well, did he have a uniform on, or was he in a prison uniform?

A. I really can't remember that.

Q. Did you ever, while you worked for Kick, from 16 October 1943 until the date when he left Dachau, see him mistreat any prisoner?

A. No.

Defense: May it please the court, we think that this is of sufficient importance to take some time. I want the witness to have an opportunity to go through the court-room in order to see if she can identify the Sergeant.

Q. Will you please go through the court room and see if it is possible for you to pick out the Englishman whom you saw in Kick's office, if you can? Just walk around.

(WALLI ERNST-direct)



11A 22

A. I probably won't know him any more.

(The witness then walked about in the court room.)

I don't know him any more. It's impossible.

Q. All right, will you resume the stand, please. How many English prisoners of war did you have in the camp during the period of time that you worked for Kick?

A. I can only remember that one.

Defense: You may take the witness.

#### CROSS-EXAMINATION

Questions by prosecution:

Q. Now, Mrs. Ernst, to whom was this letter in Salzburg addressed?

A. I don't know that any more.

Q. Now, how many offices did the Political Department occupy?

A. Nine.

Q. And the room that was occupied by you and Mr. Kick was adjacent to the room that was used for interrogation, was it not?

A. Yes.

Q. And during the early summer of 1944, there were quite a number of Russians that were interrogated, were there not?

A. Yes.

Q. And is it not also a fact that in that room which was adjacent to your room you frequently heard screams and yells, and they seemed to upset Mr. Kick, did they not?

A. Those Russians weren't interrogated in the interrogation room. They were interrogated in a different room, three rooms away.

Q. And even though they were three rooms away, you could hear them, could you not, Mrs. Ernst?

A. Yes.

Q. And the screams and yells you heard coming from that room

(WALLI ERNST- direct, cross)

seemed to upset Mr. Kick, did they not?

A. Yes.

Q. Now, you were not in the room the entire time that this interrogation of the Englishman took place, were you?

A. Yes. It is possible that I went out for two minutes, but I can't remember.

Q. As a matter of fact, you don't remember too much about the whole incident, do you, Mrs. Ernst?

A. Not very much. It wasn't such a special case so that you would still remember today.

Prosecution: Nothing further.

#### REDIRECT EXAMINATION

Questions by defense:

Q. Was the Englishman present when Mr. Kick dictated the letters to you asking for his transfer to Salzburg?

A. I don't know that any more.

Q. But you do remember the Englishman leaving, don't you?

A. Yes.

Q. Was he bleeding from the mouth?

A. No.

Q. With reference to these yells and screams from the room three doors down, Mr. Kick was not present in that interview, was he? He was in the room with you?

A. Yes.

Q. And the interview of the Russians was by the Gestapo from Munich, isn't that correct?

A. Yes.

Defense: That's all.

#### RECROSS-EXAMINATION

Questions by prosecution:

Q. And is it not a fact that those interrogations went on all summer?

(WALLI ERNST-cross, redirect, recross)

A. The interrogations lasted about three months.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by defense:

Q. Did Mr. Kick take any part in them?

A. No.

Defense: That is all.

There being no further questions the witness was excused and withdrew.

The court then, at 10:00 o'clock A. M., took a recess until 10:15 o'clock A. M., at which time all the personnel of the court, all the personnel of the prosecution, all the personnel of the defense, and all the accused, resumed their seats. A reporter and interpreter were also present.

Prosecution: May it please the court, I think that the record should show that during the time that Mrs. Walli Ernst gave her testimony, and during the time that she inspected the court room, that Sergeant Edwards was occupying the first seat in the second row on the aisle in this court room.

Defense: Defense has no objections to that at all. May we add to that, he was dressed in a British Army uniform.

Prosecution: That is correct, and there are no other persons dressed in the British uniform in that row, or in other rows adjacent thereto.

Defense: That is correct.

Dr. BRUNO FIALKOWSKI, a witness for the defense, was sworn and testified through the interpreter as follows:

(WALLI ERNST-recross-redirect)

(FIALKOWSKI-direct)

## DIRECT EXAMINATION

Questions by defense:

- Q. Doctor, will you state your full name?
- A. Bruno Fialkowski.
- Q. And what is your nationality?
- A. Polish.
- Q. And where do you live?
- A. At the present time, or before the war?
- Q. At the present.
- A. In Munich.
- Q. And how old are you, Doctor?
- A. Forty-one years old.
- Q. And are you married?
- A. Yes.
- Q. Where in Poland are you from?
- A. From Warsaw.
- Q. And were you ever a prisoner here in Dachau?
- A. Yes.
- Q. And when did you arrive here?
- A. In September 1942.
- Q. And what is your profession?
- A. Physician.
- Q. When you arrived here in 1942, what work were you assigned to do?
- A. At first I was a carpenter.
- Q. And thereafter?
- A. After that I was put in my profession, and I came to the hospital as a Ward Surgeon.
- Q. And you became Chief Doctor in the hospital here did you not, Doctor?
- A. Yes, when the Americans arrived.

(FIALKOWSKI-direct)

Q. Did you work in the hospital under Doctor Hintermayer?

A. Yes.

Q. And for how long a period of time did you work under the supervision of Dr. Hintermayer?

A. At first when I came to the hospital, the Chief Doctor was Dr. Witteler. Later on, Dr. Hintermayer became Chief Doctor. I cannot state exactly any more when it was. But up to the arrival of the Americans Dr. Hintermayer was the Chief Physician.

Q. And do you know what efforts, if any, Dr. Hintermayer went to, to obtain additional medical supplies?

A. Yes, Dr. Hintermayer made all kinds of efforts to obtain drugs, but this task was made very difficult because of the war.

Q. And while you were here, was a short-wave delousing station set up?

A. Yes. At that time, when Camp Auschwitz was evacuated because of the advance of the Russians, the short-wave station which was set up over there before was sent to Dachau. This short wave station was here for quite some time -- I believe it was about three to four weeks -- without being put into use. The man who had serviced that delousing station at Auschwitz, a Professor Enders, from Vienna, was here already. Dr. Hintermayer had him called every day to ask him when the thing would start, but this was not possible because the mechanic was here in Dachau already, but by a very strange order of the Camp Commandant's office was not admitted to the camp.

Q. Well, this station was finally set up, was it not?

A. Yes, the station was set up.

(FIALKOWSKI-direct)

Q. Now, while you were here in the latter part of 1944, or the beginning of 1945, there was a typhus epidemic, was there not?

A. Yes.

Q. What, if anything, did Dr. Hintermayer do with regard to controlling that epidemic?

A. Hintermayer was too weak for a physician, as such. He had not the possibilities to push his way through to his superiors. One cannot deny the good will on the part of Doctor Hintermayer to do everything which it was possible for him to do in order to introduce some prophylactic measures, but as I stated before, he was too weak for it.

Q. And too weak with regard to his superior officers, is that what you just said?

A. Yes, I am not citing the medical point of view here at all. I am only talking about the administrative angle of the business.

Defense: Your witness.

CROSS-EXAMINATION

Questions by prosecution:

Q. Now, Doctor, was Dr. Hintermayer a man who was licensed to practice medicine?

A. I don't know that.

Q. Now, you stated that he made all kinds of efforts to obtain medicine?

A. Yes.

Q. To whom, Doctor, did he make these applications for medicine?

A. The requisitions for drugs were made to Berlin. Among other things, I received permission from Dr. Hintermayer to receive herbs from the plantation, and I can say that there was a small relief due to the herbs. As far as I know Dr. Hintermayer was prohibited by Berlin from obtaining these herbs.

(FIALKOWSKI-direct, cross)

- Q. Now, Doctor, you never saw any order from Berlin to Dr. Hintermayer prohibiting him from using these herbs, did you?
- A. No, I didn't see that.
- Q. And you were never present when any official from Berlin told Dr. Hintermayer that he could not use these herbs, were you?
- A. They could have been used, but the question was, that of the payment.
- Q. Now, Doctor, at the time that these herbs were present, there were people dying in the camp, were there not?
- A. That is a certainty.
- Q. Now, Doctor, you never saw any requisitions for medicine made by Dr. Hintermayer on Berlin, did you?
- A. No, this was handled through the pharmacy. But requests for herbs Doctor Hintermayer himself signed, because I myself kept the books for this herb therapy.
- Q. Now, Doctor, the only efforts that you actually know about that were made by Dr. Hintermayer to obtain medicines were those applications made to an Unterscharfuhrer who was in charge of the Pharmacy, is that correct?
- A. Not to an Unterscharfuhrer, no, I don't know that.
- Q. Was he an Hauptscharfuhrer?
- A. This whole ordering of drugs did not concern me at all, with the exception of herbs.
- Q. So you don't know anything about it, except what was done with respect to the herbs, is that correct?
- A. These other things were just business of the pharmacy, and we, as ward physicians, didn't have any insight of the matter at all.
- Q. Now, Doctor, you said that Dr. Hintermayer started to try to control the epidemic. When did he start his efforts with

(FIALKOWSKI-cross)

respect to the controlling of this epidemic?

A. It is a sorry thing to say, but it was too late.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by defense:

Q. The prohibition on obtaining drugs by Berlin was common knowledge was it not, Doctor?

A. Yes.

Defense: No further questions.

There being no further questions, the witness was excused and withdrew.

JOHANN KICK, one of the accused, was recalled to the witness stand by the defense and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q. Kick, you heard the testimony of Sergeant Edwards, did you not?

A. Yes.

Q. You heard him say that you hit him in the face with your fist?

And that as a result of that he lost fifteen teeth from his lower jaw?

A. Yes, I heard that, yes.

Q. Did you hit Sergeant Edwards at any time?

A. No, I struck Sergeant Edwards just as little as I struck anybody else.

Q. What do you mean by that?

A. I never beat a prisoner. I never beat the witness Edwards. I would not have any reason to beat him.

Q. While you were interrogating Sergeant Edwards, was Mrs. Ernst in the room all the time?

(HAIKOWSKI-cross, redirect)

(KICK recall-direct)



A. Yes, Mrs. Ernst was in my office the entire day, from early until late.

Q. And at the time you dictated the letters to Salzburg asking for his transfer to a prisoner of war camp, was Mrs. Ernst still in the room with Sergeant Edwards?

A. Yes.

Q. Was Sergeant Edwards at that time bleeding from the mouth?

A. As I said before, I never beat Sergeant Edwards, and therefore he could not have been bleeding. May I tell the court the case just as I remember it now?

Q. Yes, I wish you would.

A. I remember this case especially, because Edwards was the only British prisoner of war who ever was in the camp, because it was the only opportunity I had to practice my meagre knowledge of English. For that reason I remember this case especially. I want to emphasize this: I remember the name, but I do not remember the person. Therefore it is not a surprise that Mrs. Ernst did not recognize the man, because I have to admit that I didn't recognize him myself day before yesterday. The occurrence took place in the following manner. In the fall of 1943 a great number of prisoners came to Dachau from Italian prisons. Most of the cases were civilian prisoners, but there seemed to have been mixed up military prisoners among the civilian prisoners, because first they were brought to the Camp Markt Pongau near Salzburg. There the prisoners of war were separated from the civilian prisoners and the civilian prisoners were brought to Dachau. And that was through the State Police Office of Salzburg. The witness Edwards must have been mixed up with these civilian prisoners through some mistake. I do not know more detailed

(KICK recall-direct)

circumstances about this. Anyhow, after some time Edwards came to me, and was accompanied by a Polish interpreter. I want to mention here that this Polish interpreter had admittance to my office at any time, and that he came to my office several times daily; therefore it is impossible that a witness would ask more than once for an interview with me, as far as I could help it. Through my conversation, first through the interpreter, and then with him myself, it was stated that he was an English prisoner of war. I asked him briefly when and where he was taken prisoner, in which camps he was, and then whether he had any documents for these statements. He told me that he had no papers, like a military passport or something like that, but he stated that he had a photograph, and I don't know where he had it -- I don't know whether it was in his personal effects or whether he had it on his person -- which pictured him in uniform, and he showed me a picture in which he was shown with a number of his comrades in British uniform, and this photograph was sufficient for me to believe the statement of Edwards, and therefore I immediately took a written statement about this questioning and I sent this written statement to the State Police Office in Salzburg with a request to decide about this question and to transfer this witness, if possible, to a prisoner of war camp. The fact, in itself, that I wrote to Salzburg, should prove to the court that I did not beat that man. Because of reasons of my own security, I first could not beat the teeth out of somebody's jaw, and then send him to a different camp where he had the possibility at any time to accuse me.

Q. All right, now, Kick, where were you originally interrogated?

A. I was interrogated several times, and that is the first here

(KICK recall-direct)

in Dachau. Then I was interrogated once in Camp Ludwigsburg; once in the Camp Zuffenhausen --

Q. Just a minute. Now who interrogated you at Zuffenhausen?

A. Heller, from the local prosecution. The Captain. He is not present today.

Q. Now, when you were interrogated by Captain Heller at Zuffenhausen, did you or did you not give the name of Sergeant Edwards to Captain Heller?

A. Yes.

Q. And what was the occasion for having furnished the name of Sergeant Edwards to Captain Heller at Zuffenhausen?

A. Captain Heller asked me if there were ever any American prisoners of war in this camp. I said "Yes, I remember one case." Only during the conversation I started to remember that that wasn't the case of an American, but the case of a British, and I told that case just as I told it to the court right now, to Captain Heller, and I also mentioned the name Sergeant Edwards.

Q. And did you tell Captain Heller at that time that as a result of the letters you wrote Sergeant Edwards was subsequently transferred to a prisoner of war camp?

A. Yes.

Q. Did you tell him the name of the camp to which he had been transferred?

A. I could only assume that, because the witness was transferred to the Police Prison at Salzburg.

Q. Kick, you were here in September of 1943, were you not?

A. Yes.

Q. Do you know whether or not an invalid transport of twenty people left Dachau in September of 1943?

A. No, I do not know of any invalid transport in the year 1943.

(KICK recall- direct)

Q. If an invalid transport left in September of 1943, would you, in your position in the political department, have known about it?

A. I can say certainly, because I would have had to receive the notification in order to fix up the records.

Defense: That is all. You may take the witness.

CROSS-EXAMINATION

Questions by prosecution:

Q. Kick, do you remember a prisoner by the name of Captain O'Leary?

A. No, I don't remember the name.

Q. Do you remember a prisoner by the name of Lieutenant Thomas Grew?

A. No.

Q. As a matter of fact, the same week that you interrogated Sergeant Edwards, didn't you also interrogate four or six other Englishmen?

A. That is completely impossible, because as I have stated already, I only talked once to an English prisoner of war.

Q. Is it not a fact, Kick, that at the time that Edwards was transferred to this prisoner of war camp, an English sailor was transferred with him?

A. It is possible, but not upon my orders, because, as I stated before, I only had any business with a British prisoner of war once.

Q. And is it not a fact, Kick, that a man could not leave this camp unless you knew about it?

A. Without my knowledge, that is true.

Q. So that if this English sailor was transferred with Sergeant Edwards, you would have known about it, isn't that correct?

(KICK recall-direct, cross)

A. I said that it is entirely possible that that man would be transferred with him.

Q. So that you do not now tell the court that Sergeant Edwards was the only British prisoner of war that was here in this camp?

A. I never stated that. I only stated that this was the only English prisoner of war with whom I ever had any business.

Q. When you say "business" you mean "interrogation", is that what you mean?

A. Let's say a personal contact.

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his seat in court.

RUDELPH LICHY, a witness for the defense, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q. What is your name?

A. Rudolph Lichy.

Q. Where do you live?

A. At the present, in Munich.

Q. And are you married?

A. No.

Q. Were you a prisoner at Dachau?

A. Yes.

Q. When did you become a prisoner at Dachau?

A. In Dachau, on the 21st or 22nd of January 1941.

Q. What color triangle did you wear?

A. Red.

Q. Did you work in the hospital here at Dachau, or not?

A. Yes.

(KICK recall- cross)

(LICHY-direct)

- Q. Now, when did you first start working in the hospital?
- A. End of December 1944.
- Q. Now, what kind of a job did you have in the hospital?
- A. I was a clerk of the Chief Doctor, Hintermayer.
- Q. And for how long a period of time did you act as clerk for Dr. Hintermayer?
- A. From the end of December until the liberation by the Americans.
- Q. During the period of time that you worked for Dr. Hintermayer, do you recall writing for him to Berlin for supplies?
- A. What kind of supplies?
- Q. Medical supplies.
- A. Yes. These requisitions came from the pharmacy to the Chief Doctor and the Chief Doctor signed them.
- Q. And did you see these requisitions signed by Dr. Hintermayer, requesting additional medical supplies?
- A. The requisitions were so high that Berlin only furnished about a third of them.
- Q. And as a result of the requisitions that Dr. Hintermayer sent out, did some medical supplies come in from Berlin?
- A. Yes, but most were very much reduced.
- Q. Did you, at Dr. Hintermayer's request, ever write any letters to Berlin complaining about the crowded conditions in the camp, or not?
- A. Yes.
- Q. How often did you write such letters?
- A. I can't state that. I gave copies of these reports to the First Camp Clerk, and that man told me yesterday that he handed in these copies to the court.
- Q. Now, were you here when the delousing station was set up?
- A. Yes.
- Q. Do you recall when that was done, approximately?

(LIGHT-direct)

- A. I cannot say that exactly, whether it was in the beginning of January or whether it was still in 1944.
- Q. And was there any difficulty in getting the station set up?
- A. As far as I can remember, I wrote letters, and I composed a telegram for Dr. Hintermayer. The mechanic was in some place in Bavaria and never came down. As far as somebody told me the equipment belonged to the firm of Siemens and was only loaned to the camp, and the cases and the crates in which this machinery was kept was sealed and only the mechanic was permitted to break the seal.
- Q. While you were here acting as Dr. Hintermayer's clerk, there was a typhus epidemic, was there not?
- A. Yes.
- Q. Do you know what was done with the blood specimens taken from alleged typhus cases?
- A. These blood specimens were sent by means of courier to Berlin to the Bacteriological and Seriological Institute.
- Q. At what place?
- A. Either Oranienburg or Berlin, I don't remember. About fifty per cent of these blood samples were not any more fit for examination because of the long trip.
- Q. Was it necessary to have these specimens of blood examined, so far as you know, with reference to these typhus patients?
- A. Typhus could not be diagnosed in a different way.
- Defense: No further questions.

CROSS-EXAMINATION

Questions by prosecution:

- Q. As clerk of Dr. Hintermayer, you had to prepare the records, is that correct?
- A. The documents, the correspondence.

(LICHY-direct,cross)

- Q. The correspondence was the only documents you prepared?
- A. The correspondence and then the personnel records of the hospital personnel; then the signature file for the death report.
- Q. Now, Mr. Lichy with respect to these requests that were sent to Berlin for additional medicine, do you know the date on which these requests were sent?
- A. Every month, I think -- towards the end of the month the status of the camp and the by-camps was reported to Berlin, and for whom the drugs were to be furnished, for the entire number of the prisoners.
- Q. And these requisitions were made monthly, is that correct?
- A. Each month.
- Q. Now, is it not a fact, Mr. Lichy, that the report as to the number of deaths that were sent in to Berlin by Hintermayer, resulting from typhus, were much less than the number of deaths from typhus that actually took place here in the camp?
- A. No, the number of dead here were reported according to the death register exactly as they were mentioned in the death register. But the number of cases of typhus was reported as smaller.
- Q. In other words, you had actually more cases of typhus here in the camp than were reported to Berlin, is that correct?
- A. But a positive diagnosis as to whether or not it was typhus could only be done with a blood sample.
- Q. Are you a doctor, Mr. Lichy?
- A. No, but as far as I was told it was the only way to diagnose typhus positively -- from a blood sample.
- Q. Now, as a matter of fact, when you went to work for Dr. Hintermayer there was a typhus epidemic raging in the camp

(LICHY-cross)



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at that time, was there not?

A. Yes, it started out slowly.

Q. And you went to work for him in December of 1944, is that correct?

A. Yes.

Prosecution: No further questions.

There being no further questions, the witness was excused and withdrew.

MARTIN GOTTFRIED WEISS, one of the accused, was recalled to the stand by the defense and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q. Weiss, a witness for the prosecution has stated here on rebuttal that an invalid transport of approximately twenty people left this camp in September of 1943.

A. No.

Q. The man said August or September.

A. No, during the year 1943 no invalid transport whatsoever left Dachau. There seems to be a mistaken idea among all prisoners who appeared here before this court that any transport which left for filling up the work camp, or which left on orders of Oranienburg, which were transferred to other camps for work -- that they were looked upon as a so-called liquidation transport. It is a fact that smaller and bigger transports went to Augsburg, Haubenstatten, Kempten, Kotteren, Allach, and different by-camps; that these camps were filled out of the people of the concentration camp at Dachau. And that supplementation was done by prisoners that were sent to Dachau by invalid transports from other camps, after they were nursed to health in Dachau.

(LICHY-cross)

(WEISS recall-direct)

11A 38

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(LIGHT-cross)

(WEISS recall-direct)

Q. If my memory serves me correctly, Weiss, these twenty prisoners were alleged to have been psychotic cases.

A. No.

Q. Were any insane persons sent out on an invalid transport in September or August 1943?

A. No.

Q. If such a transport of twenty persons had been sent out in August or September of 1943, would you have known about it?

A. Yes.

Q. Now, Weiss, with regard to these beatings of twenty-five, they were done, as I understand your testimony, on direct order of Berlin?

A. The flogging punishment was applied for by the Camp Commandant, and it was ordered by Oranienburg, what punishment was to be applied.

Q. In other words, these were official orders received by Camp Dachau for the imposition of anything from five to twenty-five lashes, is that correct?

A. Yes. The beating punishment could only be handed out if the punishment was given by Oranienburg. An exception to that punishment rule was only when prisoners tried to escape and were brought back to camp after being recaptured, but the permission had to be gotten afterward.

Defense: You may take the witness.

#### CROSS-EXAMINATION

Questions by prosecution:

Q. And prisoners were nursed back to health here in Dachau and sent out on work transports, is that correct?

A. Yes, the order came from the Chief of Labor Distribution, Regimental Commander Maurer. No prisoner was to be transferred

(WEISS recall- direct, cross)

to another camp, or to a work camp, if it was not ordered by Regimental Commander Maurer.

Q. Now, it is a fact, then, that from 1942 on, Dachau was a sanitarium, is that correct?

A. Dachau was a good camp.

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his seat in court.

Defense: If the court please, I have a newspaper article here from the Elizabeth, New Jersey Daily Journal, Friday evening, October 19, 1945, reporting that in the United States a husband got ten lashes for beating his wife, in the State of Maryland, under a sixty-four year old statute of the Maryland law, and I offer that in evidence, may it please the court, as Defense Exhibit Number 23, for probative value.

Prosecution: And I object to it, may it please the court, on the ground that it is irrelevant and immaterial to the issues in this case. If the court please.

Defense: If the court please, one of the charges that some of the accused in this case are being charged with is beatings, just as Weiss has testified to, on orders that came back down to Dachau from official sources; from the then, what they understood to be, official and legal sources. If they were legal sources, then, may it please the court, I submit that the beatings so imposed, the floggings so given under such orders, have the same efficacy in law as the beatings given under a Maryland statute of sixty-four years of age, and that the persons who attended such floggings, who participated in such floggings, have the same amount of guilt here in this court, before this American court, as the persons who administered the floggings under the sixty-four year old statute in Maryland. And I offer this in evidence on those grounds.

(WEISS-cross)

Prosecution: And I would like to say, may it please the court, that before this flogging was imposed, this man had the right to be tried by a jury of his peers, or other tribunal where justice was dealt out, and not by any administrative election of the Gestapo.

Defense: Mr. President, you yourself stated just a minute ago that this court is being governed by the laws of humanity. These men are charged here with infractions of the laws of humanity, and these beatings were in obedience to a law which was then in existence in Germany, just the same as they had in the State of Maryland, in the United States of America, and their actions were no more inhumane than were the persons who administered the beating in Maryland.

President: The objection is sustained. Continue.

Defense: May it please the court, at this time I will offer into evidence Life Magazine, dated October 22, 1945, with particular reference to Page 146, and ask it be marked for identification Defense Exhibit Number 24. (Document so marked). If the court please, I refer in this Life Magazine of October 22, 1945, particularly to pages 146 and 148, under the caption: "Bizarre Book-binder. He uses snake skin, skunk skin, and human skin, in Brooklyn."

Prosecution: I object to it, may it please the court, on the ground it is irrelevant and immaterial to the issues in this case.

Defense: If the court pleases, there has been a great deal of testimony, if the court will recall, as to a tattooed piece of human skin which was used as a book mark, or some other article here, which was alleged to have been an atrocity; the skinning of human bodies and the uses of those skins for gloves, slippers,

purses, and so forth. That is an atrocity, sir, which is being charged against these defendants. Then, I submit, if the court please, that where a man in the United States of America uses human skin as a book binding, is that an atrocity, or are we being governed by the rules of humanity in the United States?

Prosecution: That has absolutely no comparison or analogy with the facts that have been presented by the records in this case. It has been shown that this skin was taken from prisoners who were put in here against their will, who died as a result of the mistreatment and starvation which these people inflicted upon them, and it does not show in that article at all what the source of that skin was, or how it was procured. These people here are charged with using the skin of these prisoners, and the record will further show that if a man walked around the camp with a good looking tattoo on his chest, he was marked for the hangman. And I say that that situation presented here in Dachau has no analogy with the man using skins from Morocco as a means for binding books. According to that article, the skin was purchased from Morocco, having been sold by the relatives of the people who died. There are ten thousand purposes for which that skin might be used. But I say it has no comparison whatever with taking the skin of these helpless prisoners in Dachau.

Defense: If the court please, the reason we offer these articles here is because the prosecution, if the court will recall, offered in evidence a pamphlet from the Bayer Aspirin Company, or the Bayer Company, regarding treatment of syphilis by neo salvarsan, and I submit, if the court please, this has just as much probative value to the court. Where a charge of atrocity has been made, by the use of human skin for any purpose,

be it book binding or for shoes or handbags -- the use of human skin for any purpose, if it is going to be considered as an atrocity here in Dachau, is certainly an atrocity in Brooklyn.

President: The objection is sustained. It will not be received in evidence.)

DR. WILHELM WITTELER, one of the accused, was recalled to the stand by the defense and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q. Doctor, with reference to the interrogation of you on November 4th by Lieutenant Guth, I ask you, are you sure that you were interrogated by Lieutenant Guth?

A. Yes.

Q. Are you sure that Lieutenant Guth shined a light in your eyes?

A. Yes.

Q. Are you sure that he kept you standing during the period of your interrogation?

A. Yes.

Q. Are you sure that during the course of the interrogation he called you a murderer, swine, and other such epithets?

A. Yes.

Q. Are you sure that the interrogation which he subjected you to lasted from approximately six or six thirty until half-past one o'clock in the morning?

A. Yes.

Defense: No further questions.

Prosecution: No questions.

There being no further questions, the witness was excused and resumed his seat in court.

(WITTELER recall-direct)

FRANZ BOETTGER, one of the accused, was recalled to the stand by the defense and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by defense:

Q. Boettger, you heard a witness for the prosecution testify on rebuttal that while in the company of Command Weiter you struck him in the mouth and knocked him down?

A. No, that is not correct.

Q. The witness who testified was Sergeant Edwards, of the British Army, and I ask you if you ever at any time struck him, to the extent that he fell to the ground?

A. I can't remember that occurrence at all. I heard for the first time Saturday that we had an Englishman in the camp as a prisoner. If he was together with the Camp Commandant then neither a Rapportfuhrer or an SS man would have dared to strike somebody in the face in his presence. The Commandant would have had him arrested on the spot. At that time I was only second Rapportfuhrer for a period of fourteen days. I just had started my office. Commandant Weiter had just taken over the camp for several days. It is unbelievable that I would have accompanied the commanding officer during an inspection of the camp, because I did not know the camp and its innovations during that short period of time I had been there, because at that time the First Rapportfuhrer, or the Schutzhaftlagerfuhrer would have determined who was to conduct the Commandant through the camp. Besides that, there was no reason to beat the prisoner at all. Later on, when the Commandant came to camp, I walked in with him quite frequently, into the personal property department, where the Commandant asked how many people were admitted during the night. Commandant

(BOETTGER-recall - direct)



Weiter inspected the prisoners quite frequently, and he always asked the people where they were coming from, why they were there, and so forth. It also happened that a prisoner came to the Commandant and requested him something, or something like that. I never heard Commandant Weiter ask "What does that pig want?" or something like that, of any kind, or any kind of insult like that towards a prisoner.

Q. Boettger, did you or did you not at any time strike Sergeant Edwards and knock him to the ground?

A. No, I don't know him at all. I don't even remember a case like that.

Defense: No further questions.

#### CROSS-EXAMINATION

Questions by prosecution:

Q. You do admit to beating prisoners after 1942, do you not, Boettger?

A. What I stated during my first questioning is true.

Q. Will you just answer that question?

A. Yes, I admitted that at some times I handed out slaps in the face.

Prosecution: No further questions.

There being no further questions, the witness was excused and resumed his seat in court.

MR. KARL HORN, a witness for the defense, was sworn and testified through the interpreter as follows:

#### DIRECT EXAMINATION

Questions by defense:

Q. Will you state your full name?

A. Karl Horn.

Q. And where do you live, Mr. Horn?

(BOETTGER recall-direct,cross)

(HORN-direct)

A. In Hof, near the Saale.

Q. And how old are you?

A. Fifty-nine years old.

Q. Are you married?

A. Yes.

Q. Do you have any children?

A. Yes.

Q. Were you ever a prisoner here at Dachau?

A. Yes.

Q. What color triangle did you wear?

A. Red.

Q. When did you come to Dachau as a prisoner?

A. It was the 14th or 15th of January 1942.

Q. While you were here, did you know a Michael Redwitz?

A. Yes.

Q. What was his job when you came here?

A. He was a Schutzhaftlagerführer. He arrived later than I did.

Q. How long were you here?

A. Until 20 April 1943.

Q. You left here on 20 April to go where?

A. Home.

Q. You were released?

A. Yes, on probation. I was released from probation after the 1st of July.

Q. While you were here, did you at any time see Michael Redwitz mistreat any prisoners?

A. No.

Defense: No further questions.

(HORN-direct)

## CROSS-EXAMINATION

Questions by prosecution:

- Q. Who did you work for while you were here?
- A. At first I worked in the sock darning detail Number 2, maybe up until July 1942. Then I came to the so-called skiing detail, because we had to paint the skis, which were brown or black, and had to paint them white. Then I came to the student kitchen of the SS. That was around December. And there I remained until I was released.
- Q. And while you were there, you had opportunity to see Michael Redwitz, did you not?
- A. That was the beginning of March, and a camp runner told me to come to the Schuh House immediately, and I went up there and went up the stairs, and there Redwitz was, standing at the door. He greeted me and shook hands with me.

## REDIRECT EXAMINATION

Questions by defense:

- Q. Had you known Redwitz before?
- A. Seeing him, I knew him from the years of 1932 until 1935. The story goes like this: I was a Business Administrator of the Bakery Union in Hof, and Redwitz was a friend of our bookkeeper, and every now and then he came to our bookkeeper's office, but I never had a conversation with Redwitz at that time.

Defense: No further questions.

There being no further questions, the witness was excused and withdrew.

MICHAEL REDWITZ, one of the accused, was recalled to the witness stand by the defense and testified through the interpreter as follows:

## DIRECT EXAMINATION

Questions by defense:

(HORN-cross)  
(REDWITZ recall-direct)

Q. Redwitz, you were a Schutzhaftlagerfuhrer here in August and September 1943, is that correct?

A. Yes.

Q. And as such Schutzhaftlagerfuhrer, did you see, either in August or September of 1943, an invalid transport leave this camp, composed of approximately twenty people?

A. No.

Q. As such Schutzhaftlagerfuhrer at that period of time, if such an invalid transport had left, would you have known about it?

A. Yes.

Defense: That is all.

Prosecution: No questions.

There being no further questions, the witness was excused and resumed his seat in court.

Defense: That closes the defense's case.

The court then, at 11:35 o'clock A. M., on 11 December 1945, recessed until 1:15 o'clock P. M., on 11 December 1945.

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The court then took a recess until 1:15 o'clock p.m., at which hour all the personnel of the court, the members of prosecution and defense, all the accused, the reporter and the interpreter were present.

Prosecution: May it please the court, the prosecution does not desire to introduce further testimony in this case. Does the court desire to have any witness recalled or the calling of any witness in the first instance?

President: The court does not.

Prosecution: The prosecution is ready to proceed with argument.

*(LTCOL. DENSON)*

The prosecution made an opening argument to the court as follows:

May it please the court, the function of a closing argument is to assist the court in determining what are the true facts concerning the issues in the case and point out what law is applicable there to so that the court may apply the law to the facts and facts to the law and arrive at a <sup>good</sup> ~~rightful~~ judgment. I would like to say this. I feel that I would be remiss in my duties if I failed to openly express to the court the sincere appreciation of each member of the prosecution staff for the patient and attentive manner in which this court has heard this case. The case has been long. This court has heard the oral testimony of over 100 witnesses and I do not intend to further burden this court by going over the testimony of each and every witness for the prosecution. Nor do I intend to take up the time of this court by analyzing the testimony of each of the witnesses that have appeared  
(pros-argument)

in behalf of the defendants in this case and point out their deficiencies and irregularities.

On the other hand, I do not wish that this court should infer from my failure to discuss the testimony of this or that witness that the prosecution feels that the testimony is not of the utmost importance. Nor do I wish the court to feel that because a certain witness' testimony is discussed that the deficiencies and weaknesses are sought to be supplied <sup>as it is</sup> by argument, ~~any deficiencies that may exist in the testimony of these witnesses that are discussed.~~ We have no apology for the testimony of any of ~~the~~ <sup>our</sup> witnesses - and to borrow an expression from the defense counsel "from the crowned heads of Europe to the lowliest criminal" - we feel that each and every one of them has respected his oath and has delivered himself of the facts as he knew them to be. It may be pointed out by the defense counsel that some of the witnesses for the prosecution have testified falsely because they testified that on a certain date ~~they saw~~ they saw Becher beat a priest so severely and so brutally that he died of the effects of the beating, and Becher states that he was not at that place at that particular time. In the first place, the witness may be telling the truth about the date and Becher may be lying. Or Becher may be correct in the date and the witness may be in error in that respect. For this court must remember that these persons who testified, these men who were prisoners in a concentration camp where they were subjected to more horrors and tortures in various forms than man had up to this time ever devised - where Monday was not the 19th of December (pros-argument)

but a day filled with the hanging of young Russians accused of sabotage, the beating of prisoners in the formation place, or the wrist hangings of loyal Poles who would not stoop to don the uniform of infamy of SS. I submit that events such as took place here in Dachau are bound to have made their impression. Certainly such was the case when Kirsch took the young son of Dr. Kaufmann from him and sent him to his death in Auschwitz. Certainly, that was the case when the two prisoners brought the father of the crippled lad, who testified here, to the son, in a dying condition. having been beaten to death by Willy Tempel. You can't expect that boy to remember the date on which that occurred but he would never forget the name of Willy Tempel as <sup>↑</sup>came from the lips of his dying father. No. He may forget the date, but never will he forget the name Willy Tempel that his father named as his murderer. It is only logical that these persons would confuse dates - living in holes in the ground amid indescribable filth without access to any kind of calendar. We submit that before this court is justified in discounting the ~~date~~ testimony of any witness because of discrepancies in the date, you should first examine the <sup>to ascertain</sup> circumstances, <sub>^</sub> the truth of that event.

In this connection I would like to call the court's attention and wish to emphasize the fact that the offense with which these 40 men stand charged is not killing, beating, and torturing these prisoners but the offense is aiding, abetting, encouraging and participating in a common design to kill, to beat, to torture and to subject these persons to starvation.

(pros-argument)

It may be, because of the testimony submitted here, this court may be inclined to determine the guilt or innocence of those forty men by the number of men that they killed, or by the number of men that they beat, or the number that they tortured. That is not the test that is to be applied in this case. True enough, the testimony that has been introduced here <sup>states</sup> ~~plans~~ Moll as being a murderer, Knoll as being a murderer, Tempel as a most brutal and sadistic murderer and Eichberger <sup>as</sup> ~~for~~ being a murderer. But we are not trying these men for specific acts of misconduct. We are trying them for their participation in this common design to subject these individuals to killings, to beatings, to tortures. As a matter of fact, this case could have been established without showing that a single man over in that dock at any time killed a man. It would be sufficient may it please the court, to show that <sup>There</sup> ~~it~~ was in fact a common design and that these individuals participated in it, and that the purpose of this common design was the killings, the beatings and the tortures and the ~~subjection to~~ <sup>of these prisoners.</sup> ~~starvation and other indignities.~~ *The case could be established by proof* ~~One person might be shot by Bongartz, the~~ <sup>counter</sup> ~~underpart~~ of Mahl at the crematorium, <sup>or</sup> Zill and Hoffmann were responsible for floggings. The evidence before this court demonstrates beyond all peradventure of a doubt the existence of this common design. It is not contended nor is it necessary to sustain the charges that this common design had its origin in Dachau nor was it first conceived in January 1942. Such contentions would be absurd on their face and manifest untruths when considered in the light of history of Nazism in Germany.. We all know that Dachau had its origination in the year 1933, and we all know that the unfortunate persons who came through (pros-argument)



the gate into the camp, as prisoners, were destined for a fate worse than death itself. The operation of the camp was but one of the instrumentalities employed by the Nazis to solidify this newly acquired power by crushing those who opposed their rule. Witnesses for both the defense and prosecution testified that under Pierkowski a prisoner was brutally beaten or hung up by his wrists, bound with chains, for hours, and what was his offense? Some slight infraction of the rules of the camp. And killed, why? Because of his leaving his place of servitude for the Nazis, more than one time and had been apprehended and sent to Dachau for execution. No, not execution, but an unlawful killing which has all the earmarks of murder.

But they argue that under Weiss, and I'm sure that they ~~and testified to the effect that~~ will because witnesses took the stand, <sup>A</sup> conditions were different.

Beatings and wrist hangings were less frequent, discipline had been relaxed. Yes, conditions in Dachau were different under Weiss. Conditions in Germany were different at that time; when Weiss came here, Germany was entering her fourth year of war, and man power, labor, was sorely needed to satisfy her demands for a war that was to rage <sup>on</sup> more than one front. Why waste this pool of man power that was kept in protective custody? The frugal, yet sadistic mind of the Nazis again exerted itself, and <sup>we</sup> even find the witnesses, who have appeared before this court, testifying that more emphasis was placed on work and less on discipline. We have witnesses testifying before this court that the hours that these prisoners worked became longer, a minimum of 11 hours a day.

(pros-argument)

But this change that took place in Dachau was not the product of any kindness on the part of Weiss. This change was one dictated by economic needs of the times. These prisoners were forced to work and were given less food. In <sup>his</sup> the methodic and economic Nazi mind he had determined the maximum output of labor with the least input - the least input, the least investment by means of food and maintenance. No regards were had for the fact that by following such procedure total exhaustion and ultimate death was <sup>sure</sup> inevitable. No effort was made to avoid such results - <sup>his</sup> ~~these~~ was the more subtle approach and certainly the most economical approach to the ultimate end which was the extermination of those who opposed the Nazis.

That there was in fact a common design to kill, beat, to torture and to subject these people, these civilians, of nations then at war with the then German Reich, is illustrated by the magnitude of the operations here at Dachau and in the by-camps of Dachau. The record shows that between 1940 and 1945, the 29th of April, 161,939 prisoners were processed through Dachau. In view of such a tremendous figure as 161,939, it is inconceivable that it could be argued that this operation could be conducted without the close cooperation of those whose duties and participation brought about the recorded deaths of over 25,000 in the same period of time. I say recorded deaths, but it appears from the testimony that literally thousands of other prisoners died in Dachau and the by-camps whose deaths were not recorded.. Thus it is ridiculous to contend that these deaths were not the product of a common design or scheme, but were isolated (pros-argument)

cases of misconduct by specific individuals. I wish to point out to the court that we are not trying men for isolated cases of misconduct but we are trying them for participation in this common design or scheme.

The segregation of the Jews into the Kaufering and Landsberg camps and the systematic looting from these prisoners of their valuables and clothing is but another bit of evidence of the existence of this common design.

The invalid transports that contained persons disliked by those in operation of Dachau, and those wretched souls whose bodies were so wasted by sickness and malnutrition, took literally thousands to their deaths. During 1942, 1943, the record discloses at least two such transports, one con-taining a thousand persons and the other six to eight hundred. I call the court's attention to testimony of Redwitz and Weiss. They testified that these transports could not have gone out of camp without their knowledge. Certainly this whole procedure required the cooperation of Redwitz and Weiss. The scale upon which the particular form of extermination was carried out again negates the idea that it was the act of one specific individual. Starting at the bottom of the scale the record shows that the room eldest, block leader, doctor, schutzhaftlagerfuhrer, labor department, political department and camp commandant all played parts in the preparation of these prisoners for the "heaven transport".

The mass killings at the crematory and rifle range on the alleged administrative determinations by the Reich Main Security Office again evidences the existence of a common design,  
(pros-argument)

the execution of which was without the power of a single individual, but required the support and participation of many to secure the nefarious end that was achieved.

The evacuation transports that left Dachau and the transports that brought prisoners to this indescribable hell are but other examples of the existence of this scheme for extermination. The cannibalism that resulted on some of these transports describes more adequately than I could the horrible conditions that prevailed before a man was blessed with death. In other words, these people were ~~put~~ and subjected to conditions that forced them to eat the flesh of each other in order to survive it. It would be useless to point out in detail the many other facts contained in this record which clearly indicates the existence of the common design for subjecting these prisoners to killings, to beatings, to tortures and to starvation. Suffice it to say that the overcrowding, lack of sanitary facilities, starvations, disease, destruction of human dignity, and utter disregard of all human rights as evidenced by the mistreatment, and, in particular, the <sup>ies</sup> ~~service~~ of experiments that were conducted here, all point with unerring accuracy at the presence of this barbaric scheme. The experiments here point to the existence of a common scheme or design.

The administrative set up of Dachau, may it please the court, shows the mechanics by which each one of these individuals participated in the common design, and clearly shows the  
(pros-argument)

the relationship that each member of the staff had to the scheme and to each other. The statement of Michael Redwitz, a former schutzhaftlagerfuhrer, in charge of the discipline, good order and cleanliness of the camp illustrates the interdependence of these individuals who worked here at Dachau upon each other. May it please the court, I quote from prosecution's exhibit number 95A, which is the sworn statement of Michael Redwitz. This is the English translation.

"We all worked together, and our respective spheres of work overlapped in such a way that it is impossible to make an exact delimitation of all rights and responsibilities. There is hardly one question arising out of or possibly originating in connection with the leadership of the camp in which not all leaders directly subordinate to Obersturmbannfuhrer Weiss would have been interested. It is likewise difficult to make one of the leaders particularly responsible for a certain condition in the camp as this condition, probably was created by the cooperation of all departments."

This statement demonstrates beyond all peradventure of a doubt that all worked together, that the problems that arose were the problems of all, and that the conditions that existed cannot be ascribed to any one department or individual but to all.

Another interesting statement is that of the adjutant, Suttrop, who in his position, would be as well informed as any man in the camp as to the relationship of the different departments of Dachau to each other as well as the personnel involved in each. Suttrop, after describing the various (pros-argument)

departments, made the following statement, I quote from prosecution's exhibit number 106A, the English translation of the German statement by Suttrop, which appears in his own hand writing.

"The above mentioned administration plan was a closed entity of the SS in Dachau and could not have been effective nor worked without the assistance of the personnel of the six departments for the purpose for which it was built, that is, as was ordered by the superior authorities. Each single one of the above mentioned co-workers was a link in the chain of entity, without his assistance which was ordered by transfers or commands, the whole thing could not have existed."

Now, I submit, may it please the court, this description is far more accurate than any I could give this court as to how closely knit were the various people, one to the other. Each one in the dock was a link in the chain of entity without ~~which~~ <sup>whose</sup> the performance of <sup>A</sup> duties, that chain would have been broken and the entire scheme would not have been consummated. But for the efforts of the camp commandant the orders of execution, or rather killings, would not have been carried out by those charged with the duty of putting the noose around the neck or delivering the fatal shot or injections. His order was just as essential to the completion of the murderous act as the pronouncement by Doctor Puhr, Doctor Eisele, Doctor Witteler and Doctor Hintermayer of the death of the unfortunate victim, or as was the shooting by Eichberger whose additional duties interfered with his killing more than he actually did.

(pros-argument)

It is contended that a doctor must attend every execution to see that the victim is actually dead. The more that is made of the fact that the doctors must attend such killings the greater becomes their culpability in this crime. For obviously, if they had refused to attend the killing or had refused to discharge their duties of determining the death, the killing would not have occurred. It must be remembered that by their own testimony the killing could not have been carried out without their participation. Doctor Fuhr, Eisele, Witteler, all testified that doctors must attend executions.

The schutzhaftlagerfuhrer and rapportfuhrer who marched these prisoners out to the scene of their deaths equally participated in the scheme which resulted in their deaths. Had Ruppert, Jarolin, Boettger, or Redwitz refused to march the Russians and other prisoners out to the rifle range and crematory, it certainly follows that the victims would not have been there as a result of their efforts, and the deaths of the persons would not be on the heads of these men. They not only aided and abetted, but actively participated in this design which brought about the deaths of thousands of prisoners here at Dachau.

The guards stationed at Dachau, Kaufering and Kaufbeuren and on the transports likewise participated in the common design by keeping them confined in Dachau and the by-camps where as a result of the confinement they were subjected to the killings, tortures, beatings that daily occurred. It could not be cont<sup>and</sup>ained that the guards did not participate (pros-argument)

in this common design simply because no one saw them kill any prisoner, beat any prisoner, or put the dogs on a prisoner. The guards are the men who stood in readiness to prevent any prisoner from extricating himself from this place where beatings by Niedermeyer, Tempel, "oetger, Becher, J arolin, or Welter were daily occurrences, where Doctor Schilling's mosquitoes and murderous doses of neo-salvarsan and pyramidon meant ultimate death. <sup>It was The</sup> ~~its~~ guards who kept men confined and in readiness for the inhuman experiments of Doctor Rascher, and the painful and deadly experiments <sup>with</sup> te phlegmon. To say that such conduct does not constitute participation in this common design <sup>is</sup> tantamount to ignoring the facts of the record and being ignorant of the law applicable thereto. It is undisputed that both Lausterer and Schoepp were guards and confessedly performed their duties then as guards by keeping the prisoners within the camp and by guarding them to prevent their escape while the prisoners were out on work details. With respect to the law concerning persons outside keeping watch such as Lausterer and Schoepp I would like to call the court's attention to paragraph 256, page 341 of volume 1 of the twelfth edition of Wharton's Criminal Law. That states that persons outside keeping watch are principals. I quote from that paragraph:

"Nor is it necessary that the party should be actually present, an ear or eyewitness of the transaction, in order to make him principal in the second degree; he is, in construction of law, present aiding and abetting, if, with the intention of giving assistance, he be near enough to afford help (pros-argument)



it should the occasion arise. Thus, if he be outside of an enclosure, watching, to prevent surprise, or for the purpose of keeping guard, while his confederates are inside committing the felony, such constructive presence is sufficient to make him a principal in the second degree. No matter how wide may be the separation of the confederates, if they are all engaged in a common plan for the execution of a felony, and all take their part in furtherance of the common design, all are liable as principals."

That is an enunciation of the common law and law universally recognized. I would like to say this <sup>about</sup> by the law applicable here in this case. ~~in other respects as modified~~ that is this, the law to be applied here <sup>recognizes</sup> no distinctions between the aiders and abettors and principals, the degrees of principals have been abolished.

I would like to call the court's attention to a case decided by the Theater Judge Advocate's office, which, incidentally, is the office which will ultimately review this case and determine what law is to be applied. This case involved a rape of a girl by three soldiers. One soldier never had intercourse with the victim or in any way penetrated her person, but merely acted as her jailer while the other two soldiers prepared to commit the rape. The soldier jailer was convicted and it was held legally sufficient. States the Opinion as to the third, the jailer. "This accused obviously gave direct assistance to the first two in the raping of the girl. 'Distinction between principals and aiders and abettors has been abolished by Federal statute ~~9-222, 188 US code 1152~~. "The distinction is also not recognized in the administration of military justice ~~of her principles~~."

(pros-argument)

Now, may it please the court, taking this statement of Wharton and taking <sup>The</sup> law as it exists at <sup>The</sup> present time and aiders, abettors and principals in the first and <sup>are all the same.</sup> second degree, Schoepp and Lausterer, those men keeping guard, jailors of the prisoners in Dachau are guilty as principals because they are <sup>SS</sup> clarified as being principals in the second degree <sup>and this distinction</sup> no longer exists in <sup>The</sup> law to be applied.

As to the man Gretsch - Gretsch was not only a guard but Gretsch was more than that. The evidence as to Gretsch is much stronger as to his participation in this common design in that he actually accompanied in the roll of a guard a transport from Dachau to Wolfratshausen. I believe the court will recall with respect to that transport that he started out with approximately 1500 men and only about 1200 reached Wolfratshausen and during that time these prisoners were urged forward even though suffering from exhaustion and many died. Gretsch said that he didn't shoot anybody but heard shooting and that some people were in effect killed. His participation is much more strong than that of Schoepp and Lausterer. In <sup>the eyes</sup> effect of the law they are both principals with respect to their criminality, therefore, it follows that Gretsch is a principal in the highest order of the law with respect to his criminality.

Returning again to Wharton's statement of the law - "No matter how wide may be the separation of the confederates, if they are all engaged in a common plan for the execution of a felony, and all take their part in furtherance of the common design, all are liable as principals."

(pros-argument)

On that basis these men Langleist, Eichelsdorfer, Foerschner, Kirsch, Kramer and Suttrop all are principals with respect to participation in this common design. If anything, may it please the court, I submit that the testimony shows that the conditions at Kaufering were worse than conditions at Dachau. As a matter of fact, the prisoners at Dachau, at least, were herded into shelters above ground. Not so at Kaufering. These people lived in holes in the ground where they had to sleep on shoes, when fortunate enough to have shoes, that were dripping with human excreta. Such conditions <sup>were</sup> as shown to have existed at Kaufering camp being the responsibility of men who say, "No, I wasn't responsible, that was somebody else's responsibility, I had nothing to do with it." And I submit, that it is the responsibility on the face of the execution of this common design. There is not a thing in this record, may it please the court, that would in any way sustain the proposition that this common design of extermination through killings, beatings, and tortures did not in fact exist. I submit as another specific example of that, the fact that they had over three thousand persons in one Kaufering camp, number four, where the death rate was 100 per cent over a very short period of time, where the camp almost died out to the last man, where there were no medical supplies for a so-called sick camp, where these individuals had to bring in cement sacks they stole from their place of work to use for bandages in operations. All of that points to the existence of a design for extermination of individuals after getting their greatest economic value from them in the (pros-argument)

form of work. It is stated by Wharton that if these individuals were outside keeping guard or watch while confederates participated in the commission of a felony, those on the outside are responsible the same as those who actually committed the felony. In this case there was not just one felony committed. Felonies were committed incessantly. The very fact that these people were brought here and subjected to this type of life under the conditions which they did, without food, being starved to death, subjected to disease, being made slaves of in the worst fashion, one of the most heinous felonies that man could devise. Killing was a blessing to most in the Dachau Concentration Camp. In so far as the perpetration of a felony, no, not one felony but many beatings, killings, tortures without any justification or excuse except to satisfy their own sadistic tendencies. And may it please the court, from the evidence it is apparent that each and every man sitting there in that dock had his part to play in the ultimate execution, in this common design or scheme.

It will unquestionably be urged, as in the past, that the capos are not members of the staff of Dachau. It is elementary that the word staff is frequently employed as meaning administrative assistants. Staff is broad enough to include all persons permanently or temporarily assigned to Dachau, engaged in any work of the camp whether supervisory or menial, administrative or political, scientific or military; the criterium is here. To whom were they responsible? The record has answered that question by showing that they were (pros-argument)

responsible to the SS. They were appointed by the SS, they were the minions that performed the dirty duties of the SS.

Knoll told the court, with respect to the status of Becher and Mahl, "There is here not a happy lot, on the other hand, they have the blood of many thousands on their hands. The SS were subtle in <sup>the</sup> approach they made. They would get those to do their dirty work, to be ruled by a criminal capo. What could be worse than to have three thousand people, many of them the intelligencia of Czechoslovakia and Lithuania, being ruled by a professional German priminal prisoner. That is what you had at Kaufering. I say that these capos, being appointed by SS, responsible to SS and therefore come within the provisions of the particulars in these -- two charges.

It may be argued that there is no evidence that Willy Tempel killed or beat a prisoner of war and cannot be found guilty of the offense in the particulars under charge II. But whether he actually beat or killed a prisoner of war is not the test to be applied to determine guilt or innocence in this case. Again I reiterate, we are not trying any one of these forty men for their specific acts of killing, beating or torturing. We are trying them for aiding, abetting, encouraging and participating in a common design to kill, to beat and to torture prisoners of war. So that if prisoners of war were the victims of this design to kill, to beat and to torture, and Willy Tempel participated, or aided, or abetted, or encouraged this design, then Willy Tempel stands guilty before this court in a violation of the second charge.

(pros-argument)

Now, the record discloses to this court that Russian prisoners of war started arriving here at Dachau in the latter part of 1941 and continued to arrive here in Dachau thereafter up until practically the end of the war. At one time, in 1942 the record shows that one portion of the camp was set apart as a PW cage with a sign on it designating it as a PW camp. The record shows that anywhere between two and eight thousand Russian prisoners of war were liquidated during 1942 and the blocks were no longer designated as a little PW camp. Also we have the execution of a French General De Lestrain, and others. So that the record shows that prisoners of war were victims of a common design to kill, to beat, to torture and to starve the different prisoners here at Dachau.

It might be urged on the court that some of these accused did not participate, or encourage, or aid this common design because they had no knowledge of it. Such a contention becomes completely absurd on its face. The magnitude of the operation is sufficient to refute any such argument in its entirety. Any man who had a chance to observe the prisoners in Dachau proper or the by-camps could see that starvation literally screamed from ~~the~~ faces. They would have to have less than one eye to observe a Russian hanged in public view in front of the Messerschmidt barracks. The law is very plain with respect to charging a man with having knowledge of those matters that may be seen by those who look. To say that these people were not aware of this design to kill, to beat, to torture is utterly contemptable.

(pros-argument)

It will very probably be argued that these men were soldiers and as such they were required to carry out their orders. In general, they were all SS men and as a matter of fact, most of them were all very old SS men, having joined that criminal organization as early as 1932 and 1933, and one man, Lippmann, testified that he joined about 1926 or 1927. It is immaterial to their guilt or innocence, however, whether they were drafted or were volunteers. It is no defense that they were ordered to Dachau to duty, that they were ordered to witness and participate in beatings, and killings, that they were ordered to furnish men for transports and experiments, or that they were ordered to guard the prisoners and then preventing their escape. <sup>This type of defense</sup> ~~It~~ has been referred to as superior orders and has been rejected for obvious reasons as a defense.

I would like to call the court's attention at this time to Volume I of Wharton, paragraph 376. This is a statement as to criminal law.

"The fact that a party accused of crime did the act complained of as the agent or employee of another, or under the direction and authority of another whose agent or employee or inferior he was, cannot be set up as a defense in a prosecution for the unlawful act, because such person cannot relieve himself of the criminal responsibility of the act complained of by showing that he did such act by the direction and under authority of one who was his master and employer or superior. "

(pros-argument)

Now, with respect to a discussion of the doctrine of superior orders in the realm of international law, I call the courts attention to Wheaton. Wheaton is a recognized authority on international law. I read from page 180 of the 7th edition of Wheaton's international law.

"If men are taken prisoners in the act of committing or have committed violations of international law, they are not entitled to the privileges accorded to honorable prisoners of war. The fact that they acted under orders cannot furnish valid excuse. Such shifting of responsibility we arrive at the conclusion that millions, including responsible officers of higher commands are to be held free from blame regardless of what matters or orders they have perpetrated. One person is answerable, namely the monarch or the president of the belligerent state, as the case may be. This is a conclusion which neither reasoning nor humanity can accept." I submit that same reasoning as the fullest application in this case.

Also, I would like to call the court's attention to paragraph 345.1 of the basic Field Manual of the Rules of Land Warfare.

"Individuals and organizations who violate the accepted laws and customs of war may be punished therefore. However, the fact that the acts complained of were done pursuant to superior orders or government sanction, it may be taken into consideration in determining culpability whether by way of defense or mitigation of punishment. The person giving such orders may also be punished."

(pros-argument)



I submit that the fact that these men ~~that these men~~ are seeking to rely on the proposition that they were ordered to do this or ordered to do that is not one which ~~does not~~ go to the question of guilt and innocence but if used, should only be used in determining what punishment they should receive. Before arriving at that state I would like to call the court's attention to the fact that practically every man that was in the concentration camp was there because he would not take orders from the Nazis. Those men, who were prisoners, had the intestinal fortitude to refuse to obey the orders of the brutal and sadistic Nazis. If the prisoners were willing to endure the killings, beatings, tortures and starvation to prove the courage of their convictions, why should this court permit a lesser standard of courage to be applied to these murders and sadists, in order that they may escape their punishment, in order that they may be acquitted or receive a lesser punishment for their inhuman offenses. And that is what this court would be doing if they paid attention to or gave credence to the fact that they may have received superior orders.

This court, I am sure, is determined to administer justice in this case, and I say it is only just to require each of the accused to say "No" I will not participate in this in-famous scheme, regardless of the consequences", even as Prince Frederick Leopold said "no, I will not conform to your restrictions on my right to listen to foreign broadcasts", or as Doctor Blaha said, "No, I will never submit to the Nazi (pros-argument)

yoke." These men suffered, as did countless thousands of others, who had the courage to refuse to do what, to them, was wrong. Then why in heaven's name should any one of these men, who are responsible for the deaths of thousands, and the starvation, suffering and distortions in <sup>body,</sup> mind and soul of countless other thousands, receive the slightest mercy for his failure to refuse to do what was obviously wrong. This answer that "I was ordered to do it" has no part in this case.

This court should not concern itself with trying to determine how many prisoners Eichberger shot or Mähl hung, or on what date Endres killed a prisoner by inoculation. Again, let me emphasise, that we are not trying these men for their own individual specific acts of murder, but we are trying them for their participation in a common design to subject these prisoners to killings, beatings, tortures and starvation. As I have stated before this court before, this court could find these men guilty by showing that not a single man in that dock actually killed a man, but ~~it would be~~ sufficient to <sup>Show</sup> what his participation was as schuzhaftlagerfuhrer or report fuhrer er as a doctor it wouldn't be incomplete on the part of the prosecution to show that pregnant Russian women died as a result of Doctor Hintermayers injections but that he, as camp doctor, participated in this common design. <sup>This evidence</sup> But, ~~there~~ was available in order to establish the fact that killings did take place, that beatings and tortures and starvation were rampant. The witness who came ~~was~~ could testify as to killings that Tempel participated in and the beatings that Endres and the various others participated in. (pros-argument)

*Type of Testimony*

So that <sup>^</sup>was submitted to the court, but I ask the court not to try these men on the basis of the specific act of misconduct but to the fact as to whether or not they had any part to play in the execution of this plan or design to subject these nationals and prisoners of war to killings and tortures and starvation itself.

The question the court ought to ask itself should becn, first of all, was there in fact a common scheme to subject these persons to killings, to tortures, to beatings and to starvation. If the answer to that is Yes then you proceed to the next question. What, if anything, is the participation of each one of these individuals in that particular plan or scheme or design as shown by the record of trial. If the answer to both of the questions is yes, then your job is simple <sup>^</sup>with respect to the guilt or innocence of these accused, there would only remain then the question of punishment. This court knows that every war crime is punishable by death or lesser punishment. These accused have committed a war crime that has shocked the sensibilities of a civilized world. These acts were committed by individuals who profess to belong to that civilization and it is enough to make one stop and wonder. When we examined the mute evidence on the atrocities that have been committed here as to whether or not they are not beasts and certainly could not lay claim to being human in any respect. There has been no doubt about the fact that the conduct of these (pros-argument)

accused will have turned back the hands of the clock of civilization at least a thousand years, If this court, in any manner, condones the conduct that has been presented to it. And I am sure that this court will not by its sentences or by the findings in any way condone this conduct but will impose a sentence which the world at large can understand as making the position of this court absolutely clear that such crimes will not be again tolerated on this earth. I believe, and am convinced, that every man in that dock has forfeited <sup>his</sup> the right to mingle in decent society.

The court then, at 1435 hours, 11 December 1945, took a recess until 1450 hours, 11 December 1945, at which hour the personnel of the court, personnel of the prosecution, personnel of the defense, all of the accused, the interpreter and the report resumed their seats.

President: The court will come to order.

Defense: May it please the court, in order that each of the many defendants receive appropriate consideration, it has been considered necessary to divide the summation for the defense into five parts. The first part will be the summation by the civilian defense counsel, for three of the defendants, whom he represents.

Civilian defense counsel (through the interpreter): I ask, for reason to save time, to read my speech in English immediately.

Defense Counsel (Lt Col Bates): For that reason I shall read his summation.

The defense counsel then read the following:

" High Court: The defendants Becher, Knoll, and Muhl asked me to defend their cases, what I willingly accepted, essentially for the reason as this gives me the opportunity -- the first one in world history -- to clear up by light shining into it, the darkness which made the blood of the world and mankind freeze. I have to connect with the request to you never to appreciate and call all what you see and hear in your later life and home German, for it is not German at all.

can you, judges of the high Court, call on another example in the world history where prisoners were forced under constant attempt to their life and body to commit acts they never would have committed if being free and not under pression? Can you, judges of the High Court, give me only one court of the world that would not accept this constant state of fear for a necessity case? Does there exist but only one jurisdiction that does not censent for the case of necessity the defendant to be exempt of punishment? Can the world be astonished that one or more boxes or smacks on the ear that would have been punishable acts outside of the camp could be looked at as an act of life rescue inside it? Does not every man in such case choose the minor one of two evils? Do not laws of the whole world regard cases of self-defense acts happening to free the actor or somebody standing near to him from a danger for life and body? Are comrades not persons standing near to the actor if subject to be bullied and ill-treated by brutal force? Was not in the military penal code an order that orders should not be obeyed in the only case if the obedience could be regarded as treacherous? Not to speak about the fact that slaps given under conditions so reported, cannot be regarded as acts involving serious punishment, what in all world should have happened if undoubtedly treacherous acts were orders under armed pressions? Why would the law ever have pressed the concept of self-defense? Every animal on God's earth has this

right, and only the prisoners of the German Reich, which was so chosen by fate that right was denied also otherwise given to every most primitive living being. How, gentlemen of the Court, you are going to find the line of reasoning which is necessary for conviction here? The entrance into the state of submission starts for every prisoner with his reception into the camp. Need knows no law. Out of this lawless need both unwritten laws according to which millions of men acted sprung up. And according to which millions suffered under, and under which hundreds of thousands were saved. The duty to obedience, judges of the Court, was absolutely unlimited what means that no arguing over a given order was equal to suicide. The definition of collision of duties in the German Penal Code, commentator of Frenk, S., 143 to 50 RSTB, is given as following: By collision of duties the first line question is if and whether an acting was falling into penalty that this acting should have had to obligatingly ordered to him. This question can only submerge if duty to obedience is absolute and unlimited. This absolute and unlimited duty to obedience that cannot be doubted or denied for existing in concentration camps states for the actor the case of necessity. With other words, necessity is the state of danger resulted by collision of duties by which injuring action against the rights or good necessarily had to happen. By this in case of necessity the actor only can rescue some foreign good or safeguard some foreign right by some action falling under penalty. In

such case of necessity the actor is guiltless by the reason of the pressure influencing his free will and action. This state of influence is nevertheless existing even in case when the actor believes a pressure in reality not existing to exist and to act upon him. If the actor is acting in conviction of necessity subsisting even as an error in this case, any premeditation is impossible. This is putative necessity. Deducted of this line of reason, gentlemen of the court, we get to the duty of obedience which is the nearest following nearly equal consequence of the case of necessity. Even in this case the duty to obedience has to be classified into two categories, the first of which is the upper mentioned absolute and unlimited duty to obedience, the second could be characterized as forced conduct. While I gave my commentary above as to the case of absolute duty to obedience, the forced conduct is with falling in to categories which are as following: 1. In the case of power against which the actor cannot react, in giving way to it. 2. In case of threat, the threatened does, or does not, do what the criminal giving him the order wishes him to do. A further say, that shall be the determining in this trial, is the justification of action in interest of the injured. If someone is acting against some order (case of hiding given by compound eldest or capo) and wants to protect certain interests this way, omission



of reports to the SS, he is in fact not acting against this order even if his action injured the object of it, if it is happening in real intention of protecting the interest of the injured object. In this case the actor is in the case of necessity that is characterized by law as if no action falling under penalty has happened the enforced acting cannot either fall under penalty. If the defendants sitting behind me, who were all detention prisoners in the concentration camp Dachau, in some cases really gave hidings without receiving orders herefor, because they thought themselves to be obliged to do it to avoid some greater evil as eventual punishments by SS, in this case, gentlemen of the Court, you have got here the school example of the case of necessity and the one of duty to obedience, the action of which was enforced by possible, or happened, acts of pression against the actor himself, then all these actions issuing out of the same cases of necessity and obedience to duty can not be punished until this state of necessity is actual. An order was an order. It had to be obeyed; however its quality was. This is not only a custom in Germany, where the interpretation of duty to obedience is more sever and unconditional than it is in other countries -- essentially in the Third Reich, this was so -- but the USA seems to have paid a greater intention to this problem as one though when willed to give at least to the simple GI, giving him some protection and case on this line. Studying the country war order of the USA I found on the page 347, printed in Informations of

the US Army ETO Headquarters, in England,  
1 July 1945, 20 Army Account S. 137, the fol-  
lowing text: Individuals of armed forces will not be  
punished for these offences, violations and customs  
and laws of war, in case they are committed under  
the orders or sanction of their government or  
commanders. The commanders ordering the commis-  
sion of such acts or under whose authority they  
are committed by their troops may be punished  
by the belligerent into whose hands they may  
fall. It cannot be doubted that the construction  
of the concentration camps was at least similar  
to military. If the USA gave their GI the  
upper mentioned protection it must appeal as  
equitable and fair to give the same protection  
to the victims of National socialism, to the  
least and the smallest in the state of Hitler.  
They were those who had to keep quiet and  
obey, for they were the victims. You have  
been victorious in this great struggle. You  
have got the power and with it the possession  
of law. Be in possession and you are in  
your right. Now apply this law with the  
tolerance of the democracy state form of  
liberty, humanity and justice we political  
prisoners have so much fought and suffered  
for. In the single cases I have to say --  
In the case of Becher, gentlemen of the  
court, Becher said "Yes, I have done it; I  
have given those slaps, and I have no inten-  
tion to describe this in a pleasant color?"

This man, gentlemen of the court, was no National Socialist. He was a Socialist. That means that he belonged to a political group, the Social Democratic Party, which in the last years in Germany, was only qualified with cowardice and treason. By searching in the so-called criminality of Becher one will come to wonderful ends. I commence with the easiest, that nevertheless looks difficult enough at first sight. The witness Kotsch testified that Becher would have hid. That he would have hid the Polish citizen Kowalinski in April 1942. The face of Kowalinski, namely nose and mouth, should have been bleeding. The next day Kowalinski should have been brought into the dispensary by him, Kotsch. On the way to the dispensary, Kowalinski should have said that he did not think himself to get any more sound and healthy from this illness. Kowalinski should have said that he did not think himself to get any more sound and healthy from this illness. Kowalinski should have given the impression of a bodily broken man. As a matter of fact, Kowalinski died a few days later. In the register for death cases, booked under the running number 1165 on the date of 12 April 1942, you can find: Died at 21 hours; Reason: Failure of the heart, circular disease by catharrhal diarrhoeia. The further times, especially the interrogation of defendant Becher, confirms that Kowalinski really suffered from this illness. Even the prosecution did not try to state that the sufferings of this illness would not have been true, that the reason of death booked

in the register would have been falsified. It is merely a sufficiently weak sense given by the prosecutor to the death statement that should have been this proof. Should this perhaps be the basis of a death sentence for slaughter? Is this a case of bodily injury with death result? The witness, Doctor Muthig, had testified and sworn that in the concentration camp of Dachau, a death sentence never was falsified. Was it not proof by the same oath that in a case of a manslaughter that really was committed, the actor, named Bruggs, was condemned to eight years of prison? Did not the same witness testify under oath that in cases of violent death the prosecutor of Munich was notified and the physician of the court, Doctor Arnold, came to take part at the section (autopsy)? Which witness, or which proof, should ever have proved that Kowalinski did not die in a heart and diarrhoeal circulation disease? Is this not the most primitive condition that would have to be fulfilled to create a penal statement? Since when is the public's ironical laughter, that was reprimanded by the president of the high court, sufficient to ask for the death sentence? Did we find in the four weeks this trial is running only one single case in which it would have been proved that any statement of death case could have been suspicious of falsification? And even if this would have been the case, would it not have been necessary to have these falsifications stated? Where, gentlemen of the high court, can one find the

casual link between the slap and the death case? Can it be seen, perhaps, in the diarrhoea? Or perhaps in the circulative perturbation? Is it necessary at all to look at this statement which is laying clear throughout the trial on the line to try to state manslaughter out of it? Gentlemen of the court, didn't you notice how the witnesses called to the bar troubled themselves to make an elephant out of every gnat? Did not a specially active witness, called Seibold, mention that he had seen a man bleeding from his nose after Becher having slapped him? Every child knows how easily a nosebleeding can occur at a quarrel between children, and here admitted under totally different conditions, and faced throughout the point of view of vengeance and retribution, here, gentlemen, a slap should be looked at as a capital crime. Did Seibold receive that slap himself or does he feel himself qualified to protect the rights of third persons? Did not every person in this trial hall have the feeling of having to do with a clerical company limited, for manufacture of hatred? If I kept silent, I did so merely regarding the clerical clothing, and out of pure loyalty, but the venerable cowl of a monk can not represent a permanent permit for feelings of hatred. Is it not much more probable and sensible if a compound eldest had to threaten by calling on some "black man" to keep up order and cleanliness, which was his duty? Was it not better to threaten with this displacement --that was not at all possible -- than to have to hand out slaps

here again? What should the responsible reactor of a compound do or say if absolutely everything he did and said was turned round in his mouth and is going to be used against him? Gentlemen of the court, it is so simple and convenient to go on to make a man who is laying k.o. impossible for this simple reason that he is not in condition to defend himself. Who ever proved that Becher prolonged the time of the penal exercises on purpose and by his own will? Who ever proved that he did order these penal exercises by his own will? Merely one witness mentioned, "We sometimes had the impression or the feeling as if Becher would have done this by his own will". Is a feeling a proof? Is an impression a basis for judgment? Did not defendant Becher avoid to report to the SS? Did one single witness confirm that Becher reported to the SS? Was Becher, as any other compound eldest, not placed between two grind stones? Did not Becher get sufficient hiding for others? Should he have had sung 'hosanno' if homosexual customs were reported to him? Wasn't it right if he brough back the actors of these to common sense with a slap? If he did so he was standing, by the mere fact of having omitted to report, with one foot under the gallows. This was foreseen for such happenings. The reaction of the jurisdiction in such cases in the Third Reich is probably known all over the world. Was a slap in this case not life-rescuing, as I called it formerly in my account? Did not Becher act in

case of duty to obedience and in case of necessity? I beg the court to discharge the defendant Becher and to attest to him that he had to get discharged for reasons that made impossible the pursuance of a criminal act. As to Knoll: It might perhaps seem at first as if I would wish to distance myself somewhat from this defendant. But was not there a witness who testified: "Knoll was a marionette, a clown, a fool, who did not know anything about the tales he was talking?" I ask the court: How did Knoll behave here? Wasn't it a confirmation to hundred percent of the deposing of this witness? Can we be astonished now if this man without common sense told stories on a Christmas evening that he thought inoffensive, but that the world of outside judged in a completely different sense? The witnesses Hirner and Keller have testified that Knoll occupied himself with the catching of moles. Hirner himself saw the mole skins hung out to dry. Hirner himself got in his of camp police the confirmation that "Capo Knoll was catching the animals and gathering their skins on order of and for the camp leader." The witness Keller confirms that Knoll was well known for the catching of moles and other beasts. Is it not logical and appealing that camp leader Zill promised this capo one additional meal for every collected hundred skins? Gentlemen of the Court, one meal for a hundred Jews is a thing that did not happen even in Mauthausen, and I state that a similar taxation cannot have existed in any other camp. As the defendant, when I overtook his defendership, told me

he was charged with getting one luncheon for the slaughter of every hundred Jews, I laughed at him, gentlemen, because similar actings could not have happened in any concentration camp, least of all in Dachau, which was known as the most human one of all. Gentlemen of the Court, even looking on tales and stories, the church must stay in the village. What tales and stories were not told here under the confirmation of oath. The witness Kaltenbacher says the mentioned talk with Knoll occurred on the Xmas Eve 1942 - 1943. In reality Knoll was at that time in Natzweiler and not in Dachau at all. The specially active witness, called Wolf attests Knoll should have given one Pole in the compound 16, in the year 1944, a hiding with a chair's leg. It is a stated fact that Knoll was until the 15th of July 1943, with interruptances of a few days only, in which he was in the crematory plant garden, and, for this reason, no connection at all with the camp, laying ill in the dispensary and went on the 15th of July 1944 off with a transport to Rothschaige. The stationing in the dispensary of Knoll lasted from the autumn of the year 1943 till the mentioned date. How should Knoll have got at that time into the compound 16? In his further denunciation, Wolf declares under oath: In the year 1942 Knoll should have been capo in the gravel mine and had dragged, when marching home from it, a wagon full of cadavers following his job. These should have been dead Jews, that no one else could have killed but Knoll.



Gentlemen of the court, on the 2d of August 1942 Knoll went, as well known, to Natzweiler. Till the date of today he never was in the gravel mine, the less can he have been capo there. Where in all the world is in this case a reliability of an oath in its quality as a proof. I do not wish to state anything, for reasons of loyalty, against my former detention camp fellow prisoners, and do not wish to make any difficulties in their lives once more, but, gentlemen of the court, using a very smooth expression, many of them would deserve prosecution for the oaths they have sworn here. The defendant Knoll was still in the first days of February 1941 compound oldest. In this time he should have given the slaps he admitted himself. This is a time extending on a former period than the one that includes the pursuance, that is to say, a period on which the pursuance is not drawn out. These acts can for this reason not at all be condemned. After February 1941 Knoll did not give any hidings at all. No complaint in this sense was heard for or deposed against him. For this reason Knoll must get discharged. The trial and the sufferings he went through before his liberation should be a lesson for him not to tell stories any more; without that, Knoll never could have got to be a defendant here. The former political detention prisoner, Weichard, attested that he never took Knoll for serious, and in views of Knoll's wont of

telling stories, I ask the high court to accept this opinions. I beg to discharge the defendant Knoll. As to Mahl -- Gentlemen of the court, if one of the defendants of this trial should be discharged, then this one would have to be the defendant Mahi. Gentlemen of the high court, what buckets of filth were poured over this poor fellow before the trial. There exists in the whole world no more noble job as to repair the evil and the suffering that withcome to a man, than to give him a helping hand to lift him up from the ground he is stretched out on. The defendant Mahl had organized himself two bottles of brandy and 6 bottles of wine, in his quality as detention prisoner attached to the bomb job. This, gentlemen, can be well understood. I could not have done anything else myself, certainly. I can well imagine that the so-called bomb job wished to master its work in a lifted state of mood. The result was a denunciation against him. Who got delivered to there with a notice of this sense was done with in twenty-four hours at the utmost. This was known. Was it astonishing if the defendant Mahl tried to hide, to fall off, and looked for another job. When the job of a handhelp in the crematory was offered to him, he had to help burning the cadavers. This job, gentlemen, was very much wished and looked for in the camp. In Mauthausen, for instance, these received the food rations of those who had deceded, or got killed, on the same

day. If this was, by low calculation, a number of one hundred daily, then there was no starvation and no want in nictire in the crematory job. The rations that could not get eaten were in such cases values for change of cigarettes, and so on, inside the camp. At one occasion, I tried to obtain this job for myself in which effort I unluckily failed. At that time I got deeply envious for this. Mahl was lucky. He got the crematory job in the concentration camp of Dachau in February 1944. As a matter of fact, this opinion was confirmed. Mahl had burned cadavers in that time, this fact is proof, and worked himself up to the position of a crematory capo, till about July 1944. Then came, like a flash of lightning in a bright sky, in June 1944, the order for Mahl to get ready to travel. He had no idea where he was setting out for, and after calling on the jour-house, was landed in the prison of Neu-Ulm. Here he was told that he had to take part of an execution occurring the next morning. He gets led up to the execution place and received the order to place the rope on the neck of a man who shall get hanged. This, gentlemen of the court, is one of the cases of the unconditional and absolute duty to obedience, that I have mentioned formerly. If he had not obeyed to the order, that he received, his own execution would have taken place when he returned to the concentration camp of Dachau, at the latest. As a result of the duty to obedience, the defend-

ant obeyed. With this fact, I might say a change of career was consumed, for instantly following his return to the camp, the camp commander at that time gave definitive and strict order, that from that day the executions would have to be fulfilled by detention prisoners. A manslaughter falling under penalty must be contrary to law. This is not the case in case of necessity, self - defense or necessity help, or in any case when such acting is ordered to the actor by his regular duty -- for example, executioner. In the following time one execution is following on another. Always the same picture, the defendant has to prepare the executions, put the rope on the neck and undress the executed after the execution had taken place for the physician to be able of stating death. Even if Mahl, as witness Wolf wants to have seen, occasionally was pulling and tugging the hanged body down, what would this have been? This would have, if it would have happened, really, a simple participation in the executioner's job; moreover it would have hastened death and by this fact abbreviated the sufferings of the executed. I wish to state two facts here. For the first, that until now no proof has confirmed this action having been done, with the exception of Wolf, to whom I wish to return later, and for second, that this exposition of his acting was always denied by the defendant. I come back on the

witness Wolf. He is a man who is greeting us from out the oriental tales of One Thousand and One Nights. What did this man not have seen. He must have had eyes like a lynx. The only place he did not see in, was this trial hall. Although standing in the brightest light, he did not recognize the defendant, looking at him from the witness bar. This distance may be four meters. If he should have had seen every thing included in his deposition he must have had the eyes of an eagle. I can keep short here. This witness, remember his deposition in the case, is not more creditable than another who saw in the time of four months of his detention-prisonership more horrors, knew better and more all about it, and was complaining more bitterly than detention prisoners who had spent ten years in concentration camps. It is of no interest that these two witnesses do not belong to the same part of society, as I may state that a Prince of Prussia cannot be necessarily more cute and clever than any other ordinary human being. The German people could not find any of these qualities, anyhow, in their former princes. As proof for the orders received by Mahl I called on the deposition of Seibold, who in the cross questioning of the defender, admitted that Bongartz told him, Seibold, that Mahl should have to, on order of the camp commander, hang himself alone. Doctor Blaha

said, equally cross-questioned by the defense, textually: "Mahl received orders for hanging." The witness Perlas declares in his directed deposition: "Boettger Mahl the order to withdraw the stool." The defendant Eichberger confirmed: "Mahl did never shoot, never had a firearm in his possession, and only proceeded to hanging on order. The order was given by the adjutant, in order of the commander." The defendant Ruppert testifies in his quality as camp leader of that time: "I never saw Mahl with a machine gun; a detention prisoner never received arms." "Mahl hanged only on order. He could not withdraw himself from the execution of the order." Finally, I should wish to attend shortly to the witness Jendrian. This was the man who built himself a cute shelf from a distance of eighty meters, looking over a wall of 2.20 meters height, and could see into a quadrangle of the dimension of  $1\frac{1}{2}$  by 2 meters. This witness must have periscopic eyes. He says, textually: "I was crying when I saw those wonderful Russians." I say, textually: "Summa summarum", the wonder tears sharpen the periscopical eyes of Mr. Jendrian up to a technical wonder, in which I cannot believe. The story one wanted to make the high court believe is a so stupid one that it is of no use losing any more word about it. Finally, for the case of Mah, I return to the witness Perlas. He says to have seen that Mahl, by unloading cadavers of wagons

dropped those in a way that blood flowed out of their heads. I beg the court to imagine a transport of five hundred cadavers. It is absolutely possible that it could happen that some of the cadavers got dropped, but in any case it was not Mahl, himself, who had to unload them. This task had to be done by the Russians attending him. I know one of these really had the bad luck of having dropped a cadaver. Can this be regarded as a penal act, as a war crime? Is it really necessary that such details forced into the trial should be seriously criticised here? My opinion is that the high court has other things to listen to than such talks and stories. In the whole extent of this trial not even the one word of charge was pronounced against Mahl, but not even an attempt in this sense. The witness Magnus Keller, detention prisoner for ten years, camp oldest in Mauthausen, who knew thoroughly the situation in Dachau, when questioned, declared: "After my experience, a detention prisoner who refused to obey an order of execution would have been instantly executed himself." I can herewith spare another call on the state of necessity in the case of Mahl. I beg and propose for a discharge in this case for the reason of actions in state of necessity. The prosecution act charges the defendants

with being member of the administration of the concentration camp Dachau. The only right answer on my questions, if this was technically possible, was given by commander Weiss, who answered: "That is completely impossible." Gentlemen of the court: How can a detention prisoner have been a member of the camp administration? The administration was seated since long when the prisoners got delivered to the camp. Do you believe that the SS or the Waffen SS ever would have admitted detention prisoners in a position equal to their own? The prosecution will say: "Yes, but they have labored for the SS." Which detention prisoner did not do the same? In this case all detention prisoners ordered to job would have to be charged, and would have to be finally discharged for the reason that they were ordered to their jobs and were not put into those on equal position. This being ordered into jobs was, anyways, a sword with two plates. The ordered detention prisoners were getting rubbed up between the grind stones of a mill. The differences were carried out on his back, and account. He was the responsible redactor. This responsible detention prisoner standing constantly under the threat of death is pursued by the American prosecutor, not only as member of the administration of the concentration camps, but, moreover, even as having taken part in a conspiracy with the aim of man-



slaughter, cruelties, ill-treating, malnutrition, starvation, and so on, together with the SS. Notions of the SS on one side and detention prisoners on the other, were deadly enemies at all times. None of them, they knew and know that, would have ever admitted the other within their ranks. It is true that the stronger side, because armed, occasionally pulled out single men out of the mass of the detention prisoners and ordered them to higher class jobs. This is the same everywhere, for this reason we have got the expressions: Boss, Chief, Foreman, and so on. Here we find one more difference. Here this first man had to grant for his job with his life. Moreover he had to <sup>be</sup> specially in his own job and succeed in it over the average. Both as well specialists as success over the average were lacking as well on the side of the SS. As one had found out that his own incapability had to be hidden, one applied and used the way out I am reporting. This way out had to cover the own, that is, the SS, incapability, together with the special own laziness of the SS, with success over the average on the other side in the same time. This and nothing else was the position of the first man, called capo. I beg you for discharge in this point of view as well. High court, a trial looked on by the whole world with interest is nearing to its end. In this chapter of history I am standing alone

as the only German, defending Germans before you. I stood up for my former comrades, whatever the world may say about them, because a ring of steel of fellowship grew around us in those days of need. Your judgment we are awaiting, your conception and comprehension for human necessity and need will be acknowledged as right lines for generations. This judgment, gentlemen of the Court, must be equal to your great and free home country. Democratic comprehension and application of the law is not vengeance. Democratic application of the law means comprehension. I beg to put this on account of the fact that Germans are standing before foreign judges and I equally beg to put it on account of my former comrades. If, before settling your judgment, some of the actions of the defendant detention prisoners seem uncomprehensible for you, I beg you to put this on account of the fact how long these men were kept behind electrically loaded fences, what sufferings they went through, and that all this obviously affects the nerves, changes the opinions, and alters notions of things, and actions. If you would, against awaiting, in one of the cases determine a condemnation, so I beg to include the time spent in imprisonment on remand into the punishment. Gentlemen of the court, find your judgment heartily, and uninterested of public opinion. In your hand life, fate, and future of these men is lying who have suffered immeasurably for the sake of justice.

Defense (Lt Col Bates): I beg to repeat that I have just completed the reading of the summation of civilian counsel for the defendants Mahl, Becher and Knoll.

Defense (Captain Niles): I am frank to admit that at this point I am not exactly sure just what is to be said on behalf of these defendants. Prosecution has stated that they are charged with common design, and that it should not have been necessary to prove a single act in order to judge them guilty in this case. As the court will recall, at the beginning of this case, we asked what the charge was against the defendants. I find myself now in the position of wondering the same thing at the conclusion of the case. Prosecution stated that there has not been a single proof that there was not a common design. I submit that it has always been law in America, and other countries, that the burden of proof is upon the prosecution. Where is the common design alleged? Who made it? Where did it take place? When? If that common design has not been proved, how can we prove that common design has not been made? It cannot be proved that a thing did not exist, until there is some allegation of its existence. The prosecution has stated that if this court should condone the acts of these defendants, it would turn the clock of civilization back a thousand years. I submit for consideration that if an American court fails to judge each

one of these defendants on acts that he committed, and on each individual case, the clock of civilization, and of American justice, will likewise be turned back a thousand years. The United States has decided that these defendants are entitled to a fair and impartial trial. That means, if the court please, that they are entitled to know the accusation against them, and are entitled to remain and be free until such time as the prosecution has proved beyond reasonable doubt each accusation against each defendant. The defense can only take the position, in view of the lack of proof of common design, that each defendant is, and will be, judged for their individual part. What is proof in any case in any court, including a military government court? Proof is not vindictiveness, bias, prejudice, conjecture, or surmise. Proof is fact, shown beyond reasonable doubt. Sufficient fact to constitute each and every element of every crime charged. May we look at the proof. As to Welter, there have been a parade of witnesses who have testified as to his presence and as to his participation in certain executions in Dachau. There has been an attempt on the part of the prosecution witnesses to link him with invalid transports, with slave market formations, but what is the proof?

What facts are adduced by the prosecution? As to slave market formations, we have the testimony of Wolf. He admitted, on cross-examination, that the only invalid transport he knew of was in 1944, after Welter left Dachau. That is the only fact produced by the prosecution in the attempt to link Welter to invalid transports. Again I say that proof is <sup>not</sup> mere accusation, but that it must be fact, and must be proven as to all the elements of the crime involved. As to the slave market formation, there were two or three witnesses who testified as to the formation, and the only way they connected Welter to it, was to say that he had been seen walking by the hospital. There was also an absurd attempt to state that he might be responsible for deaths. This was brought out by Doctor Blaha. He stated that the only deaths that he could even remember took place in 1944 and 1945, in the year after Welter had left. There was another attempt, by means of inference, not proof, to connect the defendant with some acts in Dachau. The court will remember that in the beginning of the defense's case we stated that we were not trying to justify Dachau. We hold by that. We are not trying to excuse the things that happened here, and only request of the court that they place responsibility where it belongs; that

they judge each one of these cases, forty in all, on its individual merit. Welter was not the labor distribution leader. There was some discussion as to the terms "arbeitsdienstfuhrer" and "arbeitseinsatzfuhrer". It was brought out by the prosecution witness that the arbeitsdienstfuhrer was under the arbeitseinsatzfuhrer, in charge of labor distribution. In effect, his position was nothing more than the clerk taking care of, and writing down, the details. The accusation against him to the effect that he slapped prisoners, beat and kicked them -- some of these accusations are absurd on the face of them. The defendant Schnabel states that in one morning Welter beat two or three hundred men until they dropped. That, on the face of it, is absurd, and needs no further comment. In judging the responsibility of one of these defendants for acts that were committed here at Dachau, the court must keep in mind the position of these defendants. It has been proved that Welter was not here voluntarily. He joined the SS -- yes. And the prosecution has attempted to state already that the SS is a criminal organization. I submit that that is being decided in Nurnberg, and is not for this court to decide at this time. Welter's own testimony is to the effect that he two or three times asked for combat duty, and

finally got it. He was not here of his own free will, but was placed here by the German Army, and did his duty here as a soldier would do anywhere. As to Eichberger, the only charge against him is participation in executions. He admitted that. He did it, only after, in each case, he had received a specific order that that execution. In commenting on superior orders, the counsel for the prosecution stated certain matters from the United States criminal code. I think that matter was settled this morning, when you decided that this case was not to be decided under German or American criminal law. The principles in either one are not applicable here. This case is being tried under international law. We have no exact precedent for superior orders. Chief Justice Jackson expressed his opinion: "Undoubtedly there is a circumstance under which the notion of obedience to superior orders should be sustained. If a soldier is drafted because of service duty and is ordered to an execution detail, he cannot be held responsible for the legality of the sentence he is carrying out." I submit that that is the case of Eichberger. The court heard his testimony. He was a soldier. You saw him on the stand.

He was wounded, and is without his leg at the present time. Because of that disability he was ordered to Dachau. He had nothing to say about that. He had nothing to do but to carry out orders. As to Wagner, he was very much disliked. He admitted that, while at the laundry, he beat people. The only thing we ask the court to consider in that respect, is the situation in which he was placed. He was at the laundry at a time when there was every possibility of disease and other scourge here in camp. In attempting to carry out that job, his only interest was to get that job done. When the prisoners attempted to slow that job, because of pressure upon him, he did, at times, cuff and box them around. However, it was not done, nor was it shown that it was done, through any sense of vindictiveness. As to the death that there has been an attempt to attribute to Wagner, we again submit that it is pure conjecture, and not proof. The prosecution witness says that the beating of Ducikowsky took place on the 1st of August. Witnesses say that he left the 27th of August. The official records show that Ducikowsky died on the 20th of September. We submit that unopposed testimony in this case shows that a period of six to seven weeks elapsed between the incident described by the prosecution, and the death of the victim. As to the cause of death, there is not a bit of evidence to



show the cause of death. That, if the court please, is by any inference, too remote. Such inference, that death resulted as result of a beating six or seven weeks prior to death, cannot be drawn. Beating is an act of violence, and not a progressive disease that carries on. As far as any accusations by the co-defendants against Wagner are concerned, there are a couple to the effect that he took part in executions. The time we don't know. The place -- rifle range, or crematorium, we don't know. Is that proof? Is that apprising the defendant of what he is charged? We have evidence in this case that Wagner did attempt to alleviate the condition of the prisoners on outside details by getting food for them. This is proof that he had no vindictiveness; that he was merely doing his job. Then we come to Lausterer. I ask the court: What is his act in the furtherance of a common design? One witness testified against him. That witness is Opitz. After testifying that he worked with Lausterer for several months, he could not identify him. What credence can be given to such testimony? Even that witness said that he didn't know of any instance in which Lausterer mistreated anyone. He attempted to make

some charge that Lausterer took some packages from some prisoners. He didn't state what the conversation was, why he took the packages. He didn't know. He saw Lausterer take packages -- for what purpose, nobody knows. And to that is attributed a criminal intent. The prosecution would also have the court believe that, because present on this transport, he is responsible for anything that happened thereon. Under their own theory, has there been any bit of proof that Lausterer kept one prisoner on the transport? He rode alone, is the only proof. He was not armed. He didn't keep one prisoner from going from the transport. When the transport arrived in Seefeld, what are his actions? Did he do anything to hurt the big prisoners? Anything to prevent their going? The only actions brought out are acts of humanity. He attempted to get billets, to get food, to do anything that might relieve their condition. Is that the act of a brutal man, as all forty of the defendants have been characterized by the prosecution? On the other hand, we have evidence brought out in his favor by the witness, Mr. Drasta. He stated, and was not contradicted, that the prisoners on Lausterer's detail lived with him, ate with him in Mr. Drasta's

home as part of the family, not as prisoner and guard. Is that any proof that there was any violence by anyone in his detail? Any proof that he aided or abetted any of these crimes in Dachau, in any manner. I submit that there is not one single thing that can be ascribed to Lausterer. As to Trenkle: He has been charged with beatings. He has been charged with participation, by his own statement, in executions. If the court please, the beatings with his hands and the slaps, and so forth, are admitted. To that extent, his guilt is to be judged and sentence pronounced. As to executions, the only evidence is by the defendant's own statement of the execution of some Russians that took place in Munich. As to those, there was the order of the Gauleiter, in writing, to this defendant that these had been convicted of sabotage, and loot in an air-raid. Under the law, that was a capital offense, and he had orders to carry out. He stands in a position of carrying out superior orders which, as far as he knew, were the orders of competent superior authority.

[As to Seuss: There were only two witnesses against Seuss. One is Opitz, who, again failed to identify Seuss. Instead of picking Seuss, Opitz pointed to Eichberger, a man with one leg. That type of identity is

not the identity, or proof, that is going to be required by any American court in order to convict of crime. Kaltenbacher says he saw Seuss mistreat, by kicking or beating. However, not a single definite incident was related by the witness Kaltenbacher. There is no proof of any specific charge. It is pure allegation, not proof. Such type of allegation has never been accepted by any American court in lieu of proof, and I submit to the court that, since a trial has been ordered by the American authority, these defendants are entitled to be judged only upon the proof adduced in the case. As to Seuss, in his own statement he stated that he did attend an execution in August 1942. At this time may I use the words of the prosecution that the court should not be controlled by dates in retrospect. The prosecution attempts to excuse prosecution witnesses for failing to remember dates, and in the same time, in the case of the defendants, stated that because they misquoted dates they are lying. What is the rule for one type of witness should be the same for the other. As to these executions, in Seuss' statement he admits taking part in, there is ample evidence in the statements of others, that those executions did take place in November 1941. Jarolin in his statement says they took place in 1941; Betz states that they took place in 1941. I submit to

the court that the statements of Jarolin and Betz were made prior to the time that these charges were read to the defendants; Prior to the time that they knew what they were charged with. But the interrogating officer knew what the charges were. He knew what the inclusive dates were, and if any doubt was in the mind of the defendant, he would attempt to put it over into 1942, because he knew what the important dates were, and not one of these defendants knew.) In like manner, we come to defendant Kiern. He stated that he took part in an execution. He said it may have been January or February 1942. Again it is the same group. It was the large mass execution that took place in November 1941. He said that Zill gave the orders, and he left in December 1941. Again, we have the case where the defendant was not sure. The reason he stated that it was, possibly, January or February 1942, was because in February 1942 he broke his arm, and knew it was not after that date, and that was the only thing that he, at the time, could remember as to the place and date of those executions. Kiern was charged with having kicked some prisoner, brought in on a transport, that the witness Breiding said he saw move, although he was on the ground apparently dead. Breiding said that he was block fuhrer and saw him in 1942 and 1943. It

is clear that, as far as Breiding is concerned, it is a question of mistaken identity. Kiern, according to proof and all statements was never block fuhrer. At the time of this incident he was censor in the post office. That was in November and December 1942. He was working there and had no duty outside the camp. He was never a block fuhrer, and was arrested in December 1942 and kept as a prisoner. Certainly he was not the man whom Breiding saw in 1943 doing duty. It was not the man Kiern and there is no proof or corroboration sufficient to establish a culpable act. Kiern was not a member of the Nazi party. He was a member of the Social Democrat Party. He got into the SS and came to Dachau. Later, he served as a prisoner and a soldier on probation. His attitude, and what he has done, has been clearly demonstrated to the court. There is no accusation against Kiern as being brutal, mistreating prisoners, or volunteering to participate in any acts here. As to Niedermeyer, the only charge is working in the crematory. As far as proof is concerned, there has been proof of no individual act of participation. I submit to the court that the act of working at the crematory was the same as the job of grave digger. Niedermeyer performed no more than disposing of bodies in a sanitary method. He is no more

part of a common design than the person who buried American fliers, killed by anyone over here. We have never charged that a person burying that American flier is part of a design to kill him. There was an attempt to place Neidermeyer, in November, or the spring of 1942, at an execution. That was done again by testimony of the witness Kaltenbacher. He said he saw Neidermeyer, Trenkle and Wagner, and the best of his recollection is that it may have been in Spring 1942. He must be mistaken because the indisputed evidence is that Trenkle didn't come until November 1942. There is no possibility of his being here as member of a squad at the rifle range in the Spring of 1942. When he came back to Dachau in November 1942 he went to leader school, and stayed until June 1943. Evidence was that Neidermeyer left in February 1943. They could not have been together during 1942 as testified by Kaltenbacher. There is no indication, or any proof, of any voluntary act on the part of Neidermeyer. It is shown that he left Dachau and served in the army. There is no proof that he came here voluntarily, or knew of any common design, or plan, or that any act of his was a criminal act. Eichelsdorfer was never even a member of the SS. He was a member of the wehrmacht, and served with the German Army until the summer or fall of 1944. He stands in the position of being unfortunate

enough to have gotten sick, and as a result was transferred to Dachau. He was still a soldier in the German Army and subject to orders of the ruling powers. He was placed at the Kaufering camp, and told that he was commanding officer. What is the proof shown as far as he is concerned? Is there any proof of any act of brutality? I submit that if there is anything that can be ascribed to him, it is merely the fact that he was an old, sick man, and failed to take the corrective action that a young, vigorous man might have taken. The Kaufering camps, without any doubt, were in deplorable condition. He only failed to take what measures a younger, more vigorous man might have taken. There is no proof of any participation in any incident, in which he furthered, or helped the conditions there. There was some testimony on the part of Berger to the effect that Eichelsdorfer beat with a rifle and with a stick. That, again, is merely one remote accusation. There is no proof that Eichelsdorfer ever carried a rifle or stick. The prosecution's own witness, there with him all the time at Kaufering Camp Number Four, stated that he never saw him ever carry a rifle or a stick in his hand. Doctor Fried testified, and you recall that he was a clerk, and saw him, and made reports. That is a bare accusation that has not been corroborated. It is a mere accusation. It cannot be considered as proof in a court of this



type. There is no evidence to show that he was a brutal man. The only evidence is the appearance he made on the stand. I leave that to the court's judgment, as to whether, by his actions or appearance, he can be considered a brutal man, who did perform the acts attributed to him. As to Tempel: He was in Kaufering, and it is admitted by Tempel that he beat the prisoners there, on some occasions, with a cable or a rubber hose. That is in the court's province, to decide the degree of culpability and the punishment. The other accusations against him — there have been attempts to ascribe to him certain deaths. No proof, again, of those deaths — only accusations. As a matter of fact, instead of corroboration, there have been facts, by prosecution witnesses, that all of these accusations probably did not take place. Doctor Fried testified in this court that the only time he knew of a transport that went out, was from Camp Number Four to Camp Number One. Berger said his brother was beaten to death on it, by Tempel. No corroboration, but bare accusation. So it is with every one of the accusations of death, resulting from acts with respect to Tempel. Bare incidents, without a bit of corroboration, either by the witness, or by the description of circumstances that would make such acts possible. As for Betz, there is not a single witness who testified against Betz. One witness mentioned his name; said he was a clerk, or report fuhrer, and pointed him out. There was not one remark — not one derogatory remark — against him. Betz only was unfortunate

enough to be a member of the army, and stationed here at Dachau. Not a single<sup>act</sup> of participation in any crime or brutality. He was a clerk in the office. The prosecution attempted to state that he was part of a general plan, because he wrote reports. Any clerk in any office anywhere must write what is put before him. If held to be a link in the chain because he passed papers from one desk to the other, then any messenger is as guilty as Betz. The only thing brought out is that he gave cigarettes and bread to the prisoners here. Again -- humanitarian acts. No participation in cruelty -- not a single instance. His statement admits to having slapped prisoners, on a couple of occasions. No proof -- only his statement, and the further statement shows that he can remember that he did slap criminal prisoners here, who had done wrong. They were Germans and not within the scope of the charges here. There is not one iota of proof. As to Endres -- again there is a question. Storr testified to all sorts of accusations -- all sorts of acts that Endres committed. He murdered right and left. On direct, cross, and redirect examination, he stated that he was certain that those acts took place in 1942. Every single Act that storr mentioned was in conjunction with capo Heiter. Then we find, on proof, that Heiter left in December 1941. Other witnesses were brought in, because the first witness was sure of the date, but they proved that he was wrong. The second witness, again, testified as to injections given. Again there is no corroboration. The circumstances surrounding this testimony

are just too convenient. An injection was given by Endres. The witness doesn't know what it is. He tries to rely on rumor to prove his charge. He claims to have seen Endres in Block Number One. No one was present. No eldest. No one but the witness. His testimony cannot be corroborated. He is ascribed to be responsible for a benzine injection. There was no one there to give any assistance; no one to see that pressure was put on the arm to locate the vein. No proof. No corroboration. No name. No identification of the alleged victim.

President: The court will take a fifteen-minute recess.

The court then, at 1615 hours, 11 December 1945, took a recess until 1630 hours, 11 December 1945, at which time the personnel of the court, the personnel of the prosecution and defense, all of the accused, the interpreter and the reporter resumed their places.

President: The court will come to order.

Defense: May it please the court, before we continue our summation, I desire a ruling from the court as to the procedure in argument here. The blue book, frequently used in this trial as authority, states a sequence of events in summation as follows: On page 36, in Section 10, which outlines trial procedure in summary military courts, -- also reference is made on page 37, Section 11 -- trial procedure in intermediate and general military courts -- Section 11 reads as follows: "The procedure in inter-

mediate and general military courts shall be the same as provided herein for summary military courts, except that....." and there are three exceptions, no one of which deals with the summation. Back to Section 10, subparagraphs e, f, and g: "When all witnesses for defense have been called, and the case for the defense is closed, the calling of witnesses by the prosecution, or the recalling of any witnesses, for the purpose of any rebuttal of witnesses for the defense or given evidence."

"f. A summing up by the prosecution, followed up by a summing up by the accused or his representative." "g. Consideration, and announcement of the finding." That, in plain, unequivocal English, announced the sequence of summation, and I submit to the court that a ruling, now, is desired as to whether this sequence will be followed. That is, whether or not the prosecution will have opportunity to answer argument by the defense, or not.

Prosecution: May it please the court, I am satisfied that this court is willing to hear any ~~evidence~~ <sup>argument</sup> that is thought desirable to be brought before it, for consideration. I am satisfied that this court is willing to hear any argument that may be made to aid the court <sup>in</sup> arriving at a proper finding or sentence. It is not disputed at all that the defense has the right to close. They have the right to say the last word. I am satisfied that there is no reason why this court should limit the prosecution to only one statement, or limit the defense to only one statement. Reserving always the right to the defense to have the final say, that is all we ask.

Defense: May answer to that is that the rules of procedure are adopted to insure an orderly process. The question of evidence, of course, is not involved. The only question is the procedure where by the summation will be made in this trial. Now, following the theory propounded by the prosecution, this could go on and on and on and on. Sometime, somebody, somewhere, has got to stop. This book has been frequently referred to as wonderful authority, by the prosecution, when he considered it fit for his purpose. I am convinced now, after four weeks, that we are operating under this book. And I submit that I desire to continue to operate under this book.

President: It is the desire of the court to hear the opinions and the views of both the prosecution and the defense until those views have arrived at their completion. Therefore, we will continue to hear both sides, until both sides are content that their views have been expressed thoroughly. We will conform with that which is clearly the view of the book, that the defense have the last word. Continue.

Defense: (Captain May) May it please the court. I would like to say at the outset that in commenting on the address delivered by the chief counsel for the prosecution, I am sure that all the members of the defense agree whole-heartedly in his indictment of Nazis. We think it is an awful thing the way the people in this country were subjected to the rule of Hitler. We do not

seek at any time in any way to defend it. The speech, as wonderful as it was, should<sup>not</sup> have been delivered at Dachau, however, but at Nurnberg. That is where Nazism is on trial; where the big frogs are, and not the little polliwogs. Also he amused us with his treatise on orders. I did not know that in this new era of things, that we didn't have to obey orders. Had I known that when the Colonel called me and ordered me to come on the defense, I would have been a happier man had I known that I didn't have to come. Because on the defense, the unpopular side in this case, we four have had to walk alone. Ridicule and shame has been heaped upon us because we represent the defense, through no choosing of our own. Little did we think, under the thinking of the prosecution, that we didn't have to obey. But, since it was an order that had to be obeyed, I thought of the words of Robert E. Lee, when he said that "Duty is the sublimest word in the English language." If it was my duty to defend forty Nazis, then it was my duty to come and defend them with all my vigor and power. We could have sat idly by, made a feeble objection now and then, for the record, and let it go. But that ~~is~~<sup>not</sup> my idea of duty. When called upon to defend, it was out duty and our obligation to defend with every power we knew, and all established law. What legal training and experience we had, it was our duty to bring to the court's attention. I think that we have done that. I don't think that I have

to explain that I am a Southerner. The court can take judicial notice of that fact. I am the grandson of a Confederate soldier, a guard, Private in the Army. He would be a war criminal today, because he guarded some Yankee prisoners — and not a one of them escaped. We could have sat by. We could have said a few things, but we didn't have to pursue the defense with the vigor that we have. There is a thing called conscience, and away in the wee hours of the morning, when we can't sleep, because of that I am glad to say that we defense counsels can say that the blood of nobody will be on our consciences. We have stood here with all the power and law that we knew to be right and just to defend what we think are innocent men. The blood of Gretsck will not be on my conscience; nor the blood of Schoepp, the Rumanian, who was forced to leave his country and his family. Schoepp didn't want to join the army. Take old grandpa Lippmann — the referred to him as grandpa — he didn't have part in any scheme; he's innocent. Nor will the blood of Debelow, whose identity was mistaken, be on my conscience. The blood of Schuls, the simple carpenter who had to do a job, to try to fill an order he didn't have the power to fulfill, will not be on my conscience. They say he should hang because he threw water on a fellow. Filleboeck and Wetsel were caught in the red-tape of German ration laws over which they had no control. The rations were determined by the Reich Food Ministry in Berlin, as the defense has well shown. These

rations were repeatedly cut by the German government, as the war progressed and food got scarce. The testimony of Doctor Lintmayer, later appointed to office by the American Military Government, substantiates that these defendants, Wetzel and Filleboeck, made every effort to get food. The testimony of Lintmayer, Killian Turber, and Mr. Weber all points to that fact. The witness Ritzler went so far as to say that he and Filleboeck took risks to get more food. Then, I think that we have shown beyond the shadow of a doubt, that these men were not responsible for the rations at the outcamps, but that that was the responsibility of the notorious OT organization. They blame Wetzel for the clothing. The record shows, by testimony given by his secretary, that he sent letters to Berlin. In the last hours of the trial, they bring this big warehouse in. It's forty meters wide. There is no testimony as to how long it was. They try to show that it was stacked with shoes, boots, and clothes. What about Filleboeck? Doesn't the evidence show that <sup>he</sup> made every effort to get food? What else did he do by going to Munich, and begging for an increase when the government cut the ration? What else could he do? Relative to the testimony that he was present at the execution of the ninety Russians. One witness, Jendrian, says "yes". Six witnesses say "no". Eichberger was there. He admits it, and that he took part in it. He says "no". Mahl was there; he says "no". Ruppert was there; he says "no". Weiss says he wasn't there; that he had



no orders. Wetzel says he wasn't there. Filleboeck says he wasn't there. Shall the word of one prejudiced man be the cause of the execution of this man, when all the evidence shows that he never attended? Simply because this one witness, Jendrian, thirsts for revenge on the SS? Yes, the smile on the face of Jendrian, as he testified, betrayed this testimony. What about Schulz? Rudolf Wolff swore that he saw Schulz slap and hit prisoners in September 1942. Prosecution says that dates don't amount to anything. The witness could be confused. But he didn't say that he was confused. When he was asked, in cross-examination, "Are you sure", had there been any doubt, he could have denied it then. He had other occasions, also, but, no — in his zeal to punish this man he swears that it was in September 1942. And the record shows, time and time again, that Schulz never arrived here until February 1943. Witness Wijowsky says that Schulz prolonged the work hours, reported men for punishment, and wouldn't let them go on sick-call. The Czech Colonel says that Schulz poured water on him. Karl Stroh, an outstanding man, was a prisoner here. He came from Salzburg to testify. A prisoner himself, he served as clerk, and knew better than anybody else what went on. The prosecution didn't dare to question him. He first said that orders for work came from Berlin. He said that Schulz didn't arrive until 1943. He saw him every day. He saw no mistreatment, and said that Schulz had nothing to do with

sick-call. He said that some Lieutenant was in charge here. He said that Schulz employed priests to prevent them from receiving harder work. He said that when reports were handed in against prisoners, he considered them, and, per his advise, threw them in the waste basket. Miss Elfreda Keller saw him daily. She said he had to turn out so much work in a certain space of time. She said that he permitted prisoners to cook, except in working time. Would any plant in the United States allow employees to cook at any time of day? She says the hours of work were set by Berlin. Degelow -- there is nothing against him at Dachau. Not one word. No mistreatment. But he was on that last transport, on orders. It doesn't amount to anything, but it was orders. He hit a prisoner with a bottle, was present at a tavern, drinking beer, but yet his identity was not clear. We have shown that his identity corresponds to that of one Captain Barr, who was also on the transport. It was shown that he wasn't in the town when the man was hit with the bottle. It was shown that he went ahead to get food, and to get a place for them to camp. It is shown that he stopped the march in order to save lives. I say to the prosecution that if you charge Degelow with a single death on that march, then give him credit for the lives he saved in stopping that march. As to Schoettl, I hope that the court can remember the witness who identified him. I can't pronounce the name -- Gabriel, and the last name begins with a "B". He said he saw him at the railway station, and saw him shoot a comrade by the name of Josef Jaritz in March 1945. It was shown

by more than once witness that Schoettl was in Kaufering, not Dachau, where this was supposed to have taken place, in March 1945. The commanding officer says so; other witnesses say so. That he could never have been in Dachau. Above all, the prosecution's witness, a man named Cheslick, searched the records and asked to look for the name of George Jaritz, the man supposed to be shot, and he says there is no such name in the records. To be sure, I said "Did you look under more than one letter?" He said, "Yes, I looked under several different letters." There was no record of such a man having been at Dachau. That is hard to believe, but when you look at the witness, the man, you remember, that went over and pulled him by the ears, his mind so prejudiced that he was willing to make any kind of story that he could, in order to attach this alleged murder to Schoettl's name, you can understand. They say that Lippmann fired into a crowd, that he separated father and son. What about this old man, Lippmann? Does he look to you like a brutal man? Does he look like a man that would mistreat anyone? His neighbors say "no". Mayer and Forster come in here and say "no"; they say that they have known him for years, and never heard of any violence on his part; that he is not the type of man to mistreat anybody. His old wife testified, and says that he gave food to prisoners; that they liked him. You can look at him. No wonder they called him "grandpa". No evidence of mistreatment, except from a witness who

came in, and in his thirst for vengeance, pointed to him. Kirsch and Kramer are charged with beatings. Consider the witnesses. A long line, all out for vengeance. No proof. They are supposed to have slapped somebody. He was taken to the hospital and he died two days later. The next witness: slapped a prisoner, took him to the hospital, died two days later. Over and over the same story of a man being slapped and two days later he was dead. The evidence shows that they found the camp in awful condition, and that they did their best to improve it. Pass sentence on Kirsch? He was shell-shocked in two wars. He is not responsible. Nothing definite was proved against him. All is supposition, inference. Mahl was here for six weeks. He beat a fellow at this plantation, whom he found cooking on duty. He admits it. Then a man named Metzler says that he killed twenty-six prisoners on that last march. Evidence shows that there were no prisoners on that march. They were civilian employees, and no twenty-six got killed. There were two Canadians, and one Pole on that march and they were not touched. We come down to Gretscher, the guard on that last transport. Who did he beat, kill, injure? What did he do? He was a guard in the German Army. In one breath the prosecution says that he was a guard, kept people from escaping, and should be hung because he kept people from escaping. Then the prosecution says "Yes, you left fifteen people on the side of the road, and you should be

shot because you left them, and didn't take them to camp. Hang him because he prevented escape, and turn around and hang him because he allowed them to escape -- that is the prosecution's argument. Schoepp was a reserve guard. He didn't have a gun. He was riding along in the train, as ordered. He started home to his native country, and ran into a former prisoner, named Fisher. He came and said that he was a political prisoner and they had been good friends. He invited him to go to his own home. The former prisoner and the former guard went home together. If he was a bad man, do you think that a former prisoner would have invited him to his own home. If he was a brutal man, or a man such as the prosecution pictures him to be? He was forced into the army. What could he do? He had no choice. As to common design, these forty defendants are like links in a chain, but you know that a chain is no stronger than its weakest link, and there are some weak links in this chain. Becher, Mahl, Knoll -- how could there be common design between those three and the SS? How could there be common design to murder between master and prisoner? Between the conqueror and the conquered? Yes, there are weak links, and also some missing links in that chain. Hitler is one of the missing links. He started it. Himmler is another missing link. Bongartz and Weiler -- you can't bring them in. You picked forty Germans and accuse them -- these forty -- of common design. What about Doctor Blaha?

He was a prisoner here. He was forced to do things that I presume he didn't want to do, just like Mahl was. They were both prisoners. Elaha admits that he performed operations, and took hearts out of people -- hearts that were still beating. Do you suppose that he wanted to do that? No more than Mahl wanted to put the noose around the neck of others. What about Siebold, the prosecution witness? He was just like Mahl. He was a capo, a prisoner ordered to <sup>do</sup> these things. Why don't they bring him in and make him a defendant. Is it because he was willing to turn state's evidence that he went free, and Mahl is sitting here accused? Somebody has to pay for Dachau, so we go out and pick forty people -- it doesn't matter who they are. You can go into the courtroom and pick out forty Germans, and get the same thing. Somebody must pay for Dachau. Yes, the prosecution has had the popular side. They had everything on their side. Their witnesses came eagerly, seeking revenge. From the crowned heads of Europe to the arch-criminals of Germany, it was easy for them to get witnesses. Everybody wants to punish somebody. Our witnesses were reluctant, or else afraid. Afraid of the United States Government. Afraid that they were testifying against the United States Government. Afraid that they would be forced to buck the rising tide. Afraid that the Prince would try to come back; that

they might put him back on the throne, and he would have men around him like Jendrian, Wolff, Siebold, and the whole array of witnesses. I don't blame the prince for refusing to admit that he was a Hohenzollern, because, if I remember correctly, the Hohenzollerns committed a few crimes. Have we forgotten them, and are now lined up with them? Have we forgotten the crosses in Flanders fields, and line up, now, with the Prince and his crowd, because he is mad because he didn't have wine and a pillow? Yes, he goes over and finds a mysterious warehouse. Did he make an effort to bring anything back for the prisoners? No. He didn't, but he had a chance to. He comes in here and tells you that it was covered and filled with supplies, and I say that he exaggerated, just as much as he exaggerated when he told you that it was forty meters, when we proved beyond a doubt that it was less than fourteen. In the words of Justice Jackson, at Nurnberg, what we do here, history will judge us for tomorrow. In the mad cry for blood, let us not stain our flag with innocent blood. If somebody must hang for Dachau, let's hang him on the truth, and not on vengeance.

President: The court will adjourn until eight-thirty tomorrow morning.

The court then adjourned, to meet at 0830 hours, 12 December 1945.

*William D. Denson*

WILLIAM D. DENSON  
Lieutenant Colonel, JAGC  
Trial Judge Advocate

Dachau, Germany  
12 December 1945

The court met, pursuant to adjournment, at 0830 hours, on 12 December 1945, at Dachau, Germany.

President: The court will come to order.

Prosecution: Let the record show, may it please the court, that all the personnel of the court, all the personnel of the prosecution, all the personnel of the defense, and all of the accused are present.

The interpreter and the reporter were also present.

Defense: May it please the court. We are aware of the irregularity of the introduction of evidence at this stage of the proceedings. I have here three letters which came by civilian post, and arrived here late yesterday afternoon, in the form of testimonials, unsolicited by counsel, and, as far as I know, unsolicited by anyone, in regard to two defendants. At this time I ask the court's permission to introduce these three letters into evidence. All of the letters have not as yet even been read by counsel for the defense.

Prosecution: I think that we should know what is being offered. Counsel says that he has not read them.

The interpreter then interpreted Defense Exhibit 27 for the Prosecution.

Prosecution: We have no objection to the introduction of Defense Exhibit 27.

The interpreter then read Defense Exhibit 27, as follows:



Robert Feix  
Frankfurt in Main  
Thorwaldsenstrasse Number 32

7 December 1945

To Lieutenant Colonel Bates, Chief Defense, Dachau,  
Court in concentration camp: I see by the papers  
that Weiss is also a member of the accused of the  
trial going on there. I feel it is my duty to  
certify about my experiences with Weiss. Starting  
on the 29th of January 1943 I was a political  
prisoner in Dachau, and came in the spring 1944  
to an outside detail near Bodensee, where I was  
liberated by the advance of the French Army on  
the 1st of May 1945. In the summer of 1943 camp  
commandant Weiss appeared at my place of work in  
concentration camp Dachau. He told me that, accord-  
ing to the regulation of Berlin, I was made full  
Jew. He told me it concerned nobody in the camp,  
and I should not talk about it and he would look  
out for the fact that it should not be known,  
and my treatment would not be changed, despite the  
decree in Berlin. This action, and the way I was  
treated by Mr. Weiss, most probably saved my life.  
Otherwise, I wouldn't have escaped my fate. He  
undertook this action all by himself, and without  
considering his own interests at all. About the  
behaviour of Weiss during my time in Dachau. I  
can only say that he was considered by the prison-  
ers as a humane person, and his spirit considered  
decent. This was told me by prisoners in Dachau  
for quite some time already, and since his presence

the treatment of the prisoners became much more humane. I give this declaration completely voluntarily, and with the feeling that, just because of these terrible atrocities which happened there, I have to step in for a man who possessed humanity in this surrounding, as I myself lived through it.

(Signed) Robert Feix.

Number 26-1945 Affidavit:

The foregoing is signed by the technical business man, Robert Feix, in Frankfurt in Main, whom I know personally, and his signature is certified herewith, official.

Frankfurt in Main, 8 December 1945

(Signed) Dr. Hans Rudolf  
Nelken

Notary. "

Prosecution: The prosecution has no objection to the introduction of the letter marked Defense Exhibit 26.

Interpreter: There is something on the back of Exhibit 27, which I hadn't noticed. On the back of the document there is this: "Charge value - 3000 RM, tariff paragraph 39, 1, RKO, 1/4 tax", and, over to the right of that: "4. - RM,", and, under that: "0,08 M", then a line is drawn and: "4,08 RM". That is evidently the tax of the notary public for the certification. It is a stamp beneath that and the same signature which appeared before -- Doctor Hans Rudolf Nelken, Notary Public.

The interpreter then read Defense Exhibit 26,

as follows:

" Otto Stuckrath, Rector. Wiesbaden-Biebrich, 23 November 1945, in Rosenfeld, 11th. To the defense counsel of the accused Doctor of Medicine Hintermayer, former camp physician of Dachau. As to the matter pertaining to your client, Doctor of Medicine Hintermayer, I have to state the following:

1. I belonged to the so-called "action prisoners" of the year 1945, and came into the concentration camp on the 17th of September 1944, and was known by the prison number 109294.
2. Doctor Hintermayer, I got to know when he examined me on the request of my father-in-law to release me.
3. He re-examined me in January 1945, without special request, and upon my request he gave useful drugs to me, immediately.
4. He told me, at that second examination, that, in case of new complaints, I should come to see him immediately.
5. During these consultations with Doctor Hintermayer, I had the same impression which I had during the World War with my Chief, Major General of the Medical Department, Doctor Frohlich. At that time he conducted twenty-six emergency hospitals in the district of the fortress of Mainz; therefore he was so piled up with administrative matters that he could not have a picture of individual wards, as to their true and daily status. It would have

easily done to notify all wards at inspections, that employees under him could clean conditions fast enough, which could be recognized as sufficient.

6. Doctor Hintermayer made the impression of me as being a responsible physician, who was suffering himself under the insufficiency of the physical care of the camp.

7. Mr. Honei, or Honey, an Austrian who was also an action prisoner, could give further statement about the activities of Doctor Hintermayer.

I was born on the 17th of September 1885, in Hahnstatten, Unterlauten. I am married and am living in Wiesbaden. My profession is I am public school principal, in office, and am Protestant.

Transportation by rail to the trial I have to refuse, for health reasons. If it is necessary, I ask about a statement under oath, at my place of residence, or for a passenger car.

(Signed) Otto Stuckrath.

Rector. "

Prosecution: With respect to the letter and inclosure marked Defense Exhibit 25, we have no objection to the letter, but the inclosure is a chapter from a book that is alleged to have been written by the author of the letter, and we do object to the introduction of any narrative, any story, that has been written by this Doctor P. Sales Hess. We have no objection to the letter, but to the inclosure -- five pages of a book by this author.

Defense: May it please the court, the letter is the composition, I presume, of the writer, as is the chapter of the book. As far as I can see, there is no distinction between the form of a document, that is, as long as it is the testimony, or words, of the writer. All we do is offer this for such probative value as the court may see fit. That has been the basis on which the court has received much evidence, including a patent medicine pamphlet. I submit that it has some probative value, and, therefore, offer it in evidence. It must be quite favorable or it would not be objected to so much by the prosecution.

Prosecution: I assume that the statement of the defense counsel, that he has not read it, is correct. I only know what the interpreter, Lieutenant Guth, pointed out. This man refers in his letter to five pages from a chapter that he wrote. As the purpose behind the writing of a book is to make it salable, the facts are given the necessary glossing over to give appeal to the public. There is an utterly different attitude behind the writing of a letter and the writing of a chapter in a book. He states here in his letter that he expects the book to go to the printer in the near future. I say that it would have so little probative value that it would have practically no value to this court in determining the issues before it. This from the very circumstances under which the book would have been written.

Defense: The prosecution offers the letter which refers to the chapter of the book. I suggest that, if the court doesn't see fit to accept the meat, that it need not accept the package.

Prosecution: We are not offering anything. I have stacks of mail as to accusations against them. We are not offering this. I am objecting to it. The defense is offering it, as I understand it.

Defense: That is correct, and I am still offering it.

President: Have you anything further to offer as to its probative value.

Defense: I have this to say: That the material in my hand, as far as I know, treats with one of the defendants. It is, apparently, an opinion, or relating facts, of the writer, regarding one of the defendants. As such, I submit that it has some value.

President: Does the chapter of this book have anything to do with the defendant?

Defense: I am sure that it does. As I said before, I didn't have time to read it all. I just scanned over it. It refers to the defendant Weiss. I suggest that the interpreter read it, and let the court decide if it has probative value.

President: The objection is sustained. Do you desire to put the letter in evidence, without the chapter of the book?

Defense: The letter is only a letter of transmittal. The chapter has to do with Weiss.

President: The court has made its ruling.  
Proceed with the trial.

Defense: (Major McKeown) May it please the court. Mr. President, Gentlemen of the Court. Yesterday Captain Niles spoke, and referred to a remark of Justice Jackson to the Nurnberg Court, suggesting that the court use some care in its deliberations. In 1864, in the United States of America, Lincoln, in his Gettysburg address, said, to paraphrase: "The world will little remember what we say here, but can never forget what we do here." I say that that paraphrase is very apropos of our situation here in Dachau today. The entire defense, as members of the court, were assigned by orders to attend this trial. As has been said by Captain May, some of us were a little perturbed by this assignment. We have given our assignment the best that is in us. I don't believe that anyone will deny that. I said before that I, personally, and Captain May, for another, was perturbed at the assignment, but shortly after the return of General Eisenhower from the United States, at the conclusion of the war, he made a statement here in Germany, the substance of which is as follows: "The United States occupation forces are not over here to govern Germany. They are over here to over look, to oversee and guide, the German people in the methods that we know are democratic in principle." For that reason, if the court please, I take a different outlook on my association with

the defense of SS men — of Nazis, so to speak.

Because, I submit to the court, what is the very bulwark of government, the very foundation of any government, except in its judicial system? I feel that this is an opportunity for me, as defense counsel, to demonstrate to the German people at large, and to these forty defendants in particular, the manner in which American justice is practiced. I submit, further, that this court has the historic role — yea, even the opportunity of demonstrating to the German people and the world at large — the manner in which justice, American justice is dispensed. Not dispensed with, but dispensed, in America. I say that, notwithstanding the fact that not one person, not one victim, in this entire case has been indicated as American. No American victims are in this case. Here we are, American officers sitting in judgment, trying a case involving nationals of countries with whom we were associated in the war, some of them. This court, I say, is in an historical position. Never before in the history of the world has a court sat in judgment — an American court sat in judgment where no Americans were involved, and where the only victims were the people of nations associated with us, and with whom we are now attempting to restore the world to its original state, as before this war began.

In that connection, it is necessary, while I think that, generally speaking, summations by lawyers to blue-stocking juries, and in my experience in summation to military courts, is a necessary evil.



Lawyers can talk, sometimes, ad infinitum, say nothing, and bore everybody in doing it. But it is necessary for me, in this particular case, to refer to the prosecution's case, which, I must confess, somewhat confuses me, and I do believe, and submit, that it somewhat confuses some of the members of the court. The prosecution, particularly Colonel Denson, yesterday stated in his summation of the prosecution's case, and I quote: "Not one thing is in this record to indicate that a common design did not exist." I submit to this court that there is not one iota of evidence, not one centilla of statement in the entire record showing that a common design did exist. I submit to the court that from the standpoint of the prosecution, from the standpoint of the plaintiffs in the case, that that is a most novel way of proving beyond a reasonable doubt; by saying that there is nothing to show that it did not exist. That is truly an amazing way to prove a case. To add to my state of confusion, Colonel Denson goes further, and says to the court, "The isolated case, -- the isolated case of misconduct by any one of these forty defendants <sup>is not</sup> on trial before this court." I submit to the court that the alleged shooting, by Boettger, is not to be considered by this court because we are working solely on common design, which the record doesn't indicate by any testimony. To go a little farther in the state of confusion. Yesterday the court, itself, stated quite properly that we are working under the theories of international law. So counsel for the prosecution, in his summation, cites Wharton's Criminal Law, section 296, and then goes on further,

and cites section 375, saying, in his citation "this is American criminal law", and then goes further and cites the applicable law in a decision by the Theater Judge Advocate, and then adds further to the state of confusion of the law in this case, by reading a citation from Wheaton's International Law, and then contradicts it with a statement from our own Technical Manual 27 - 10, which provides that orders are admissible in evidence for the purpose of mitigation, or, even, defense. Again referring to the statement of Justice Jackson, of June 8, 1945, which was cited by Captain Niles, "Orders are admissible in evidence, to be considered by the court as a defense and likewise can be considered by the court as circumstances in mitigation." We are all here on orders. Can we say -- can this court say definitely to the American public, which is watching with interest, and to the world at large, which is likewise watching this case, and our conduct of it, that superior orders of an army officer are not to be followed? For instance, take a little incident that happened here in this court, that was told to me as I walked out of the courtroom. The president of the court requested that the windows be opened. The courtroom got cold. A doctor in the audience said that the room was too cold. The guard said "I can't close the windows, because the general said that they have to be open." That is an example of the orders we follow in the army. That is the reason we are in the army. That is the reason we have generals, colonels, majors, captains, and lieutenants. So that we can have order; so that we can issue an order and have that order followed. If the general says that he wants the wind-

open, they stay open, that's all. Nobody's going to cross him. And if I say, in my office, that they will stay opened, they'll stay open, or I'll know why. If the court please, I submit to this court, just what does the prosecution expect this court to do in the decision of this case? They say that there is nothing in the record to indicate that common design doesn't exist. Therefore, they say, because nothing is there to show that it doesn't exist, it must exist. Therefore, you shouldn't try any of these men for their isolated acts of misdemeanor or misconduct. So what can we try? What is there, as far as the prosecution is concerned, for the court to consider in its deliberations? I must submit that this expression "common design" -- "common design" -- is an ethereal expression, from thin air. I don't know if the prosecution picked it up. I don't think so. I think they have been saddled with it, and don't know what to do with it, either. The only thing before the court is the individual acts of these accused. The prosecution says in its defense of common design that it is a plan to exterminate people; to exterminate a race, to exterminate people opposed to the then existing Nazi state. I submit that even the proofs in this case are contrary to that conception. Take Commandant Weiss. The prosecution admitted in their summation that he did not, here in Dachau, itself, exterminate anybody. They almost went to the point of ridicule by calling Dachau a rest-camp, because during Weiss'

time he was known as humane. Even these unsolicited letters indicate that he was humane. For the principal reason -- yes, I'll admit that -- that he could get them back to work. As long as a man is able to work, I submit that he is not going to die, and is not being given inhumane treatment, and there is no evidence of a plan to exterminate him as long as he is kept on his feet, able to work. Whether he wanted to work when he came, or not, this court is not concerned with that. It is only concerned with the extermination of a people, of a race, or of those opposed to the Nazi party. Again referring to Weiss, all of one hundred seventy witnesses paraded before the court; he is the only one who spoke of a plan, and it was upon my question to him: "Weiss, did you know of the existence of a plan to exterminate, to abuse, to starve people, that existed when you became commandant of Dachau?" And, with his military training behind him he answers "Nein". He is the only witness who ever spoke of any kind of plan in this court. To go further I ask the court to consider how could such a plan exist. How could these men know of the existence of such a plan, and, in furtherance of it, aid and abet such a plan, when from one minute to the next, like you gentlemen, and like any of us, and like the rest of the officers here, conducting this trial, they didn't know where they were going to be? Here today, and on some other job tomorrow. Weiss came here from some other concentration camp.

He came to Dachau. How long was he in Dachau? He was taken out and sent to some other job, supervising the building of other camps. Does that indicate any preconceived knowledge of a plan? None whatsoever. There is no indication that he knew of, or was aiding and abetting in the extermination of a people or a race. Take some of our doctors — Witelser, Eisele, Pühr — they were all combat physicians, all attached to combat units. They served on the eastern or the western fronts — I don't recall where it is indicated that they were. I believe that Witelser and Pühr were on the western front, and Hintermayer on the eastern front. They were attached to combat outfits, and suddenly transferred as troop physicians and doctors here at Dachau. Does that indicate that they knew, or had knowledge of a preconceived plan of extermination, or were part of a common design to aid and abet killings and atrocities here in Dachau. Colonel Bates said that we are not trying to paint Dachau white. That is not what we are trying to do, but where justice is justice, it must be served. A great hue and cry has been sent up by the prosecution that the doctors attended executions; that doctors were ordered down to executions, and attended them, saw people shot, saw people hung. I submit — "How atrocious"; we do the same thing in the United States. There is no execution in any of the thirty-six states that recognize capital punishment, in the United States, that is performed without the presence of a doctor to certify as to death. In New York — in the Tomcos — where

there are electrocutions, there always has to be a doctor present. He is sent there by the commanding officer of the State, the Governor. It is the same in Pennsylvania, in New Jersey, and the middle eastern States where executions by electrocution are held. Not only that, but the law requires that there be witnesses. In New Jersey, I know, twenty-three witnesses are required, including newspaper men, and morbid curiosity seekers, undoubtedly. To go back a little further -- down in rank a bit. The schutzhaftlagerfuhrers here in camp came and went as we do in the American Army. The first one mentioned, I think, was Zill. Then came Hoffmann, then Redwitz. I believe that Redwitz was the last we had here in camp Dachau. I don't recall whether or not testimony indicates that he served here under the last commandant, Weiter. Then there was Jarolin, and a man by the name of Kapp, whose place he took. Then there was Ruppert. Changes, just as in the American services. Here today, and out tomorrow. They did it that way in the concentration camps, and in the Waffen SS. The Waffen SS has more than one organization, more than one unit. A number of these defendants applied for front line duty in the Waffen SS. Some of them got it, and some didn't get it. Some had been obstreperous, maybe, as witness how some American officers are. They practically get a court-martial worrying worrying their officers for transfer into combat, out of the jobs

they now have. These men were all ordered to do the things they had to do, just as we have to do. We come to Suttrop, the mail orderly, the mail boy. He was just a mail boy, the adjutant in this camp. He had a predecessor, with a name beginning with Z, and after Suttrop came Lieutenant Otto, who was the last adjutant of the camp here. The outcamps had a lot of changes in officers. There was Langleist, and because of his statement, and because of his complaints to the superior officers, he was removed, and sent from Kaufering to Muhlendorf. I will speak of Langleist. If the court please, there is this statement, which is indicative of the difficulties with which the defense has had to contend. The witnesses testifying against Langleist have stated that in one of the construction gangs Langleist took a prisoner and threw him in the gravel pit, as a result of which that prisoner died. Langleist was called to the stand and I asked him what he had to say about that. To me, never a truer word was spoken in any courtroom. He said, "The witness is mistaken, in all probability, but to me that mistake is a fatal error." I think the court will remember his words, "A fatal error — that mistake." The difficulties which I started to mention have been manifold. We have called defense witnesses in here from these countries, whom we have been, fortunately, able to liberate from the yoke of the Nazis. We put them on the witness stand, after talking with them first, and then we get an entirely different story.

This was demonstrated definitely by several of the defense witnesses. The unique situation was the calling in of a witness, whose name was supplied to us by one of the accused here. The witness was called in. We asked "Have you anything to say against this man?" The answer was "No. He is a good man." "Will you testify?" "No." "Why?" "I'm a Polish man." To be fair — that is all we want to demonstrate to the world. That, regardless of the pain and suffering and tortures of hell that some men have gone through, that we can still be fair. Fairness is righteousness. That is what we have a job to do today, if it please the court. To demonstrate to the world that we Americans can fight a war, can win a war, and still be fair with the conquered, regardless of their position in that same war. One of the things most outstanding in that particular connection is Kick. Kick — who was the Stapo. I haven't been able to get it straight in my mind yet if he belongs to the Gestapo in Munich, or what. I think that testimony says he was. He interviewed prisoners. He was head of the political office — the head of it. He is charged here with hitting a man in the face with an ash tray. I think that was on the 11th of April 1942. There is some indication by the prosecution that he was present when somebody's fingernails and toenails were pulled out. There was the witness, Sergeant Edwards, of the British Army, who stated that Kick hit him in the face several times, as a



result of which he lost fifteen teeth of his lower jaw. Kick, when called back to the stand, states this fact, significant to me, I don't know if the court was struck that way, but he stated that when he was interviewed on one occasion by a member of the prosecution staff, Captain Heller, he gave to Captain Heller the name of Sergeant Edwards, the British soldier, who was the PW here, and whom he was instrumental in getting transferred to the PW camp. I submit to this court that if Kick had beaten Sergeant Edwards, as it has been indicated, that the last thing he would do would be to supply that name to anybody, including a member of the prosecution's staff. Whether it was before he was a member of that staff, or not. I submit further that, insofar as Kick is concerned, his secretary came in here yesterday, and on that stand -- she didn't know what questions she was going to be asked -- and was asked to identify the Englishman, she looked around the court. I submit to the court --

I have practiced law for quite a while -- and I have never seen a more honest demonstration on the part of a witness than Mrs. Wiley Ernest's performance before this court yesterday. The only thing against Doctor Fuhr, Doctor Eisels, Doctor Witelers, is that each attended executions. I submit that their acts, under orders, cited by the prosecution as a defense under TM 27-10 and 27-5, can be used as a defense, or mitigation, as the court sees fit. The same as our American doctors have to attend formal executions,

so did they. As for Weiss, we have the unfortunate situation that he is the only commandant present for trial. It is unfortunate that this court does not have before it, as defendant, Commandant Pior-kowsky, or Commandant Weiter, as well as Weiss. Can we say, as some people have indicated to me, personally, in this courtroom, that we Americans are putting on a show? That this is only a theatre. That is what we have been accused of. That is the reason that I take a pleasure in my role as assistant defense counsel, because it hasn't been theatrical. Can this court say that Weiss is not guilty of any inhuman treatment, or, in the converse, can it say that the evidence indicates that Martin Weiss was a cruel commander, and, because somebody under him in this camp kicked the ears off of somebody, or the teeth out of the head of somebody, or shot and killed somebody on the outside, during a transport, that Martin Weiss, as commanding officer of Dachau, was guilty? I submit that, if the court please, there is not evidence in this case to indicate the definite guilt of Martin Weiss, for anything other than being in the unfortunate position of commandant of Dachau. Now Suttrop -- a military orderly -- an adjutant who had no command functions whatsoever in Dachau. There is no evidence whatsoever that he had command functions. There is testimony by the prosecution's witnesses that he, too, attended executions. I submit, again, our bug-a-boo: orders. He was ordered down there. Whom did he see executed? There is testimony that he attended executions, but they were executions of members of

the SS, and nobody but the SS. Doctor Schilling — Doctor Schilling is a scientist, a man seventy-four years of age, who spent his life studying science. He spent his life studying tropical diseases. At the beginning of this conflict he was called upon to discover, if possible, something that would relieve the sufferings of troops, from malaria. Back in 1902 Walter Reid, was called upon by the American Army to discover the cure for the scourge that was affecting the American troops — yellow jacket. Walter Reid, back as far as 1902, experimented on human beings. If the court is familiar with his history, it knows that they were voluntary, so to speak, because he paid them. He paid them each two hundred dollars for there submission to his experiment. He used immigrants. some of whom, probably, didn't understand, or know what he was talking about. but for two hundred dollars probably would do anything, including that. In the USA today we have the leading scientist — one of the leaders in the world — who experiemtns on malaria — Mark Boyd, in Bellevue Hospital. I believe that he has a regular TB and malaria station that he is experimenting on at Tallanassee, Florida. He, too, is using human beings. True, they are voluntary. I don't deny it. He is using human beings, as indicated before in the book which I had here in court, written by Admiral Stitt, who is also a leading authority on tropical diseases Even in Stitt's writings, he refers to the use by

Mark Boyd of human beings for infection with malaria. Is there anything, gentlemen, in the experiments by Doctor Schilling, in his research work on malaria, that Boyd in New York and Florida hasn't done, and that Walter Reid didn't do with his experiments on yellow jack, except the voluntariness of his patients? That, I submit, gentlemen, is most easily explainable insofar as Doctor Schilling is concerned. A man in the very late fall of life — seventy-four years old. An opportunity of a life time is offered to him, a scientist. As a scientist, he has seen death on all sides, to the front, the right, the left, and to the rear, throughout his career as a scientist. He is not a Nazi himself, he is not a member of the SS himself. He is studying at the time in Koch Institute in Rome. He is offered the opportunity of countless numbers of patients to experiment on here in Dachau. What was the condition in Germany at that time? The concept of law, except that which the Nazis knew, had been broken down. All previous rules and regulations that had existed prior to 1932 had broken down. And the leading exponent of it all was the man who offered him the job — Heinrich Himmler. He said, "Doctor, here is a laboratory. Here are a lot of people the Nazis don't like, and who don't like the Nazis. You can use them for your experiments." So, in a moment of weakness, this scientist, the international scientist that he is, grabbed the opportunity, and performed his experiments. People have died under the inoculations

of Yellow Fever performed by Walter Reid. His best friend, by the name of Lazee, was one of the first innoculated. Men have died of all kinds of innoculations, including malaria. Mark Boyd's volunteers have died. There is a great deal of uncertainty in the USA today as far as I can understand it, as to whether Doctor Schilling's experiments here at Dachau actually discovered anything for the benefit of humanity at large. There is a difference of opinion, I believe, in army medical schools today. The principal reason is that we don't have in hand what he did find out. We don't know. I submit that, if the court please, he has done nothing, under the circumstances as they existed here in Germany, when he started his experiments in 1941, with the breakdown of all kinds of law as we in American and in the world outside of Germany understand it -- he has done nothing that should condemn him in the eyes of the law. Now, sure, he is a medical man. If he has done something that is unethical in the eyes of medicine, that is where he should be. We have known any number of instances, throughout history, where medical men have been unethical. As a result, some patient died. What happened. He was tried before a medical board -- not a military tribunal, or court of any kind. The medical board had to determine the conduct of his medical practices, and Louis Pasteur was one of these, if memory serves me. His license was taken away, and he was no longer permitted to practice medicine, no longer permitted to practice science. If that may be done by this court, if

it has the power to do that, I don't know. But if it is done, humanity — will humanity be in any way benefited from any discovery that he may have possibly made in the course of his experiments here at Dachau, and will it have the benefit of the mass numbers of experiments that he was allowed, and had the opportunity to perform? Foerschner — Foerschner was commandant of all the outcamps of Kaufering. One of the witnesses testified that he mistreat prisoners. Another witness testified that she saw Foerschner, or he saw Foerschner stoop down and pick up a stone and throw it at a prisoner, hitting him on the head, and a couple of days later the prisoner died. I submit, gentlemen, that some of you know a Nazi soldier better than I. Some of you know Nazi SS soldiers better than I. Some of you were in contact with Nazi panzer divisions, Nazi Infantry divisions. I submit that you will never see a Nazi or an SS Major stoop down and pick up a stone and throw it at anybody. They just don't do it. It is beyond their training. Not a Nazi Major — a Nazi SS man Major. They don't stoop and pick up stones. Ruppert was here in camp, coming on the 6th of August. He is charged with having met a transport, and having the people taken to the crematory. Actually, Ruppert didn't report to Dachau until that day, and suffice it to say for the dates that both Captain Niles and Colonel Denson have indicated that there is reason to expect some discrepancy in dates. The question is: Did the thing happen? The defense doesn't expect that its dates

are to be taken as Gospel by this court. He attended the execution of some Russians. He is alleged by Oscar Muller to have mistreated working details. Father Stvarik says that he mistreated prisoners in the last few days of concentration camp Dachau. There is no testimony in this court on behalf of the prosecution that he was in on this common design, but he is alleged by these witnesses to have mistreated prisoners. He has killed nobody. Nobody died as a result of his mistreating. I submit that, as a result, the court will have a difficult time, not only with Ruppert, but with a lot of these forty defendants, in determining if they had part, or on the theory that they are to be held for their acts here, which have been brought out by the prosecution, such as murder, beating, whipping, and things like that. Jarolin -- Doctor Blaha testified that he was present at hangings. Again -- orders, in which case he testified that it was necessary for him to be present at these hangings. Rudolf Wolff testified that he beat prisoners, and scared prisoners with a pistol. There is no testimony that he shot and killed people. Father Stvarik said "He beat me." Jarolin on the stand admits beatings; as I recall his testimony, he said "slappings", not beatings. Wolfgang Fuhrer, in his testimony, stated that Jarolin beat prisoners, old men, and then said that Jarolin shot and killed three prisoners on the outside of the bunker. That testimony is, to

my way of thinking somewhat tenuous, in that there is no direct evidence that Jarolin did shoot patients. He denies it. There were three people dead, according to Fuhrer's testimony, on the outside. Aside from that, what evidence is there that it was Jarolin that did it. Jarolin is supposed to have been around with a gun, as I recall the testimony. That still is rather weak evidence to convict a man beyond a reasonable doubt for the murder of three people. The court has indicated, prior to the time this case started, that it would consider the doctrine of reasonable doubt. Where there is reasonable doubt, it should be resolved in the favor of a defendant. I don't mean that it should be proven beyond a a preponderance of doubt, but a reasonable doubt. If there is a reasonable doubt, I believe that it will be exercised in behalf of the defense. Father Hoffman testified against Jarolin, stated that he mistreated a prisoner and beat the clergymen. Opitz testified that Jarolin beat prisoners in the bath with the oxenhammer, and hung them in the bath. Langleist, as indicated before, was an SS Major, who threw -- he was alleged to have thrown a person down into the gravel pit, as a result of which -- again that same sing-song goes through my mind -- two days later he died. "Did you go to the hospital to see him?" "Yes. Two days later he died." That is the tenor of the testimony against Langleist. Somebody also testified that he picked up a piece of wood and hit a prisoner of war. Again: He was taken to the hospital and two days later we couldn't find him any more. I don't know if he died or was trans-



ferred out of camp. That is an unfortunate thing you will have to determine. Langlois said "The witness probably is mistaken, but for me that is a fatal error." Never a truer word was spoken. Boettger is supposed to have, in the presence of commandant Weiter, his Sergeant Edwards, a British soldier, in the face and knocked him to the ground. Sergeant Edwards came in here, especially from England, for the purpose of testifying what happened to him. Boettger denies emphatically that he would have dared at any time to have struck Sergeant Edwards in the presence of his commanding officer, Commandant Weiter. It resolves itself into a question of fact for the court to decide. I cannot decide it -- that is your function. It is Sergeant Edwards against Boettger; Boettger against Sergeant Edwards. What is the true situation? A man by the name of Wolff testified that Boettger, on the last transport, shot and killed a Russian, I believe, in the vicinity, or on the road to, Starnberg. Boettger denies that. I submit, again, to the court that again we come into the question of reasonable doubt. Reasonable doubt. Here we have a man fighting for his life, so to speak, because here is a murder charge lodged against him, and he is charged with having shot and killed a Russian. Is he telling the truth? Did he tell the truth, and did he accurately describe his position on the transport on the way out of this camp in the last days? I submit that my version is that Boettger is testifying to the truth. Why would he shoot a man lying on the side of the road? That is the only question. Why? Why would he do it? Is

that part of the prosecution's common design of extermination — to shoot a man that they were taking out of the camp? True, Boettger admits that he did slap people, and that he attended executions under orders, by taking people down there in the cart. That was his job — to take them down and see that they got down there in time for the execution. For that he is guilty of a crime. For carrying people down — which it was his job to do. For getting them together, and escorting them to the place of execution. He had no alternative, and now he is charged with being a criminal for that kind of an act.

Redwitz is charged here with making insulting speeches to the priests in the camp. Father Stvarik said that he mistreated prisoners. Redwitz was second in command in this camp during the Weiss regime. He was next ranking officer in the camp when Weiss was away. There is no testimony in this case to indicate that any actions of Redwitz were of a criminal nature or character. One witness, I believe, testifies to something about his getting drunk once in a while, or frequently, as a result of which he acted like an old fool. If he was drunk when he made those insulting speeches about the priests, or to the priests — drunkenness we know is not a defense, but nevertheless it is an element that can be considered by the court in mitigation of practically any crime — in mitigation. That, if the court pleases, with the exception of Doctor Hintermayer, concludes my remarks. Doctor Hintermayer came here as camp physician. He came

here as a doctor, and he was second, then, to Doctor Witaler. Witaler left, and Hintermayer was made chief camp doctor a month or so later. Doctor Hintermayer has yet to prepare a thesis which will entitle him to a degree, so to speak, of Doctor. We have practically the same situation in the United States. A man has to go so long to a hospital and be an interne. He writes his thesis and then he gets the right, and a diploma, to practice. Except for that thesis that he had to write, he was in all respects a doctor. He had been acting as a troop doctor on the Russian front. He had received a wound — a concussion or fracture of the skull — he testified, if the court will remember, that he got it on the Russian front. As a result of this wound, he was returned to the zone of interior, so to speak. He was given the job of second doctor at Dachau. He didn't ask for this assignment, and he didn't ask for the assignment as first doctor. As the closing days of the war approached, with the Russians coming from the east, and the Americans and the British from the west, they were evacuating camps halter-skelter and dumping the people into Dachau without permission and without previous knowledge. They came here sick, sore and disordered. As a result, an epidemic broke out, what they called a Fleck Fever and Typhus epidemic. The Americans and the British and the Russians, through their Air Corps, were demolishing every possible means of

German communication and transportation. Medicines were unable to be had. They couldn't get them from the main house in Berlin. Because of their inability to get them from Berlin, and because they couldn't use what may have been around here in camp, -- the medical hospital in Munich or the SS hospital here -- he found himself in a most unenviable position. What could he do? He did the best he could. He wrote letters demanding this, asking for that. They were still dumping sick people in on him, and for that he is being charged as a war criminal, because he couldn't get medicines, and there were no means to transport them here if he could get them. He is being charged with the execution of two pregnant Russian women at the crematorium, by injections of evapenatrium. He was ordered to do that. Even the statements introduced by the prosecution, obtained by the prosecution from Hintermayer, say that he was ordered, for humane reasons, by Weiter, to inject some drug into these two pregnant women, because of the fact that they were pregnant and, if hanged as ordered, not only would the life of the women be sacrificed, but also the life of the child. Out of humane reasons, even Weiter, never known to be that way before, suggested that they be put to death with evapenatrium, a sleeping drug, as a matter of fact. True, he is supposed to have attended executions as a Doctor, too. I submit, again, there are your orders to do your duty. We on the defense feel that we have done our duty, and hope that the court feels the same.

President: The court will take a fifteen-minute recess.

The court then, at 1000 hours, 12 December 1945, took a recess until 1015 hours, 12 December 1945, at which hour all the members of the court, the personnel of the prosecution, the personnel of the defense, all of the accused, the interpreter and the reporter, resumed their places.

President: The court will come to order.

Defense: Opening argument for the defense is concluded.

MCCLUSKEY

Prosecution (Captain Linas): May it please the court, in the argument by counsel in this case, in cases of this type, there are two types of argument which can be made. You can argue the facts, if you have the facts on your side. If you don't have the facts, you can make an emotional argument. Let's look at the facts, as developed in this case. But one thing the court should remember, in considering the facts which have been developed on this witness stand, is that we are not denied the right to apply to those facts your own knowledge. To the contrary, you are enjoined to use what you know by your own senses. For example, for several weeks you have been driving in, moving about, and observing the camp of Dachau. You have seen houses, these huge, magnificent concrete and stone buildings outside the prison compound, which were occupied by the SS in the days of the SS. You, in turn, have seen, or can see, the miserable wooden shacks inside the wire compound there, that for twelve

years was the concentration camp -- that was the best they offered the prisoners, for twelve years. But, outside, they had nothing but the best for the Nazis and the SS. You have seen with your own eyes, and you may apply that knowledge to the facts. There is, in evidence, a map, identified by the maker. You can see on that map the little corner that was the concentration camp where they had ten, twelve, fifteen, and thirty thousand people. It was never enlarged, never changed. It remained just as it was originally. This tremendous German nation, that could darken the sky with planes, and cover the ground with tanks, could spend men by the thousands there at Muhlendorf, here at Dachau could not push back the barbed wire and build a few more wooden shacks for the prisoners. Does that prove anything to the court by way of design as to what to do with people here? Where did these people come from? There has never been any answer from the stand. There were some Germans, professional criminals. But the ten, fifteen, twenty, and thirty thousand -- who were they, and where did they come from, and why were they here? None of the defendants answered that -- they never could. Witness after witness for the prosecution said "I was arrested for no reason at all. I ended up at Dachau." Father Weicki was arrested on the street in Gdyna, Poland. He was arrested and sent to Dachau for no reason. When the prisoners got here they walked inside a little enclosure.

Whom did they meet? Some of these defendants, who operated within this operation, this big scheme, this big design. Perhaps they first met Welter, the labor service man. Perhaps they had been standing on roll-call — perhaps for hours, perhaps for days, in any kind of weather. Then, perhaps, they were put in blocks which were, as Redwitz said, built for two hundred fifty to three hundred persons. Ruppert says that they put twelve and fourteen hundred people in these blocks. Testimony says even more were put in the blocks. How they did it, I don't know, but the defendants say that they did put them there. Hundreds and hundreds and hundred of them. After they were in the blocks, they got their names, addresses, professional occupation, and then they met Welter. Witness after witness, on that stand, testified as to his conduct — Wolff, Brieding, Storr, Seibold, Blaha — witness after witness after witness. They testified as to beating with fists, brutal beatings, selection for crematory details, selection for Doctor Rasher's experiments. That is the man, Welter, who, on the stand, said, "Yes, I slapped some prisoners." And this out of consideration for the prisoners. He never did beat them, then, but gave a little slap with the open hand, that is all. Never has a man got on the stand and admitted that he beat anybody. Just slaps with the open hand, that is all. Then Welter has the audacity to get on the stand and berate a fellow German because he got there and told the truth. Now, they

wouldn't be in camp long before running into Redwitz. What does he say about himself in his own statement? About that statement he says, first, "Those weren't my words. They are somebody else's." Well, there is a man on trial for his life. He gets on the stand, unsworn, and says thus and so. Several weeks before, under oath, before he was infused into the case, before he knew who his codefendants were, he had something else to say. What he said originally is verified by the sworn testimony of an American officer. Which are you going to believe? What he said first, before he knew that he was accused, before he knew who the rest of the accused were, sworn to before an American officer, or what he says, unsworn, as the accused and knowing his codefendants? Redwitz said, "All leaders worked together." He stated that the beating of prisoners was directed by himself, or Weiss, or Lippmann. He recalls one time that fifty were beaten. He was present at, at least, forty executions, all of them carried out by him. He says, "When Weiss was present, he personally directed; otherwise, I would." Other defendants in their statements, say likewise. Witness after witness after witness has testified as to what Redwitz did. Now, it might have been the misfortune of one of the people who came here to have been sent out to the Kaufering area. Horror beyond description has been admitted and conceded by the defendants here. The lodgings were holes in the earth. Foerschner testified to hundred of deaths per week. The prisoners

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lived under conditions that you wouldn't permit a pet animal to live under. How did the SS men live? Langleist got on the stand, followed by a friend of his named Kastner. He says that he remembers thus and so; he remembers a farewell party "we had for Langleist before he was moved." When asked what they had to eat, he answered, "A simple meal; only soup, meat, potatoes, vegetables -- nothing fancy -- that's all. This at the same time when the defendants concede that prisoners were starving. That is the kind of meal the SS were eating at Kaufering. At the same time that the SS had fine living quarters, they themselves concede that the prisoners were living in holes in the ground. Doctor Eisele says that conditions at Muhlendorf were "utterly catastrophic". Tempel was asked, "Isn't it a fact that people were starving?" He said "They were badly undernourished." The prisoner might have run into Kramer after they were brought here on a transport from Warsaw, the transport on which many died. Witness after witness after witness got on the stand, and testified to almost continuous beatings. He was in authority. That was his place in the scheme of operation out there at Kaufering. Continuous beatings. At the same place was Langleist. Langleist said that someone made a fatal error. He couldn't remember about that road -- he had difficulty about the gravel pit. He was followed on the stand by Kastner, who was asked "When you went to visit Langleist, you

had to use a road? Is that correct?" "Yes."

"Was the road being repaired at that time?" "Yes."

"Was there a gravel pit in the vicinity of where the road construction was going on?" "Yes." That was his own witness. "Yes, there was a gravel pit there, of course." Then Langleist gets on and says there was a fatal error. He was commanding officer there and went from there to Muhlendorf, where conditions were equally horrible, as the defendants said — Doctor Eisele, in particular. Langleist says they lived in earthen huts. Now, the chances are that if that man, this prisoner, stayed here in Dachau, he would not have had much contact with Suttrop. We had better switch to another man. The original man is most likely dead. He didn't see Suttrop. I submit that most of us have been, or have had, an adjutant. I dare say that an adjutant does more than tote the mail. I don't have to tell this court the duty of an adjutant. When he is reduced to the rank of mail boy and messenger, that is ridiculous. He was a first lieutenant in the SS, the adjutant of the camp commandant in a camp like this, an installation of thousands and thousands of people. He did more than tote the mail. Suttrop in his own statement remarked that the six departments here couldn't work without each other. He was adjutant here under Plorkowsky, Weiss and Weiter. He conceded that executions occurred here, that they were ordered by the Gestapo office. The camp commandant set the time of the executions. Invalid transports went out while he was

here. Execution lists went across his desk. He was identified by Redwitz as being present at executions, and, on occasion, as directing them. He was identified by Mahl and Trenkle as having directed executions at Dachau concentration camp. Mahl operated at the crematorium, not at the rifle range, where Suttrop said he was when he went to executions. If our man had stayed out at Kaufering he might also have had the misfortune of running into Kirsch, the man who has headaches. He was a man of responsibility. We have testimony as to his continuous vicious beatings. He is part of the big scheme, which was extermination, out there. We have got another man in the same position — Moll. One rather interesting thing about him is his own statement that when he was at Camp Number Two, he was in charge, during the absence of Vincenz Schoettl. There has been testimony that Schoettl is the man at Dachau during the time when they say he was out there. I call attention to the fact that he never took the stand and never denied it. It stands undenied in the record now. Moll says that he was frequently absent, and I submit to the court that this camp was the headquarters. It is not very far distant from the outcamp, and was the logical place where a man like Schoettl might frequently come for an afternoon, or a day, or even a few hours, on a visit. Moll himself testified that he shot twenty-six people on a march, and was identified by a man on that march. He would scarcely get on the stand, and say "Of course, I shot them." He would

obviously deny it on the stand, not under oath. where he is fighting for his life. I submit that there is ample testimony to fit Moll into the scheme of operations, as he was in charge of this march which went out. Schoettl himself was a man in a position of responsibility who didn't take the stand to deny accusations. He admits to having beaten people. He admits that the food was insufficient and that the living conditions were unfit for humans. He admitted that, and never took the stand to deny the shootings with which he is charged. Heaven forbid that anyone of the prisoners ever ran into Willie Tempel. But it was virtually impossible not to. Again we have a person in a responsible position, in charge of the work details. He took shoes from the sick and gave them to the well prisoners, and sent the sick back through the snow to live for a while in the earth huts, and then to die. In doing his job he beat, beat, beat, beat, continuously, and admits it on the stand. Witness after witness after witness testified to the results of the operations of his work details — death. Toward the end, a transport went out and on that transport were Lausterer, Gretch, and Schoepp. It has been stated by one of the defense counsels that Lausterer was not identified by Opitz. That is not correct. He did not identify him the first time. He came down, and was asked if he was satisfied. At this time he did go up and identify Lausterer. I submit that he was identified

by Opitz. Now this transport goes out. On the transport of Gretch, for instance, he says that he went with the prisoners. He saw dead prisoners who died from exhaustion. He saw them collapsing along the road, into ditches. He wasn't letting them escape -- they were passing into death, they weren't going to live. He was part of the operation, admittedly death, for a large number of people. Take the Gretch's away, take the dogs away, take the weapons away, and many would have lived. He was present. He herded them on through the snow, the cold, the rain, without clothes and without food, while they were sick, and they died. He was part of that operation. When Lausterer got to Seefeld he made an effort to do something for the sick prisoners. It is interesting to note what he did. He says they were sick, they were dying. Now, what would the obvious move be when you have dying people on your hands. The first thing would be to get doctors, nurses, to get them to a hospital, to get them under covers, under blankets, to get them into beds. What was done? He did the best he could -- granted. But he wanted to get them into a shed, out of the snow. It is rather interesting to note how far the thing carried in what he wanted to do. Not a matter of hospitals, doctors, nurses, but get them out of the snow, as they were dying, and get them under cover. Josephine Moser, who participated in helping those people, said, "I went home and got several boxes of coffee." The

The people had it right to hand, while these people were starving. That has been borne out time after time by witness who said, "I gave food and coffee." They had food to give away/ Packets and packets and packets of coffee to give away, which they needed so badly after being starved in the concentration camp. Again, Lausterer and Schoepp are both part of an operation which carried death. They were part of this scheme, to this plan, to this system, without which many people would have lived. Now, Wetzel and Filleboeck were present here at Dachau. Wetzel says, "I worked hard for these folks. I went out and bought some extra bones." Bones -- b-o-n-e-s. I don't know who got the meat off of these bones, but it was off before it got to this camp. He wanted to make soup with those bones. It is interesting to note, in connection with his own statement, that he had peas and beans which would have been sufficient for eight days supplies. They were not distributed because they were not covered by requisitions. That was not the reserve. They wanted to keep that supply in case the other reserve broke down. And people were starving all the while. He says that he was responsible for the food and clothing, at Kaufering, of which there was virtually none. At the same time, there was a warehouse full of it, here at Dachau. He says, in that regard, that they were SS houses, that he didn't have anything to do with them, and that he couldn't fool with that at all. At the same

time, people were starving, and dying, at Kaufering. It is admitted that the SS got better food than the prisoners, both as to quantity and as to quality. Fillebebeck is in the same situation. He admits that people did die of starvation. He was in charge of the food. The people died because they didn't have enough food. That is something that should be remembered. You can give a man a gun and tell him to go out and shoot, and that is murder. Give a man some orders, and say "Feed this much food". If it isn't enough, and they starve, that's murder, too. Those two men killed more people than anybody else here at Dachau, with the possible exception of Doctor Hintermayer. That's a big picture. A little man can contemplate the picture of shooting a man, but when you encompass the entire picture of the starving process, for which these men are responsible, that is murder. Now, again, on one of these marches was Fritz Degelow. He admits that people died, He admits that he was in command. He says that he stopped of his own volition to prevent a greater catastrophe. He admitted that it was a catastrophe already. He got orders, he continued, and more died. The greater catastrophe did occur. He followed orders and people died because he did follow orders. Fritz Becher -- sadistic beater, savage and vicious -- you heard the testimony about the four hundred priests who died in his time on the block. You heard of the specific man who died. Need any more be said? He was put in a position of responsibility by the SS. He

accepted, and carried on. He followed through; people died. That, again, is part of the big scheme of operations, and his part in it. That is true as to all of these men. That is the same as to Mahl. He asked for a job in the crematory, and got it through a good friend. He said that he participated in between eight hundred and one thousand executions. He asked for the job. That is his part in the design. That is where they went next, after they had been killed by the others. They went to be cremated. They were hanged or shot, down there. For eighteen years, since 1927, he was a member of the SS. Here at Dachau, or out at the bycamps, he had a lot of men under his command. He stated that when he was at Kaufering the prisoners were underfed and underclothed. What do the other defendants say? He's a poor, sniveling old man, now. He was identified by Weiss as being at the prisoner compound during his term. He was identified as present at the shootings. He was identified by Trenkle as present at, and directing, executions. He was identified by Ruppert as taking part in them. Now, when having executions at the crematory, there is humane Lippmann, participating and directing, the men who worked there said. As far as Neidermeyer is concerned, the counsel's statement is not correct. In the Hadermeyer case, at Wiesbaden, the man who took the bodies and buried them, got twenty-five years for his part in the activities. This is not the first time. It might have been the lot of somebody who came here to have



worked under Otto Schulz in the armored works. Steiner testifies for Schulz. He had this to say: when asked what he knew about Schulz, he hesitated, he looked down, then up, and said "Schulz was not the worst. We got the testimony as to how long they worked there, the beatings that occurred, and the fact that they were working on personal items for Himmler, bossed by the German Army. They said they had to get it out. Witness after witness testified to the activities of Schulz there. Now, we make no apology for the witnesses that we have presented on our behalf. We are very sorry that there were a large number whom we would have liked to present, but they were not available. Their number is legion, but they are all dead. They would have been the best witnesses in this case, for they came into this little barbed wire enclosure, were starved, beaten, murdered, didn't get medical treatment, were crowded into barracks by the hundreds, and ended by going up the chimney in the crematorium. I would like to have gotten them. I am sorry they are not available. When the history of Nazism is written, it will fill a library. A horrible library. Certainly one shelf would be marked "Concentration Camps", and one of the biggest books on that shelf would be marked "Dachau". It is a horrible book. It is almost completed — not quite. When you think of the memory of the thousands of martyrs who died here at the camp, and the outcamps, at the hands of the operation conducted by these defendants,

remember that a camp doesn't run by itself. It takes people, individuals, and these are the men who did it. When you remember the big operation that the conducted, their place in it, the part they played, and the result of that operation, when you bring in your finding and judgement on this group of men, these forty men -- if you keep that in mind, we have no fault to find with the results of this court, as they apply the facts to these forty defendants.

Prosecution(Lieutenant Colonel Denson): May it please the court, counsel for the defendants has stated that they do not understand this "common design". That the prosecution does not understand this "common design", that the prosecution was saddled with it, and has had to stick with it. Yes, the prosecution was saddled with the truth, the prosecution has shown to this court, by the evidence presented, the existence of common design. Counsel for the defendants has seen fit to choose one sentence out of the opening statement of the prosecution to the effect that there is no evidence that common did not, in fact, exist. Yes, that statement was made, but that statement was made in conjunction with, and after, evidence had been described and pointed out to the court, of the existence of a common design, and not to this minute has a single counsel for the defense sought to explain away the existence of invalid transports as being evidence of

the common design. Not to this time has a single counsel for the defendants raised voice to explain away the inference that can be drawn from the magnitude of this operation as being evidence of a common design. Those are but two of the main factors that have been pointed out to this court as being evidence of the existence of that common design, and the reason is fairly obvious as to why they have chosen to ignore that phase of the case. They have no answer because it is apparent on its face that there was a common design to bring about the murder, the tortures, the beatings, and the starvation of these prisoners here at Dachau. They ask this court to administer American justice, to try each man on the facts of his own case. Yes, we ask the court to administer American justice. The only difference between the request made by the defense and <sup>the request</sup> we make is as to the type of conduct we ask the court to examine to determine the culpability of each one of these accused. As was pointed out in the opening statement, they wished that this court would determine the culpability of Eichelsdorfer by the number of prisoners he shot, of Tempel and of Jarolin by the number of prisoners they beat or killed. We do not ask the court to apply that test at all. We ask that the court first determine whether or not there was, in fact, a common design to kill, beat and torture and starve these prisoners. If there was no such common design, then every man in that dock should walk free because that is the essential allegation in the

particulars that the court is trying. As to examination of the specific conduct of each one of these accused, the test to be applied is, not did he kill or beat or torture, or starve, but whether or not he encouraged this common design. Did he, by his conduct, aid or abet the execution of this common design, and, finally, did he participate in this common design? It is unfortunate that the defense counsel are unable to understand English, because the particulars state very clearly that these individuals, acting in pursuance of a common design, did subject prisoners to killings, beating, tortures, and to starvation. That, may it please the court, is the test we ask this court to apply in determining the culpability of each one of these accused. Counsel does not feel it necessary to go into the statements made by the defense counsels with respect to each one of the accused that they discussed. They would, as was anticipated, take each man and attempt to point out any deficiencies, or possible conflict that exists. As to whether or not Endres injected a particular man at a particular time. It is not felt necessary at this time to answer such argument. They did not deny in any way that Endres participated in this design. They could not deny it. The testimony that has appeared before this court is much more convincing than any argument that I could make, as to

his participation in aiding, abetting, encouraging that common design, or as to the aiding, abetting, and encouragement that each one of these forty men did with respect to this common design. That is the test that we ask you to apply. There has been some argument made to the effect that there are missing links in this chain. True enough, but it is certainly a novel proposition that these forty men should be acquitted because they are not forty other men sitting here for trial for their misconduct. This court has a duty to try these men, even though there may be forty equally, or more, culpable than they. The problem of this court is to determine their relationship to the charge laid against them. Now, counsel has stated that it was very confused; that the prosecution made a statement, insubstance that it wasn't necessary to show that any men over there did a particular act. Again, that statement was taken out of the context, which had this point: "that it was not necessary to show that Eichelsdorfer killed a man before he can be found guilty." But it was necessary to show that he did aid, abet, encourage, or participate in the common design. That is not confined to acts of participation or acts of actual killing. That participation, aiding, abetting, or encouraging, can be shown in a thousand different ways, and has been shown in a multitude of different ways by witnesses before this court. It is also urged on this court that these men, namely, Moll, Eichberger, and so on, were acting on orders, and they had to put the noose around

the neck, deliver the fatal shots; that Hintermayer had to deliver the fatal injections, because he was so ordered. These people were acting in self-defense. Why? If they refused to carry out these orders, they themselves would lose their lives. I would like to call the court's attention to statements of law. From page 166, of MILLER, on Criminal Law: "Threats, in any case, to be an excuse, must be threats of immediate, not future, injury or death. However, not even threat of immediate death, will excuse the taking of the life of an innocent person." In other words, the doctrine of self-defense has no application in this case whatsoever. If a man assaults you, you have the right to use such force as may be necessary to repel him. But if A comes up to B and says "If you don't kill C, I will kill you," the law says that self-defense has no application in that case, because C is an innocent person, just as the prisoners in the camps were innocent third persons, as far as Moll, Eichberger, Hintermayer, and the rest of these, were concerned. The prisoners were not engaged in combat. They were certainly in a condition of the utmost subjection to the will of these forty men, so that doctrine has no application here. The defense also stated that the argument of the prosecution was confusing with respect to the law to be applied by the court. I don't think that the court is particularly confused about that. Certainly this court is sitting as a Military Government court, which is trying these forty men for violations of international law. And what law

applies? Well, apply, first of all, those principals of international law that have application. I call the court's attention to a citation of Wheaton's International Law, as to the type of law that a tribunal of this type shall be governed by. First, All of the international conventions, whether general or particular, established rules recognized by contesting States. International customs, as evidence of general practice and accepted as law. The general principles of law recognized by civilized nations. So, where there is a treaty, or the product of a convention, that has application to the facts in this case, it will be applied. Wherever there is a custom recognized by the United States, that will be applied, and where the laws of the United States have application, they will be applied, and I say that the Office of the Theater Judge Advocate is the ultimate authority to determine the law in this case. That office has <sup>made</sup> evidenced certain pronouncements, read to this court, and we say, with respect to the liability and status of individuals, as aiders and abettors, that that law should have application here. If there is any law cited contrary to ~~that cited~~ <sup>for your</sup> ~~intention of international law~~, then it is up to the defense to present, to you, ~~full~~ guidance. The court should have the benefit of such law, and the defense shall not have discharged its duty should it fail to present it to this court. In other words, if any principle of law says that these men who aid, abet, and encourage, are not

principals, then that law should be disclosed to the court. In the absence of that this court should be governed by those principles of law announced by the Theater Judge Advocate's Office. Now, they talk of these men doing nothing other than participating in executions. I think that it is an insult upon the administration of justice in the United States to compare the executions that took place here with the executions that take place in the thirty-six States that have capital punishment. Now in the world could counsel sincerely contend that the administrative determinations of the main Reich Security Office, <sup>where</sup> ~~with which~~ a man never had the opportunity to be heard, <sup>can</sup> ~~be~~ compared with an execution that our judicial <sup>course</sup> ~~determination~~, arrived at through the principles of due process of law in the courts of our own country.—It is an insult to the intelligence of this court to make such a comparison. They say that these men were just doing a job. Willie Wagner, running the laundry, was just doing a job. Yes, he was doing a job. The job of running the laundry, and, due to the manner in which he did it, he participated in the execution of this common design. It is his doing of that job that confesses to his participation in this common design, and is sufficient to establish his culpability in conjunction with testimony from the stand. An appeal was made here with respect to Doctor Schilling. They say that he was just a scientist. No, may it please the court, he was not just a scientist. He was nothing more than



a common murderer, doing nothing more than taking prisoners, who did not <sup>Come</sup> appear to him voluntarily, and feeding them excess doses of drugs that he, as a so-called learned man, was bound to know had a detrimental effect on the human body. We have such evidence of a detrimental effect -- death by pyramidon, by neosalvarsan -- and they claim that he was nothing more than a scientist, engaged in discovery for the benefit of humanity. I believe it a disgrace upon the memory of Doctor Walter Reid and Louis Pasteur to mention Doctor Schilling in the same breath with these two great men. They told about the use of individuals in the United States as human guinea pigs. The only answer to that is that in the United States they do have a regard for the personal rights of the individual. In the United States a man is used as a result of his own consent and is not forced into a ward where he is subjected to Doctor Schilling's needles, or his mosquitoes, involuntarily. They talk about Doctor Hintermayer. I hate to go back into a discussion of each man individually, because I do not want the court at any time to feel that it is necessary to establish individual acts of misconduct on the part of an individual in order to show guilt or innocence, because if he actually participated in this common design, as a chief doctor is bound to have done, and as evidence has shown, it is sufficient to establish his guilt. There was plenty of medicine here at Dachau. He says that it wasn't available,

but what doctor, if he knew there was a single medicine, and it was available physically, if not by order ~~by~~ virtue of his Hippocratic oath, would not get it and administer it to save a patient's life. I say that Doctor Hintermayer fell very short of the oath of a doctor, and as a humanitarian. He fell far short — and, worse than that, he was a common murderer. Not for injecting the Russian women, who were pregnant, with evapenatrium, but he was a common murderer as a result of his participation in aiding, abetting, and encouraging the common design to kill, beat, and torture. May it please the court, of course you will render a just and righteous verdict, and one, I am sure, that the world at large will understand. Every man who is sitting on the court unquestionably has a certain amount of sympathy for people who are married, who have children, but sympathy has no part in this case whatsoever. Think of the thousands of individual prisoners, who also had wives, children. Think of those whose families were absolutely exterminated by the operation of this common design, the success of which would never have been possible except for the participation of each and every man in that dock today. I am satisfied that this court cannot ever be <sup>Charged</sup> ~~judged~~ with being soft in the rendition of its findings and the sentences in this case.

Defense (Lieutenant Colonel Bates): I take this opportunity to join counsel for the prosecution in his expression of appreciation, made yesterday, for the tolerance and forbearance with which the

court has treated the officers of this court. As has been mentioned, there have been stormy days, and quiet days, irritating moments and bland moments, but, by and large, we consider that we have been treated at the hands of this court with tolerance and understanding. Counsel for the prosecution has indulged in quite a display of epithets. That indulgence commenced early in his summation yesterday morning. That indulgence was the theme throughout this process. Epithets. Vicious - sadistic - savage - murdering - epithets. There is a concerted effort on the part of counsel for the prosecution to supply glaring deficiencies in the proof by the use of strong adjectives and adverbs. I submit that the court will not receive, as sufficient substitution, such epithets for what are bald, and otherwise unconvincing, statements. On rebuttal, counsel first explains to the court the two different types of argument. First, argument of the facts, and second, argument directed to the sentiment, the emotions. Thereupon, without further ado, we hear from counsel for the prosecution, beautiful phrases, strong words, in an effort to make up the shortage of that thing which the court will recognize as proof. Before I go too far, it is necessary for me to presume that the court recognize the forty men who are the defendants in this trial, as human beings, and not as beasts. Counsels for the defense are sarcastically referred to by the prosecution for the sincerity with which we have undertaken to discharge the duty. I suggest that that vigor which,

from time to time, has been displayed by counsel for defense, has provoked censure, not only in the prosecution, but in many misunderstanding European minds. We hold that the tried principles of justice and procedure, as recognized by Anglo-American jurisprudence, are still the best guarantees to arriving at judgment based on truth, and propounded by a sense of justice for which America is especially prominent. Attempts to pre-judge have been, for many, too great to resist. There has been propounded, in this area, an extremely biased atmosphere. It has been manifested, from time to time, on the stand. The surest safeguard against totalitarian disregard for human life and liberty is uncompromising adherence to the principles of the administration of justice, which do not humor heat and revenge, but, rather, protect men therefrom. This court is sitting by authority of our country, and under its flag. It has two heavy responsibilities: first, to protect forty individuals -- defendants in this case -- from unrelenting bitterness and hate a result of centuries of conflict and a decade of subjugation. From all directions, from places high and low, is heard a primitive cry, "Blood for the atonement of Dachau." It matters not whose blood, so long as it is German blood, preferably SS. I submit that the court will not countenance and further the application of a discredited doctrine -- "An eye for an eye, and a tooth for a tooth." The most talked-of phrase has been common design. Let us be honest

and admit that common design found its way into the judgment for the simple expedient of trying forty defendants in one mass trial instead of having to try one defendant each, in forty trials. The very wording of the charge itself does not undertake to bracket all defendants under one common design. On the contrary, it charges all defendants with acting in pursuance to a common design with doing certain specific things. Not participating in a common design to do certain things, but each defendant acting in pursuance to a common design, his acts of aiding, abetting, or encouraging the commission of certain specific offenses. Where is the common design? About the middle of the second week of this process, the common design was still very conspicuous by its absence, and then it became apparent to the prosecution that a common design must be established for the purpose of trapping some of the defendants against whom there was an outstanding shortage of proof. By showing that if Schoepp was guard at a camp, he thereby was responsible for everything that went on within the camp. I submit for your consideration a parallel to that. At this American post today there are guards on each gate, and isn't it far-fetched to say that each guard on the gate is responsible for any and every crime that may be committed within the confines of this large area? So prosecution left the local common design and began to branch out. He went to Oranienberg, headquarters of the concentration camp, I think — it's not too clear. Now they're at Berlin, and probably went

back years ago to Munich, and Nurnberg. I'm surprised that Main Kampf is not in it as yet. I submit that there may perhaps be common design -- the common design to wage aggressive warfare. The adjudication of this common design, which was born in the minds of the policy formers of the Third Reich, is now in process at Nurnberg, and if every one of these defendants is guilty of participation in that large common design, born in Berlin, or wherever the policy formers gathered, then it becomes necessary to hold responsible, primarily, every member of the party, since the inception of that party, every citizen of Germany who contributed to the waging of total war, and I submit that that can't be done. I would like to read an editorial that I read today in LIFE magazine: "And yet justice cannot be measured quantitatively. If the whole of Germany is guilty of murder, no doubt it would be just to exterminate the German people. Burke did not say you should not indict a whole people, he merely said he didn't know how to do it. The real problem is to know who is guilty of what." Perhaps the prosecution has arrived at the solution as to how an entire people can be indicted as an acting part of a mythical common design. Was Schoepp, a Corporal, drafted from the Roumanian Army into the German Army, into the Waffen SS, acting as a reserve guard on an evacuation transport, which was fleeing the battle, along toward the latter part of April -- was that Corporal in junction with the common design with the inhuman Luftwaffe

experiments conducted here by Doctor Rascher? Did  
Did Eichelsdorfer, a soldier in two wars who should  
have been retired, almost in his dotage, did  
Eichelsdorfer discuss with Himmler the method of  
conducting malaria experiments? Is that the com-  
mon design that this court must recognize, and, by  
words of counsel for the prosecution, if you will  
not recognize it, you will be justified in turning  
everyone loose? That is a quote from counsel for  
the prosecution -- not from me. I don't agree.  
The first speech in rebuttal by the prosecution  
has brought a person into camp, and he ran into one  
"Eltor." I don't know if it was this mythical prisoner  
talking, or counsel, when he criticised Eltor for  
having criticised a German who had taken the stand  
and condemned a fellow German. That is neither here  
nor there. I leave it to the court as to whether or  
not the testimony of this witness is true. That  
witness would have you believe that Eltor, a small man,  
spent all morning, single-handed, coped with two  
hundred -- then, on second thought, to make it better --  
three hundred men. I can see him bouncing around old  
Appelplatz like a banty rooster. Get this picture and  
take your choice. There has been much talk, both  
from this table, and that (indicating) and that (in-  
dicating) on the statements which have been intro-  
duced in evidence, the statements made by various  
defendants, prior, may it please the court, to the  
time when they were advised of the charges against  
which they would be required to defend themselves.

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Evidence of force in the influencing of those statements has been brought before the court. That testimony has been denied. The court will believe what the court considers the credible bit of testimony. Evidence of undue influence has also been brought before the court. That testimony has been explain away -- not categorically denied. The court will believe there what the court considers to be the true facts. There are those who know what the true facts are, but I will not undertake to supply a deficiency in proof by the use of oratorical rhetoric. Kaufering and the bycamps have been described by counsel to be things of horror -- no doubt they were. Counsel seems to become enthusiastic when proof from the prosecution concurs with proof by the defense, and gleefully points out that even the defendants admitted that Kaufering was bad. Sure Kaufering was bad. Sure they admitted it was bad. I noticed last week, in this semi-official organ, "The Stars and Stripes", an account of a DP camp, made here at Landsberg. There were eight charges against conditions in this camp. "Two or three people were crowded into a single bed, and twelve to fifteen in a space no larger than the entrance to an average American home. The weak and the sick are housed in dark, damp cellars, cold corridors, and wooden shacks, condemned as unfit for the use of German war prisoners." That is today, gentlemen. This is under the date-line of December 7, 1945. This is talk about the Landsberg DP camp. It says "there is a completely



unbalanced diet for persons who are still suffering from six years of malnutrition and starvation." That is going on today. Common design. "They wear clothing inadequate even for summer." It's pretty cold out there. This was written last week. There are eight points in all, but there are the five main ones. At the outset of this process there was morbid and gruesome evidence showing the conditions found at Dachau and the bycamps during the last days. This evidence was admitted as competent upon statement by the prosecution that he would subsequently make the connection between the evidence introduced and the defendants. We saw pictures of corpses, many corpses, we saw pictures of people who were obvious victims of malnutrition and already on the point of starvation. Transports were described, leaving Dachau and the bycamps during the last few weeks and days of the war. Responsibility was then undertaken to be fixed against certain individuals who participated in those. Go with me to France in the middle of last year, as many of you were, at about this time of year and about this kind of weather. There I can show you transports of civilian grandmothers, babies, grandfathers, one-legged people, people with no legs, and children, in all kinds of weather, at all hours of the day, not knowing where they would eat, or what. They were fleeing the ravages of battle. That is what happened when Dachau and the outcamps were evacuated, prior to the arrival of the American troops. There were cases of mismanagement, undoubtedly. People in authority were frantic.

Food may have been available, but not in the right place at the right time. While I mention food -- a new definition of murder has been introduced, along with common design, and other new principles of law. We find the definition submitted as being this: "I am given food and told to feed these people with this food. It is inadequate. I feed them with it, and they die of starvation. I am guilty of murder." I presume that people like Filleboeck and Wetzel should have taken this and reenacted the miracle which, I believe, happened on the Sea of Galilee, where five loaves and fishes were fed to a multitude. Or perhaps they should have said, "It's inadequate, and if we feed it to you, you will die anyway, so you can't have any of it." That is the definition of murder. Certainly people died on transports that left here. It was an evacuation transport. People died from exhaustion. People were in no condition to make the long march that was planned in order to move these installations out of the line of battle. Germany in April was fighting a war she had lost six months before. All internal business had completely broken down, all internal commerce had completely broken and disintegrated. Someone here made the statement that the German civilian population had plenty of food, because of the fact that that fine old lady here, that told of Lausterer's conduct, was moved to get three or four pails of coffee.

That is supposed to be an indication that the German population were fat and sleek at the end of the war in April 1945. I think that the court will use its own knowledge when viewing the buildings of the SS and the huts, where, incidentally we still have prisoners -- about thirty thousand of them. The court can take judicial knowledge of the sad and critical shortage of food which existed in Germany during the last days, weeks, months, and, probably, years, of the war. There has been a lot of impressive law read by the counsel for the prosecution, and it is good law. Miller -- recognized as an authority on criminal law, Wharton, also. The sad thing about it is that little of it is applicable to the facts in this case. / Perhaps we have not been diligent enough in seeking applicable law. Some think that the prosecution has read applicable law, when he read the extract from the "Rules of Land Warfare" on the doctrine of Superior Orders. This court may use that in defense or in mitigation. Superior Orders -- under the authority cited by counsel for the prosecution. I submit that that is the authority controlling in this court. Be that as it may, however, this court will follow such principles as the court considers are necessary to the administration of justice in each individual case. It has been mentioned that counsel for the defense, and the defendants, have failed to either mention or explain this invalid transport business. If I remember, that is the first occasion that the doctrine of common knowledge was invoked; when certain witnesses undertook to testify

that it was common knowledge that invalid transports were, by their nature, extermination transports, and that when they left the people thereon were never to be seen again. Shortly thereafter a witness, Lieutenant Haulot of the Belgian Army, takes the stand. How did he get to Dachau? On an invalid transport. So what more is there to say? Common knowledge said that it was an extermination transport. He got here on an invalid transport, and he is a very fine looking officer today. Executions — due process of law in American as compared with due process of law in Nazi Germany. It is a rather drastic comparison — conceded. We have no intention, whatsoever, of upholding, categorically, that process which was recognized by the German Reich as due process. Nevertheless, we do contend that it was due process of law in Germany under the Third Reich, and that the executions, about which so much talk has been made, and about which so much proof has been adduced, were, in the main — in other words, with no proof to the contrary, they were the result of due process of law of the then recognized regime in Germany. It appears like an administrative order in contrast with the pains that American jurisprudence takes to safeguard individual rights and life, but at that time it is submitted that it was due process of law in Germany and that the executors, members of the firing squad -- Eichberger was a member of the squad -- were simple soldiers, acting in the same capacity

as the executioner in any one of the thirty-six States in America, or as the members of a squad in any military organization in the world. The prosecution pointed out that it doesn't make any difference how many executions he participated in. I agree. He was just a member of a firing squad. Again — orders. If there is murder, he must have had murder in his mind. An element in any crime, as the court well knows, is intent. Did Eichberger have a murderous intent when he acted pursuant to orders, and in protest, asking not to be given what he considered to be an unpleasant job. He did not like it. Did he have murderous intent? I submit to the court — no. The prosecution had the burden of proof. These men stood before this court, charged, and they were arraigned and they made their pleas. Each one of these men has pleaded not guilty in this proceeding. Counsel for the prosecution, in regard to the defendant Endres, said at no time <sup>did he say</sup> that he was not a participant. I submit that Endres denied the charge at his arraignment. The court has liberally received lots of evidence, including the Bayer pamphlet. Counsel for the defense believes that the court will give the Bayer pamphlet such weight as the court sees fit, and not give it conclusive weight, but, rather, consult the medical officer here detailed for advice with the court. In closing I read part of an editorial from Life Magazine: I quote a speech by Justice Jackson in which he warned against the use of the judicial

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process for nonjudicial ends, and attacked cynics who "see no reason why courts, just like other agencies, should not be policy weapons." If we want to shoot Germans as a matter of policy, let it be done as such, Justice Jackson talking, but don't hide the deed behind a court. "If you are determined to execute a man in any case, there is no occasion for a trial; the world yields no respect for Courts that are merely organized to convict." Anglo-Saxon justice is too precious a heritage to be used as a weapon against men. But it is a weapon against a system -- the authoritarian system which almost destroyed Europe. Indeed, it is the only alternative to that system. The real lesson of Buchenwald is not that some Germans are beasts but rather that when a civilization goes utterly pragmatic, ceases to place a supreme value on individual human life and denies the possibility of abstract justice and the reality of natural law, Buchenwald is simply the end result. If law cloaks a blood bath in Germany, the idea of law will be the real victim. Lynch law, of which we have known a good deal in America, often gets the right man. But its aftermath is a contempt for law that breeds more criminals. It is far, far better that some guilty men escape than that the idea of law be endangered. In the long run the idea of law is our best defense against Nazism in all its forms. In closing I ask permission to paraphrase a great statesman. Never

in the history of judicial procedure has so much punishment been asked against so many on so little proof.

President: Does the prosecution have anything further?

Prosecution: No, sir.

President: Does the defense have anything further?

Defense: No, sir.

President: The court will be closed. The bell will ring before we open again.

The court then, at 1150 hours, 12 December 1945, adjourned to meet at the call of the president.



WILLIAM D. DENSON  
Lieutenant Colonel, JAGD  
Trial Judge Advocate

The court met, pursuant to adjournment, at 1330 hours, 12 December 1945, at Dachau, Germany.

President: The court will come to order. It is the desire of this court to announce the findings, and, later, the sentences, in open court. The court desires to caution the audience that it will tolerate no expressions of approval or disapproval. Will the accused, and counsels, arise?

All of the accused and the personnel of the prosecution and the defense arose.

President: The court in closed session, at least two-thirds of the members present at the time the vote was taken concurring in each finding of guilty, finds Martin Gottfried Weiss, Friedrich Wilhelm Ruppert, Josef Jaronin, Franz Xaver Trenkle, Engelbert Valentin Niedermeyer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Johann Kick, Doctor Fritz Hintermayer, Doctor Wilhelm Witteler, Johann Baptist Eichelsdorfer, Otto Foerschner, Doctor Hans Kurt Eisele, Doctor Klaus Karl Schilling, Christof Ludwig Knoll, Doctor Fridolin Karl Puhr, Franz Boettger, Peter Betz, Anton Endres, Simon Kiern, Michael Redwitz, Wilhelm Welter, Rudolf Heinrich Suttrop, Wilhelm Tempel, Hugo Alfred Erwin Lausterer, Fritz M. K. Becher, Alfred Kramer, Sylvester Filleboeck, Vinzenz Schoettl, Albin Gretsche, Johann Viktor Kirsch, Emil Erwin Mahl, Walter Adolf Langleist, Johann Schoepp, Arno Lippmann, Fritz Degelow, Otto Moll, Otto Schulz, Friedrich Wetzels, of all particulars and charges guilty. You may sit down.



President: The court will hear evidence of previous convictions, and any extenuating circumstances.

Prosecution: The prosecution has at its disposal no evidence of any previous convictions.

Prosecution: Do the accused desire to introduce evidence of extenuating circumstances, or make any further statement to the court?

Defense: (Lieutenant Colonel Bates) The accused request that the court bear in mind, in arriving at a sentence, what those extenuating circumstances that have been proven during the proceedings were. In addition, counsel will announce certain other facts for the consideration of the court.

Defense (Major McKewen): May it please the court. On behalf of Martin Gottfried Weiss, by way of clemency, I would like to state that Weiss is forty years old, is married, has one child and is expecting the birth of a child in January. His wife is not here because of her physical condition. He has been in the SS for some time, as evidence before the court has already shown, in the Waffen SS, as evidence has shown. He has lost everything there is for him to lose by way of material possessions. His mother is seventy years of age, has been dependent upon him for a long period of time, due to an illness and heart condition. She has been suffering from this for a long time. He has two sisters who are dependent upon him, one of whom is a widow who lost a son in this war, the

other one, a husband.

Doctor Witteler is aged thirty-six. He has two children, aged four and seven. Doctor Witteler spent four years in front line duty, and, like Weiss, lost all of his worldly possessions as a result of bombing raids. His father and mother, and his in-laws, incidentally, are dependent upon him. He is a man with a profession, a medical man. He spent years studying medicine, and is at the very threshold of life -- particularly his life in medicine. It will be very difficult for him to reestablish himself as a practising physician no matter where he goes, because of the stigma of Dachau which has been attached to him involuntarily on his part, because he was assigned here for duty as a doctor, following his being wounded on the front, during actual combat service.

Doctor Eisele is married. He is thirty-four. He, too, is on the threshold of his life as a doctor, a professional man. He has three children -- two, three, and five years old. He has a dependent mother of sixty-five years. He was likewise wounded in actual combat duty. He returned here to Dachau as a surgeon and as a doctor. He, too, will find it difficult if he is ever able to reestablish himself as a practising physician, in view of the stigma of Dachau, attached to him not only as to the finding of guilty, but as to the fact that he has appeared as a defendant in this case.

Johann Kick is forty-four years old. He has a child of seven. His home was in Munich, and was

completely bombed out. He has a wife, who has been ill, and is unable to do anything for herself. He himself spent twenty-four years as a police officer in Munich, and feels that this service has been honorable. He has never been subject to any criticism of cruelty before, until the findings of this process.

Jarolin is forty-two years old. He is married and has no children because of the fact that he was married during the war. His mother is seventy years old and his father is eighty years old. Both are dependent upon him. They are principally dependent upon him because he lost three brothers during this war.

Redwitz is forty-five years old, and has four children. Their respective ages are one and onehalf, six, nine, and fourteen. His father and mother were bombed out of their homes and are dependent upon him. He himself has for the past twenty-seven years been a professional soldier -- always a soldier -- that is what his job has been in life. And I wish to point out that insofar as Redwitz is concerned, there are twenty-seven -- exactly twenty-seven -- American fliers who may in some way owe their lives to him from the time that the bomber, or bombers, in which they were riding, were shot down over Germany.

Hintermayer is a doctor, age thirty-four. He is the father of four children -- three, five, six, and nine months. His father is dead. His mother is sixty-one years old, sick, and dependent upon him.

He himself spent four years on the eastern front. He was wounded in action, as testified before this court, as indicated before. He has lost his wife and children as a result of this war, has lost everything that he possessed. His home was bombed out and demolished.

Boettger is fifty-seven years old. He has no children. He was bombed out. He has been in prison since last May.

Langleist is fifty-two years old. He is married. His wife and one child, age twenty-three, disappeared after being bombed out. His daughter was taken prisoner -- under the Geneva Convention it will be called "hostage". She was last in jail in Starnberg.

Doctor Fuhr. Another doctor. He is thirty-three years old, and, as I said about Doctor Witteler and Doctor Eisele, he is at the threshold of his medical profession. He is not married. He has adopted two children, I believe from a dead sister. His mother is sixty-five years old. He has had four brothers killed in action in this war, and his two brothers and two fathers were killed in an accident before the war. Whatever property his family had has been completely demolished and it is necessary for him -- he has been obligated, rather -- to take care of his mother and three children.

Ruppert is forty years old. He is married, and has one child, six years old. His father died in the war of 1914 to 1918. His brother is missing in

this war. Nobody knows just exactly where he is. He has been the principle support of his mother, who is approximately seventy years of age. Ruppert was unemployed from 1930 to 1933. That brings up the situation of the so-called world-wide unemployment situation, going on at that period of time.

Foerschner is forty-four years old. He is married and has three children -- seven, twelve, and sixteen. His wife and children are missing in the Russian territory. He has one brother who is apparently a prisoner of the Russians. He, like Redwitz, has been a professional soldier for a good many years, for twenty-two years, and, as the court will recall, has testified in this case that he was actually transferred to the concentration camp for duty, because of the fact that he was ill. His property -- all he ever owned -- is in the Russian-occupied area at the present time, and he has no knowledge whatever as to its condition, or whether he really has it or not, or if it has been bombed out. He doesn't know that.

Suttrop, the adjutant of D<sub>2</sub>chau, is thirty-four years old. He is married and has three children -- three, five, and nine. He has lost, as a result of this war, in bombing raids and other raids, all of the property he had, all his savings. He is, also, a comparatively young man, actually on the very threshold of life, too. His wife was here in court. One of these three children has been missing for some time and he has no knowledge as to just what

happened to that child.

For the various reasons that I have indicated for these thirteen men, I implore the court, in its sound discretion, to temper justice with just a little mercy. True, some of them have had somewhat responsible positions in Dachau, but, nevertheless, without going over the arguments presented in closing, there were, and there have been, extenuating circumstances for all thirteen of these defendants. They have been brought out in our closing arguments, and speeches, and I don't think that the court thinks it necessary for repetition on my part.

The fourteenth defendant that I wish to speak about is Doctor Schilling. As said before, here is a man of science -- seventy-four years of age. That he used human beings for his experiments on malaria, is not denied, not even by Doctor Schilling, nor that he used them involuntarily. That some of them died during the course of the experiments, I don't deny. Probably not during the course of the experiments themselves, but some deaths occurred that can be attributed to the malaria experiments. I believe that that is admitted in the statements introduced by the prosecution into evidence. Some forty-nine deaths occurred over a four-year period. That, if the court please, is a very small ratio, considering that that is less than 1.2% per thousand, I believe, and the normal death rate of a thousand people is much higher. The question before the court, as far as Doctor Schilling is concerned, is whether or not.

his experiments are of any benefit to humanity. The dead are dead. They cannot be brought back. There are people dying every day, in this world, from malaria, and if his experiments, and the results of them, can be used, or utilised for humanity, if, in the discretion of this court, it can be done, on behalf of Doctor Schilling, I request such clemency as the court feels his case deserves.

[ Defense (Captain May ): May it please the court. As to the defendant Wetzel, I would like to say that he is thirty-six years old; he is married; he went to Dachau in August of 1944, I believe it is. I beg you to consider that his work here was purely administrative, that he executed orders that were sent to him by the food authority and the ration office, that there was nothing he could do that he did not do to obtain further supplies. Take into consideration the condition that existed not only in Dachau, or in this vicinity, but throughout Germany during the closing days of the war. There was a scarcity of supplies and transportation. Here were Wetzel and Filleboeck, caught here in the red-tape of this ration allotment, and ask yourselves what else could they have done? They were not responsible for the war. They were not responsible for the economic conditions that existed at that time. There is some evidence that they made some extra effort, on their own part, to obtain supplies.

Filleboeck is forty-six years old, married, and has two children. He even went so far as to run the risk of imprisonment himself, in order to get more food. I beg of you to consider the testimony relative to that one execution -- that only execution -- that he is accused of attending by the witness Jendrian. Everyone else say he wasn't there. Jendrian himself is not certain. Consider the conditions under which he pointed the finger at him, and asks you to execute him. I beg of you, before you do that, to go to the crematorium. Look at that wall. Picture Jendrian riding along on that cart and see if it is humanly possible that Filleboeck is the man he saw in that yard.

As to Alfred Kramer, he is forty-seven, married, and has four children -- twenty-one, nineteen, six, and ten months. He came in contact with prisoners on these transports and at Kaufering, and there is evidence that he did nothing other than what he was ordered to do.

As to Kirsch, he is fifty-four years old. He is married. He has no children but he is taking care of two children of his sister. He is supporting his wife, his nephews, whose father died in Russia, and his own father, who is seventy-four years of age. There is some evidence that Kirsch tried to improve conditions. He didn't make a rest-camp out of it but he did try to make improvements, and he should be given some credit for that. The evidence of his shell-shock injury should be taken into consideration.

As to Otto Moll, he is thirty years old, married,



and has two children -- three years old and nine months old. He also supports his sick mother, and a blind father. He lost two brothers in the war in Russia. I ask you to take into consideration the fact that he was only here six weeks at Dachau, or any of its subsidiaries.

Then we have Fritz Degelow. He is fifty-four, married, and has two children. He was here at Dachau as battalion commander of the guard, but there is no evidence in this court relative to any action of his while here. No evidence of when he was in contact with prisoners. The only thing against him is that he was on the last transport. I tried to point out in my talk yesterday that he wasn't accused of deaths on the transport. There was evidence that, by stopping the transport, he saved some lives. That certainly should be taken into consideration, because he did that on his own. What was the intent of the man? If he was the brutal type pictured here, he would not have exerted that last effort.

As to Vinzenz Schoettl. Schoettl is married, has five children, of the ages of seventeen, sixteen, eleven, eight, and six. He himself is forty years old. It has been commented on by the prosecution that he didn't take the stand. He didn't take the stand because of his mental condition. The man has been wounded and didn't feel that he could sit on that stand in a proper frame of mind.. He is suffering from a wound, at the present time, that he

received, and is not in a proper mental condition to take the stand himself.

As to Fritz Becher, he is forty-two years old, married, and has one child, fourteen. He was an official in the Social Democratic Party since 1926. He was arrested for his activities in that party. He was sent to this camp and remained as a political prisoner for five long years, and suffered at this camp along with the other prisoners. He admits that he had to beat prisoners some time. I imagine that he had a bad job in this camp. He was given the post of block eldest for duty to enforce the regulations and discipline. He had a tough assignment. If he lost his temper and beat, or slapped anyone, it should be considered under the circumstances that he did it, and the fact that he himself was given that same suffering for his political belief.

Old Emil Erwin Mahl is forty-five years old. He is divorced and has a child, fifteen years old. His case is one of the most pitiful you are called upon to judge. I don't know whether I should say much for him or not. His life isn't worth much. He had a tough time. He was hounded around all his life, and hasn't much to live for, anyway. He did what they told him, to save his life, in self-defense. He was here five years as a prisoner. He has already suffered.

We come to Arno Lippmann. There is an old man, fifty-six years old. He had three children: two girls and a boy. The boy was killed in Russia. His

came in here. She testified that she is sixty-two years old -- an old person. There's not much left for him. He's old. She's old. They are bereaved by the loss of their son. There's not much left for this old couple, but I beg you to consider that in all those years, he only did what a soldier would do.

Albin Gretsche is forty-six years old. He has one child, eighteen years old. He has a wife who is very ill. They lost their home in the war. He served in the last war, and he served in the Air Corps in this war, for five years, and then he was forced, contrary to his own will, into the SS in September 1944. There is no evidence of any mistreatment by Gretsche -- only that he performed his duties as a sergeant. What he did is what any soldier would do.

Then we come to Schoepp. He has two children; one of them two years, the other four. He, also, has a wife and mother, and two children of his brother to support. He has never been a member of the Nazi Party. He was actively opposed to them in Roumania. Due to the treaty between Roumania and Germany, he was forced into the German Army. He came against his will, and served in the army as a guard. Nobody said anything against him -- no cruelty, no beatings. There was one witness who mentioned him, and he said he treated him o.k., so there was no mistreatment there. If ever there was a case where a man deserved

consideration it is the case of this man. He had nothing whatsoever to do with the acts charged. This man hasn't seen his family for six years, but was forced by the government into their service against his will. Consider that when you pass sentence upon him.

Defense (Captain Niles): As to the defendant Walter, he has a wife and three children dependant upon him. Their ages are five, three, and one and one-half. Walter, the court will recall, tried on numerous occasions to get away from Dachau. He succeeded in serving with the German Army. In that service he was wounded in action and is still, today, suffering from the effects of those wounds. He received a head injury and serious thigh injury.

The defendant Eichberger has a wife and one child, about three years old. I ask the court to consider, in his case, that he was here, serving at Dachau, merely because he had the misfortune to be disabled in action. He is still a comparatively young man, but is handicapped by the loss of his left leg. His life, whatever there may be for him in the future, is bound to be difficult because of that. He was here, doing nothing but what any soldier had to do in his circumstances.

Wagner is divorced. He has two children, and also has his parents dependant upon him. His job here in the laundry, as the court will recall, was one of great constant pressure. It forced him to acts which he admitted. During the time he was at

Dachau, it was a fact that he did befriend and save an American pilot from the populace. He volunteered to stay here during the typhus epidemic, to do what he could to prevent the spread of typhus.

Lausterer is an old man, fifty-six years old. He has a wife and had six children -- two of which died, one in action. The court well knows that there is not any act shown against Lausterer. The only acts shown have been those of a humane and kindly nature. He is, at the present time, sickly. He was about to undergo an operation, I believe, at the hospital in Ludwigsberg, prior to trial, but he could not, because of a heart condition. He served in the first World War, at which time he was wounded.

The defendant Seuss has a wife and five children. The oldest is seventeen; the youngest is a baby of a few months. These people are dependent on Seuss and have been completely bombed out, as a result of the war. He has lost everything, and has not a material possession in the world at the present time.

Trankle has four children. He lost his wife during this conflict. She died in an air attack in Munich. His children are without the care of a mother, and depend upon him. He served, also, in the last war. In 1936 he was degraded, reduced to a Private, because he befriended a prisoner here. He suffered the humiliation of being degraded by the SS because of his act of friendship.

As to Eichelsdorfer, he is also a man of fifty-six. He was never a member of the SS. He is also in the position of being in Dachau only because he had the misfortune of being ill. He served honorably for a number of years in the army, in this war, and in the last. Only because he could no longer continue to serve, he was hospitalized and then sent to Dachau. It was not his wish to be here. There was nothing that he could do about it. He did not volunteer to come here to Dachau, and he was never a member of the SS. He was wounded three times during the first World War.

As to Tempel, he has a wife and five children, from the age of one and one-half to ten years. His family was bombed out as a result of this war, and at the present time they have no home and are completely dependent upon him.

Kiern has a wife and two children who are dependent upon him. His father is dead and his mother is also dependent upon him. We ask the court to consider that he was never a party member. He was a member of the Social Democratic Party. He was sucked into this web of the SS by reason of the circumstances at that time. He served a very short time at Dachau, and, as the court will recall, was a prisoner himself, and was held as a prisoner by the German Army. As a matter of fact, he is also the holder of a German medal, back in the year 1930, for having saved four lives. It is a medal given for acts of heroism.

The defendant Betz has a wife and three children. The court will recall that the only thing he did was to be a clerk in the office. Betz was in the position of any stenographer who worked for Hitler or any member of the Nazi machine. His only job was to do some writing. He also came -- was forced by economic circumstances -- he had about eight brothers and sisters, and was forced to find some work to support that large family. His father-in-law is not able to work and is dependent upon him for support.

Niedermeier is thirty-three years old. He has a wife and two children. His father is dead. He has an aged mother living, and dependent upon him. His father was killed as a result of the first World War.

The defendant Endres has a wife and three children. His wife lives on a farm and for the past six years has struggled to take care of it, herself. Take into consideration that he was imprisoned by the Nazis for his help to the prisoners. He served, near the end, approximately one and one-half years, as a prisoner because he had aided prisoners. He was not a Party Member.

As to Knoll, he is fifty years old. He is divorced and has two children -- twenty-six and sixteen. Knoll was a political prisoner and a member of the Communist Party since 1925. I request that the court take into consideration, in his case, that he spent, up to this time, twelve

long years in Dachau and other German concentration camps. He was a prisoner of the Nazis since 1933. During that time he suffered immeasurably. There has been no accusation, no proof of any murder. He says his only act was to catch moles.

In considering all of these defendants, it is respectfully requested that the court grant mercy, and consider the circumstances under which these defendants were here.

Defense (Captain May): There is one whom I omitted. Otto Schulz. He is forty-two years old, and has three children -- ten, eight and one and one-half years old. He was drafted into what they call the DAW, in spite of the fact that he held an important position with the Singer Sewing Machine Company, and he was ordered to Dachau in 1943. He had nothing to do with the camp. The DAW is separate and he received his orders direct from the economic administration and from superior officers in Berlin. For over a year he has had no news whatsoever from his family. He believes that they are lost somewhere in the Russian zone.

Defense (Lieutenant Colonel Bates): Nothing further.

President: The court will be closed.

Court was closed at 1415 hours, 12 December 1945.

WILLIAM D. DENSON  
Lieutenant Colonel, JAGD  
Trial Judge Advocate



Dachau, Germany

13 December 1945

The court met, pursuant to adjournment, at 10:55 o'clock a.m., all of the personnel of the court, prosecution, and defense, who were present at the close of the previous session in this case being present.

All the accused, the reporter and interpreter were also present.

President: It is the desire of this court to announce sentences in open court. We will do that only if the audience demonstrates ability to maintain complete silence, with no exclamations of approval or disapproval.

This court desires to make certain comments before announcing sentences. The evidence present to this court convinced it beyond any doubt that the Dachau Concentration Camp and the by-camps of Dachau subjected its inmates to killings, beatings, tortures, indignities and starvation to an extent and to a degree that necessitates the indictment of everyone, high and low, who had anything to do with the conduct and the operation of the camp. This court reiterates that although appointed by a conquering nation as a military government court in a conquered land, it sits in judgement under international law and under such laws of humanity and customs of human behaviour that is recognized commonly by civilized people. Many of the acts committed at Camp Dachau had clearly the sanction of the high officials of the then government of the German Reich and of the defacto laws and customs of the (sentences)

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then German government itself. It is the view of this court that when a sovereign state sets itself up above reasonably recognized and constituted international law or is will to transcend readily recognizable civilized customs of human and decent treatment of persons the individuals effecting such policies of their state must be held responsible for their part in the violation of international law and the customs and laws of humanity. The accused and counsel will stand. The accused will present themselves individually in the order in which they are numbered before the bench.

Martin Gottfried Weiss, the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Friedrich Wilhelm Ruppert, the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Josef Jarolin, the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Franz Xaver Trenkle - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by (sentences)

hanging at such time and place as higher authority may direct.

Engelbert Valentin Niedermayer - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

( Josef Seuss - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct. )

Leonhard Anselm Eichberger - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Milhelm Wagner - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Johann Kick - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Doctor Fritz Hintermayer - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Doctor Wilhelm Witteler - the court in closed session, at least two thirds of the members present at the time the vote (sentences)

was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Johann Baptist Richelsdorfer - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Otto Foerschner - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Doctor Hans Kurt Eisele - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Doctor Klaus Karl Schilling - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Christof Ludwig Knoll - the court in closed session, at least two thirds of the members present, at the time, the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Doctor Fridolin Karl Fuhr - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

(sentences)

Franz Boettger - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Peter Betz - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to life imprisonment, commencing forthwith at such place as may be designated by competent military authority.

Anton Endres,- the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Simon Kiern - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Michael Redwitz - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Wilhelm Welter - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

(sentences)

Rudolf Heinrich Suttrop - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Wilhelm Tempel - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Hugo Alfred Erwin Lausterer - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to imprisonment for a term of ten years commencing 13 December 1945 at such place as may be designated by competent military authority.

Fritz M. K. Becher - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Alfred Kramer - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Sylvester Filleboeck - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

(sentences)

Vinzens Schoettl - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Albin Gretschi - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to imprisonment for a term of ten years commencing 13 December 1945 at such place as may be designated by competent military authority.

Johann Viktor Kirsch - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Emil Erwin Mähl - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Walter Adolf Langleist - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Johann Schoepp - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to imprisonment for a term of ten years commencing 13 December 1945 at such place as may be designated by competent military authority

(sentences)

Arno Lippmann - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Frits Degelow - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Otto Moll - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Otto Schulz - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

Friedrich Wetzel - the court in closed session, at least two thirds of the members present at the time the vote was taken, concurring, sentences you to death by hanging at such time and place as higher authority may direct.

President: Does the prosecution have anything further to be presented to the court?

Prosecution: The prosecution has nothing at this time.

Defense: I have a request to make for the Lieutenant Haulot the Belgium officer representing an international association of former inmates of Dachau. The request is for him to have an opportunity to be heard at this time.

(sentences)



Prosecution: May it please the court, unless he is of counsel in the case or unless he appears as amicus curiae of this court, I do not think it would be proper unless the court feels otherwise.


President: The court does not desire to hear Lieutenant Haulot at this time. The court will adjourne, subject to the calling of the president.



WILLIAM D. DENSON  
Lt Col., JAGD  
Trial Judge Advocate

AUTHENTICATION OF RECORD

  
JOHN M LENTZ  
Brigadier General, USA  
President

  
WILLIAM D DENSON  
Lt Colonel, JAGD  
Trial Judge Advocate

I examined the record before it was authenticated.

  
DOUGLAS T BATES  
Lt Colonel, FA  
Defense Counsel



