

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.	<i>United States v.</i>	Popular Name	No. of Defendants
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 Greifeit 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 Weissaecker 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

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, Flossenburg, 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

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 south-east 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): commander 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 lieutenant): food supply officer responsible for food supply room and prisoners' kitchen.
- Otto Foerschner, SS Sturmbannfuehrer (major): commander of several of the Kaufering subcamps.

- Albin Gretschi, 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.

- 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, Endres, Foerschner, 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, Gretschi, 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 10 years on November 29, 1950, and he was discharged on February 26, 1952. Gretschi'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 12-442 and 000-12-31), October 8, 1945-October 15, 1946, M1078 (Hadamar case);
- United States of America v. Kurt Andrus 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 1946, M1095 (Muehldorf case);
- United States of America v. Ernst Kura et al.*, June 9-23, 1947, M1100 (Wiener-Neudorf outcamp case);
- United States of America v. Kurt Sobell et al.*, February 6-March 21, 1947, and *United States of America v. August Haebler*, June 26, 1947, M1103 (collectively known as the Borkum Island case);
- United States of America v. Yvo Skorzeny et al.*, July 13, 1946-December 13, 1948, M1106 (Skorzeny case);
- United States of America v. Johann Haider et al.*, September 2-12, 1947, M1139 (Haider case);
- German Documents Among the War Crimes Records of the Judge Advocate Division, Headquarters, United States Army, Europe*, 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, Nuremberg Military Tribunal, Relating to Nazi Industrialists*, T301;
- Records of the United States Nuremberg War Crimes Trials:*
 - NOKW Series, 1933-1947*, T1119;
 - NG Series, 1933-1948*, T1139;
 - NM Series, 1934-1946*, M936;
 - NF Series, 1934-1946*, M942;
 - WK Series, 1946-1948*, M946;
 - Guertner Series, October 4, 1934-December 24, 1938*, M978.
- Records of the United States Nuremberg War Crimes Trials:*
 - United States of America v.:*
 - Karl Brandt et al. (Case I)*, November 21, 1946-August 26, 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 Fohl et al. (Case IV), January 13, 1947-August 11, 1948, M890;
Friedrich Flick et al. (Case V), March 3-December 22, 1947, M891;
Carl Krauch et al. (Case VI), August 14, 1947-July 30, 1948, M892;
Wilhelm List et al. (Case VII), July 8, 1947-February 19, 1948, M893;
Ulrich Greifelt et al. (Case VIII), October 10, 1947-March 10, 1948, M894;
Otto Ohlendorf et al. (Case IX), September 16, 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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	Fridolin Pühr, Jan. 29, 1946-Apr. 22, 1950	
	Johann Schoepp, Dec. 13, 1945-Feb. 13, 1950	
	Otto Schulz, Nov. 6, 1953-Aug. 12, 1957	
	Friedrich Wetzel, Dec. 15, 1945-Jan. 11, 1952	
	Wilhelm Witteler, Dec. 15, 1945-May 14, 1957	

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The records on this roll were taken from Records of the United States Army Commands, 1942- , RG 338.

Roll 2

Target 1

Court and Attorney Appointment Documents (RG 338)
Nov. 2-Dec. 3, 1945

HEADQUARTERS
THIRD US ARMY AND EASTERN MILITARY DISTRICT
APO 600

SPECIAL ORDERS

2 November 1945

NUMBER 304

E X T R A C T

3. Pursuant to authority delegated to the Commanding General, Third United States Army by Commanding General, United States Forces, European Theater, a General Military Government Court consisting of the following officers is hereby appointed to meet at the time and place designated by the President thereof for the trial of such persons as may be properly brought before it:

DETAILS FOR THE COURT

BRIG GEN JOHN M LENTZ 010343 USA Hq XV Corps
COL GEORGE E BRUNER 012416 Inf 1st Inf Div
COL GEORGE R SCITHEREC 014685 FA 71st Inf Div
COL LAIRD A RICHARDS 0110058 CWB Hq XIII Corps
COL WENDELL BLANCHARD 015528 Cav 4th Arm Div
COL JONES R JETER 016342 Inf 30th Inf Div
COL LESTER J ABELE 0267147 JAGD Hq XII Corps
COL PETER O WARD 018574 Inf 9th Inf Div

LT COL WILLIAM D DEASON 0900415 JAGD Hq Third US Army Trial Judge Advocate
CAPT WILLIAM D LINES 0575368 AC Hq USFET Asst Trial Judge Advocate
CAPT RICHARD G MC CUSKEY 01798597 CMP Hq USFET Asst Trial Judge Advocate
CAPT PHILIP HELLER 01795794 OLP Hq USFET Asst Trial Judge Advocate
LT COL DOUGLAS T BATES 0336110 FA Hq Third US Army Defense Counsel
MAJ MAURICE J MC YEGOWN 0902553 AC Hq Third US Army Asst Defense Counsel
CAPT JOHN A MAY 0231072 Inf Hq USFET Asst Defense Counsel
CAPT DALVIN J NILES 01795395 CMP Hq Third US Army Asst Defense Counsel

The employment of enlisted reporters is authorized.

BY COMMAND OF LIEUTENANT GENERAL TRUSCOTT:

DON E. CARLETON,
Brigadier General, U. S. Army,
Chief of Staff.

L. L. MANLY
Colonel, Adjutant General's Department,
Adjutant General

DISTRIBUTION:

FA O Concerned (Dist by JA)	1	Orders Sec	1
Records	5	TJA	10
G-1 this Hq	3	Def C	2
Pers	2	JA this Hq	50
CG USFET (AG Mil Pers Div-1, G-5 Div-1)	2	<u>R E S T R I C T E D</u>	

HEADQUARTERS
THIRD U S ARMY AND EASTERN MILITARY DISTRICT
APO 403

SPECIAL ORDERS

3 December 1945

NUMBER 335

- E X T R A C T -

1. S Sgt Thomas J Becktold 37179599 is held fr asgmt 436th Med Coll Co APO 403 and is atchd unasgd to Camp Herbert Tarayton Le Havre PE for return to ZI by top water priority under the provisions of par 19b Cir 8 WD 6 Jan 45. WP by govt T. EDCMR 7 Dec 45. (Auth: TWX US Forces European Theater (Main) SC-2831, 1 Dec 45.) (EM will immediately complete three Postal Locator Cards, Postal Div Forms #46BB, showing a non-military forwarding address in US or in lieu thereof directing that all mail be returned to senders. One form will be furnished to the unit mail clerk, one to the Command APO used as a mailing address, and one to Central Postal Directory, APO 743.)

2. Par 10 SO 246 this Hq cs, as pertains to the aptd of CAPT WILLIAM M SHUFORD 01313654 Inf as Class "A" Agent-O is rescinded.

3. MAJ JOHN RMC CARTHY 01299833 Inf Hq Third US Army APO 403 is aptd Class A Agent (for Disb O Hq Third US Army and Eastern Mil Dist APO 403 purpose administering intelligence funds of this command.

4. So much of par 14 SO 308, par 3 SO 304 and par 3 SO 288 this Hq cs, as reads: "Third United States Army by Commanding General, United States Forces, European Theater, a General Military Government Court" is amended to read: "Third United States Army and Eastern Military District by Commanding General, United States Forces, European Theater, a General Military Court.

5. So much of par 4 SO 328 this Hq cs, as reads "LT COL HENRY T CHERY JR 01988 CSG" is amended to read "LT COL HENRY T CHERY JR 019888 CSG."

6. Tec 5 Lloyd Ruid 36718941 is held fr asgmt 120th APU APO 403 and is atchd unasgd to Camp Herbert Tarayton Le Havre PE for return to ZI by top water priority under the provisions of par 19b Cir 8 WD 6 Jan 45. WP by govt T. EDCMR 7 Dec 45. (Auth: TWX US Forces European Theater (Main) SC-2831 dtd 30 Nov 45.) (EM will immediately complete three Postal Locator Cards, Postal Div Forms #46BB, showing a non-military forwarding address in US or in lieu thereof directing that all mail be returned to senders. One form will be furnished to the unit mail clerk, one to the Command APO used as a mailing address, and one to Central Postal Directory, APO 743.)

7. Tec 5 John T Sutton 36389477 640th Ord Am Co APO 403 (now on TDY with 201st AGF Band APO 33) is trfd in gr to 428th Army Service Forces Band APO 758. WP by govt T. EDCMR 7 Dec 45. (Auth: 3d Ind US Forces European Theater (Main) dtd 28 Nov 45, file AG 201-Sutton, John T. (Enl).

8. CAPT JOHN J DE STEFANO 0472015 MC 327th Ord Bn APO 403 is asgd to 264th FA Bn APO 403. WP by govt T. EDCMR 7 Dec 45.

9. MAJ JESSE B HUCKARY 0923451 JAGD this Hq, is asgd to Hq XI Corps APO 340 for dy with JA Section. WP by govt T. EDCMR 7 Dec 45.

(over)

R E S T R I C T E D

NATIONAL ARCHIVES MICROFILM PUBLICATION

Roll 2

Target 2

- Charge Sheet (RG 338)
Nov. 2, 1945

NATIONAL ARCHIVES MICROFILM PUBLICATION

R E S T R I C T E D

(cont'd)

10. CAPT WILLIAM A PIERCE 01300375 Inf this Hq, is asgd to Hq Theater Service Forces European Theater (Main) APO 757 for dy with O of Theater Chief of Claim. WP by govt T. ERGMR 7 Dec 45.

11. WOJG JOHN E LOTHIAN W2132828 USA 19th Fin Disb Section APO 403 is asgd to Hq 80 Inf Div APO 80. WP by govt T. EDGMR 7 Dec 45.

BY COMMAND OF LIEUTENANT GENERAL TRUSCOTT:



DON E. CARLETON,
Brigadier General, U. S. Army
Chief of Staff.

THOMAS ROBINSON,
Colonel, Adjutant General's Department,
Adjutant General.

DISTRIBUTION:

CG USFET (AG Mil Pers Div - 2)(G-5 Sec - 2) 6	
CG GPRC	3
CO Camp Tareyton	3
AG Pers, this Hq	25
(Ea EM concerned - 10)	
CO 436th Med Coll Co	1
G-2, this Hq	5
(Maj McCarthy - 4)	
Fin O, this Hq	1
JA Sec, this Hq (Rear) 7 (Maj Huckaby - 3)	
CO 120th APU	1
CO 640th Ord Am Co	1
CO 201st AGF Band	4
(Tec 5 Sutton - 3)	
CO 428th A Sv Forces Band	1
CO 327th Ord Bn	5
(Capt De Stefano - 3)	
CO 264th FA Bn	1
Surg, this Hq	1
CO XI Corps	1
Claims O, this Hq	4
(Capt Pierce - 3)	
CG TSFET (Main)	1
CO 19th Fin Disb Sec	4
(WOJG Lothian - 3)	
CG 80th Inf Div	1
Records	5

R E S T R I C T E D

MILITARY GOVERNMENT COURT
(Militärgericht)

CHARGE SHEET
(Anklageschrift)

Dachau, Germany
(Dachau, Deutschland)

2 November 1945
(2. November., 1945)

NAMES OF THE ACCUSED:
(Namen Der Angeklagten)

Martin Gottfried Weiss	Michael Redwitz
Friedrich Wilhelm Ruppert	Wilhelm Welter
Josef Jarolin	Rudolf Heinrich Suttrop
Franz Xaver Trenkle	Wilhelm Tempel
Engelbert Valentin Niedermeyer	Hugo Alfred Erwin Lausterer
Josef Seuss	Fritz M.K. Becher
Leonhard Anselm Eichberger	Alfred Kramer
Wilhelm Wagner	Sylvester Filleboeck
Johann Kick	Vinzenz Schoettl
Dr. Fritz Hintermayer	Albin Gretsach
Dr. Wilhelm Witteler	Johann Viktor Kirsch
Johann Baptist Eichelsdorfer	Hans Aumeier
Otto Foerschner	Emil Erwin Mahl
Dr. Hans Kurt Eisele	Walter Adolf Langleist
Dr. Klaus Karl Schilling	Johann Schoepp
Christof Ludwig Knoll	Arno Lippmann
Dr. Fridolin Karl Puhr	Hans Bayer
Franz Boettger	Fritz Degelow
Peter Betz	Otto Moll
Anton Endres	Otto Schulz
Simon Kiern	Friedrich Wetzell

are hereby charged with the following offences:
(sind hiermit wegen der folgenden strafbaren Handlungen angeklagt:)

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

Particulars: In that Martin Gottfried Weiss, Friedrich Wilhelm Ruppert, Josef Jarolin, Franz Xaver Trenkle, Engelbert Valentin Niedermeyer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Johann Kick, Dr. Fritz Hintermayer, Dr. Wilhelm Witteler, Johann Baptist Eichelsdorfer, Otto Foerschner, Dr. Hans Kurt Eisele, Dr. Klaus Karl Schilling, Christof Ludwig Knoll, Dr. 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 Gretsach, Johann Viktor Kirsch, Hans Aumeier, Emil Erwin Mahl, Walter Adolf Langleist, Johann Schoepp, Arno Lippmann, Hans Bayer, Fritz Degelow, Otto Moll, Otto Schulz, and Friedrich Wetzell, acting in pursuance of a common design to commit the acts hereinafter alleged, and as members of the staff of Dachau Concentration Camp and camps subsidiary thereto, did, at, or in the vicinity of DACHAU and LANDSBERG, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately and wrongfully encourage, aid, abet and participate in the subjection of civilian nationals of nations then at war with the then German Reich to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such civilian nationals being unknown but aggregating many thousands who were then and there in the custody of the German Reich in exercise of belligerent control.

(ERSTE ANKLAGE: Verletzung der Gesetze und Gebräuche des Krieges.

Einzelheiten: Dass Martin Gottfried Weiss, Friedrich Wilhelm Ruppert, Josef Jarolin, Franz Xaver Trenkle, Engelbert Valentin Niedermayer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Johann Kick, Dr. Fritz Hintermayer, Dr. Wilhelm Witteler, Johann Baptist Eichelsdorfer, Otto Förschner, Dr. Hans Kurt Eisele, Dr. Klaus Karl Schilling, Christof Ludwig Knoll, Dr. Fridolin Karl Puhr, Franz Böttger, 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 Filleböck, Vinzenz Schöttl, Albin Gretsche, Johann Viktor Kirsch, Hans Aumeier, Emil Erwin Mahl, Walter Adolf Langleist, Johann Schöpp, Arno Lippmann, Hans Bayer, Fritz Degelow, Otto Moll, Otto Schulz und Friedrich Wetzels in Verfolgung eines gemeinschaftlichen Vorhabens handelten, um die Taten, die hiernach behauptet werden, zu begehen und als Mitglieder der Verwaltung des Konzentrationslagers Dachau und der zugehörigen Aussenlager in oder in der Umgebung von Dachau und Landsberg, Deutschland, ungefähr zwischen ungefähr dem 1. Januar 1942 und ungefähr dem 29. April 1945, absichtlich, vorsätzlich und rechtswidrig dabei geholfen, darin unterstützt und daran teilgenommen haben, dass zivile Staatsangehörige von Staaten, die sich zu dieser Zeit mit dem damaligen Deutschen Reich im Kriegszustand befanden, Grausamkeiten, Misshandlungen einschliesslich Tötungen, Prügelungen, Folterungen, Verhungerungen, tätlichen Übergriffen und Erniedrigungen ausgesetzt wurden. Die genauen Namen und die Zahl dieser zivilen Staatsangehörigen ist nicht bekannt, aber sie erreicht insgesamt viele Tausende derjenigen, die sich zu dieser Zeit und an diesem Orte im Gewahrsam des Deutschen Reiches befanden, dass sie unter dem Rechtstitel kriegführender Überwachung festhielt.)

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

Particulars: In that Martin Gottfried Weiss, Friedrich Wilhelm Ruppert, Josef Jarolin, Franz Xaver Trenkle, Engelbert Valentin Niedermayer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Johann Kick, Dr. Fritz Hintermayer, Dr. Wilhelm Witteler, Johann Baptist Eichelsdorfer, Otto Förschner, Dr. Hans Kurt Eisele, Dr. Klaus Karl Schilling, Christof Ludwig Knoll, Dr. Fridolin Karl Puhr, Franz Böttger, Peter Betz, Anton Endres, Simon Kiern, Michael Redwitz, Wilhelm Welter, Rudolf Heinrich Suttrop, Wilhelm Tempel, Otto Moll, Fritz Degelow, Hugo Alfred Erwin Lausterer, Fritz M. K. Becher, Alfred Kramer, Sylvester Filleboeck, Vinzenz Schoettl, Albin Gretsche, Johann Viktor Kirsch, Hans Aumeier, Emil Erwin Mahl, Walter Adolf Langleist, Johann Schoepp, Arno Lippmann, Hans Bayer, Otto Schulz, and Friedrich Wetzels, acting in pursuance of a common design to commit the acts hereinafter alleged, and as members of the staff of Dachau Concentration Camp, did, at or in the vicinity of DACHAU, Germany, between about 1 January 1942 and about 29 April 1945, willfully, deliberately and wrongfully encourage, aid, abet and participate in the subjection of members of the armed forces of nations then at war with the then German Reich, who were then and there surrendered and unarmed prisoners of war in the custody of the then German Reich, to cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities, the exact names and numbers of such prisoners of war being unknown but aggregating many hundreds.

(ZWEITE ANKLAGE: Verletzung der Gesetze und Gebräuche des Krieges.

Einzelheiten: Dass Martin Gottfried Weiss, Friedrich Wilhelm Ruppert, Josef Jarolin, Franz Xaver Trenkle, Engelbert Valentin Niedermayer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Johann Kick, Dr. Fritz Hintermayer, Dr. Wilhelm Wittler, Johann Baptist Eichelsdorfer, Otto Förschner, Dr. Hans Kurt Eisele, Dr. Klaus Karl Schilling, Christof Ludwig Knoll, Dr. Fridolin Karl Puhr, Franz Böttger, 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 Filleböck, Vinzenz Schöttl, Albin Gretsche, Johann Viktor Kirsch, Hans Aumeier, Emil Erwin Mahl, Walter Adolf Langleist, Johann Schöpp, Arno Lippmann, Hans Bayer, Fritz Degelow Otto Moll, Otto Schulz und Friedrich Wetzel in Verfolgung eines gemeinschaftlichen Vorhabens handelten, um die Taten, die hiernach behauptet werden, zu begehen und als Mitglieder der Verwaltung des Konzentrationslagers Dachau in oder in der Umgebung von Dachau, Deutschland, ungefähr zwischen dem 1. Januar 1942 und ungefähr dem 29. April 1945 absichtlich, vorsätzlich und rechtswidrig dazu angestiftet, dabei geholfen, darin unterstützt und daran teilgenommen haben, Angehörige von Streitkräften der zu dieser Zeit sich mit dem damaligen Deutschen Reich im Kriegszustand befindlichen Staaten und die zu dieser Zeit und an diesem Ort als ergebene und unbewaffnete Kriegsgefangene in Gewahrsam des damaligen Deutschen Reiches waren, Grausamkeiten, Misshandlungen einschliesslich der Tötungen, Prügelungen, Folterungen, Verhungerungen, tätlichen Übergriffen und Erniedrigungen ausgesetzt haben, deren genauer Name und deren Zahl nicht bekannt ist, aber insgesamt viele Hunderte erreicht.)

OFFICER PREFERRING CHARGES.

(Der Offizier der die Anklagen erhebt)


DAVID CHAVEZ, Jr., Capt., JAGC,
Army of the United States.

The above charges are referred for trial to The General Military Court, appointed by Par. 3, Special Order Number 304, Headquarters Third United States Army and Eastern Military District, dated 2 November 1945, to be held at Dachau, Germany, on, or about, 15 November 1945.

(Die oben genannten Anklagen sind dem Oberen Militärgericht zur Verhandlung zugewiesen, das durch den Spezialbefehl Nr. 304 §3, Hauptquartier 3, Armee der Vereinigten Staaten und Östlichen Militärbezirk, datiert 2. November 1945, angeordnet ist und soll in Dachau, Deutschland an dem, oder ungefähr an dem, 15. November 1945 abzuhalten ist.)

By Command of Lt. Gen. TRUSCOTT:

(Durch Befehl von Generalleutnant TRUSCOTT:)


A. J. FISCHER
Capt., Inf.,
Actg. Asst. Adj. Gen.

I certify that on 2 November 1945 the foregoing charges and particulars were read aloud in English and in German to: Martin Gottfried Weiss, Friedrich Wilhelm Ruppert, Josef Jarolin, Franz Xaver Trenkle, Engelbert Valentin Niedermeyer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Dr. Fritz Hintermayer, Johann Baptist Eichelsdorfer, Otto Foerschner, Dr. Hans Kurt Eisele, Dr. Klaus Karl Schilling, Christof Ludwig Knoll, Dr. Fridolin Karl Pühr, Franz Boettger, Peter Bets, Anton Endres, Simon Kiern, Michael Redwitz, Wilhelm Welter, Rudolf Heinrich Suttrop, Hugo Alfred Erwin Lausterer, Fritz M. K. Becher, Alfred Kramer, Sylvester Filleboeck, Vinzenz Schoettl, Albin Gretsche, Johann Viktor Kirsch, Walter Adolf Langleist, Johann Schoepp, Otto Schulz, Friedrich Wetzel, and that a copy of the foregoing charges and particulars were delivered to each of the above named accused on 4 November 1945.

I further certify that on 4 November 1945 the foregoing charges and particulars were read aloud in English and in German to: Johann Kiock, Wilhelm Teapel, Emil Erwin Mahl, Arno Lippmann, Fritz Degelow,

Otto Moll and Dr. Wilhelm Witteler, and that a copy of the foregoing charges and particulars were delivered to each of the persons named in this paragraph on the same date.

William D. Denson
WILLIAM D. DENSON
Lt. Col., J.A.G.D.,
Trial Judge Advocate

TESTIMONY

NAME OF WITNESS	direct	cross	redirect	recross	court recalled
Colonel Lawrence C. Ball	54	60			68
Colonel David Chavez, Jr.	69	96			778, 1679
Dr. Frans Blaha	98	169	209	212	215 1708
Rudolf Wolf	216	243	268	271	273
Helmut Breiding	273	293			
Heinrich Stoehr	301	313	320		1488
Eugene Seybold	320	334			
Hans Mursch	345				
Father Theodore Koch	350	362	367		
Father Frederick Hoffman	368	376			
Father Franz Stvarik	379				
Lieutenant Arthur Haulot	387	402	406		
Oscar Müller	407	413	416	418	
Otto Jendrian	419	427			444
Bogand Krajewski	445	451	452		452
Stanislaus Wilsynski	453	459	460		461
Colonel Jan Keveton	462	467	468	469	
Miezyla Tsepla	469	473	474	475	
Zigmund Wiecki	475	482			
Helmut Opitz	484	494			
Prince Frederick Leopold of Prussia	500	514	519		1770
Johann Kaltenboecker	519	527	534		535
Ladislav Wicharodt	536	539			
Frits Eberleni	539				
Wolfgang Furrer	543				752
Walter Cieslik	545	554	556	556	
Marcel Rausch	557	569	573	573	666
Michel Alphonse Pellis	574	579			
Captain John A. Barnett	579				
Doctor Norbert Fried	587	614	621		621 622, 1754
Schmul Kuczinsky	623	628			
Abraham Rosenfeld	627				
Moses Berger	629	636			
Chaim Sendowsky	639	646			
Riva Levy	651	699	665		666
Doctor Salmond Greenberg	668	679	685		686
Moses Rutsalsky	686	696			
Karl Stroh	698	704	708		
Doctor Nathan Katz	711	715			
Mrs. Finia Feinberg	717	721	722		
Chaim Zylberowig	722	725			
Gabriel Brzustavskj	726	728			
Jacob Kaufman	729				
Schloma Levine	736				
Tobias Pils	740	742			
Ali Kuchi	743				
Captain Wilhelm Marie Van Lanshon Van Schlott	746				
Franz Geiger	754	757			
Maurice Sappl	758				
George Neuner	760				
Mrs. Therese Weigl	760	765			

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(TESTIMONY - Continued)

NAME OF WITNESS	direct	cross	redirect	recross	court	recalled
Wilhelm Metzler	766	768				
Captain B. W. Glick	768	770				
Gertrude Ehmann	772	775				
Pfc Theodore Mischel	776					785, 804, 818 823, 847
Tec 5 Alexander M. Koritzkes	777					786, 791, 809 818, 825
2nd Lieutenant Paul C. Guth	787					793, 806, 810 851, 1701
Lieutenant David Lemelman	819					
Lieutenant Werner Conn	826					
Lieutenant John H. Bowser	831					1699
2nd Lieutenant Alfred E. Lawrence	836					1682
1st Lieutenant Effian London	839					
Lieutenant Patrick W. McMahon	842					
Captain John A. Barnett	845					
Lieutenant Harry Szanger	847					
Captain Horace R. Hansen	850					
WITNESSES FOR THE DEFENSE:						
Martin Gottfried Weiss (unsworn)	858	887	902	902		1500, 1814
Father Otto Pease	903	908	908			
Raymond Schnabel	909	915				1740
Father Heinrich Rupieper	916	922				
Paul Schliebs	926	930			931	
Father Johann M. Lenz	932	937				
Theofield Gamola	938					
Edgar R. Stiller	942	945	945	945		
Karl Kirschner	946	949				
Doctor Joseph Lintmayer	950	955	955	955		
Friedrich Wetzel (unsworn)	956	972				
Doctor Friedrich Kilian	978	979				
Mrs. Elizabeth Wolff	980					
Anton Weber	981	983				
Richard Turber	983	985	985			
Ludwig Kiermaier	986	987				
Ulian Ritzler	988	990				
Sylvester Filleboeck (unsworn)	991	995	998			
Father Johann Neuhrusm	999	1005	1007			
Johann Wolf	1008	1009				1727
Mrs. Hanna Welter	1020					
Rudolf Heinrich Suttrop (unsworn)	1022	1028	1035			
Leonhard Anselm Eichberger (unsworn)	1035	1039	1043			
Doctor Karl Steiner	1045	1052	1053			
Elfrida Keller	1054	1055				
Otto Schulz (unsworn)	1057	1063				
Wilhelm Wagner (unsworn)	1066	1072				
Mrs. Anna Earhart	1074	1076	1078			
Sino Beichtner	1079	1081	1082			
Max Kronfeldner	1083	1094				1494
Johann Kick (unsworn)	1085	1096	1113	1120		1805
Hugo Alfred Erwin Lausterer (unsworn)	1121	1126	1129			
Gustave Droste	1130					
Miss Josephine Moster	1133	1138	1140	1140		

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(Exhibit Index-4)

A General Military Government Court appointed by paragraph 3, Special Orders No. 304, dated 2 November 1945, Headquarters Third US Army and Eastern Military District, met at Dachau, Germany on the 15th day of November 1945, 1000 hours, as directed by the President thereof.

The Court proceeded in open Court to the trial of Martin Gottfried Weiss, Friedrich Wilhelm Ruppert, Josef Jarolin, Franz Xaver Trenkle, Engelbert Valentin Niedermeyer, Josef Seuss, Leonhard Anselm Eichberger, Wilhelm Wagner, Johann Kick, Dr. Fritz Hintermayer, Dr. Wilhelm Witteler, Johann Baptist Eichelsdorfer, Otto Foerschner, Dr. Hans Kurt Eisele, Dr. Klaus Karl Schilling, Christof Ludwig Knoll, Dr. Fridolin Karl Fuhr, 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, and Friedrich Wetzel, accused, who were present.

Prosecution: At this time, if it may please the court, the prosecution moves the court strike the names from the Charges and Particulars of Hans Aumeier and Hans Bayer on the ground that neither of these men have been served with charges, and are not before the court at this time.

President: Any objection by the defense?

Defense: The defense has no objection.

President: Subject to objection by any member of the court, the names of Hans Aumeier and Hans Bayer will be stricken from the Charges.

President: The court has appointed Second Lieutenant Werner Conn and Technician Fifth Grade Alexander M. Kuritzkes as interpreters for the court. They will be sworn.

(Whereupon the interpreters, Second Lieutenant Werner Conn and Technician Fifth Grade Alexander M. Kuritzkes were sworn by the president.)

President: The court has appointed S/Sgt George W. Clark and T/5 William T. Diviny, Jr., as reporters. They will be sworn.

(Whereupon S/Sgt George W. Clark and T/5 William T. Diviny, Jr., were sworn by the president.)

Prosecution: At this time, may it please the court, may the interpreter translate the proceedings that have taken place today so far for the benefit of the accused

President: The interpreter may do so.

(Whereupon the court interpreter translated the proceedings up to this point, as directed by the president.)

Prosecution: Let the record show that all the accused are present with the regularly appointed defense counsel.

President: Does the accused desire to introduce any additional counsel?

Defense: May it please the court, I present as additional defense counsel for the accused, subject to the admission of the court, Karl Mons Possern, a German lawyer.

President: Subject to objection by any member of the court, he is admitted to act as additional assistant defense counsel.

All members of the Court and the personnel of the prosecution and defense appointed by the foregoing Special Orders were present.

Prosecution: The general nature of the Charges and Particulars in this case is a violation of the Laws and Usages of War. The first Particular alleges, in substance, that each of these accuse did proceed, in a common design to kill, beat, torture, and otherwise abuse civilian

nationals of nations then at war with the then German Reich. The second Particular is in substance the same as the first, with the exception that this misconduct was directed toward prisoners of war in the custody of the then German Reich. The prosecution will not call any member of the court as a witness. Will the accused call any member of the court as a witness?

Defense: No member of the court will be called as witness by the accused.

Prosecution: Has any member of this court a personal interest in this case?

President: No member of the court has a personal interest in the case.

Prosecution: Colonel Lester J. Abele, a member of this court, has legal training.

Defense: At this time, if it may please the court, I wish to address a motion to the court in the nature of a plea in abatement. May the accused be seated?

President: Yes.

Defense: I respectfully invite the attention of the court to paragraph six (6), page 23 of the "Outline of Procedure for Trial of Certain War Criminals by General and Intermediate Military Government Courts", of which the court may take judicial notice, and which provides as follows: "The organization of the Army, including the regulations relating thereto, the Army Regulations, the Official Army Register the Army List and Directory, the provisions of official Army manuals, the existence and location of military departments, corps areas (Service Commands), reservations, posts, and stations of troops, as published to the Army; the fact that an officer belongs to a certain organization, branch, etc., the organization and component parts of the German Army." I respectfully draw the attention of the Court to Article 8,

of the Hague Convention of 1907 which provides among other things as follows: Article 8, provides that, "Prisoners of War shall be subject to laws, regulations and orders in force, in the Army of the state in whose power they are." Next, I call the Court's attention to Article 63 of the Geneva Convention of 1929 which provides as follows: "Sentence may be pronounced against a Prisoner of War only by the same courts and according to the same procedure as in the case of persons belonging to the Armed Forces of the Detaining power." Now, if the court please, the purpose of Article 63 of the Geneva Convention of 1929 was unquestionably to assure that Prisoners of War be on a parity with the members of the Armed Forces of the detaining power; it is submitted that the assumption of jurisdiction by this court flies in the very face of the expressed language of the Convention which the United States is and has been solemnly bound to uphold. It is further submitted that such an assumption of jurisdiction by this court would be null and void. By way of analogy, I wish to refer the court to a letter dated 16 July 1945, Headquarters, United States Forces European Theater, subject: "Trial of War Crimes and Related Cases." Paragraph one (1) of that letter reads as follows: "As a matter of policy, cases involving offenses against the laws of usages of war or the laws of the occupied territory or any part thereof commonly known as war crimes, together with such other related cases within the jurisdiction of Military Government courts as may from time to time be determined by the Theater Judge Advocate, committed prior to 9 May 1945, shall be tried before the specially appointed courts

provided for in this directive. Such trials in the United States Army zone of occupation will hereafter be conducted before Military Government courts, except where otherwise directed by the Theater Commander." It is quite clear and plainly obvious that this court which is a specially appointed Military Court would have no jurisdiction over an offense committed by a member of the United States Forces. It is likewise clear that the procedure before this court is not the same as would be utilized by the court which would try a member of the United States Forces. This is particularly important because the procedure in the instant case is radically and substantially different from that procedure employed in a Court -Martial. For example the accused in this case, a member of the German Army, cannot elect to make a sworn statement and other deviations from the general procedure of a Court -Martial Trial. It is imperative that the Court recognize this jurisdictional fact at this time, and the defense raised the issue because of its desire to save time and labor which have been unnecessarily spent. There is just one more thing in the Plea of Abatement I wish to call to the Court's attention, and that is Articles 60 and 62 of the Geneva Convention, which provides as follows: "At the opening of a judicial proceeding directed against a prisoner of war, the Detaining Power shall advise the representative of the Protecting Power thereof as soon as possible, and always before the date set for the opening of the trial. This advice shall contain the following information: a, Civil state and rank of prisoner; b, Place of sojourn or imprisonment; c, Specification of the (count) or counts of the indictment, giving the legal provisions applicable. If it is not possible to mention in that advice the court which

will pass upon the matter, the date of opening the trial and the place where it will take place, this information must be furnished to the representative of the Protecting Power later, as soon as possible, and at all events, at least three weeks before the opening of trial." Insofar as these accused were members of the German Army and the Waffen SS, who are, in the opinion of the Defense, Prisoners of War, the Detaining Power, in this case, the United States of America, should have notified the Protective Power, in this case, Switzerland, that the trial is going on. Article 62 of the Geneva Convention says: "The prisoner of war shall be entitled to assistance by a qualified counsel of his choice, and, if necessary, to have recourse to the services of a competent interpreter. He shall be advised of his right by the Detaining Power, in due time before the trial. In default of a choice by the prisoner, the Protecting Power, on its request, a list of persons qualified to present the Defense." The next paragraph from Article 62 is, "Representatives of the Protecting Power shall be entitled to attend the trial of the case." Article 62 then goes on to say, "The only exception to this rule is the case where the trial of the case must be secret in the interest of the safety of the State. The Detaining Power should so advise the Protecting Power." If the court please, it is respectfully submitted that the Plea of Abatement, on the grounds I have submitted and read to the court, be granted.

Prosecution: In reply to that, I would like to say this: That your entire argument is predicated upon the proposition that these men are Prisoners of War, and as such, are entitled to the protection of the Conventions that protect the rights of Prisoners of War. Now the basis is, as I have said, that they are Prisoners of War. We have these men charged with a violation of the Laws of War. We say that they are war criminals and are not entitled to the protection that is afforded prisoners of war. I would like to call the Court's attention to paragraph 351 of the War Department Basic Field Manual, 27-10, "Rules of Land Warfare." The paragraph is entitled, "Unauthorized belligerents," and states as follows: "Men and bodies of men, who, without being lawful belligerents as defined in paragraph 9, nevertheless commit hostile acts of any kind, are not entitled to the privileges of combatants. If captured, they have no right to be treated as prisoners of war. They may not, however, after being captured, be summarily put to death or otherwise punished, but may be brought to trial before a military commission or other tribunal, which may sentence them to death or such other punishment as it may consider proper. "

Now, that paragraph refers us to paragraph 9 in order to determine who are authorized belligerents. That paragraph of the Field Manual states this:

"Lawful belligerents. a, Armies, militia, and volunteer corps. The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions: 1, To be commanded by a person respon-

sible for his subordinates; 2, To have a fixed distinctive emblem recognizable at a distance; 3, To carry arms openly; and 4, To conduct their operations in accordance with the laws and usages of war. In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army" (H.R., art. 1)." Now, we have charged these men with conduct that is contrary to the Laws and Usages of War. In the first Particular we have charged them with cruelties and mistreatment, including killings, beatings, tortures, starvation, abuses and indignities of civilian nationals and persons then at war with the then German Reich. By the different Conventions, these civilians were entitled to be treated with humanity. In the second Particular we have charged these accused with killings, beatings, tortures, abuses, etc., of prisoners of war. Likewise, we say that they are criminals and are not entitled to the protection that must be accorded prisoners of war. In that connection I would like to call the Court's attention to a statement from Oppenheim which says: "In contradistinction to hostile acts of soldiers by which the latter do not lose their privilege of being treated as lawful members of armed forces, war crimes are such hostile or other acts of soldiers or other individuals as may be punished by the enemy on capture of the offenders." Flory, in his work on prisoners of war, states generally that prisoners of war "having committed violations of the laws of war prior to their capture and not tried

by their state of origin were, and are, subject to trial and punishment by the detaining state." Now, in this case, these men are charged with offenses that occurred prior to their capture. They are charged here with violating the Laws and Usages of War, and as such, we deem them as War Criminals. If they are not guilty of the offenses charged, it would be the duty of the Court to acquit them. We say that they no longer fall within the category of Prisoners of War. Now, there is a reference to the letter of 16 July 1945 requiring that the case be specifically directed to trial. We have that direction, and offer it at this time, may it please the court.

President: Is there any objection by the defense?

Defense: No objection.

Prosecution: We offer at this time the letter authorizing the trial of this case, signed by Colonel C. B. Mickelwait, Deputy Theater Judge Advocate, and addressed to the Commanding General, Eastern Military District, APO 403, in which the case is referred for trial by any tribunal appointed by the Commanding General, Eastern Military District.

President: Subject to objection by any member of the Court, the exhibit is received in evidence, and will be marked as Prosecution's Exhibit No. 1.

Prosecution: It follows that since these men have been charged as being War Criminals they may be tried by any tribunal of the powers that have them in their custody.

Defense: If the court please, referring back to the prosecution's reference to paragraph 351 of the Basic Field Manual, 27-10, I would like to point out at this point, and this in the very first sentence of paragraph 351 it says: "Men and bodies of men, who without being lawful belligerents - -" I submit to the court that these men who belonged to the Waffen SS were a definite part of the German Army and were, therefore, lawful belligerents, and on that point there is no question in my mind. Now, referring to paragraph 9 which counsel for the prosecution has referred to in his argument, that Part I which says: "to be commanded by a person responsible for his subordinates," that is the case here, if the court please, and witness will be called to give testimony on that point. Part 2, "To have a fixed distinctive emblem recognizable at a distance," I think if the court please, there is no officer or soldier in this room who wouldn't recognize a SS man if he was walking down the street. That Part 3, "To carry arms openly," I think we will all admit, and the court can take judicial notice of the fact, that these men all carried arms openly. Part 4, "To conduct their operations in accordance with the laws and usages of war," if the court please, as to these men, there has been no adjudication of their status, and they did not lose their status as prisoners of war until it has been adjudicated. Now, if the court please, counsel for the prosecution, in his reference to the statements of Oppenheim; I submit that it can be read two ways; it could be interpreted as negative statements. Now, counsel for the prosecution did say this; "that they should be punished. " I agree, but if

the court please, before a proper tribunal, the tribunal that has the right to try a soldier or officer of a belligerent armed force, and in accordance with the Geneva Convention.

Prosecution: I would like to call the Court's attention to one statement from Wheaton: "If men are taken prisoner who had committed violations of the Laws of War, they are not entitled to the privileges and treatment accorded prisoners of war." On that basis, these men come within that category, and you are entitled to pass judgment in this case.

Defense: If the court please, I have just this one observation: All of these prisoners were not taken under the circumstances described by counsel for the prosecution; and there is absolutely no proof before this court that they were so taken, as a matter of fact.

President: Subject to objection by any member of the court, it is not intended that any legal right be denied any accused in this trial. However, it is believed that this court has jurisdiction over the accused who were former members of the German Army. The Plea of Abatement is denied. The trial will proceed. The Court has satisfied itself that it is properly constituted under the laws and rules governing Military Government Courts and has jurisdiction over the persons and offenses of the accused. If either the prosecution or the defense has any ground for challenge of any member, it is requested that it be disclosed now.

Prosecution: The prosecution has no ground for challenge.

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Trial Transcripts (RG 338)
Vol. 1, Nov. 15-19, 1945

President: Were you a member of the German Army
at any time between the 1st of January
1942 and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 2.

President: Josef Jarolin. State your name.

Accused: Josef Jarolin.

President: Your age?

Accused: Forty-two.

President: Residence?

Accused: Munich 23, Belgard Strasse 14.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army
at any time between the 1st of January
1942 and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 3.

President: Franz Xaver Trenkle. State your name.

Accused: Franz Xaver Trenkle.

President: Your age?

Accused: Forty-seven years.

President: Your residence?

Accused: Dachau, Havertshausen, Wurmuhle 3.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army
at any time between 1 January 1942
and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 4.

Defense: The defense has no ground for challenge.

President: There being no grounds for challenge, the court is declared to be properly constituted. The Trial will be conducted in open Court.

President: The accused will now be interrogated as to name, age, residence, nationality, and status. As I call the name of the accused he will rise, and at the conclusion of his interrogation he will be given an identification number and will then resume his seat.

President: Martin Gottfried Weiss. State your name.

Accused: Martin Gottfried Weiss.

President: Your age?

Accused: Forty years.

President: Residence?

Accused: Dachau Elcherplatz 20.

President: Nationality?

Accused: German.

President: Were you a member of the German Army at any time between the 1st of January 1942 and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 1.

President: Friedrich Wilhelm Ruppert. State your name.

Accused: Friedrich Wilhelm Ruppert.

President: Your age?

Accused: Forty years old.

President: Your residence?

Accused: Braunauer Strasse 4.

President: Nationality?

Accused: German.

President: Engelbert Valentin Niedermeyer.

State your name.

Accused: Engelbert Valentin Niedermeyer.

President: Your age?

Accused: Thirty-three.

President: Your residence?

Accused: Dachau, Ring Strasse 8.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army
at any time between 1 January 1942
and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 5.

President: Josef Seuss. State your name.

Accused: Josef Seuss.

President: Your age?

Accused: Forty years.

President: Your residence?

Accused: Sscheffau Sinz, near Lindau.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army
at any time between 1 January 1942
and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 6.

President: Leonhard Anselm Eichberger. State
your name.

Accused: Leonhard Anselm Eichberger.

President: Your age?

Accused: Thirty years.

President: Your residence?

Accused: Grafraht near Munich.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 7.

President: Wilhelm Wagner. State your name.

Accused: Wilhelm Wagner.

President: Your age.

Accused: Forty-one years.

President: Your residence?

Accused: Untermuhlhause.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 8.

President: Johann Kick. State your name.

Accused: Johann Kick.

President: Your age?

Accused: Forty-four.

President: Your residence?

Accused: Dachau, Braunnauer Strasse 4.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 29 April 1945?

Accused: No.

President: He will be identified with the number 9.

President: Doctor Fritz Hintermayer. State your name.

Accused: Doctor Fritz Hintermayer.

President: Your age?

Accused: Thirty-four.

President: Your residence?

Accused: Markt-Graefing Boldber Strasse 1.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any time between 1 January 1942 and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 10.

President: Doctor Wilhelm Witteler. State your name.

Accused: Doctor Wilhelm Wittler.

President: Your age?

Accused: Thirty-six years.

President: Your residence?

Accused: Nehaus Schliersee, Jugendherberg.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any time between 1 January 1942 and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 11.

President: Johann Baptist Eichelsdorfer. State your name.

Accused: Johann Baptist Eichelsdorfer.

President: Your age?

Accused: Fifty-five years.

President: Your residence?

Accused: Nurnberg, Dundersbuhl Strasse.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any time between 1 January 1942 and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 12.

President: Otto Fourschner. State your name.

Accused: Otto Fourschner.

President: Your age?

Accused: Forty-four.

President: Residence?

Accused: Weimar Harth Strasse 39.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any time between 1 January 1942 and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 13.

President: Dr. Hans Kurt Eisels. State your name.

Accused: Dr. Hans Kurt Eisels.

President: Your age?

Accused: Thirty-three.

President: Your residence?

Accused: Frieberg.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any time between 1 January 1942 and 29 April 1945?

Accused: Yes.

President: He will be identified with the number 14.

President: Dr. Klaus Karl Schilling. State your name.

Accused: Dr. Klaus Karl Schilling.

President: Your age?

Accused: Seventy-four.

President: Your residence?

Accused: Dachau, Taschner Strasse 7.

President: Your nationality?

Accused: German.

President: Have you been a member of the German Army at any
time between 1 January 1942 and 29 April 1945?

Accused: No.

President: He will be identified with the number 15.

President: Christof Ludwig Knoll. State your name.

Accused: Christof Ludwig Knoll.

President: Your age?

Accused: Fifty years old.

President: Your residence?

Accused: Nurnbert W, Leonhard Strasse 22.

President: Were you a member of the German Army at any
time between 1 January 1942 and 29 April 1945?

Accused: No.

President: He will be identified with the number 16.

President: Dr. Fridolin Karl Puhr. State your name.

Accused: Dr. Fridolin Karl Puhr.

President: Your age?

Accused: Thirty-three.

President: Your residence?

Accused: Wein, Hardtgasse 34.

President: Your nationality?

Accused: Austrian.

President: Were you a member of the German Army at any
time between 1 January 1942 and 29 April 1945?

Accused: Yes.

President: You will be identified with the number 17.

President: Franz Boettger. State your name.

Accused: Franz Boettger.

President: Your age?

Accused: Fifty-seven years old.

President: Your residence?

Accused: Munich, Adams Street, No. 4.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 19 April 1945?

Accused: Yes.

President: He will be identified with the number 18.

President: Peter Betz. State your name.

Accused: Peter Betz.

President: Your age?

Accused: Thirty-two.

President: Your residence?

Accused: Siegelerden 66, Kronach, Upper Franconia.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 19 April 1945?

Accused: Yes.

President: He will be identified with the number 19.

President: Anton Endres. State your name.

Accused: Anton Endres.

President: Your age?

Accused: Thirty-six.

President: Your nationality?

Accused: German.

President: Your residence?

Accused: Grunenbaindt 6, Dinkelscherben.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 20.

President: Simon Kiern. State your name.

Accused: Simon Kiern.

President: Your age?

Accused: Thirty-two.

President: Your residence?

Accused: Munchen, 12 Trappentre" Strasse.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 21.

President: Michael Redwitz. State your name.

Accused: Michael Redwitz.

President: Your age?

Accused: Forty-five years old.

President: Your residence?

Accused: Deutenhofen 23, Hebertshausen, Dachau.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 22.

President: Wilhelm Walter. State your name.

Accused: Wilhelm Walter.

President: Your age?

Accused: Thirty-two.

President: Your residence?

Accused: Dachau, Kloster Strasse.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 23.

President: Rudolf Heinrich Suttrop. State your name.

Accused: Rudolf Heinrich Suttrop.

President: Your age?

Accused: Thirty-four years old.

President: Your residence?

Accused: Dachau, Grunl 1.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 24.

President: Wilhelm Tempel. State your name.

Accused: Wilhelm Tempel.

President: Your age?

Accused: Thirty-seven.

President: Your residence?

Accused: Bad-Mergentheim, Morickes Strasse 17.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 25.

President: Hugo Alfred Erwin Lausterer. State your name.

Accused: Hugo Alfred Erwin Lausterer.

President: Your age?

Accused: Fifty-five years old.

President: Your residence?

Accused: Metzingen, Linden Strasse, Reutlingen.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 26.

President: Fritz M. K. Becher. State your name.

Accused: Fritz Becher.

President: Your age?

Accused: Forty-two.

President: Your residence?

Accused: Munich.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 27.

President: Alfred Kramer. State your name.

Accused: Alfred Kramer.

President: Your age?

Accused: Forty-seven.

President: Your residence?

Accused: Waldenburg in Silesia.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 28.

President: Sylvester Filleboeck. State your name.

Accused: Sylvester Filleboeck.

President: Your age?

Accused: Forty-nine.

President: Your residence?

Accused: Dachau, Eichlerplatz 10.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 29.

President: Vinzenz Schoettl. State your name.

Accused: Vinzenz Schoettl.

President: Your age?

Accused: Forty.

President: Your residence?

Accused: Peiting, Upper Bavaria, Wanderhof.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 30.

President: Albin Gretsch. State your name.

Accused: Albin Gretsch.

President: Your age?

Accused: Forty-six years.

President: Your residence?

Accused: Weitingen, near Augsburg.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 31.

President: Johann Viktor Kirsch. State your name.

Accused: Johann Viktor Kirsch.

President: Your age?

Accused: Fifty-four years old.

President: Your residence?

Accused: Marpingen Haup Strasse, in the Saar.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 32.

President: Emil Erwin Mahl. State your name.

Accused: Emil Erwin Mahl.

President: Your age?

Accused: Forty-five.

President: Your residence?

Accused: Karlsruhe, Krieg Strasse, 161.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any time between 1 January 1942 and 17 April 1945?

Accused: No.

President: He will be identified with the number 33.

President: Walter Adolf Langleist. State your name.

Accused: Walter Adolf Langleist.

President: Your age?

Accused: Fifty-two.

President: Your residence?

Accused: Munster, Westphalia, Manner Strasse, 39.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 34.

President: Johann Schoepp. State your name.

Accused: Johann Schoepp.

President: Your age?

Accused: Thirty-four.

President: Your residence?

Accused: Geminde Alzen, 45, Kreis Hermannstadt, Rumania.

President: Your nationality?

Accused: Rumanian.

President: Were you a member of the Rumanian or German Army at any time between 1 January 1942 and 17 April 1945?

Accused: I was a member of the Rumanian and German Armies.

President: He will be identified with the number 35.

President: Arno Lippman. State your name.

Accused: Arno Bernhard Lippman.

President: Your age?

Accused: Fifty-five.

President: Your residence?

Accused: Dachau, Immanuel Strasse 1.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 36.

President: Fritz Degelow. State your name.

Accused: Fritz Degelow.

President: Your age?

Accused: Fifty-four.

President: Your residence?

Accused: Waltershausen, Schalgasse 1.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 37.

President: Otto Moll. State your name.

Accused: Otto Moll.

President: Your age?

Accused: Thirty years old.

President: Your residence?

Accused: Dabel Sternberg in Meklenburg.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 38.

President: Otto Schulz. State your name.

Accused: Otto Schulz.

President: Your age?

Accused: Forty-two.

President: Your residence?

Accused: Wittenberge Potsdam, Herrenweisen Strasse 10.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 39.

President: Freidrich Wetzel. State your name.

Accused: Freidrich Wetzel.

President: Your age?

Accused: Thirty-six.

President: Your residence?

Accused: Enzklosterle, Kreis Calbe, Wurttemberg.

President: Your nationality?

Accused: German.

President: Were you a member of the German Army at any
time between 1 January 1942 and 17 April 1945?

Accused: Yes.

President: He will be identified with the number 40.

President: The accused will stand. You are advised that
under the law of Military Government you are entitled in this
court to the following: 1, To have in advance of trial a copy

of the charges upon which you will be tried. 2, To be present at your trial, to give evidence and to examine or cross-examine any witness. 3, To consult a lawyer before trial and to conduct your own defense or be represented at the trial by a lawyer of your own choice, subject to the right of the court to debar any person from appearing before the court. 4, In any case in which a sentence of death may be imposed, to be represented by an officer of the United States Forces. 5, To bring with you to the trial such material witnesses in your own defense as you may wish, or have them summoned by the court, at your request, if practicable. 6, To apply to the court for an adjournment where necessary to enable you to prepare your defence. 7, To have the proceedings translated when you are otherwise unable to understand the language in which they are conducted. 8, In the event of a conviction, to file a petition setting forth grounds why the findings and sentence should be set aside or modified.

President: Do you understand your rights? Each accused will answer as I call his name.

(Upon interrogation, each of the accused in turn, stated that they understood such rights.)

President: Are you now ready for trial in this case?

Defense: If it please the court, the accused will not apply for a continuance at this time. The accused reserve for themselves the right to apply for a continuance or adjournment at any other future time if it is considered necessary for the proper preparation of the defense. Therefore, the accused does not answer that question in the affirmative.

President: Are the accused ready to proceed with the trial?

Defense: Under the circumstances, and with the reservations I have stated, the accused will proceed with the trial.

President: Has a copy of the Charge Sheet been served upon you prior to trial?

Defense: Yes, sir.

President: There are a large number of accused, translation will frequently be difficult and slow. It is the desire of the court that each accused understand clearly the proceedings. If at any time any statement is not clear to any one of the accused, the court desires him to raise his hand, and call the court's attention to that fact. Is that clear to each of the accused?

Defense: Yes, sir.

President: I will now read to you the Charges and Particulars.

(The Court then read to the accused the Charges and Particulars as set forth in the Charge Sheet.)

President: The accused may sit down, and as I call each name, he will rise.

President: Martin Gottfried Weiss. Do you understand the Charges and Particulars?

Accused Weiss: Yes.

President: How do you plead?

Defense: If the court please, I'm sorry. I have a motion I would like to make in regard to the Charges and Particulars. I didn't expect the pleas so soon.

President: You may proceed.

Defense: If the court please, at this time on behalf of all the defendants, a motion is addressed to the charges preferred against each and all of the defendants. In our Civil practice this motion would be and probably will be known here as a Motion to quash the Charges. At the outset, if the court please, I wish to draw the court's attention to Circular 132, Headquarters, United

States Forces European Theater, dated 2 October 1945, and particularly to paragraph 3 thereof which reads as follows: "For the purpose hereof, the term "war crimes" may be understood as including those violations by enemy nationals, or persons acting with them, of the laws and usages of war of general application and acceptance, including acts in contravention of treaties and conventions dealing with the conduct or war, as well as other offenses against persons or property which outrage common justice or involve moral turpitude, committed in connection with military operations, with or without orders or the sanction of commanders." In the Charges served on each of the defendants herein, both the Particulars under the first Charge and the Particulars under the second Charge fail to allege the nationality of the persons who have been charged with the commission of these crimes. I emphasize again the words of the Definition, "Violations by enemy nationals or persons acting with them." The nature of the jurisdiction over the person by a specially appointed Court like this can be likened to a Military Courts-Martial. This Court has limited jurisdiction. This Court, like a Court -Martial has limited jurisdiction as to the person, and it is respectfully submitted that the Particulars of these Charges must show that the Court has jurisdiction over the person. It is respectfully submitted that the Particulars should allege the nationality of the persons charged with the commission of these crimes. The Defense submits that since the nationality of the many accused, is not pleaded in accordance with the definition as set forth in Circular 132, no war crime has been properly alleged either in Particular 1 or Particular 2. In criminal pleading as well as in our Military Court Martial, a specification should include the following: "The name of the

accused person, and a showing either by a description of said person by Rank and Organization or otherwise, that the accused is within the jurisdiction of the court as to persons."

It is obvious to the Defense from the language used, the definition in Circular 132, "Violations by enemy nationals or persons acting with them" that the failure to so allege in the Particulars deprives this court of jurisdiction of any of the persons named as defendants. Because of this failure on the face of the Particulars themselves, the court has no knowledge as to what country, if any, that these accused are nationals. On the face of it, they may be civilian nationals of nations then at war with the then German Reich. They may even be, as far as the Particulars disclose, civilian nationals of one of the United Nations. It is therefor respectfully submitted that the Particulars under the first Charge and the Particulars under the second Charge should definitely allege the nationality of the persons charged with the offenses stated therein. Now, if the court please, in addition, the Defense respectfully submits that the Particulars of the first Charge and the Particulars of the second Charge are vague and uncertain. I draw the Court's attention to the language contained in each of these Particulars, "acting in pursuance of a common design." It is respectfully submitted that this language does not appraise the accused individually or severally of an offense. I respectfully ask, does this language allege a conspiracy? It is respectfully submitted that if a conspiracy is intended to be alleged, that this type of language does not so allege it, and that this is not an accepted way of informing an accused that he is being charged with a conspiracy. It is respectfully submitted that it is impossible for the Defense to determine whether or not these accused are being charged

with a conspiracy. If the court please, I refer to the, "Soldier and the Law" on page 128, which reads as follows: "The purpose and province of the Charges are first, to inform the accused of the prescribed offense attributed to him in such face, that he may intelligently admit, deny, or plead specially to this offense, and that he may be enabled to plead his conviction or acquittal upon any subsequent prosecution on account of the same act; Secondly, to advise the court and the reviewing authority of the nature of the accusation . . . and the latter may understandingly pass upon all the proceedings." Then again in the same Manual, on page 131; "Certainty. The offense must be clearly described. 1. To enable the court to say that, if the facts are true, an offense has been committed by the accused. 2. So that the court will know what punishment to award in case of conviction. 3. So that the court can confine the evidence to the offense charged, in order that the defendant may not be charged with one offense and convicted of another. 4. To give the accused reasonable notice of the charge that he will be called upon to answer. 5. To make the particular offense the accused was charged with appear on the record, for the purpose of review in case of conviction. 6. To identify the offense so that an acquittal or conviction may be pleaded in bar of trial if the accused is again charged with the same offense." In this case, if the court please, it is respectfully submitted that on the face of the Charges, each one of these accused is charged with aiding and abetting, killings, beatings, starvations, etc. It is obvious that there is no certainty as to the charges, as to each of

the defendants in such a pleading. Again, the dates in this case are from 1942 to 29 April 1945. Is each of the defendants charged with having been in Dachau or a subsidiary of Dachau all of this time? It is submitted that the Prosecution should clarify for both the Court and the Defense, the time as to each individual Defendant. If the Court please, I refer to the "Digest of Opinions" of the Judge Advocate, United States Army, 1912 to 1940, Section 428, page 296, Sub-section (10), which reads as follows:

"Certainty as to Date. - The determining question in each case is whether the accused has sufficient notice of the offense with which he is charged. It is doubtful whether a Specification alleging that accused was drunk on duty 'at divers times between May 20 and June 7, 1918,' fixes the time with sufficient certainty; but where the accused entered a plea in abatement on the ground of uncertainty, and later withdrew it on the statement of the judge advocate that he expected to prove that the accused was 'under the influence of alcohol practically the entire time,' and where it appears that he was not misled thereby, it is not necessary to consider the question of sufficiency of the specification. C.M. 120017 (1918). A specification alleging that the accused did 'on dates unknown, feloniously take, steal, and carry away at different times, various sums of money, value unknown, the property of soldiers in the Sixth Battalion,' violates all rules of criminal pleading. It is too uncertain to acquaint accused with the specific offense against which he must defend, or to afford him any ground for a plea of former jeopardy, or immunity from subsequent conviction for the same offenses. They were tantamount to the allegations that the accused is a common thief,

without reference to any specific state of circumstances, and, even though admitted, do not authorize the imposition of punishment by a court-martial. It does not charge an offense in the manner required by law, and the findings of guilty, notwithstanding the plea of guilty, should be disapproved. C.M. 1255359 (1919)." At this point, I would like to refer to the California Law Review, Willard B. Cowels, in re: The United States verses Braganza, page 211. "It is therefore submitted that the dates as to each of the defendants should be clarified by the Prosecution for the offenses charged against them, and that the Particulars be dismissed by this court because they are not detailed Particulars apprising the defendants of the exact nature of the Charges against them." If the court please, with reference to that citation, the Specifications or Particulars should allege the names and nationalities as to each victim. It is important that the names and nationalities of the victims be known both by the Court and the Defense, for how can we determine or how can it be determined by the court whether or not the victim was a civilian national of nations then at war with the Third German Reich. If the court please, I would like to offer a chronology of dates. In March, 1938, Austria was taken over by the German Reich; March 14, 1939, German Troops occupied Bohemia and Moravia; March 16, 1939, Czechoslovakia became a German Protectorate; May 22, 1939, Germany and Italy declared an Axis alliance; September 1, 1939, at 5:00 o'clock Germany sent troops into Poland; September 3, 1939, Great Britian and France declared war on the German Reich; September 27, 1939, Warsaw was taken by the Germans; November 30, 1939, Russia invaded Finland;

April 9, 1940, Denmark and Norway invaded; May 10, 1940, Holland declared war; May 15, 1940, Holland capitulated; May 17, 1940, Germany took Brussels; May 28, 1940, King of Belgium surrendered at 0300; June 14, 1940, Germans entered Paris; June 21, 1940, negotiations for peace begin; July 5, 1940, France broke diplomatic relations with Great Britain; July 9, 1940, Parliament at Vichy voted itself out of existence; September 27, 1940, non-aggression pact between Germany, Italy, and Japan; November 20, 1940, Hungary joined Axis; November 23, 1940, Rumania joined Axis; November 24, 1940, Czechoslovakia joined Axis; March 1, 1941, Bulgaria joined Axis; March 25, 1941, Yugoslavia joined Axis; April 6, 1941, Germany declared war on Jugoslavia; May 14, 1941, French Cabinet ratified Hitler's terms; June 18, 1941, Turkey and Germany signed non-aggression pact; June 21, 1941, Germany declared war on Russia; and in June 23, 1941, Germany invaded Russia.

Now, if the court please, you can see from that chronology of dates, that it is most important for the Court and the Defense to know the names and nationalities of these victims, else how can this court determine whether or not any of the alleged victims of these alleged offenses were civilian nationals of nations then at war with the German Reich. Under the Particulars as they are set forth here before this court, I submit that it's practically an impossibility. Again if the court please, at the risk of repetition, it is submitted that each Particular should charge but one offense. A glance at the Particulars in this case indicate that there are eight definitely stated offenses. However, the Particular goes on and says, "Including Killings, etc." Just how many more offenses are

intended to be proven by the Prosecution is a matter of conjecture only. I refer the court to Military Government Manual, on page 34, of which it is set forth under paragraph 6, entitled "Charges," sub-paragraph 2: "Each charge shall disclose one offense only, and shall be particularized sufficiently to identify the place, the time, and the subject matter of the alleged offense, and shall specify the provision under which the offense is charged." The principle that a specification or particular should allege only one offense as denunciated in, "The Soldier and the Law," is also similarly involved in War Crimes and has been clearly indicated by Lieutenant Commander James R. Robinson, United States Navy, Office of the Judge Advocate General of the Navy, and of the War Crimes Branch of the Judge Advocate General Department in Washington. In a speech, dated 20 April 1945, before the American Bar Association and the Federal Bar Association in Washington, D.C., in which he discusses the drawing of a specification, in the case discussed, it involved Japanese, and is familiarly known as the "Palawan Massacre." In discussing the specifications, Commander Robinson states the first item under the specification is the time of the offense. The next item is the allegation of the place of the offense. The next item in the specification is the names of the accused Japanese War Criminals whom we may identify, "MOJO, SOJO, and other persons connected and acting with Japanese." The name of the victims of the unlawful killing may be alleged as "JOHN DOE" who should be further identified as "A United States Soldier who was a surrendered and unarmed prisoner of Japan." The names of all of the 141 victims of the massacre should not, according to better practice, be joined in a single

specification. The crime alleged is the unlawful killing of a person; there were as many unlawful killings committed in the Palawan Massacre as the number of human beings who were unlawfully killed. Mere mechanical difficulties, such as the typing of large numbers of charge sheets cannot be accepted as sufficient justification for not naming all of the victims in one specification. At the same time, the method of incorporation by reference could be employed in such a manner that needless recetition would be avoided. The number of charges and specifications to be tried in a single trial would be subject to determination by the court. If the court please, in view of the statements I have made here, and on behalf of the defense, it is respectfully requested that the Charges and Particulars herein be quashed.

President: The Court will recess until 1:30.

At the direction of the president, the court then recessed for one hour, after which time (1:20 P.M.), the personnel of the court, prosecution and defense, the official interpreter for the court, the interpreter for the accused, and the court adviser, the accused and reporter resumed their seats.

The court came to order at 1320 hours.

Prosecution: May it please the court, the motion made prior to adjournment to quash the charges and particulars thereto were based primarily upon the failure of the particulars to allege that these accused were enemy nationals. A second basis for the motion was in substance to the effect that the accused were not apprised with the offense charged because of vagueness and uncertainty this court should quash the particulars. With respect to the first ground of the motion I would like to call the court's attention to the language in Circular 132 which was read by the defense and relied upon by him for the basis for the first ground of the motion. "For the purpose herein, the term War Crimes is understood as including those violations by enemy or those persons acting with them. nationals" I call the court's attention to the allegations contained in the particulars. These accused are described as being members of the staff of Dachau Concentration Camp and acting upon persons who were then in the custody of the then German Reich in exercise of belligerent control. These allegations charge the accused with acting on behalf of the German Reich as members of the staff of the Dachau Concentration Camp, located at Dachau Germany, and acting pursuant to the orders of the German Reich and acting on persons in custody of the then German Reich. It is not intended that war criminals would be confined to persons who were enemy nationals. The clause pertains to persons acting with enemy nationals with being, as members of the staff of Dachau Concentration Camp, and as such, committing the outrages alleged in the particulars. As to the second ground of this motion that the accused were not apprised of the offenses charged and to ascertain the meaning of the language used. It is alleged that these individuals, as members of the staff of Dachau Concentration Camp participated

in one of the manners alleged in a common design to permit and commit the outrages that are set forth in the particulars. The plain meaning apprises them of the offense for which they stand trial. It is to be borne in mind that their offense is participation in a design that had for its basis the tortures, beatings, killings and other indignities committed on nationals of nations at war with the then German Reich. Quoting counsel for defense, "If it takes a lot of time and a lot of paper, still the names of the victims should be alleged." It is submitted that here an allegation is made that these individuals were subject to the type of treatment and they are in excess of many thousands. A fundamental rule to the effect that an offense need not be placed as being committed against any particular man or group of men. The offense that they are charged with is one of a continuing nature. This design was in operation, we allege, in January, 1942 and also in operation in April, 1945. Being a continuing offense, the participation by these individuals, is sufficiently alleged to apprise them of what they are called on to defend. It makes no difference ^{that} the name of the person is not alleged for this reason. The name of the victim may be the name of unknown persons. As pointed out, many of these persons and names are unknown, but we expect the evidence to show what nationality they belong to. It is not necessary to get the nationalities of the countries that were at that time involved in war with the Reich. Each of these victims were nationals of nations at war with the then German Reich. We allege that their names, being unknown, and the exact number is not known but in excess of many thousands, so that by the virtue of the nature of this offense, even if one man was subjected to beating, and another man was

tortured and another one was killed, the offense would still be complete so far as the accused are concerned. I would like to call the court's attention to what the Judge Advocate General has stated with respect to continuing offenses. Counsel for the Defense cited a case which involved one offense and deduced the rules that the time, place and circumstances be alleged in the particulars. I call your attention to Bulletin, Judge Advocate General, Volume 4, page 232. The accused was found guilty of taking, willfully and feloniously, certain United States property under Article of War 96. He was charged with a series of wrongful taking^{of} United States property at semi-monthly intervals and the charges did not contain the exact dates of the offenses. A motion by defense to quash the charges was denied by the court. The accused had access to the warehouse during a long period of time. Held, legally sufficient to support the findings and sentence. The rule in one charge has limitations in cases of offenses which have the quality of duration. The offense charged here is similar to mutiny and with respect to the amount of particular^{ity of allegation,} I call the court's attention to another decision of the Judge Advocate General. This is taken from bulletin of the Branch Office of the Judge Advocate General, page 296. "Allegations describing the conduct of the accused generally renders the charge of mutiny by allegation particularizing the accusation of each accused are not necessary." These men are charged with the commission of offenses with continuing nature and as such, we place them at Dachau or Landsberg from 1942 to 1945 and so we say that they did participate in a common design to commit murders, beatings, tortures and other indignities and they are apprised of what they are called upon to defend. It is submitted that the motion should be denied.

Defense: I will take up the points that the prosecution has done. In his first reply to the point first brought up by defense relating to Circular 132, Third Army which gives the definition of War Criminals. He states that the saving clause is that they were acting with enemy nationals. No where in these two particulars is there any mention of any body acting with enemy nationals. Now, with reference to the failure to apprise the accused of the nature of the charge. Counsel says they are being charged as members of the staff of the Dachau Concentration Camp and I agree with him but he says that is a participation in a common design, but again, if the court please, I ask the prosecution to determine whether or not such a participation in a common design is a conspiracy. Having failed to comply with that, I suggest that the prosecution is not relying on this particular case as a conspiracy. They go further by saying that they would refer to the particulars themselves. Go just a little further and say that they did wrongfully encourage, aid and abet and participate? Are they throwing out the encouragement, the aiding and the abetting and only referring and relying on the participation. That is the clarification that I ask for. As to the names of the victims, I add with accordance with Lieutenant Commander Robeson's address in which he stated that the John Doe could be just anyone. I don't know whether the prosecution unintentionally passes over the most important feature of the defense's motion to quash the charges. And that is most important for this court, just as important as it is to the defense counsel. You know, as I stated, that the nationality of the victims is the important thing to know. The very gravamen of these charges is enough to know that the names, numbers of civilian nationals of nations then at war with the then

German Reich. Participation in a common design against civilian nationals of nations then at war, unless the court counts on the face of it who these nations were at that time, this court can ot, in my opinion, intelligently come to the opinion as to who these people are. Are we going to permit the prosecution to put a witness on the stand and ask him if he knows where the victims were from, and if he says "no", call another one and go through the same process? If we don't know where they are going to stop, but if we know really from what countries they came from and what countries were then at war with the German Reich, we would be in a position to handle the case and the defense would be able to present some sort of a defense. With the statement of counsel for prosecution that this is a continuing offense, I don't know whether it is or not. It doesn't say in this specification that it is a continuing offense . And it does not show in these particulars what each man is being charged with. Is Martin Weiss here being charged with murder, torturing and beating? Is Boettger being charged with a murder, a beating, starvation or torture? You understand what is necessary for them to know before we can intelligently present a defense and I therefore request that these charges be quashed.

Prosecution: This could go on forever. One thing counsel has answered is by reading from the charge sheet. It alleges that these people were in custody of the German Reich and that they were civilian nationals of nations then at war with the then German Reich, and these allegations will be followed by proof. If we have an allegation by a witness that he saw ninety Russians executed, if there was an allegation, it is not necessary to allege in this charge

sheet that ninety Russians were slaughtered? But we have an allegation which characterizes the victims and so long as the allegation is there, it is sufficient.

President: Subject to objection by any member of the court, the court rules that good cause has not been shown why the charges and particulars should be quashed. They are sufficient in that they contain in substance statements that the accused committed the offenses specified therein. The motion is denied.

Defense: At this time the defense would like to move for a severance. We find as authority the Manual for Courts Martial, paragraph 71 B, "The Motion to Sever". "The motion should be granted if good cause is shown. Conspiracy, for instance, the court may properly be more exacting than in other cases with respect to the question whether the facts shown in support of the motion constitute a good cause. The more common grounds of this motion are that the mover desires to avail himself on his trial of the testimony of one or more of his coaccused, or of the testimony of the wife of one; or that a defense of the other accused is antagonistic to his own; or that the evidence as to them will in some manner prejudice his defense." In this present case forty defendants are charged with participating in what the prosecution calls a common design to commit said acts. Just what they are is unknown. The time at which each accused was committed is unknown. I believe that one reason this charge was brought on the common design basis so that all could be shown in one act. The prosecution stated that their position is in that these defendants meant and agreed to perform the acts, rather than they did certain acts in furtherance of an already agreed

agreement. The defense contends that these accused are not war designers, even under the interpretation that the acts were committed voluntarily and also with the plan on design. As the defense will show in the course of the trial, many acts alleged by prosecution were not voluntary. Many acts were not performed in the mold of any existing agreement or design to commit those acts. The fact that these accused were not voluntarily committing the acts shows interest is adverse and defense desires a severance. Regardless of ^{whether} the severance should be granted, the defense will show that some accused were not in positions of responsibility - others were, with the ones not in positions of responsibility under them. The nature of their argument is to put the responsibility upon their superiors, that on the face is antagonistic. For instance, the block leader would put the blame on the man just higher, and so on until the entire forty men had shifted the blame. The large number of defendants here is a further ground for severance. Such a group is unwilling to cooperate, and it will be very difficult for the court to keep in mind the names and identities of the individuals, let alone the specific acts committed by each of the accused. Such a group and such a combination of charges, without mentioning so many accused makes a fair verdict practically impossible. Forty accused and four defense counsels. Counsel cannot protect the interest of each accused representing a group of men for the majority whose interests are adverse. An example can be found in Third Army Bulletin in the case of Schosser, in which the court granted the motion for severance on the ground that the defense would be antagonistic. The charge was murder.

Prosecution: May it please the court, counsel for defense has cited the procedure for courts martial and military commissions as a reason why a severance should be granted. This is not a military commission and neither is it a court-martial. It is a General Military Government Court. Counsel says that it is not a good idea to try so many men at one time and that it will be difficult for the court to keep the names and faces in mind. Granted it is a large number of defendants, but the members of the court will be able to keep the names and faces in mind. Granted it is a large number of defendants for the counsel to represent. It is not often that there are forty defendants in the same trial, but it is not often, thank God, that we have a Dachau. But are we to have an individual case for each accused? We have tried to break down the number, and to just keep the larger ones - and there are forty of the larger ones. They are charged here of acting in a common design. We have all types of individuals that were here on the staff acting together. Their defenses are not antagonistic and there are no grounds for a severance in this case.

Defense: Counsel for the prosecution stated that the defense had cited the procedure as a grounds for severance. That was not the purpose - legality of the type of court for the reasons for procedure which this court must make will be the same. The only other point that was pointed out was that the number of defendants was so large that we would have to have hundreds of cases if we were to grant a severance. I submit that if an individual's rights are to be abolished, then we have not a proper trial here. If each individual's rights are not going to be protected, then the motion should be granted.

President: Subject to objection by any member of the court, I rule that good cause has not been shown for a severance. The essence charged is a combination of acts between the accused, therefore they should not be tried separately. The motion is denied.

President: At this time we will continue with the pleading. Martin Gottfried Weiss - do you understand the charges and the particulars?

Accused Weiss: Yes.

President: How do you plead?

Accused Weiss: Not Guilty.

President: Friedrich Wilhelm Ruppert - do you understand the charges and the particulars?

Accused Ruppert: Yes.

President: How do you plead?

Accused Ruppert: Not Guilty.

President: Josef Jarolin - do you understand the charges and the particulars?

Accused Jarolin: Yes.

President: How do you plead?

Accused Jarolin: Not Guilty.

President: Franz Xaver Trenkle - do you understand the charges and the particulars?

Accused Trenkle: Yes.

President: How do you plead?

Accused Trenkle: Not Guilty.

Defense: May it please the court, I object to the response on the part of the audience. It doesn't seem to occur to the audience that there are forty individuals on trial for their lives and it isn't a light matter from their point of view.

President: The audience will maintain complete and absolute silence.

President: Engelbert Valentin Niedermeyer - do you understand the charges and the particulars?

Accused Niedermeyer: Yes.

President: How do you plead?

Accused Niedermeyer: Not Guilty.

President: Joseph Seuss - do you understand the charges and the particulars?

Accused Seuss: Yes.

President: How do you plead?

Accused Seuss: Not Guilty.

President: Leonhard Anselm Eichberger - do you understand the charges and the particulars?

Accused Eichberger: Yes.

President: How do you plead?

Accused Eichberger: Not Guilty.

President: Wilhelm Wagner - do you understand the charges and the particulars?

Accused Wagner: Yes.

President: How do you plead?

Accused Wagner: Not Guilty.

President: Johann Kick - do you understand the charges and the particulars?

Accused Kick: Yes.

President: How do you plead?

Accused Kick: Not Guilty.

President: Doctor Fritz Hintermayer - do you understand the charges and the particulars?

Accused Hintermayer: Yes.

President: How do you plead?

Accused Hintermayer: Not Guilty.

President: Doctor Wilhelm Witteler - do you understand the charges and particulars?

Accused Witteler: Yes.

President: How do you plead?

Accused Witteler: Not Guilty.

President: Johann Baptist Eichelsdorfer - do you understand the charges and particulars?

Accused Eichelsdorfer: Yes.

President: How do you plead?

Accused Eichelsdorfer: Not Guilty.

President: Otto Foerschner - do you understand the charges and particulars?

Accused Foerschner: Yes.

President: How do you plead?

Accused Foerschner: Not Guilty.

President: Doctor Hans Kurt Eisele - do you understand the charges and particulars?

Accused Eisele: Yes.

President: How do you plead?

Accused Eisele: Not Guilty.

President: Doctor Klaus Karl Schilling - do you understand the charges and particulars?

Accused Schilling: Yes.

President: How do you plead?

Accused Schilling: Not Guilty.

President: Christof Ludwig Knoll - do you understand the charges and particulars?

Accused Knoll: Yes.

President: How do you plead?

Accused Knoll: Not Guilty.

President: Doctor Fridolin Karl Puhr - do you understand the charges and particulars?

Accused Puhr: Yes.

President: How do you plead?

Accused Fuhr: Not Guilty.

President: Franz Boettger - do you understand the charges and particulars?

Accused Boettger: Yes.

President: How do you plead?

Accused Boettger: Not Guilty.

President: Peter Betz - do you understand the charges and particulars?

Accused Betz: Yes.

President: How do you plead?

Accused Betz: Not Guilty.

President: Anton Endres - do you understand the charges and particulars?

Accused Endres: Yes.

President: How do you plead?

Accused Endres: Not Guilty.

President: Simon Kiern - do you understand the charges and particulars?

Accused Kiern: Yes.

President: How do you plead?

Accused Kiern: Not Guilty.

President: Michael Redwitz - do you understand the charges and particulars?

Accused Redwitz: Yes.

President: How do you plead?

Accused Redwitz: Not Guilty.

President: Wilhelm Welter - do you understand the charges and particulars?

Accused Welter: Yes.

President: How do you plead?

Accused Welter: Not Guilty.

President: Rudolf Heinrich Suttrop - do you understand the charges and particulars?

Accused Suttrop: Yes.

President: How do you plead?

Accused Suttrop: Not Guilty.

President: Wilhelm Tempel - do you understand the charges and particulars?

Accused Tempel: Yes.

President: How do you plead?

Accused Tempel: Not Guilty.

President: Hugo Alfred Erwin Lausterer - do you understand the charges and particulars?

Accused Lausterer: Yes.

President: How do you plead?

Accused Lausterer: Not Guilty.

President: Fritz M. K. Becher - do you understand the charges and particulars?

Accused Becher: Yes.

President: How do you plead?

Accused Becher: Not Guilty.

President: Alfred Kramer - do you understand the charges and particulars?

Accused Kramer: Yes.

President: How do you plead?

Accused Kramer: Not Guilty.

President: Sylvester Filleboeck - do you understand the charges and particulars?

Accused Filleboeck: Yes..

President: How do you plead?

Accused Filleboeck: Not Guilty.

President: Vinzenz Schoettl - do you understand the charges and particulars?

Accused Schoettl: Yes.

President: How do you plead?

Accused Schoettl: Not Guilty.

President: Albin Gretsch - do you understand the charges and particulars?

Accused Gretsch: Yes.

President: How do you plead?

Accused Gretsch: Not Guilty.

President: Johann Viktor Kirsch - do you understand the charges and particulars?

Accused Kirsch: Yes.

President: How do you plead?

Accused Kirsch: Not Guilty.

President: Emil Erwin Mahl - do you understand the charges and particulars?

Accused Mahl: Yes.

President: How do you plead?

Accused Mahl: Not Guilty.

President: Walter Adolf Langleist - do you understand the charges and particulars?

Accused Langleist: Yes.

President: How do you plead?

Accused Langleist: Not Guilty.

President: Johann Schoepp - do you understand the charges and particulars?

Accused Schoepp: Yes..

President: How do you plead?

Accused Schoepp: Not Guilty.

President: Arno Lippmann - do you understand the charges and particulars?

Accused Lippmann: Yes.

President: How do you plead?

Accused Lippmann: Not Guilty.

President: Fritz Degelow - do you understand the charges and particulars?

Accused Degelow: Yes.

President: How do you plead?

Accused Degelow: Not Guilty.

President: Otto Moll - do you understand the charges and particulars?

Accused Moll: Yes.

President: how do you plead?

Accused Moll: Not Guilty.

President: Otto Schulz - do you understand the charges and particulars?

Accused Schulz: Yes.

President: How do you plead?

Accused Schulz: Not Guilty.

President: Friedrich Wetzel - do you understand the charges and particulars?

Accused Wetzel: Yes.

President: How do you plead?

Accused Wetzel: Not Guilty.

President: The court will waive interrogation of the accused at this time. At a later stage of this trial you may make an unsworn statement on which you may be cross-examined. You are advised that any statements you make now or later will be evidence. You are advised that the court

may draw such inferences from your refusal to answer or fail to take the stand in your own behalf but you may not be sentenced for contempt if you do not answer.

President: Does the prosecution desire to make an opening statement?

Prosecution: If it please the court, the prosecution would like to make a brief opening statement in order to outline to the court the manner in which it expects to prove this case. We expect the evidence to show, may it please the court, that during the time alleged in the particulars from January, 1942 to April 1945, a scheme of extermination was in process here at Dachau. We expect the evidence to show that the victims of this planned extermination were civilians and prisoners of war of nations then at war with the then German Reich. We expect to show that here at Dachau the individuals who were brought here fell into many classes. We expect the evidence to show that there were criminals, political prisoners, prisoners here by virtue of religious belief and persons unwilling to submit themselves to the yoke of Naziism. We expect the evidence to show that these people were subjected to experiments and used in a medical way as guinea pigs. That these same persons were starved to death and at the same time worked as hard as their physical bodies permitted with the food that they received. We expect the evidence to show that the conditions under which these people were housed were such as disease and ultimate death was inevitable. That in spite of the prevalence of disease, little or no preventive measures were taken to prevent its spread or cure

the disease then in existence Further, we expect the evidence to show that during the time of the overrunning of Europe by Germany these people were subjected to utterly inhuman treatment. We further expect to show that each one of these accused constituted a cog in this wheel, or machine of extermination. Prosecution calls as its first witness Colonel Lawrence C. Ball.

Colonel Lawrence C. Ball, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by Prosecution:

Q Will you state your name, please?

A Lawrence C. Ball.

Q What is your rank?

A Colonel.

Q What organization are you in?

A Medical Corps.

Q What is the name of your organization?

A 130 Station Hospital.

Q Are you a member of the Regular Army?

A Yes.

Q On or about the 30th of April, 1945, did you have occasion to come to Dachau?

A Yes, sir, on the afternoon of the first of May, 1945.

Q What was the purpose of your coming at that time, Colonel?

A I was making a reconnaissance and at that time just dropped by to look.

Q Thereafter, did you return to Dachau?

A I came back the next morning about nine A.M.

Q And what was your mission and purpose to come to Dachau on the second occasion?

A I brought an evacuation hospital into the camp.

Q What was the designation of that hospital?

A 116th Evacuation Hospital.

Q When you came to Dachau on the second occasion did you have occasion to examine the camp?

A Yes, I went over most of the camp.

Q Will you tell the court what you found when you went over the camp?

Defense: May it please the court, I object to the question and the anticipated answer later than the scope of time described in the charges and on the second ground that this line of testimony as yet has no connection with any of the individual defendants.

Prosecution: We expect to later connect up the condition of the camp as found at the time the colonel was there with the accused. I call attention to the court that these men participated in a common design to commit these acts and the testimony will bring this fact out.

Defense: May it please the court, it is evident that the prosecution intends to bring whatever it can lay its hands on into court and cover up with this allegation of common design. The camp was overrun on 29 April, which marks the date in the charge. The 29th of April is the last date on which the prosecution may introduce evidence as to the conditions. The 29th of April is one day and the 2nd of May is another day entirely. I submit that these defendants had little to do with the conditions which may have existed on the 2nd of May, 1945. I object to the introduction of anything that the colonel may have seen on the 2nd of May, 1945.

Prosecution: Owing to the reasoning of the defense counsel, if a man committed an act that resulted in murder

on one date he could not be charged with murder if the victim died at a later date. The colonel could just as well testify at a later time, but we had planned the prosecution in a certain manner and I state as an officer of this court that we intend to connect the accused with the testimony being offered at this time.

Defense: When prosecution undertakes to deduce testimony of a questionable nature and ask the court to accept it on the grounds that later he will tie it up, I say that he should connect the accused with this sort of testimony and then introduce it.

President: Subject to objection any member of the court and subject to the understanding that it will be tied in with the accused, the motion is denied and the question will be answered.

Defense: In order to speed the proceedings, let the record show objections by the defense on all evidence of this nature which will be testified to by this witness. That is to avoid frequent interruptions on our part.

A First, outside the camp we saw a train of approximately thirty eight cars. About five of these cars were third class passenger cars. A few of these cars had one or two bodies in them. Outside the cars there were two or three bodies lying on the ground. The remainder of the cars were opened or closed box cars. These cars had in them from ten to twenty or more corpses. These corpses were thinly clad, a number of them had the striped prisoner's uniform. Many of them had their pants down as if they had had dysentary. They had used other corpses as pillows.

Some of the cars had a few potatoes. Inside the camp, the crematorium had large piles of corpses piled about it. They had a corpse smell which was rather prominent. There were large piles of clothing piled up outside the crematorium. We also visited the inner camp, visited the hospital in the company of Doctor Blaha and Doctor Meads.

Q Who is Doctor Blaha?

A He was a prisoner doctor from Czechoslovakia. He was in charge of the hospital. The hospital was extremely crowded. They had wards with three decker beds. The beds were placed together so that three could sleep in them instead of two. A few had blankets - most of them a sheet. The majority of the cases in the hospital were typhus, dysentery, phlegmon, erysipelas, tuberculosis and general medical and surgical illnesses.

Q Did you have occasion to observe the physical condition of these bodies that you saw in the box cars?

A They were extremely emaciated - their muscles had wasted. The fat had disappeared and their skin was leathery.

Q Did you have occasion to observe the condition of the personnel you saw in the camp?

A The condition was very similar except they moved and they would look at you.

Q Colonel, how did you diagnose the condition of those men that you saw there in the camp?

A Malnutrition.

Q What degree of malnutrition?

A Extreme.

Q How many hospitals were set up in the camp on or about the time your hospital was set up there?

A There were four hospitals in Dachau proper.

Q How many evacuation hospitals?

A Two.

Q And what were the other two hospitals?

A The inner-camp hospital and the SS hospital.

Q How long did you remain at Dachau with your hospital?

A From the 2nd of May till the 6th of June, 1945.

Q How many people were you treating in your hospitals on or about the 2nd of May 1945?

A The 2nd of May we had just moved in - we weren't treating patients in our hospital.

Q When you set up for operation, how many people did you start treating?

A We had a bed capacity of fifteen thousand patients and we treated approximately 2, 400 patients while there.

Q Do you know how many patients were treated by the other evacuation hospital at that time?

A Approximately the same.

Q Do you know how many were treated in the SS hospital at that time?

A I would judge about a thousand.

Q How many were treated in the hospital in the prison camp?

A About forty five hundred I would judge.

Q During the first days of May, do you know what the death rate was in that camp each day?

A It was over a hundred a day.

Q Did that death rate remain at that figure or change?

A It remained approximately at that figure until about the middle of May.

Defense: May it please the court, I don't think this comes within my first objection. Now we are up to the middle of May and I want to renew my objection.

President: Subject to objection by any member of the court the objection is not sustained and the proceedings will continue.

Q Now, during the period of time that you were there, do you know how many died in the hospitals?

A I know that from the 9th of May to the 9th of June there were 1598 deaths in the hospital.

Q What were the principle causes of these deaths?

A Typhus fever, dysentary and malnutrition.

Q What causes typhus fever?

A Typhus is caused by a virus infection - louse borne.

Q Is malnutrition what we commonly call starvation?

A Yes.

Q Did you observe any people who were sick out in the compound who were unable to have the use of the facilities of any one of these four hospitals?

A Yes, sir.

Q Were there few or many?

A There were many. The hospital, although overcrowded, was able to handle only about half the cases it should have. About half the deaths occurred outside the hospitals in the bunkers, without ever receiving medical care.

Q Based on your experience as a physician and surgeon and on your knowledge of the deaths will you tell this court in your opinion how many of those deaths that occurred were caused by something acquired before April, 1945?

A Generally speaking, I think the majority of them.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by Defense:

Q When you arrived here and started making your inspections of the camp, I understand that on the outside of the camp you found a camp train?

A Yes.

Q And in that train there were passenger cars and box cars?

A Yes.

Q And in the passenger cars there were some dead bodies?

A Yes, sir.

Q Do you know of your own knowledge whether that train was coming into Dachau or going out of Dachau?

A No, sir.

Q Do you, of your own knowledge, know the nationality of any of the bodies that you found in the passenger cars or in the box cars?

A No, sir.

Q So that as far as you are concerned they may have all been Germans?

A I don't know the nationality of any of them.

Q So far as you are concerned, they may have all been Germans?

A That is possible.

Q After you visited the train you visited the crematorium is that correct?

A Yes, sir.

Q Of your own knowledge, of the bodies that you found in the crematorium can you tell the court whether or not the deaths of these bodies occurred in camp Dachau or

had they arrived already dead in Camp Dachau?

A I know that some of them occurred inside Dachau.

Q How do you know that?

A I saw them carried there.

Q You saw the bodies carried into the crematorium?

A Yes.

Q From where were these bodies carried to the crematorium?

A From the hospitals and the bunkers around the hospital.

Q Of your own knowledge, can you tell me whether or not the bodies that were carried from the hospital had recently arrived in the hospital before they died?

A I don't know how long they had been in the hospital.

Q So that from your own knowledge, you don't know what condition these bodies were in prior to the time they died - whether they arrived at Dachau from another camp in a very poor condition or not?

A I do know that they didn't have room in the hospital for any incoming patients that might come on the train.

Q When you visited the hospital, you found a Doctor Blaha in charge of that hospital is that correct?

A Yes, sir.

Q Did he tell you that he was a Czech?

A Yes.

Q Now you said that they were extremely crowded when you arrived on 2 May?

A Yes, sir.

Q And you found there in the hospital many cases of typhus?

A Yes, sir.

Q When did you examine these patients to determine that they had typhus?

A I examined them on the spot.

- Q How many cases of typhus did you find there?
- A I wouldn't say how many cases - I know from later experience that there were over two or three thousand cases of typhus.
- Q From your examination of these typhus patients would you be able to tell the court how long they had been suffering from that disease?
- A They had been suffering from various times - some were early symptoms on up to convalescent stage.
- Q Do you know of your own knowledge whether those patients who you learned from your examination had typhus whether they contracted it here in Dachau or whether they arrived here with it from another camp?
- A I think the majority were contracted here at Dachau.
- Q And upon what do you base that opinion?
- A There was a typhus epidemic raging here in Dachau which had started in December 1944. There were no control measures and the prisoners were louse infested.
- Q What control measures should have been in effect?
- A The population of the prison should have been decreased and septicides used and sanitation, bathing, and sterilizing of clothing.
- Q On the 2nd of May until 9 June 1945 you were in charge of the evacuation hospital, is that correct?
- A Yes.
- Q And how many patients died of typhus during that time that you were in charge of an evacuation hospital?
- A In my hospital?
- Q Yes.

A 140.

Q A total?

A Yes.

Q And how many died in the other hospitals or do you know?

A I think about 200.

Q In one month a total of 340, is that correct?

A I think that is close.

Q And, Colonel, you and the other evacuation hospital with you used all remedial equipment available to the American Army and 340 still died within a month's time?

A Yes, sir, that is right.

Q When you arrived here on 2 May and made your inspection is it true that they did not have the remedial equipment that you had at your disposal?

A No, sir, they didn't.

Q They didn't have the medicine?

A No.

Q They didn't have the insecticides, did they?

A No.

Q What disposition was made of the 340 bodies, Colonel?

A They were taken to the crematorium.

Q By the American authorities?

A Yes, sir.

Q And what happened to them after being taken to the crematorium?

A They had a mass burial.

Q They were buried in the crematorium yard?

A No.

Q Where were they buried?

A They were taken outside the camp.

- Q Is it not an accepted medical fact that the cremation of a typhus infected body is an aid to the slowing down of an epidemic?
- A I don't believe the louse will stay on a dead body.
- Q Is the louse the only medium of transmittal of the disease?
- A It is the common medium. The others are negligible.
- Q What other mediums are there?
- A I don't know any other mediums.
- Q What did you mean when you said that the other mediums were negligible?
- A It is a possibility that there may be other ways that it may be transmitted.
- Q Did they burn any of the bodies that died between the time your evacuation hospital was here and June 9, which was the later date?
- A I don't know.
- Q Do you know of your own knowledge what disposition was made of the bodies that were in the crematorium and the railroad cars when you arrived here?
- A I saw them being hauled away out of the camp in large carts.
- Q But you don't know what disposition was made of the bodies?
- A I didn't see the disposition - it would only be hearsay, and I have seen pictures of it.
- Q How many cases of dysentery did you find in the hospital?
- A There were hundreds of cases.
- Q To go back to the bodies that you found in the crematorium, can you, of your own knowledge, tell the court what was the nationality of those bodies?

A No, sir.

Q Can you tell me what was the nationalities of the 340 bodies that died between May 2 after you established the evacuation hospital and May 9?

A I can't now, but it is possible to tell you.

Q When you say it is possible to tell me what do you mean?

A From the records.

Q Did any of these 340 people whom you mentioned that died while the American hospital was here, did any of those people die because they didn't have sufficient supplies?

A I can only give you my opinion.

Q Yes?

A I think that if some of them had had medical supplies in time they would have been alive today.

Q So that from that answer I gather that you didn't find sufficient supplies with which to treat those people suffering from the typhus which you have described?

A That is right.

Q From your discussions of the situations in the hospital here with Doctor Blaha, can you tell the court whether or not full utilization was being made of the medical that were here during the period of time that he was acting as hospital surgeon?

A Full utilization was made of those supplies that Doctor Blaha got in his possession.

Q Of your own knowledge, were there any other supplies here that were not made available to Doctor Blaha in the treatment of any patients in the hospital here at Dachau?

A Yes, sir.

Q Where were those supplies?

A One thing specifically was Vitamin C which was manufactured here in the camp and the prisoners grew the plant that made it.

Q Was there an adequate supply of Vitamin C?

A There was an unlimited supply of it.

Q And that was not made available to Doctor Blaha or the other doctors here prior to the time you arrived?

A That was the report I received.

Q That was the report that you received from Doctor Blaha?

A Yes, sir.

Q Of your own knowledge, do you know whether or not there had been supplies here that were not made available?

Q The supplies I just mentioned, I know of my own knowledge.

Q You know that they had not been made available?

A To the best of my knowledge, they hadn't.

Q What other supplies were not made available within your knowledge?

A Vaccines.

Q What kind of vaccines?

A Typhoid, typhus fever.

Q Where did you discover that vaccine?

A I didn't discover any.

Q How do you know of its availability?

A I know that the German Army had the typhus vaccine and it had been used here before but it was on a voluntary basis.

Q Do you know of your own knowledge that that vaccine was here at Dachau and available and not made available to Doctor Blaha and the other doctors?

A No, sir.

Q Where was this Vitamin C that you say was manufactured here and that you knew was available?

A There was a laboratory here on the post.

Q Connected with the hospital?

A No, sir.

Q What was it connected with?

A It was connected with the post.

Q When did you find this store of vitamin C?

A One of my officers found that two or three days after we arrived.

Q And was it indicated as Vitamin C or what?

A Yes, sir.

Q Did you see it yourself?

A Yes, sir.

Q Would you give us some idea as to where that laboratory was?

A It was out over here somewhere, I can't say just where it was.

Q With relation to the hospital could you tell us where it was?

A It was outside of the hospital.

Q Outside of the hospital?

A Yes, sir.

Q Outside the camp?

A No, sir.

Q Within the confines of the camp?

A Yes, sir, the camp proper.

Q To what extent is vitamin C a remedy in typhus?

A Vitamin C may not have any effect of typhus but it does in malnutrition - starvation.

- Q So that insofar as we are concerned, vitamin C has no relation to the treatment of typhus?
- A Vitamin C is a supportive treatment - it is not a specific treatment.
- Q Were there any medical supplies, aside from vitamin C, which is a supportive treatment, as for malnutrition, in the camp prior to the time of your arrival and not made available for the use of the doctors?
- A I can't say that I saw some - I know there was a medical warehouse on the post.
- Q But you don't know of your own knowledge whether or not that medical supply warehouse had any equipment or medicines in it whatsoever?
- A I don't know of the one on the post, but in Munich there were several warehouses that did have some.
- Q The warehouses in Munich. No further questions.

EXAMINATION BY THE COURT

Questions by the court:

- Q Colonel, was Doctor Blaha an inmate in charge of the prisoner patients or a German member of the staff?
- A Doctor Blaha was a prisoner.

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

Prosecution: Unless there is some objection, we would request that this witness be excused from any further attendance at this trial.

Defense: I don't like to hold the colonel, but in view of some of the testimony he has given, it is possible that we might want to call him again.

President: We can dismiss the colonel and then call him back again if he is needed.

Prosecution: The prosecution calls as its second witness Colonel David Chavez, Jr.
Colonel David Chavez, Jr. was sworn and testified as follows:
DIRECT EXAMINATION

Questions by the prosecution:

Q Will you please state your name, rank, organization and station?

A David Chavez, Jr., Colonel, Judge Advocate General Department, War Crimes Investigating Team, 7th Army. The present station is Karlsruhe, near Heidelberg.

Q On or about the 30th of April did you have occasion to come to Camp Dachau?

A I did, sir.

Defense: May it please the court, I make the same objection to this testimony as to the other colonel's testimony.

President: Subject to objection by any member of the court, the motion is denied.

A I did sir, I arrived at Dachau at four o'clock in the afternoon of April 30, 1945, after driving here from Gmund. I was ordered out of Gmund on the night of the 29th of April and was directed to come to Dachau and make an investigation of alleged atrocities here at Dachau. The 7th Army was informed that we would take Dachau that afternoon and I arrived on the following afternoon.

Q When you arrived here, what part of the camp did you first come to?

A We came in the regular road coming into the Dachau

Concentration Camp. There are two ways of getting into the Dachau Camp. There is a Y as you come into the camp - one road runs along the officer's row and you come inside the camp and go in the direction of the old SS barracks and into the camp. Another road comes in the direction we are holding in this court room. We came up that road and as we came up the road I observed along this railroad siding these box cars full of bodies which were dead. I went and saw the corpses and inspected that freight train. It is what the Germans call a transport, but it is just a common, ordinary freight train, composed of some open freight cars and some closed freight cars with the doors open.

Q I hand you a photograph marked as prosecution's exhibit number 2 and ask you to state what it is?

Defense: May it please the court, I object to the admission of this photograph in evidence as it has in no way been connected up with these defendants.

Prosecution: May it please the court, I expect to connect this picture up with the accused here at a later time during the proceedings.

President: Subject to objection by any member of the court and subject to the subsequent connecting up of the photograph with the accused, the motion is denied.

A This is a photograph taken under my supervision by my photographer on my team who has been deployed to the United States and shows some of the bodies in one of the box cars on the siding here at Dachau at the

time I arrived. This is one of the open cars and we took it just as we looked down on those bodies.

Q Is this photograph a true and correct representation of what you observed there on 30 April, 1945?

A It is, sir.

Prosecution: At this time, I offer in evidence prosecution's exhibit number 2.

President: Subject to objection by any member of the court, the photograph will be received in evidence.

Q I show you another photograph marked as prosecution's exhibit number 3 and ask you what it is.

A This is another photograph showing another of the box cars and bodies lying dead within. This is one of the closed cars and the door is open.

Q Is that photograph marked as prosecution's exhibit number 3 a true and correct representation of what you observed there on 30 April, 1945?

A It is, sir.

Prosecution: At this time, I offer in evidence prosecution's exhibit number 3.

Defense: I object to the admission of this photograph on the grounds that there has been no connection established of this photograph with the accused in this case.

Prosecution: May it please the court, I state that as an officer of this court, I expect to connect this evidence and the entire testimony of this witness with these defendants.

President: Subject to objection by any member of the court, the photograph will be received in evidence.

Q I show you a photograph marked as prosecution's exhibit number 4 and ask you to state what it is.

A This is another photograph of one of the box cars which was at the siding at the time we arrived and showing dead bodies.

Q And is that a true and correct representation of the scene you saw there on 30 April, 1945.

A Yes.

Prosecution: I offer in evidence a photograph marked prosecution's exhibit number 4.

President: Subject to the objection of any member of the court, the photograph is admitted in evidence.

Defense: I make the same objection to all such exhibits as I did the first one.

Q I show you another photograph marked as prosecution's exhibit number 5 and ask you to state what that is.

A This is another photograph of one of the box cars which was on the siding at Dachau at the time we arrived, showing dead bodies therein.

Q Is that photograph a true and correct representation of the scene you saw there on 30 April, 1945?

A It is.

Prosecution: I offer in evidence prosecution's exhibit number 5.

President: Subject to objection by any member of the court, the photograph will be received in evidence.

Q I hand you another photograph marked as prosecution's exhibit number 6 and ask you to state what that is.

A That is another photograph of one of the box cars which was at the siding at Dachau at the time we arrived showing dead bodies.

Q Is that a true and correct representation of the scene you saw at Dachau on 30 April, 1945?

A It is.

Prosecution: I offer in evidence prosecution's exhibit number 6.

President: Subject to objection by any member of the court, the photograph is received in evidence.

Q After you left the transport where did you proceed to on this inspection that you made?

A We went up the main road in front of the officer's quarters and came in at the gate on the other side of the camp. We came inside and went to the building which is now the post commandants office. Here, I set up my offices on the second floor of that building to conduct my investigation which I had been directed to make.

Q Where did you proceed to from there?

A From there I obtained a young MP first lieutenant because there was a great deal of confusion and I asked him to take me on a tour throughout the camp. I went to the prison compound which is within the entire camp.

Q I hand you a photograph marked prosecution's exhibit number 7 and ask you to state what that is please.

A This is the entrance to the Konzentrationslager, Dachau, Germany and the door I went through when I made my inspection of the prison compound that day.

Q Is that photograph a true and correct representation of the way that gate appeared there on that day?

A It is, sir.

(Chavez - direct)

Prosecution: I offer in evidence prosecution's exhibit number 7.

President: Subject to the objection by any member of the court, the photograph is received in evidence.

Q After you entered the gate, where did you proceed to in the compound?

A I first went through the mass of prisoners who were confined in the prisoner compound and made an inspection of the prison blocks within the compound.

Q What did you find on the inside of these blocks, Colonel?

A Well, a great number of the prisoners were outside of the blocks. There were many prisoners inside of the barracks. Some were lying on the beds, some were lying on the floor and others were just moaning around, walking around as best they could.

Q Did you observe the physical condition of these prisoners at that time?

A I did.

Q What was that physical condition?

A They were in a very poor physical condition. They were thin, poorly clad, the ones on the beds - anyone could observe that they were very sick - so sick that they couldn't even get outside and celebrate as the others were doing because of the liberation. They were in a very poor condition - they were starved.

Defense: I object to the conclusions and the strong adjectives being used by the witness.

Prosecution: I think it would be impossible to describe that without the use of strong adjectives.

Defense: He could answer what he sees without the pathetic description of it that he is using.

(Chavez - direct)

President: Subject to objection by any member of the court, the objection is not sustained.

Q What was the temperature of the weather at about this time that you were there on 30 April?

A Very cold. In fact, we battled a small storm getting into Dachau the day before. It was much colder than it is here today.

Q Will you describe the clothing as to weight, and the amount that you saw these prisoners wearing.

A Some prisoners - in fact, most of them - were wearing the regular compound uniform of the blue and grey with the insignia of what nationality they were, whether they were Russians, Poles - representing their nationalities. Others had civilian clothes that they had obtained some way from outside, but they were very poor clothes - not new clothes, they were very ragged and they were very poor, of a light material. The blue and grey uniforms may be observed in these photographs.

Q On the inside of these bunkers that you was there, what was the condition with respect to crowding?

A They were over-crowded.

Q What do you mean by that Colonel?

A Sir, I figure to the best of my judgement that one of those barracks, one prison block, at most can accomodate say 800 prisoners, and in some of those blocks they had as many as 1500, 1800 and 2,000 prisoners in them. There were about 600 beds in one of those prison blocks and if there were 1500

(Chavez - direct)

prisoners in a block they had to do the best they could.
They were lying around every place.

Q What facilities did they have for sanitary purposes?

A You mean the latrines?

Q Yes.

A Each block had a latrine of twelve stools - that is, six stools and six of the water faucet.

Q Were these the only facilities in the block?

A Yes, we took a picture of one of the latrines.

Q I hand you a photograph marked prosecution's exhibit number 8 and ask you to state what it is.

A This is a photograph of some of the prisoners in one of the rooms of the prison compound block.

Q Is that a true and correct representation of the scene you saw on 30 April, 1945?

A Yes.

Prosecution: I offer in evidence a photograph marked as prosecution's exhibit number 8.

President: The photograph is received in evidence.

Q I hand you a photograph marked as prosecution's exhibit number 9 and ask you to state what that is.

A This is a photograph of one of the latrines in one of the blocks within the prison compound about which I have just testified.

Q Is that a true and correct representation of the scene you saw there on 30 April, 1945?

A Yes.

Prosecution: I offer in evidence a photograph as prosecution's exhibit number 9.

(Chavez - direct)

President: Subject to objection by any member of the court, the photograph is received in evidence.

Q I hand you a photograph marked as prosecution's exhibit number 10 and ask you to state what that is.

A This is a photograph of a street between two of the blocks and showing a great number of the prisoners that were on the street at the time we took the photograph.

Q Is that a true and correct representation of the scene you observed there on 30 April, 1945?

A It is.

Prosecution: I offer in evidence this photograph as prosecution's exhibit number 10.

President: Subject to objection by any member of the court, the photograph is received in evidence.

Q I hand you a photograph marked as prosecution's exhibit number 11 and ask you to state what it is.

A This is a photograph looking into one of the windows of one of the prison blocks in the prison compound at Dachau and shows the men on the inside of the block.

Q Is that a true and correct representation of the scene you saw there on 30 April, 1945?

A Yes, sir.

Prosecution: I offer in evidence this photograph as prosecution's exhibit number 11.

President: Subject to objection by any member of the court, the photograph is received in evidence.

(Chavez - direct)

Q I show you another photograph marked as prosecution's exhibit number 12 and ask you to state what that is.

A This is a photograph of one of the streets between two of the blocks in Dachau and shows some of the prisoners walking in that street.

Q Is that a true and correct representation of the scene you observed on 30 April, 1945?

A It is.

Prosecution: I offer in evidence this photograph marked as prosecution's exhibit number 12.

President: Subject to objection by any member of the court, the photograph is received in evidence.

Q I hand you a photograph marked as prosecution's exhibit number 13 and ask you to state what that is.

A This is a photograph of the prison compound at Dachau showing the fence and the blocks on the inside, the guard tower and the ditch that runs along the side.

Q Is that a true and correct representation of the scene as you saw it on 30 April, 1945?

A It is, sir.

Prosecution: We offer in evidence this photograph as prosecution's exhibit number 13.

President: Subject to objection by any member of the court, the photograph is received in evidence.

Q I show you a photograph marked as prosecution's exhibit number 14 and ask you to state what that is.

A This is another picture showing the prison compound barracks and the barbed wire fence and one of the towers and the ditch which runs parallel to the barbed

(Chavez - direct)

wire fence. It shows prisoners on the inside of the compound.

Q Is that a true and correct representation of the scene you saw on 29 April, 1945?

A It is.

Prosecution: I offer in evidence this photograph as prosecution's exhibit number 14.

President: Subject to objection by any member of the court, the photograph is received in evidence.

Q After you reached the prison blocks that you just described where did you proceed to?

A I went to the bunker. The prison within the compound at Dachau.

Q What did you find there, Colonel?

A I just saw the place. It is a long building which is on the right hand side as you come in the main gate. There is a long building which is used as a bunker with cells on each side and halls down the middle. It is a long building which adjoins the bath room.

Q I hand you a photograph marked as prosecution's exhibit number 15 and ask you to state what it is?

A This is a picture of the bunker and shows the hallway and the doors that goes into the cells of the bunker.

Q Is that a true and correct representation of the scene you observed there on 29 April, 1945?

A Yes, sir.

Prosecution: I offer in evidence a photograph as prosecution's exhibit number 15.

(Chavez - direct)

President: Subject to objection by any member of the court, the photograph is received in evidence.

Q I hand you a photograph marked as prosecution's exhibit number 16 and ask you to state what that is.

A This is a photograph of one of the cells within the bunker as you look inside the cell showing the door.

Q Is that a true and correct representation of the scene you observed there on 30 April, 1945?

Prosecution: I offer in evidence this photograph as prosecution's exhibit number 16.

President: Subject to objection by any member of the court, the photograph is received in evidence.

Q After you left the bunker where did you proceed to?

A I asked them to show me the bath room.

Q And when you went there what did you find?

A I just observed the condition of the shower room - this huge room with a shower apparatus. The shower room is located right across this little street from the bunkers, on the right hand side as you come into the compound.

Q I hand you a photograph marked as prosecution's exhibit number 17 and ask you state/^{to}what that is.

A This is a photograph of the shower room and shows some of the prisoners around there at the time.

Q Is that a true and correct representation of the scene you observed there on 30 April, 1945?

A It is.

(Chavez - direct)

Prosecution: I offer in evidence this photograph as prosecution's exhibit number 17.

President: Subject to objection by any member of the court, the photograph is received in evidence.

Q I hand you another photograph marked as prosecution's exhibit number 18 and ask you to state what that is.

A This is a photograph of the shower room about which I have just testified and shows some prisoners who were in the shower room at the time the photograph was taken.

Q Is that a correct and true representation of the scene you observed on the 30th of April 1945?

A It is.

Prosecution: We offer in evidence this photograph as prosecution's exhibit number 18.

President: Subject to objection by any member of the court, the photograph is received in evidence.

Q After you left the bath house where did you proceed to in your inspection?

A To the crematorium.

Q Where is that crematorium located with respect to the bath house that you just left?

A As you come out of the main building, turn to the right for about a block and a half to the left is the crematorium. Outside the prison proper.

Q Will you describe the physical set up of the crematorium?

(Chavez-direct)

A I don't believe I can give a very good description of the crematorium. They took me inside the front door. There was a terrific smell. We went along this corridor and we went to the two furnaces and I saw the two furnaces and to the right of that furnace is a huge room. To the left of that furnace is another huge room. They took me and I looked inside both of those rooms and they were full of dead bodies, stacked one on top of the other. They were very thin - practically skin and bones.

Prosecution: May it please the court, without the defense having to serve objections to each of the exhibits separately I think we could expedite this entire proceedings if I handed these exhibits in a group to the witness and let him examine them and testify as to whether they are true and correct representations or not of what he saw and let him give just a few words to identify each of them.

Defense: That is all right with me.

Q I hand you some photographs, marked as prosecution's exhibits marked number 19, 20, 21, 22, 23, 24, 25, 26 and 27, for identification. Will you examine them in the order I just named and state whether or not they are true and correct representations of what you saw there on 30 April, 1945.

A Yes, sir, they are true and correct representations of what I saw.

Q Now will you describe briefly each one in the order I named.

(Chavez-direct)

A Number 19 is a photograph of the outside of the crematorium. Number 20 is a part of the crematorium and a shed and shows some of the clothing that had been piled up there - can be seen on the extreme left of the picture. Number 21 is the furnace of the old crematorium. Number 22 is a picture of the furnaces of the new crematorium. Number 23 is a close-up photograph of one of the furnaces in the new crematorium. Number 24 is a photograph showing the bodies in one of the rooms off the crematorium. Number 25 is a photograph showing the bodies which were in one of the adjoining rooms next to the furnace. Exhibits 26 and 27 are photographs of a room which adjoins the main room from where exhibits number 26 and 27 were taken. They are the two rooms which adjoin the furnace. 26 and 27 are photographs of another room which adjoins the furnace rooms. I did not go into that room but they had a window and I looked through it. The photographer went to the door and took the picture. I did not stay in that crematorium very long - I couldn't stand it. Some of my other officers stayed.

Prosecution: We offer at this time in evidence photographs as prosecution's exhibits number 19, 20, 21, 22, 23, 24, 25, 26, and 27.

President: Subject to objection by any member of the court, the photographs will be received in evidence.
(Chavez-direct)

Q I hand you a photograph marked prosecution's exhibit number 28 and ask you to state what that is?

A This is the rifle range.

Q From the investigation that you made there, did you ascertain what the black spot which appears in the foreground of this photograph was?

A I did, sir.

Q What was that black mark?

A It was blood.

Q Is that a true and correct representation of the scene you saw there on 30 April, 1945?

A It is.

Prosecution: We offer in evidence this photograph as prosecution's exhibit number 28.

President: Subject to the objection by any member of the court, the photograph will be received in evidence.

Q After you left the crematorium, where did you go to?

A To the dog kennel.

Q I show you a photograph marked as prosecution's exhibit number 29 and ask you to state what that is?

A This is a photograph of the dog kennels. It shows the kennels. It shows one of the police dogs lying dead in the picture.

Q Is that a true and correct representation of what you saw there on 30 April, 1945?

A Yes.

Prosecution: We offer in evidence this photograph as prosecution's exhibit number 29.

(Chavez-direct)

President: Subject to objection by any member of the court, the photograph will be received in evidence.

Q After you left the dog kennels, where did you proceed to?

A I proceeded back to my quarters and organized my officers to commence our investigation - screening and calling witnesses.

Q Did you have occasion to visit the hospital on the other side of the compound?

A Yes.

Q Will you describe the conditions you found there with respect to crowding and sanitary conditions?

A The hospital blocks were cleaner than the regular prison blocks. They were crowded, of course, every bed was taken and patients were utilizing every bit of available space they could obtain. At first, the prison blocks on the extreme right were used for the prison hospital blocks.

Q I hand you two photographs marked prosecution's exhibits number 30 and 31 and ask you to state whether or not they are true and correct representations of what you saw there on 30 April 1945.

A They are.

Q And what is that picture, prosecution's exhibit number 30, of?

A One of the hospital blocks.

Q And the photograph marked number 31, what is that a view of?

(Chavez-direct)

A Also one of the prison blocks in the hospital.

Prosecution: We offer in evidence prosecution's exhibits number 30 and 31.

President: Subject to objection by any member of the court, the photographs are received in evidence.

Q When you went back and proceeded to set up arrangements for your investigation, did you discover any records concerning the Dachau Prison Camp?

A Yes, I found that. Again referring to the main gate of the Konzentrationslager, instead of turning to the right where the bunker is, turn to the left and the lower part of the first block was the recording office. Here I found that they had card index files for prisoners who had been processed through Dachau. There were three tables not quite as large as the counsels' tables with drawers and these cards were in there. And those card index files are here at Dachau today. We found, also, some other records. We found three books which determined the past records and some letters and reports. But that was only part of the records of Dachau. The records we found were all within the prison compound and were kept by the prisoners themselves, under the supervision of the SS.

Q Did you find there in this recording office any prisoners who had previously been employed to keep records?

A I found the prisoner who was in charge of the recording office and had been there a year and a half and a prisoner since 1940.

(Chavez-direct)

Q What was his name?

A Jan Damagelo.

Q Do you know where he is?

A I am informed that he is in Poland. The last time I saw him was about June 15 or close to the first of July when I came back to Dachau to have him sign the testimony he had given. He told me that he was leaving for Poland. I have heard from other sources that he is in Poland.

Q Did you give Jan Damagelo any directions with respect to making a compilation of the records that were there in the Dachau Prison Office.

A Yes, sir.

Q What were those directions?

A I told him that we wanted to found out the exact number of prisoners that were confined on May 1, 1945.

Q Did he make a report to you with respect to the number of prisoners in the compound on that day?

A Yes.

Q What was that number?

A 31,412.

Q Did you give him any other directions with respect to the compilation of the records in the prison office?

A Yes, sir.

Q What were those directions?

A I told him that I wanted to know the number of prisoners that had been processed through Dachau as reflected in the card index files which were at that time in the recording office and which are available

(Chavez-direct)

for view of the court and he made that compilation.

Q Did he explain to you the manner in which these cards were kept in the prison office?

A Yes.

Q What did he tell you with respect to the keeping of these cards?

A He advised me that as prisoners came that the political office would submit the list of the prisoners who came in.

Defense: I object to this testimony as being hearsay and not in evidence.

Prosecution: In the rules that govern this court it is agreed that the admission of hearsay evidence is permissible. Even though the testimony may be hearsay doesn't prevent it from being admissible.

President: Subject to the objection by any member of the court, the objection is overruled.

Q I hand you a card marked prosecution's exhibit number 32 and ask you to state what it is?

A This is a card number 1. This prisoner was Josef Schlosser Mortl. This was handed to me by Domagalo and at the original hearing as being card number 1 of the card index file. I asked Domagalo to get me the first card and the last card of the record so that I could incorporate them as exhibits and this is the card which he handed to me as being card number 1.

Prosecution: I offer in evidence this card as prosecution's exhibit number 32.

(Chavez-direct)

President: The card is admitted in evidence, subject to objection by any member of the court.

Q I hand you a card marked prosecution's exhibit number 33 and ask you to state what that is?

A This is one of the cards which was kept in the recording office, number 160057, but this is not the last card. Domagalo advised me that some of the cards reflected that some of the prisoners had died and I wanted one of the cards that that prisoner had died to put in the record and he picked out and handed me this card which has a red cross and it is the stamp with the red cross they put when a prisoner died.

Prosecution: I offer in evidence a card as prosecution's exhibit number 33.

President: Subject to objection by any member of the court, the card is received in evidence.

Q I hand you a card marked as prosecution's exhibit and ask you to state what that is.

A Exhibit number 34 is the card which Domagalo advised me was the last card recorded. It is number 161939.

Q Did Domagalo tell you whether or not these cards were numbered consecutively?

A He did sir.

Q What, if anything, did he tell you with respect to the number of persons whose deaths were not included in the record?

A He told me that eight or ten thousand died that they couldn't get into the cards in time to make a record of it.

Defense: I object as hearsay evidence.

(Whereupon there were arguments by the defense and prosecution).

(Chavez-direct)

President: Subject to objection by any member of the court, the objection is sustained. The answer will be stricken from the record and the court will disregard it.

Prosecution: I offer in evidence this card as prosecution's exhibit number 34.

President: Subject to objection by any member of the court, the card will be admitted in evidence.

President: The court will adjourn until 8:45 o'clock
A. M.

William D. Deason
Lt Col. J. A. C. D.
Chief Prosecutor

The court met, pursuant to adjournment, at 8:45

A.M.

President: The court will come to order.

Prosecution: May it please the court, let the record reflect that the accused are all present, the counsel for the accused, the counsel for the prosecution, and all members of the court. The interpreter and the reporter are also present. The prosecution would like to call Colonel Chavez to resume the stand.

Colonel David Chavez, Jr., a witness for the prosecution, having been reminded that he was still under oath, continued his testimony as follows:

Questions by prosecution:

Q You are the same Colonel Chavez that was on the stand yesterday when the court adjourned; is that correct?

A Yes, sir.

Q Now, did you have any occasion to give any instructions to John Damagalo who was working in the recording office in the prison compound to make any compilations with respect to the number of prisoners that had died during the years from 1942 to 1945?

A I did, sir.

Q What were those instructions you gave to Damagalo?

A I told Damagalo that I wanted a compilation of the number of prisoners who had died at Dachau for the years 1940 to 1945, by years, as reflected by the records and card index files. He made that compilation and we inserted it as part of the record in the original hearing.

(Colonel Chavez - Direct)

Q I show you a document marked, Prosecution's Exhibit No. 35 and ask you to state what it is?

Defense: If the court please, I assume that this is the report given by Domagalo to Colonel Chavez pursuant to his instructions. The document is objected to as evidence in these proceedings: First, it is again hearsay, and inasmuch as Domagalo is not here to testify and describe the method he used in compiling these statistics reflected by that document. Colonel Chavez is not capable of testifying as to what Domagalo did, how thorough his research was, and what recourse he had to the official records of Dachau. Colonel Chavez can only testify as to communication between him and Domagalo. Secondly, it does not show the nationality of the people alleged to have died here. The nationality of the people alleged to have died here as a result of the alleged offenses is the criterion of the offenses. Nothing should be admitted in this trial regarding the demise of people other than nationals of countries at war with the then German Reich, under the custody of the then German Reich. Such a compilation as this will necessarily include nationals other than that of the German Reich, and therefore is not admissible, and is irrelevant to this case.

Prosecution: In reply to that, as far as the objection to hearsay is concerned, we have the testimony before this court that this man was the custodian of these records, that these were the official records of Dachau, and were kept in the recorder's office within the camp; and the method by which these cards were kept has been described. (Colonel Chavez - Direct)

Being the custodian of the official records, and these records being bulky, over 160,000 of these cards, it was only practical to have this man make a compilation of these records and present it. Domagalo made this compilation under the direction of Colonel Chavez who at that time was an official war crimes investigator, investigating these matters, and in every respect his acts were in an official capacity. Domagalo prepared this compilation under Colonel Chavez's direction, and presented it in this form to Colonel Chavez. Colonel Chavez can identify this as being the record of compilation that Domagalo gave him. True enough, Domagalo is not here, subject to cross-examination, but that is true in every case where the declarant is not present. That, however, furnishes no valid basis for the exclusion of this evidence as hearsay. It is admissible before the court, and the court may ascribe such weight as the circumstances under which the declaration was made as it may be entitled. It goes to the question of weight and not to the question whether or not at a specific time, and in detail what occurred. That is a matter beside the point. In other words, if there is one Pole, Russian, or Czech listed it would be sufficient to prove the charges themselves. In other words, here is a compilation of prisoners that died in Dachau, and we say, therefore, it is unnecessary to establish the nationality of each of the prisoners listed hereon.

Defense: On the question of hearsay evidence, I submit to the court that Domagalo is not here to be cross-examined as to the methods he used or his com-
(Colonel Chavez - Direct)

petency to prepare such a report pursuant to an order from Colonel Chavez. I don't understand from Colonel Chavez's testimony that Colonel Chavez compiled those statistics with the assistance of Domagalo. As I understand it Colonel Chavez told Domagalo what he wanted and he went ahead himself and got this up. For all we know, in the absence of Domagalo, he may not have been competent to prepare those statistics. The defense has a right to examine a hostile witness. Domagalo is not here for us to question his competency to prepare such statistics, or the method he used in doing so. He may have included those eight thousand people who came through the gates and were not recorded. From what little we know of him he is not prone to understatement, and for that reason, the argument should certainly be considered by this court. Regarding the nationality of the deceased prisoners represented by the report, the prosecution contends that if one man is listed among that number who is a national of a country then at war with Germany, the report is admissible. The report, however, does not show that even one man was a national of a country then at war with the German Reich; the report merely shows a group of figures, compiled by one, Domagalo who is not here.

President: Subject to objection by any member of the court, the objection of the defense is overruled. The witness will answer the question.

Questions by prosecution (continued)

Q You may answer that question, Colonel.

A This is a compilation which was made for me showing the number of deaths for the various years, as reflected by
(Colonel Chavez - Direct)

the records at Dachau for the years mentioned thereon.

Defense: May I see that? This reflects a total number under the years 1940 and 1941. We object to the admissibility of this exhibit on the grounds that 1940 and 1941 are not connected in any way with the issue before the court in this trial.

Prosecution: We will only offer so much of that document as pertains to 1942, 1943, 1944, and the months of 1945 that are listed there, January, February, March, and April.

Defense: Our objection is against the whole document as being irrelevant, and prejudicial matter.

President: Subject to objection by any member of the court, the document will be admitted as amended by the prosecution.

Questions by prosecution (continued):

Did you give Domagalo any instructions with respect to making a compilation of the number of deaths that took place daily in Dachau during the month of May, 1945, and for the year of 1945?

A Yes, sir, I did.

Q What instructions did you give him, Colonel?

A I advised Domagalo to make a compilation showing the number of prisoners that died from May 1 to May 17, the number that died each day during that month, up to the 17th of May.

I hand you the document marked Prosecution's Exhibit No. 36 and ask you to state what it is.

Defense: I object to that on the same grounds as I did the other exhibit. In addition to that, I object to its admissibility because it is not within the time period
(Colonel Chavez - Direct)

covered by the Charge which ended 29 April 1945.

President: Subject to objection by any member of the court, the objection is overruled.

Q You may answer the question, Colonel.

A This is the compilation which was made showing the number of deaths, showing the number of persons that died from May 1st, 1945 To May 17th, 1945 inclusive, here at the Dachau Konzentrationslager.

Prosecution: We offer at this time, may it please the court, the document marked Prosecution's Exhibit No. 36 in evidence.

President: Subject to objection by any member of the court, the document marked Prosecution's Exhibit No. 36, is received in evidence.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q Colonel Chavez, when did you ask Damagalo to compile this report?

A As I recall it was around the 14th or 15th of May. I would visit the recording office practically every day. I knew they had a chart there of the number of persons that were dying, and I said, "Domagalo, make me a compilation of the number of deaths so that I can include them in the record; and I think that was about the 18th of May.

Q You first asked him to prepare this report on the 14th of May?

A Yes, about that time.

(Colonel Chavez - Direct - Cross)

Q On what date did he complete the report?

A I don't imagine it was completed on the 17th or 18th, as the last date is the 17th, or the date I said first, the 18th.

Q As well as you remember, how long did it take him to compile the report?

A I can't tell exactly, but I don't think it took very long. It was just a question of getting it to me as we were getting all the matters. They used to post these deaths in the recording office daily.

Q In compiling the record then, he consulted the daily reports of death and not the individual cards, is that correct.

A No, sir. The story as he told me, each day into the recording office would come a report from each block as to the number of prisoners that died. From that report he would make this daily report. Here was a man yesterday alive, today the report shows him dead. Demagalo would pick up the card and put a red cross on it, then take the card out of the "live" basket and put it in the "dead" basket. That was his method as he told me.

Q How many cards were involved in this process?

A That total number as reflected by the figures there; the total number that died.

Q When you arrived at Dachau did you notice any evidence of a battle having taken place at Dachau?

A I noticed some evidence, whether it was from battle or not, I don't know. I think it was part battle and part other things because I know that the Red Cross man and

(Colonel Chavez - Cross)

and the German lieutenant who went out there with the white flags said, "The camp is helpless, the SS have left, and have only left a skeleton," so I understood there was no necessity for battle. There may have been a battle; I don't know. From the facts I found out here I came to my own conclusions as to what had happened.

Q Colonel, when you arrived did you receive any information as to who was the Commanding Officer of the Dachau camp just prior to your arrival?

A Yes, I soon found out.

Who was that?

A Weiter, he followed Weiss.

Q Weiter was in command immediately prior to your first visit to Dachau?

A There were three camp commanders.

Q I asked who was the commanding officer prior to the time you first visited Dachau.

A It was Weiter.

Q Is Weiter one of the accused in this case?

A No, he is dead.

Q I didn't ask that; I asked, is he one of the accused in this case?

A No, sir.

Defense: No further questions.

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

Dr. Franz Blaha, a witness for the prosecution, was sworn and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q Will you state your name?

(Colonel Chavez - Cross)
(Dr. Franz Blaha - Direct)

A Dr. Franz Blaha.

Q Where were you born?

A In Pisek, Czechoslovakia.

Q When were you born?

A 9th of June 1896.

Q What is your profession?

A Physician.

Q Where did you practice your medicine?

A Until I was arrested, in Iglau in Moravia;
now in Prague.

Q Where did you obtain your medical degree?

A The University of Prague.

Q Are you a graduate?

A Yes, in 1920.

Q Did you receive any further type of
specialized training in medicine?

A At first I was assistant of Pathology,
then specialized in gynecology and
surgery.

Q Of what country are you a citizen?

A Czechoslovakia.

Q Now, before coming to attend this trial,
Doctor, what was your job in Prague,
Czechoslovakia?

A I was chief doctor in the public hospital
in Iglau.

Q What is the size of that hospital?

A Nine-hundred beds.

Q When did you first come to Dachau?

A 30th of April 1941.

Q Doctor, who was in charge of the camp in
January, 1942?

(Dr. Franz Blaha - Direct

A Lagerkommandant Pierkowski.

Q When you came to Dachau in 1941 did you come voluntarily, Doctor?

A No, I was brought here.

Q Who brought you?

A The Gestapo; for over two years I was held for examination by the Gestapo.

Q Now, after you got to Dachau, and in the year 1942, I believe you said Pierkowski was the Lagerkommandant; is that correct?

A Yes.

Q Now, what was the office that was immediately the Lagerkommandant's?

A The Lagerkommandant was a Sturmbannfuhrer; he was the commanding officer of the whole camp.

Q What is the name of the office that is immediately below the Lagerkommandant?

A For the prisoners it was the Schutzhaftlagerfuhrer.

Q How many Schutzhaftlagerfuhrers did they have?

A There was the first Schutzhaftlagerfuhrer, the second, and sometimes the third one.

Q Who was it that reported to the Schutzhaftlagerfuhrer in 1942?

A Sturmbannfuhrer Toll.

Q Now, what was the name of the office that reported to the Schutzhaftlagerfuhrer? Who was the man who was next inferior to the Schutzhaftlagerfuhrer?

(Dr. Franz Blaha - Direct)

A The representative of the Schutzhaft-
lagerfuhrer, the second or third
Schutzhaftlagerfuhrer.

Q What is a Rapportfuhrer?

A The Rapportfuhrers were right below the
Schutzhaftlagerfuhrers; they always took
the reports at formations.

Q What was a Blockfuhrer?

A The Blockfuhrers were inspectors of each
block; they were also SS men.

Q Who reported to the Blockfuhrers?

A The block chiefs who were prisoners re-
ported to the Blockfuhrers.

Q What was a Blockaeltester?

A Blockaeltesters were prisoners; they were
the chiefs of each block.

Q Who reported to the Blockaeltester?

A It was a Stubenaeltster.

Q What is a Stubenaeltster?

A A Stubenaeltster was one of the prisoners;
they were appointed by the block leader.

Prosecution (to interpreter): Will you
translate Stubenaeltster?

Interpreter: Old man in the room.

Q A Stubenaeltster then is a room aeltster;
is that correct?

A Yes.

Q What is a Kommandofuhrer?

A A Kommandofuhrer was the commander of the
working place.

Q And to whom did the Kommandofuhrer report to?

(Dr. Franz Blaha - Direct)

A As far as the prisoners are concerned, to the Schutzhaftlagerfuhrer; and as far as labor is concerned to the Labor Office.

Q Was the Kommandofuhrer a prisoner or a SS man?

A An SS man.

Q Was the Lagerkommandant an SS man

A Yes.

Q Were the Rapportfuhrers SS men?

A Yes.

Q Were the guards around the camp SS men?

A During the first period it was only SS men, then in 1944 some army people came in.

Defense: Could we have a translation of Schutzhaftlagerfuhrer?

Prosecution (to interpreter): Will you state what the literal translation of Schutzhaftlagerfuhrer is?

Interpreter: Camp commander of the people in protective custody.

Questions by prosecution (continued):

Q Now, Doctor, who handled the supplies for the camp, if you know?

A The office of the Lagerkommandant.

Q Did the Schutzhaftlagerfuhrer have anything to do with it?

A I don't know that.

Q How many departments can you name at this time, that the administration of the camp was divided into?

A The Lagerkommandant, the Rapportfuhrer; and for their assistants there were the Lageraeltester who was a prisoner, and he had an orderly room in the camp; and below the Lageraeltester were the Blockaeltesters; and the clerks of the block were in charge of the orderly rooms of the camp.

(Dr. Franz Blaha - Direct)

- Q Was there such a thing as a Political Department in the camp?
- A Yes, it was a special department which was below the office of the Commandant.
- Q Was there a Medical Department?
- A No, it was a Political Department.
- Q I know, but was there also a Medical Department?
- A Yes, it was the camp hospital.
- Q Who was in charge of the camp hospital?
- A The chief physician of the camp and the Commandant of the camp.
- Q What functions did the chief physician of the camp perform?
- A He was the chief physician of the hospital; and he also was to supervise all of the sanitary measures, and also the food of the prisoners.
- Q Who was the advisor in a medical capacity to the Lagerkommandant?
- A The chief physician of the camp.
- Q Now, what you have just told us with respect to these departments, was that true in 1942?
- A Yes.
- Q Was it also true from 1942 down to and including April, 1945?
- A In general, it remained like that; only the Labor Office was introduced, it was very important.
- Q When was the Labor Office introduced?
- A At first it was Labor Division, and then in 1943 it became the Labor Office.

(Dr. Franz Blaha - Direct)

- Q Who was in charge of the Labor Office?
- A It was an SS man.
- Q Was he under the supervision of the Lagerkommandant?
- A Yes.
- Q Will you describe to the court the daily routine of a prisoner, of an average prisoner, in January, 1942?
- A The prisoners got up around 4:00 o'clock, during the winter they got up at 4:30. At first they washed, and then the beds were made. Then they got breakfast which consisted of three-quarters of a cup of black coffee or tea; twice a week was soup. Then they reported for roll call formation, the time of which was according to the light. If it was dark, that was later; and if it was light, that was earlier. It was usually between 6:00 and 7:00 o'clock. Before that there was so-called, Room service, they were cleaned up.
- Q Who cleaned up that room you are talking about?
- A The prisoners.
- Q Proceed.
- A At that formation the Blockfuhrers counted the prisoners according to cells, and then reported to the Rapportfuhrers. Then the order would come through, and the prisoners were divided into working details; and then one went to work before 7:00 o'clock or 7:30 in the winter time. There were some details that left the camp at 3:00 or 4:00 o'clock in the morning. The working time
(Dr. Franz Blaha - Direct)

for the majority of the details was 11:30. The working details that had a long distance to go from the camp, they stayed out at work for lunch. The majority returned back to camp and then received dinner. For dinner they had three-quarters of a soup. It was thin vegetable soup, and once a week there was also a little meat in it. At 12:30 there was the working formation for the afternoon's work.

Q You said you received three-quarters of a soup. Three-quarters of what?

A Three-quarters of a liter.

Q Proceed.

A Before the working formation there was room service again.

Q This room service was performed by the prisoners themselves?

A Yes.

Q Proceed.

A The work was from 1:00 o'clock until 6:00 o'clock in the winter; and in the summer, until 7:00 or 7:30. Some of the working details would be in the ammunition factory, and they returned at 10:00 o'clock or later, and in summer it was even later. Between 7:00 and 8:00 o'clock, and in the summer, later, there was again a formation in the evening to count the prisoners. It was done in the same manner as in the morning. At 8:00 o'clock we received supper; that again was soup or black coffee.

(Dr. Franz Blaha - Direct)

Three times a week there was rations, a piece of orange margarine or cheese. Everybody received a piece of bread for the whole day; at first it was a quarter, then a sixth, then a seventh, and at the end it was an eighth of a bread.

When you say a quarter, sixth, seventh, etc., what was the size of the bread you have reference to?

A It was the usual measure of camp bread which was baked in the camp

Q Will you describe that loaf of bread with respect to its dimensions, in centimeters?

A It was about this long.

Q How many centimeters is that?

A I think 30 centimeters, and about 15 centimeters wide, and this high; it was square.

Q Do you know what ingredients that bread was made from?

A In 1941 it was better bread, it was the usual black bread. Then it became worse from year to year. They began to put less and less flour in it and more potatoes, and besides that, sawdust.

Q What year did they start putting sawdust in the bread?

A 1944 and 1945.

Q Will you tell the court please, Doctor, what was the content in calories of a ration that a person received in any one day in the year 1942?

A I calculated this myself several times, but you couldn't determine accurately. However, in the year 1942 it was an average of 1200 calories which a working person received; for the ones who were

(Dr Franz Blaha - Direct)

1-0

not working, it was even less. The working persons received a supplement besides that which consisted of a piece of bread with a portion of margarine which was handed out during work in the morning.

Q What was the calory content of the daily ration of those prisoners who were not workers, or who were invalids?

A A thousand calories and less.

Q Now, in the year 1943 what was the calory content of a ration of the average person?

A The next time we computed it in 1944 it was less than 1,000 already because of the fats taken from the soup, and there was no flour in the bread anymore.

Q Do you know what the calory content was in 1944 and 1945?

A Less than 1,000; between 1,000 and 800 calories.

Q Doctor, based on your experience as a practicing physician and surgeon, and your knowledge of the work these prisoners had to do, what would be the minimum calory content of a ration that would keep these persons in a normal state of health?

A If the people who came there were not suffering from malnutrition, it should be about 3,000 calories.

How much time, Doctor, was allowed for eating the noon meal?

(Dr. Franz Blaga - Direct)

A Including room service, one hour; sometimes even less because some details returned later from work.

Q How were the prisoners fed?

A They were suffering from malnutrition.

I mean what utensils were used, or what means were used to feed the prisoners?

A They were standing up front, one behind the other and they received the food with a shovel from the kettle. It always went fast because there was very little time

Q Did each prisoner have his own knife, fork, spoon and plate?

A Nobody had knives, no forks, only spoons and plates.

Q Was there a separate plate for each person?

A For each person.

Q Now, you described the daily routine for a normal prisoner during the year 1942; did that routine remain the same during the years 1943, 1944, and up to April of 1945?

A It changed to the extent that in the later years there was more emphasis put on work instead of the discipline of the camp. Working hours became longer, and there was not so much time for room service and all these other details in camp.

Q What years did that take place?

A Since the year of 1943.

(Dr. Franz Blaha - Direct)

Q Do you mean that includes the year of 1943?

A This was a gradual change, it went slowly.

Q Did it begin in 1943?

A It started in 1943.

Q Now, you mentioned a moment ago that invalids received less food than the workers; what was the invalid block, Doctor?

A The invalid blocks were such places where no work was performed. People who were not capable of working were sent there, or the ones who were suffering from chronic diseases, and also healthy ones were sent there as a punishment.

Q Why was it a punishment to be sent to the invalid block?

A Because the invalid blocks received less food and did not get these supplements for working people; and slowly these invalid transports were liquidated. Everyone who was sent to the invalid block was in danger of being sent out in an invalid transport.

Q What is an invalid transport.

A In the year 1942 it was like this: Once or sometimes twice a week groups were picked out and they were brought to the shower rooms. It usually happened on Mondays, and in the evening, the chief male nurse came with syringes.

Q The chief male nurse from where?

A From the hospital.

Q And what did he do?

(Dr. Franz Elaha - Direct)

A I was not present, but on Tuesdays, in the morning, we went to where the bodies were in the bunkers or in the showers, and undressed them and brought them to the crematory. In 1943 instead of the small transports there were big transports prepared; they were sent to Auschwitz, Lublin, Lins, and there was often 200 people at a time.

Q You say these people were sent to Auschwitz, Lublin, Linz; do you know whether it was a matter of common knowledge that these people were destroyed - -

Defense: May it please the court, I object to that, for obvious reasons.

(Whereupon there was argument on the objection by the prosecution and the defense.)

President: The court will take a 15 minute recess.

At the direction of the president, the court then recessed for 15 minutes, after which time (10:20 A.M.) the personnel of the court, prosecution and defense, the interpreter and the witness, all the accused and the reporter resumed their seats.

President: Subject to objection by any member of the court, it is considered that this evidence contains matters of probative value; the objection is overruled.

Questions by prosecution (continued):

Q Who were sent out on these invalid transports?

A This was known all over camp, and it was known as the detail which goes to heaven.

Q Is that the term which was applied to the invalid transport?

(Dr. Franz Blaha - Direct)

- A That was.
- Q Now, what is the meaning of, "the detail that goes to heaven"?
- A That means these people were sent to their death.
- Q Now, Doctor, what was the punishment block?
- A The punishment block was a separately enclosed department to which the prisoners were brought in 1941 and 1942 which were Jews or which brought a special recommendation from their local Gestapo.
- Q How did the treatment differ on the punishment block from the other blocks.
- A On the punishment block the prisoners could not get together with the other ones; they had certain restrictions in food; no writing or letters from home; and no possibility to smoke; they had much harder work than the other prisoners with longer working hours; there was much more severe discipline.
- Q What nationalities were represented on this punishment block?
- A In one room there were all Jews; and the others, they were all different kinds of nationalities.
- Q Can you name for the court the nationalities of any of the prisoners that were on that block?
- A Russians, Poles, Czechs and also Germans; that was in 1942.
- Q In 1943 what nationalities, if you can recall, were represented on the punishment block?

(Dr. Franz Blaga - Direct)

- A In 1943 it was changed. The punishment block became the punishment division for camp punishment, and prisoners were sent there because of violations of the discipline of the camp.
- Q Were the prisoners confined to the punishment block permitted to go to sick call?
- A In very rare cases; it was much harder than in any other block.
- Q What were the nationalities of these Jews that were confined in the punishment block?
- A Most of the Jews were from Poland and Czechoslovakia.
- Q Now, during 1942, down to and including April, 1945, can you tell what were the forms of punishments that were used throughout the camp?
- A The mildest punishment was taking away of the special rations, then hanging up on the tree, then beating, then bunker punishment in the office of the commandant, and then death penalty.
- Q You said, "hanging up on a tree," will you describe to the court this type of hanging you have reference to?
- A For instance, like in my case for not working properly, they were hung up on a post in the shower room with their hands tied behind their backs like this.
- Q What were their hands tied with?
- A Either with a chain or some times a rope.
- Q And after their hands were tied behind the back with a chain or rope, what was then done?
- A They were hoisted up to a hook so their toes couldn't touch the ground, and then it was, according to the
(Dr. Franz Blaha - Direct)

punishment, sometimes one, two, three, sometimes even more hours. I was hung there for an hour.

Q You have been strung up by your wrists for one hour?

A Yes.

Q In your case, strung with chains or with a rope?

A With chains.

Q Who was present at the time you were strung up by your wrists with a chain?

A Several superior officers, Rapportfuehrer Jarolin, and Lagerkommandant Hoffman.

Defense: I request the counsel for the prosecution to establish the nationality of Doctor Blaha for the purpose of laying grounds for an objection that I want to make for the record.

Prosecution: That matter has already been taken care of approximately forty-five minutes ago. Doctor Blaha has testified he is Czechoslovakian.

Defense: I object to the evidence of the testimony of Doctor Blaha on the grounds that as a Czechoslovakian he is not a national of a country at war with the then German Reich.

President: Subject to objection by any member of the court, the objection is overruled.

Questions by prosecution (continued):

Q Do you know Jarolin when you see him?

A Yes.

Q Will you look in that group of persons and see whether or not you see Jarolin present.

A Yes.

(Dr. Franz Blaha - Direct)

Q Will you go over to that group of persons and point him out to the court?

A In the second row in front of Rapportfuehrer Becher.

Q Will you come over and put your hand on him?

A Number 3.

Q Number 3, that is Jarolin?

A Yes.

Q Now, as a result of this stringing up by the wrists, did you receive any injury to your person?

A Blood clots on the hands, then swollen feet.

Q Was this stringing up that you underwent painful?

A Yes.

Q Will you describe the pain you endured on that occasion?

A We couldn't move the hands for at least three days, and we couldn't work.

Q Was the pain small or great?

A A great pain.

Q And you were suffering that pain in what part of your body?

A In the whole limb.

Q Do you have any scars that resulted from this hanging?

A Not from that hanging.

Q Do you have any scars that resulted from another hanging?

A Yes.

Q Where?

A In the back of the hands.

Q Do you carry those scars at this time?

A No, these are from beatings of the Gestapo.

(Dr. Franz Blaha - Direct)

Q Now, you said that the prisoners received beatings; what kind of beatings did these prisoners receive?

A According to the judgement, ten, fifteen, twenty-five, fifty beats.

Q How were these beatings administered?

A I only received it in 1941 and I can only describe it from my own knowledge. It was a bench and one had to bend over it, and from both sides the Blockfuehrers beat with the sticks.

Q What was the size of the sticks?

A They were strong enough.

Q Were they long or short?

A About one meter long.

Defense: All these occurrences occurred in 1941. Therefore, for the record, I object to the evidence being admitted here.

Prosecution: I would like to ask him one or two further questions, and if it is not the same type of punishment as in 1942, 1943, and 1944, it is perfectly agreeable that it be stricken from the record.

President: You may proceed.

Questions by prosecution (continued):

Q Did you see anyone else beaten in 1942, 1943, and 1944 in the manner you have just described; and were those men beaten in the same manner in which you were beaten?

A Yes.

Q Will you please demonstrate to the court the position
(Dr. Franz Blaha - Direct)

that these persons who were beaten had to assume at the time the punishment was being administered?

A They had to bend over the table.

Q What was the position of the body with respect to the floor?

A The upper part of the body was horizontal and the lower part of the body vertical.

Q What happened to the feet?

A The feet were on the ground. There was a special place for the feet so that one had to keep the feet together.

Q Will you come to this table and assume the position that you saw other prisoners assume when they received this flogging?

A Like this.

Q Now, you described the punishment of standing arrest, where was that punishment carried out?

A That was in the bunker and it was the so-called orders of the camp commandant's office.

Q What was the size of the bunker in which these people were made to remain?

A That depended; there were several kinds of cells. There were cells for special prisoners and then cells for individual prisoners, and then the so-called, standing bunker.

Q Will you describe the standing bunker with respect to its size?

A The standing bunker was of such dimensions that one
(Dr. Franz Blaha - Direct)

could not sit down in it but could just stand up; one could just possibly bend the knees a little.

Q Were you ever put in a standing bunker?

A I was not punished in the standing bunker, but I brought the dead bodies out of the bunkers several times.

Q Do you know the nationalities of those persons you brought out of the bunkers.

A Mostly Russians and Poles.

Q During what years did this take place?

A It was also during the last times.

Q During what years?

A 1944 and 1945.

Q Doctor, what is a work transport?

A It is a transport in which people were selected for special tasks, specialists.

Q What happened to the invalid transports that came to this camp.

A The invalid transports which arrived in camp, when they arrived the people usually were not well. Part of the people who arrived were dead already; sometimes there were less and sometimes there were more. If the trip had lasted a long time there were more dead. Some of them died when they were received at the place where the formation was held; part of the people died in the wards in the hospital during the next days; the rest of them were assigned to the invalid block.

Q What was done with those prisoners assigned to the invalid blocks?

(Dr. Franz Blaha - Direct)

A If they couldn't work they were sent in invalid transports to other camps.

Q Now, you mentioned that the prisoners that came in on these transports died after they arrived in camp. What medical care was given immediately to these prisoners when the transports arrived in camp?

A While they were on the transports they did not receive any aid whatsoever. They were brought here in closed cars. When they arrived the dead bodies were taken out of the cars, and they were brought immediately to the crematory from the railroad cars. Sometimes it was half a transport like, for instance, the French transport.

Q When did the French transport come in?

A In the middle of 1944.

Defense: Objection, please. Obviously France was not a civilian nation at war with the then German Reich.

Prosecution: This court can take judicial notice of the state of war that existed between Germany and other nations, and I don't think it needs any argument what the conditions were with respect to war or peace with these particular nations.

President: Subject to objection by any member of the court, the motion is denied.

Questions by prosecution (continued):

Q Now, Doctor, this French transport you just mentioned, what happened to these prisoners that were alive when they got to Dachau?

A They were brought into the camp; they were standing on the place where the formation was held; and they were brought to the shower room where they bathed in groups,

(Dr. Franz Blaha - Direct)

and they were examined.

Q When they were brought to the place where they had the roll call, how long did they remain at that place?

A Many died at the place where the formation was held, and many died in the bath house.

Q How long did they remain, in hours, at the place where the formation was held, if you know?

A Until the whole transport was listed; from eight to ten hours.

Q Do you recall what the condition of the weather was at the time this transport came to Dachau?

A It was very hot; in the middle of summer. The people were very thirsty because they had nothing to drink on the transport.

Q Did anyone give water to these prisoners while they were at this formation?

A One wanted to bring them water, but we were chased away and beaten because we tried to bring them water.

Q Can you name at this time any of those men who ran you and others away because you wanted to give them water?

A I can't remember who it was, but it was SS men.

Q Now, Doctor, based on your knowledge of the condition of these prisoners as you saw them at this formation, and based on your experience as a physician and surgeon, would you give the court your opinion as to whether or not these prisoners

(Dr. Franz Blaha - Direct)

would have died if they had received proper treatment?

A Some of them were dead already. From the other ones, many could have been saved. The other ones could have been saved if carried directly on stretchers from the railroad cars into the hospital.

Q Do you know how many Frenchmen came in on that transport?

A People who were on the transport, and particularly Professor Limousin, he was a professor of pathology, and he was also my assistant of pathology later on, he told me 2,000 of them had left originally, and 1,200 arrived including the dead ones; there were over 500 dead ones.

Q Now, Doctor, who was the chief doctor at this time?

A Doctor Witteler.

Q Do you know Doctor Witteler when you see him?

A Yes.

Q Will you look over in that group of prisoners and see whether or not you see Doctor Witteler?

A Yes, number 11.

Q Will you point him out to the court, if you please?

A There.

Prosecution: Let the record show that Doctor Blaha pointed to the man wearing number 11; and that man is Doctor Witteler.

Witness (continuing): Upon the orders of Doctor Witteler I dissected dead ones at that time, and that was at that time ten different bodies which were taken out from the total number dead in order to determine the cause^{of} death.

(Dr. Franz Blaha - Direct)

It was said at that time that the people beat each other to death. With my assistants I examined the bodies, and on none of them could I see any marks of force. I determined the cause of death during the autopsy as suffocation.

Q Now, Doctor, in 1942 what nationalities were represented in Dachau as prisoners?

A Most of them were Russians, then the Jews, then the Germans, and then the Czechs; the other ones were smaller groups.

Q Who comprised these smaller groups?

A The Spanish people, Dutch, Belgians, Norwegians, Lithuanians, and Austrians.

Q Now, Doctor, are you giving us the nationalities that were represented in 1942 or in later years?

A These were in 1942.

Q Who was there in 1943; were there any changes?

A The Italians arrived in March of that time, and then the Frenchmen in big groups in 1943 and 1944, then the Dutch in 1944.

Q Now, in 1943, did the Jews leave the camp?

A Yes, except a few.

Q What about in 1944 and 1945, were there any Jews here in Dachau?

A In 1944 in the second half Jews arrived in Dachau again.

Q What nations were represented by these Jews?

A Most of them were Hungarian, Polish, and Czech; some of them were Frenchmen too.

(Dr. Franz Blaha - Direct)

- Q Now, when you said the Jews left in 1943, do you mean they left the main camp that was located here in Dachau?
- A There were special camps built for Jews in the surrounding area of Dachau.
- Q Can you give us the names of some of these camps?
- A Kaufering, Allach, Muhlendorf, and several others.
- Q Now, do you know how far Kaufering is from Dachau, Germany?
- A I think about 30 milometers.
- Q Do you know whether or not Kaufering is a by-camp from Dachau?
- A Yes.
- Q It is a by-camp from Dachau?
- A Yes.
- Q What sort of treatment did the Russians receive in Dachau?
- A Of all of then nations, the Russians got the worst treatment.
- Q What kind of treatment did they receive?
- A They were the ones which were punished most, beaten most, and executed most.
- Q What do you know about any executions of Russians in the year 1942?
- A In 1942 the Russians were liquidated which were kept in the so-called prisoner of war camps. There were approximately between 6,000 and 8,000 prisoners of war; they were on blocks 17 to 25, and it was surrounded with a special barbed wire.
- (Dr. Frans Blaha - Direct)

Q What part of the year 1942 did this execution take place in.

A In the Spring.

Q Did you see anyone in particular proceed in that execution?

A I was not present at the execution itself. I only saw that these people were brought out of the camp to the place where they were shot next to the railroad tracks.

Q Who was in command on that occasion when you saw them march out from the place.

A At that time there was Zeil Heffner, Jarolin, and others which I can't recall.

Q What did Jarolin do on that occasion?

A He was Rapportfuhrer, he gave the orders as they were marching out of that place where the formation was held.

Q Did you see Jarolin leave with these Russian prisoners from the place where the formation was held?

A Yes.

Q Did you see him return at any time thereafter?

A No, I can't recall that.

Q After you saw Jarolin march out with these Russian prisoners, did you hear anything?

A For several days and weeks we heard machine gun fire all over the camp; and there were people brought outside of the camp to the place where the shooting took place from the railroad cars.

Q With respect to the prisoners you saw Jarolin march out from the place where they held the formation, did

(Dr. Franz Blaha - Direct)

you hear any shooting after you saw Jarolin leave with these prisoners?

A Yes.

Q How long after you saw Jarolin leave with these prisoners was it you heard the shooting?

A Maybe a half hour or an hour.

Q And from what direction was this shooting coming from that you just testified you heard?

A From behind the windmill over there near the gardens; between the river and the railroad tracks, in a north west direction.

Q Now, in 1944, did you see any executions of Russians?

A Yes.

Q Will you describe that execution at this time?

A I only saw one execution which took place publicly in camp.

Q What was the nationality of the prisoner you saw executed?

A It was a young Russian.

Q And, who was the person officiating at this execution?

A Rapportfuehrer Boettger, and I saw Mahl.

Q What did you see Boettger do on that occasion?

A I saw him kick away the stool on which the young Russian was standing.

Q What did Mahl do on that occasion?

A He put the rope around the Russian's neck.

Q Now, what happened to the Russian after the rope was put around his neck and Boettger pushed away the stool?

A His body remained hanging there while all the working details marched by during the noon hour.

(Dr. Franz Blaha - Direct)

Q How long did you see that young Russian hanging?

A About half an hour, maybe three-quarters of an hour; it was right across the street from the hospital.

Q Now, Doctor, where was the rifle range located?

A It was in between the river and the railroad tracks.

Q Is that the same place you testified you heard the sound of machine guns coming from?

A Yes.

Q Do you know this man Boettger when you see him?

A Yes.

Q Could you recognize him if you saw him at this time?

A Yes.

Q Look over in this group of prisoners and see if you see him, and if you do, come with me and lay your hand on him.

A The second man in the last row, number 18.

Q Now, Doctor, would you recognize this man Mahl that you saw officiating at that hanging if you saw him at this time?

A Yes, number 33.

Q Where is he sitting?

A There.

Prosecution: Let the record show that the witness, Dr. Blaha, has pointed out a man wearing number 33 whose name is Mahl; and he also pointed out a man wearing number 18, whose name is Boettger.

Q Now, Doctor, coming back to these executions in 1942, do you know whether or not they were prisoners of war
(Dr. Franz Blaha - Direct)

or civilians.

A They were prisoners of war because they were in that special prisoner of war place.

Q After this execution in 1942 did you see any bodies of these Russians?

A I only saw from far away how these bodies were brought to the crematory when we marched past from work details.

Q Now, Doctor, do you know anything about an execution of any Russians during the year of 1944?

A There were two large executions, one of them was in winter, around February or March; they were mostly Russian students from the camp in Mosseberg; the second execution was in September, they were high Russian officers, Generals and Colonels, and two officers which were working in the wards.

Q Did either or both of these two Russian officers work with you in the hospital?

A Yes.

Q Now, Doctor, did you see who was in charge of these executions?

A I have seen how the people were brought together at the place where the formations were held; and they were brought away, and I saw how they were taken around the camp to the crematory.

Q Who was in charge of this detail of Russians you just described?

A Ruppert, Rapportfuhrer Boettger, and Kuhn.

Q Now, is this execution that you are just describing,
(Dr. Franz Blaha - Direct)

the execution of the Russian officers or the execution of the Russian students?

A The Russian officers.

Q Would you know this man Ruppert if you saw him at this time?

A Yes.

Q Will you step over to this group and point out the prisoner Ruppert?

A Yes, number 2.

Prosecution: Let the record reflect that the witness indicated as being the man Ruppert, the prisoner wearing number 2.

Q And, that man Boettger, is that the man Boettger you identified a moment ago?

A Yes.

Q With respect to this execution of these Russian officers, you stated you saw Ruppert and Boettger there?

A Yes.

Q Did you see Ruppert and Boettger out at the crematory?

A Not in the crematory, but on the way to the crematory.

Q What were they doing on the way to the crematory?

A They pushed them and told them to go faster.

Q Will you spell, please the name, Boettger, the man you have identified as being along with Ruppert on this execution?

A Bottger, with an Umlaut "o".

Q Is that name, Bottger, with the umlaut "o" the same Boettger?

(Dr. Franz Blaha - Direct)

A Yes, that is the same. If you write in German the "o" is with an umlaut, or in English the "o" is written "oe".

Q Then that is the same number 18?

A Yes.

Q Now, after you saw Ruppert and Boettger marching these men out to the crematory, did you hear anything coming from the direction of the crematory?

A We heard single shots fired; and after I went inside and saw the bodies.

Q You saw the bodies of these 96 Russian officers?

A Yes.

Q The same men you saw Ruppert and Boettger march out to the crematory?

A Yes, many of them whom I knew personally.

Q Did you ascertain what was the cause of death of these Russian officers?

A I saw that just from looking; they had shots in the neck; and they had taken out the gold teeth from them.

Q Did you see anyone in the yard at the crematory when you went there?

A Yes.

Q Who did you see there?

A Administrator Bongartz, and then there were prisoners there who worked on the crematory detail.

Q Anyone else?

A Nothing otherwise.

Q Now you mentioned this crematory. Will you describe, Doctor, the construction of this crematorium?

A There were two crematories, it was the old crematory with two furnaces. There was the new crematory with five ovens.

(Dr. Franz Blaha - Direct)

I think the new crematory was put into use
in 1944, in the beginning of 1944.

Q Do you know who constructed the new crematory?

A The Polish Priests built that. It was called the,
"X bunker" detail.

Q Were these Polish Priests prisoners at that time?

A Yes.

Q How many rooms did they have down at this new
crematory?

A There is a big hall for the bodies, then a passageway,
the room with the furnaces, then there is a pre-
paration room, the gas chamber, and then there is
another hallway, and then the disinfectant chambers.

Q You mentioned the gas chamber; did that gas chamber
have any sign over the top of it?

A Yes, "shower bath."

Q I hand you a photograph marked, Prosecution's Exhibit
number 37, and ask you to state what that is?

A That is the shower bath, the gas chamber, in the new
crematory.

Q Was that ever used for taking shower baths, Doctor?

A I was in there once in the beginning of 1944 with
Doctor Rasher; at that time he experimented with
gas on prisoners.

Q Was it ever used for the purpose of being a shower
bath?

A I don't know about that.

Q Did they ever have facilities in there for using it
as a shower bath?

A I don't believe so.

(Dr. Franz Blaha - Direct)

Q Is that photograph, Doctor, a true and accurate photograph of the scene it depicts?

A Yes.

Prosecution: May it please the court, I offer into evidence Prosecution's Exhibit number 37.

President: The photograph itself is received in evidence.

Q Now, Doctor, you stated that you went to the gas chamber with Doctor Rasher in 1944; who was Doctor Rasher?

A Doctor Rasher was at first a Captain and then a Major of the Luftwaffe. He was the leader of the experimental station in the hospital on the fifth block.

Q When you went there with Doctor Rasher what did you do?

A He came to Headquarters with a car, and then we went over to the crematory by car.

Q What did you do at the crematory?

A We went to the so-called "shower bath" around 8:00 o'clock in the evening. We opened up the gas chamber, and he ordered me to go inside, and I was to determine if the people were living or dead already.

Q You mean people who had been in this gas chamber when you went there?

A Yes.

Q How many people did you find in this gas chamber when you went there?

A I think eight or ten people; three were still living.

Q What was the condition of the rest of them?

A They were half poisoned.

Q Were any of them dead?

A The other ones were dead.

(Dr. Franz Blaha - Direct)

Q You say they were half poisoned; half poisoned with what?

A With the gas which was in that shower room.

Q Did you have occasion to determine what kind of gas that was?

A When I stepped in, certainly I ran out again as fast as possible.

Q Did you detect any odor?

A It smelled of chlorine.

Q Did you have occasion to perform any autopsy on those prisoners who you examined there in the gas chamber?

A No.

Who else was present there at the gas chamber besides you and Doctor Rasher?

A Pabst, my assistant was there, he was a porter in the death chamber.

Q You said, "death chamber," what do you mean by, "death chamber"?

A It was a department of the hospital where dissections took place and pathologies prepared.

Q And, that was used if the people were already dead?

A Yes; sometimes the people got there while they were still living.

Q Who brought them there from the transports? Who would bring them to this room?

A From the detail the dead bodies were piled up on the cars; as we brought down individual bodies from the cars, there were also some living ones in between them.

(Dr. Franz Blaha - Direct)

- Q These eight or ten prisoners in the gas chamber, were they prisoners in Camp Dachau?
- A Yes.
- Q Do you know the nationalities of any of these prisoners that were in the gas chamber?
- A I don't know that because at that time I just wanted to get out fast; I couldn't stand it in there.
- Q You mentioned, Doctor, that Doctor Rasher was in charge of the experiments for the Luftwaffe; what was the nature of these experiments?
- A There were two groups of experiments; one with air pressure, and one with cold water.
- Q Now, this first experiment, the air pressure experiment; how was that conducted?
- A A bell-like thing was brought in.
- Q How was that bell-like thing used?
- A Twenty or twenty-five prisoners were locked up in one of them, then by means of machines the air pressure was raised and lowered suddenly.
- Q And, what was the effect on the persons in the chamber?
- A Many are dead, and some of them died shortly after that. Some of them had hemorrhages, or several other injuries, for instance, from the ear or from the nose.
- Q You say they had hemorrhages from the ears and nose; is that right?
- A Yes.
- Q Did you ever perform the autopsies on any of the persons that died from these experiments?
- A All of these dead ones were dissected.

(Dr. Franz Blaha - Direct)

- Q Will you state to the court the causes that produced those deaths?
- A Some of them had hemorrhages of the brain, hemorrhages of the stomach and lungs; hemorrhages like in infarctions.
- Q Doctor, will you repeat the last answer you made to the question?
- A Most of them died of brain hemorrhages or of embolism; of infarctions of the heart and lungs.
- Q What is an infarction?
- A That is a blood clotting; it could happen to any of the organs. A contracting.
- Q You say this cause of death you described as being a blood clotting or contraction of certain organs of the body; what caused that?
- A This is due to the sudden difference of from high to low blood pressure.
- Q And, this high and low blood pressure can be produced by what?
- A That's the sudden change in air pressure.
- Q In other words, as I understand it then, this sudden change in air pressure produced these blood clots and contractions of the different organs of the body; is that correct?
- A Yes.
- Q Now, do you know the nationalities of any of these persons that died as a result of these air pressure experiments?
- A Czechs, Poles, and Russians.
- Q Do you have any judgment as to the number of persons that died as a result of these experiments?

(Dr. Franz Blaha - Direct)

A I think above a hundred.

Q During what period of time were these experiments carried out?

A It was in the year of 1942, and the beginning of 1943.

Q Now, you described another type of experiment, the cold water experiment; is that correct?

A Yes.

Q Will you describe the manner in which that experiment was conducted?

A The prisoners were put into a big basin without clothing, and they were kept there for several hours, up to 38 hours. By means of a thermometer the temperature was measured in the rectum, and was observed. Every time the temperature dropped ten degrees blood was taken from an artery at the throat, and it was examined in the laboratory, usually first as to sugar content, calcium, and non-protein nitrates. At twenty-five degrees the people usually died, but one of them could stand it up to nineteen degrees.

Q Do you mean 19° and 25° Centigrade?

A Yes, Centigrade. With some of them the experiment was interrupted and they were warmed up again.

Q How?

A Either with heat apparatus, or animal heat. There were two women in bed and they took the frozen person in between them and they had to warm them up. Reichsfuhrer Himmler was present at one of these experiments.

Q Do you know whether or not any prisoners were used in these experiments?

(Dr. Franz Blaha - Direct)

A Only prisoners.

Q Do you know the nationalities of these prisoners that were used?

A Jews.

Q What were their nationalities?

A Polish and Czech Jews, then the Russians.

Q Did any of these prisoners die as a result of these experiments?

A Yes, very many.

Q And, that took place during 1942 and 1943?

A Yes, 1942 and 1943. All these bodies were dissected in the presence of Dr. Rasher, and the organs were taken out immediately, sometimes while they were still in the living condition, and they were dispatched immediately to Munich to the Pathological Institute.

Q Did you ascertain the cause of death of these people that died from these cold water experiments?

A We didn't determine the cause of death. We only did that to get the internal secretory organs into the laboratories; the brains, thyroid, stomach, spleen, and testicles.

Q Of these prisoners that were dead, do you know the cause of death?

A Yes.

Q What was the cause of death?

A Calcification.

Q Calcification?

A Freezing.

President: The court will recess until 1:30 P.M.

(Dr. Franz Blaha - Direct)

President: The court will come to order. (Time 1:45 p.m.)

Q Doctor, before the recess for lunch, you were telling us about the cold water experiment. How long a period of time did these prisoners undergo these experiments?

A That was different. Some of them were kept from four to six - some twenty four to 26 hours in the cold.

Q Now, Doctor, who was lager commandant at the time these experiments were being conducted with the cold water?

A That was in 1943 to the beginning of 1944 and it was Camp Commander Weiss.

Q Now, Doctor, could you recognize this man Weiss if you were to see him?

A Yes.

Q Will you look among that group of forty prisoners and tell us whether you see that man who was commandant at the time the water experiments were taking place?

A Yes.

Q Would you step over here and point out the man you know to be Weiss?

A Number 1.

Q And the man you indicate, wearing number 1, is Weiss, is that correct?

A Yes.

Prosecution: Let the record show that the witness indicated as being the man Weiss the prisoner wearing the number 1.

Q Now, Doctor, were there any experiments conducted at Dachau, Germany with salt water while you were here?

A Yes.

(Blaha-direct)

- Q What years were those conducted?
- A That was in the fall of 1944?
- Q Will you describe to the court the nature of these salt water experiments?
- A About 50 to 60 persons from the room 1 of block 1 were locked into a room, and did not get anything to eat but only received salt, that is, ocean water, and at that time their urine, blood and excrements were examined. During these experiments there was a revolt and the prisoners who were starved beat the male nurses who took care of them together.
- Q How long, Doctor, were these prisoners kept on this diet?
- A Five days.
- Q Do you know whether or not any of these prisoners died as a result of this diet?
- A No, because they received food illegally.
- Q Who was the chief doctor at the time that these salt water experiments were being conducted?
- A Doctor Hintermayer.
- Q Do you know Doctor Hintermayer when you see him?
- A Yes.
- Q Look over in that group of forty men and see whether or not you see Doctor Hintermayer in that group.
- A Yes.
- Q Will you go over, please, and indicate to the court the man you know as Doctor Hintermayer?
- (Blaha-direct)

A Number 10 is Doctor Hintermayer.

Q The man wearing number 10 is Doctor Hintermayer and was the chief doctor at the time these experiments were being conducted, is that correct?

A Yes.

Prosecution: Let the record show that the witness, Doctor Blaha, indicated the man wearing number 10 as the accused Doctor Hintermayer.

Q Do you know the nationality of the persons who were used in this salt water experiment?

A For this experiment they specifically used Gypsies and Hungarians.

Q Do you know what nationality the Gypsies were?

A I don't know.

Defense: May it please the court, I move that the testimony relative to the salt water experiments be stricken on the grounds that Hungary was not at war with the German Reich and so far as he knows the Gypsies were not.

President: Subject to objection by any member of the court, the motion is denied. This court can take judicial notice of the countries at war with the German Reich.

Q Were these Gypsies and Hungarians that you mentioned prisoners in the Dachau Concentration Camp?

A Yes.

(Blaha-direct)

- Q What experiments other than the ones named were conducted at Dachau while you were here between 1942 and the end of April, 1945?
- A There were the liver puncture experiments, the phlegmon experiments and the malaria experiments.
- Q Would you describe the nature of the liver puncture experiments?
- A That was done by Doctor Branto. He made a series of liver punctures on ill people, on healthy people, people who had stomach diseases and people who had gall diseases.
- Q How were these liver punctures performed?
- A By means of a puncturing needle in the vicinity of the liver.
- Q Were the people upon whom these experiments were performed alive at the time?
- A Yes.
- Q Were they given any kind of anesthesia?
- A Without anesthesia.
- Q Do you know whether or not this type of experiment is painful to the subject undergoing it?
- A Yes, because they were done in a series of several punctures and they also died as a result of that.
- Q Do you know the nationalities of any of these persons upon whom these experiments were performed?
- A They were Poles, Russians, Czechs and also Germans.
(Blaha-direct)

Q Were these people prisoners in Camp Dachau at that time?

A Yes.

Q Do you know, Doctor, how these prisoners were selected for these experiments?

A Yes.

Q Will you tell the court how these persons were selected?

A Doctor Drashal did that with the hospital capo. They selected the people and took the people into the hospital.

Q From where did they select these people?

A From work blocks.

Q Who was in charge of the work blocks?

A They were the block elders and block leaders.

Q At this time do you recall the names of any of the block leaders or elders who were in charge of the blocks from which these prisoners were selected?

A That was in all blocks.

Q Doctor, who was the schutzhaftlagerfuhrer at the time these experiments were taking place?

A Redwitz.

Q Do you know whether or not these selections had to go through Redwitz?

A I don't know.

Q Was the nature of these liver puncture experiments one that was dangerous?

A Yes.

Q You mentioned a moment ago that phlegmon experiments were being conducted?

(Blaha-direct)

A Yes.

Q What was the nature of these phlegmon experiments?

A It was tried, through the so-called biological method and on the same basis through the allopathic and surgical method to treat the phlegmon diseased people and also the septic diseased people. For that purpose, entirely healthy people were selected. They received in the operation room injections from the pus of phlegmon diseased people into the rectum muscles and sometimes into the rectum itself.

Q Will you tell the court what kind of a disease that is?

A That is a certain disease of the tissue.

Q How does it affect the tissue?

A At first it causes an inflammation, and then puss forming, and if the organism is too weak or the injection is too strong it reaches the general sepsis.

Q What do you mean by sepsis?

A General blood poisoning through infectious bacteria.

Q What prisoners, if they were prisoners, were used in these experiments?

A Firstly, the priests.

Q Anyone else besides the priests?

A Also some others, but up to 90 per cent of them were priests.

Q Is this phlegmon calculated to produce pain?

A Yes.

Q What is the nature of the pain?

A Large pains, great pains.

(Blaha-direct)

Q How is phlegmon usually treated in order to effect a cure?

A First, by surgical methods and then internally through injections.

Q Injections of what, Doctor?

A Either sulfanilamide or penicillin.

Q After these prisoners had been given this disease of phlegmon how were they treated?

A At first, for about three or four days, they were not treated at all. Only after the infection had formed and there was pus they were either given sulfanilamide injections or surgical methods and also amputations or the biochemicals. They were pills containing calcium phosphate, barium phosphate.

Q Doctor, were these people who were subjected to these experiments treated immediately for their condition?

A No, only after three days - it was forbidden strongly to treat them.

Q Can you tell us, Doctor, whether or not any people died as a result of these experiments?

A Many people died, and the others were mostly turned into invalids.

Q Who was the chief doctor at the time these experiments were being performed?

A Doctor Walter and his representative Doctor Brochtol.

Defense: If the court please, I move to have stricken this testimony from the record as neither of the men are defendents in this case.

(Blaha-direct)

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Prosecution: In answer to that, every one of these men here are charged with participating in a common design to perform the mistreatments here alleged. Simply because these two doctors happen not to be sitting there is no reason why this should be stricken. If these defendants were present at that time in the camp at Dachau, it is sufficient.

President: Subject to objection by any member of the court, the motion is denied.

Q Who was the camp commandant at the time these phlegmon experiments were being performed?

A That was lagercommandant Weiss.

Q Doctor, what position did you hold here in Camp Dachau beginning with July, 1942?

A At the beginning of 1942 I worked in the plantation in the laboratory.

Q And when did you leave that hospital?

A In June, 1942.

Q Where did you go in June, 1942?

A I was taken into the hospital by the chief physician.

Q What were your duties in the hospital?

A As a surgeon, first.

Q And then what did you do?

A Because I didn't want to do the operation that I was ordered to do I was, as punishment, sent into the death chamber.

Q What do you mean by the death chamber?

A That was the room where the corpses were kept and autopsies were performed there and the pathological propositions taken care of there.

(Blaha-direct,

Q How long did you continue acting that the capacity?

A Until liberation.

Q Doctor, during that period of time how many autopsies did you perform?

A Six to seven thousand.

Q During that period of time, how many autopsies were performed under your direction?

A Altogether we had twelve thousand in the books. We had records on them.

Q From June, 1942 until liberation on 29 April, 1945, is that correct?

A Started with August - at first, I was working as a surgeon.

Q Now, Doctor, as a pathologist acting there in the death chamber, did you ever have occasion to move skin from the bodies of any of the dead prisoners brought there.

A That was done in the masses.

Q Who directed this type of proceeding?

A That was in the time of Welter and particularly Doctor Rasher asked for this human skin. That was at that time done with 15 to 20 human skins.

Q Describe to the court what treatment was given to this skin.

A That was in the time when Bruno was in charge of the autopsies and then Willy Mirkle. We took the skin from the chest and the back. Then we had to use chemicals and treat the skin with them. Then these skins were placed outside in the sun and then

(Blaha-direct)

these parts were cut out according to drawings given to us by the SS men. That was for saddles or riding breeches, for gloves, for house slippers and ladies' handbags.

Q Doctor, was there any particular type of skin that was desired more than any other?

A That was the skin that was tattooed.

Q Do you know of any occasion of the removal of skin that had been tattooed prior to its removal from the body.

A Yes, many times.

Q What was the occasion of the removal of this tattooed skin from the bodies?

A The SS men demanded it.

Q Who was lagercommandant during the time this practice was going on?

A That was still under the time of Piorkowsky.

Q Who was chief doctor?

A Doctor Walter.

Q Who was the Schutzhaftlagerführer?

A Zill.

Q Who was the head of the SS unit at that time?

A I do not understand.

Q Who was the commanding officer of the SS Detachment of guards at that time?

A That was the camp commandant.

Q Piorkowsky?

A Yes.

Q How long did this practice of removing skins from the bodies of prisoners go on?

A Until 1942.

(Blaha-direct)

Q I ask whether or not it took place in the year 1942?

A Yes, in the year, 1942.

Q Doctor, would you tell the court what was the nationalities of the people that you removed the skin from?

A It was forbidden to cut out the skin of Germans. Especially the Russians were used for that.

Q Anyone else besides the Russians?

A Also the Poles and the other inmates, with the exception of the Germans.

Q You stated that you performed autopsies on about six thousand people. Can you tell the court at this time, in general, the nationalities of the persons upon whom you performed these autopsies?

A Those were all that were in the camp.

Q Will you state what nationalities were represented in the camp at that time?

A Mostly Russians and Poles, then in the later years the Yugoslavs, Frenchmen and Italians and in the last Jews also.

Q Did you have occasion to visit the prisoners' hospital during the time that you worked in the death chamber?

A From the hospital personnel, yes.

Q Did you have occasion to go inside the prison hospital?

A Yes.

Q Did you observe the conditions in the hospital with respect to crowding?

(Blaha-direct)

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A Yes.

Q What were those conditions, Doctor?

A The conditions were different. On the surgical block it was better - better than on the so-called anti-septic division. On the septic division of the surgical part it was worse. And the others were worse and it was worst in the epidemic and tuberculosis divisions.

Q It was worse in the epidemic and tuberculosis divisions - describe what you mean by worse.

A They were crowded most and had the least amount of treatment available.

Q How many men slept in one bed in the epidemic and tuberculosis blocks?

A At first, two men, then three and more.

Q What was the size in centimeters of one of these beds?

A About like that carpet.

Q How wide, in your judgement, is that carpet?

A Eighty centimeters.

Q How many men did one of those beds normally accommodate?

A In the year 1941 there was always only one in one of those beds. The same thing was also in the working blocks and then from year to year the camp was constantly getting overcrowded.

Q This condition in the hospital of the camp, was that true in 1942?

A No, not yet.

Q What year was the conditions that you described in?

(Blaha-direct)

A Slowly - already in the year 1943 the hospital was overcrowded and in 1944 and 1945 it was totally pressed together.

Q Doctor, in what block did you live during the years 1943 and 1944?

A I was living in the hospital.

Q Did you have occasion to visit the blocks that were occupied by the prisoners in the camp during that year?

A Yes, my bed was in between the patients.

Q I will ask you that question again. Did you visit the blocks occupied by the prisoners -- not in the hospital, during the year 1942?

A Yes.

Q In 1943?

A Yes.

Q 1944?

A Yes.

Q In the first four months of 1945?

A Yes.

Q Describe to the court the manner in which these prisoners lived in these blocks, beginning with the year 1942 and directing your attention to the number of persons that occupied the blocks and the sanitation facilities that were available.

A In each block there were four rooms. In the year 1942 there were usually three or four hundred persons in one block. In the invalid blocks there were

(Blaha-direct)

many more. In the year 1943 and 1944 it went up to more than a thousand people and in the first quarter of 1945 there were two thousand and even more in one block.

Q When there were three or four hundred in one block was the conditions in that block crowded?

A That was filled up - all beds were being used.

Q What were the sanitary facilities they were furnished during that same period - from 1942 up to and including April 1945?

A In the year 1942 there was still a strict cleanliness attended to. And then in 1943 and 1944 it kept decreasing because there was no possibility at all to clean the rooms. There was no time for it because of all the work and then there were too many people in them. There was also no material for cleaning. There was very little laundry. Very little clothes for so many people and there was no bathing, very seldom. In the year 1942 all blocks still bathed once a week, and then towards the end the people didn't get to bathe all month.

Q What sort of latrine facilities were available in these blocks, Doctor?

A In each block there were twelve stools and two of those were destined only for the block personnel. So for the average prisoners there was ten stools available.

Q Did that condition exist as well during 1943 and 1944 and 1945 as in 1942?

A It grew constantly worse because always there were more prisoners.

(Blaha-direct)

- Q Did they normally have a sick call in the morning for those prisoners who were unable to go to work?
- A Not in the morning, but in the evening you had the possibility to go to the doctor.
- Q Do you know whether or not they ever lined up outside the hospital in the morning?
- A That is when they went for examinations. That is especially those that came in new. Then the people who were selected they came in for physical examinations.
- Q What were these formations commonly called in the camp?
- A These work people were called the slave material. These people were standing in front of the hospital for several hours entirely naked. Sometimes from early morning until night and had to wait until the one in charge of the work and the chief physician would arrive.
- Q Did these slave market formations take place during the years 1942, 1943, 1944 and up to and including April, 1945?
- A No, not then. Only since the end of 1943, 1944 and 1945.
- Q Who was in charge of these slave market formations Doctor?
- A That was the labor officer.
- Q And what was the condition of the weather during the time when these formations were held?
- A That was varied - sometimes sun, sometimes snow, sometimes rain. Warm, cold, different.
- (Blaha-direct)

Q What was the clothing that was worn, if any, during the snow?

A They had to undress just like in the summer.

Q Where were these formations held with respect to the hospital?

A Usually it was in front of the window of the autopsy room, or behind the autopsy room.

Q Was this formation able to be seen from the office of the chief doctor?

A Now, usually the chief doctor would come to this place.

Q He did come to where the formation was being held is that correct?

A Yes.

Q Do you know the name of the man, or any man, who participated in these formations?

A They were the chief doctors and their representatives and then there were the people from the labor office.

Q Who were some of these people from the labor office?

A I only know a certain Welter.

Q Do you spell his name W-E-L-T-E-R, Doctor?

A Yes.

Q What did you ever see this man Welter do at these formations?

Q Welter usually took care that the people didn't disappear from these formations because people didn't want to go on these transports because it was a dangerous matter, particularly during the time when there were bombardments.

Q Did you ever see this man Welter mistreat any of (Blaha-direct)

the people standing in this formation?

A Yes.

Q What did you see him do?

A He beat them, pushed them and kicked them into the line.

Q How did he beat them, Doctor?

A With his fist.

Q Did he ever do anything else with them besides beat them with his hand?

A I never saw it.

Q Now could you recognize this man Welter if you were to see him at this time?

A Yes.

Q Look over in that group of forty men and see whether or not you see the man you know to be Welter.

A He is number 23, second row.

Prosecution: Let the record show that the witness Blaha identified the man wearing number 23 as being the man Welter.

Q Do you know whether or not any of these prisoners died while they were standing out there in that formation?

A Many of the people who were standing out there in the bad weather became ill with pneumonia and as a result they died, because they were usually people who just came into the camp from other camps on the transports and there were many of them just released from the hospital.

Q Doctor, what were the dates you saw these people die in this formation you just described?

(Blaha-direct)

A I had several acquaintances among them who died in that manner.

Q During what year?

A 1944 and 1945.

Q Who was the chief doctor at that time, Doctor?

A Doctor Witteler and Doctor Hintermayer.

Q Doctor, were there ever any epidemics in Dachau?

A In Dachau there was a constant epidemic of dysentery that was constantly. In the beginning of 1943 there was a typhoid epidemic and since the year 1944 there was a typhus epidemic.

Q Doctor, when you refer to typhoid epidemic, what kind of an epidemic is that?

A That was an epidemic of the gastro intestinal apparatus.

Q And when you refer to typhus epidemic, what kind of epidemic is that?

A That is a spotted fever epidemic which is carried by lice.

Q You said there was such an epidemic - a typhus epidemic in 1944 - in what month did that begin?

A That started during the month of October when the first transports from Hungary arrived. Among those people there were many people who had lice and some of them had already spotted fever.

Q How do you know that some of these people had spotted fever?

A Because I performed the autopsies.

Q After you performed that autopsy did you make your finding known to anyone?

(Blaha-direct)

A Yes, I immediately called the first doctor, Doctor Hintermayer, and showed it to him.

Q What did he say when you showed it to him?

A I showed it to him several times and reported it several times and told him there was danger of an epidemic.

Q And what did Doctor Hintermayer do at that time?

A We were forbidden to tell anyone that there was a typhus epidemic, and it was called sabotage because we were accused of trying to get a quarantine put up for the camp. Only after Christmas 1944 a decision came from Berlin that there was actually a spotted fever epidemic. That was in the times when also among the SS men there was an epidemic.

Q After you made your findings known to Doctor Hintermayer that this Hungarian transport was infected with Fleck Fever what preventatives were taken to arrest the spread of that disease?

A None at all. The people were put into the various blocks and following transports and new people were put into these blocks where there was already an epidemic present. And so it happened that, for instance, the 30th block died out completely three times.

Q How many men in that block, Doctor?

A In the block there were two thousand people - fifteen hundred, it varied, when they died there was less.

Q Do you know the nationality of any of the people who died in that block you just mentioned?

(Jlaha-direct

A There were mostly the Frenchmen and Italians who suffered mostly from spotted fever. Yugoslavians, Poles and Czechs. The Russians least of all.

Q How long did that epidemic rage?

A until the liberation.

Q Do you have any judgement as to the number of people that died during that epidemic?

A During this epidemic and the complications after the epidemic, particularly kidney ailments, callotia and thyreoditis - there were about fifteen thousand people.

Q What is the effect of Fleck Fever on the human body?

A It causes fever, flooding of blood in all organs and acute intoxication which pathologically usifilites tissue of the brain. The bronchial pneumonia and spleen growth.

Q Does it make the body more susceptible to the contraction of other diseases, Doctor?

A Naturally, especially that is true in tuberculosis.

President: The court will take a fifteen minute recess.

The court then took a recess until 1455 o'clock at which hour the personnel of the court, prosecution and defence, all the accused, the reporter and the witness, Doctor Blaha, resumed their seats.

Q You mentioned before the recess that there was a dysentary epidemic raging in 1944, is that correct?

A It was earlier years also.

Q What is the treatment that is normally given for dysentary?

A At first it is a treatment of diet, especially a dry diet, the loss of fluids and against the great loss of fat one can get blood transfusions and then you have

(Blaha-direct)

disinfectant, sulphanilamide, and then these other aids like charcoals.

Q Was there any treatments given to prisoners suffering from dysentery during the years that you were there?

A No.

Q Were there present here at Dachau facilities for treating dysentery?

A In this manner, Yes.

Q You also stated that you performed about six thousand autopsies?

A Yes.

Q Will you tell the court what you found in general was the causes of death of these persons upon whose bodies you performed autopsies?

A Besides the epidemics, typhus and typhoid, most were due to tuberculosis, from the phlegmon and the sepsis, dysentery and malnutrition and sickness caused by malnutrition.

Q Did you perform autopsies on anyone and ascertain that the cause of death was solely malnutrition?

A In many which we saw the sole reason was malnutrition. We called it hunger typhus.

Q During what years did those deaths take place?

A In all years.

Q From 1942 up to and including April 1945?

A Yes.

Q Now, were these deaths confined to any one nationality?

A They died regardless of difference of nationalities.

Q And what nationalities can you name at this time that (Blaha-direct)

died solely of malnutrition?

A Mostly the Italians, Russians and Frenchmen.

Q You mentioned there was another kind of experiment performed here at Dachau, Germany, namely, malaria, who was in charge of the malaria experiment?

A Professor Schilling conducted the malaria station.

Q What was the nature of these experiments that Doctor Schilling conducted?

A Doctor Schilling infected the prisoners with malaria disease by inoculation. These were through mosquitoes or from extracts of the mucous glands of the mosquitoes and septicides and then by injections.

Q After they had been infected in these various ways what was done to them?

A And they got malaria, then they had the malaria attacks. They were only inoculated once. There were different stages.

Q What persons were used in these experiments?

A Prisoners of all nations. Also the priests. Many Poles, Russians, Yugoslavians, Czechs - also Germans.

Q After these human guinea pigs had received their injections and had contracted the malaria, how were they treated?

A They were treated in different ways. Professor Schilling had a whole series ^{of} therapeutic measures.

Q Describe some of these forms of treatment that Doctor Schilling applied to these prisoners.

A Either with quinine, neosalvarsan, antipyrin, pyramidon and the drug also designated dye 2516 and several combinations of these methods.

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- Q Do you know whether or not any of these human guinea pigs died as a result of the experiments performed upon them?
- A Yes.
- Q Did you perform autopsies upon any of these bodies?
- A All the people who died of malaria and consequences, I dissected.
- Q Was Doctor Schilling ever present when you performed the autopsies?
- A Yes.
- Q To whom did you make the report as to the cause of death of these persons who had been inoculated with malaria?
- A As usual to the chief doctor and then to Professor Schilling whose ward it was.
- Q Who were the chief doctors to whom you made such a report?
- A The chief doctors from 1942 to 1945.
- Q Was Doctor Witteler one?
- A Yes.
- Q Doctor Hintermayer?
- A Yes.
- Q In the autopsies that you performed, did you ever ascertain that there were other causes of death other than were directly attributed to malaria?
- A Yes also.
- Q And what was some of those causes, Doctor?
- A Severe intoxications, tuberculosis, pneumonia, dysentery, typhus and other diseases.
- (Blaha-direct)

Q What type of intoxication do you refer to?

A These are the intoxication of neosalvarsan in the year 1943 and then with pyramidon in 1945.

Q How was the intoxication due to pyramidon produced?

A Through big doses of pyramidon and the people could not tolerate it and which acted as poisons on them.

Q Were there any signs of poison on the dead bodies of the people that died of neosalvarsan?

A Yes.

Q Doctor, would you recognize Doctor Schilling if you were to see him at this time?

A Yes.

Q Look over that group of forty men and see if you see Doctor Schilling.

A The old gentleman, number 15.

Prosecution: Let the record show that the witness, Doctor Blaha, identified the prisoner wearing number 15 as Doctor Schilling.

Q Doctor Blaha, have you ever seen Doctor Schilling's signature?

A Yes.

Q Would you recognize it if you were to see it again?

A I believe so.

Q I hand you a document marked prosecution's exhibit number 38 and ask you to state what that is.

A It is a request for new prisoners for the malaria experiments which was directed to the commandant weiss and also signed by Professor Schilling.

Q That is Doctor Schilling's signature at the bottom of this document?

(Blaha-direct)

A I think it is his signature.

Q Does it look like the signature that you have seen before that you knew to be his signature?

A Yes.

Prosecution: We offer at this time, may it please the court, prosecution's exhibit number 38 in evidence.

Defense: No objection.

President: Subject to objection by any member of the court, the document is admitted in evidence.

Prosecution: I would like to have the official interpreter read this document, which is in German, to the court at this time. I ask the interpreter to read from prosecution's exhibit number 38, first in German and then in English.

Whereupon the interpreter read the exhibit, both in German and in English, to the court.

Q With respect to prosecution's exhibit number 38, do you know what s-c-h with a capital P stands for?

A That means prisoners in protective custody - Polish.

Q Do you know whether or not these human guinea pigs consented to these experiments?

A None of them volunteered for it and many we saved from these experiments.

Q Do you know, Doctor, the time that these experiments were being conducted how many of these prisoners were subjected to it?

(Blaha-direct)

A Twelve hundred, I believe.

Q Going back to the task that you are performing autopsies, can you tell the court what disposition was made of some of the heads of some of the prisoners?

A They were prepared and these preparations were then sent either to SS schools or they were given to some of the SS doctors or SS men. Also whole skeletons were treated sometimes.

Q At whose direction were these heads prepared?

A Always on order of the chief doctor. Sometimes an order from Berlin came for that, but ten times as many on direction of the chief doctor.

Q When you say the heads were prepared, what do you mean by that Doctor?

A They were cut off and then they were boiled and then they took all the soft parts were removed and then they were bleached in concentrated peroxide and dried and then put together again.

Q During the last days that the SS were here in April 1945, do you recall seeing a transport, a train of prisoners out on the siding here at Dachau?

A Yes, that was a Jewish transport.

Q Where were those Jews taken from?

A They were at Dachau for several days - they came from some outside camp. They were to be taken away on another train to another camp, and they were put into the trains in front of the administration building by the clothing warehouse but since the railroad tracks were destroyed they could not leave.

(Blaha-direct)

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Q Were they permitted to get off this train after they were put on it by the SS?

A We saw that all were dead in the cars after the liberation.

Q Doctor Blaha, why were you brought to Dachau?

A On order of the Gestapo from Prague.

Q Why were you picked up in Prague?

A I was taken as a hostage as soon as the Germans entered Bohemia and in October 1939 I was accused of cooperating with a foreign enemy. I was accused by the Gestapo of Brunn. That was because of cooperation of the Czech government and then I was in prison for two and quarter years.

Prosecution: May it please the court, in order to save time, I would like to introduce these photographs of the camp in a group, after they are properly identified.

Q I hand you a set of photographs marked prosecution's exhibits number 39, 40, 41, 42, 43, 44, 45 and 46 for identification and ask you to state after you examine them, whether or not they are a true and correct representation of the scenes here at Dachau that are depicted therein.

A The first picture shows the wash room in a working block or an invalid block, number 39. The second one, number 40 is the block street in front of the workers' block. Number 41 is a picture of the hospital. Number 42 is also a view from the hospital. Number 43, the same thing. Number 44 is the (Blaha-direct)

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fifth block of the hospital. Number 45 is also the fifth block. Number 46 is the dysentery or epidemic block.

Prosecution: I offer in evidence prosecution's exhibits number 39, 40, 41, 42, 43, 44, 45, 46 in evidence.

President: Subject to objection by any member of the court, the photographs are received in evidence.

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

A Yes.

Q Who is he?

A That was the block elder.

Q Where was he block elder?

A First in the priests block and then in the Russian block.

Q Did you ever see this man Becher mistreat any of the prisoners?

A Yes.

Q What did you see him do?

A I saw him when the priests block had to walk for punishment on the ground where the formations were held. On these occasions he pushed these people and kicked them with his foot and I saw him in the Russian Block how he beat the young Russian with a piece of wood.

Q How badly did he beat this young Russian with a piece of wood?

A He was beaten very badly - he was strong enough at that time.

Q Would you recognize this man Becher if you saw him today?

A Yes.

(Blaha-direct)

A Yes.

Q Look over in that group of forty men to see whether or not you can recognize the man Becher?

A Yes.

Q Indicate to the court, please.

A Number 27.

Prosecution: Let the record show that the witness, Doctor Blaha, indicated the man wearing number 27 as being the man Becher.

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

A Yes.

Q Who was he?

A He was the first schutzhaftlagerfuhrer.

Q And when was he the schutzhaftlagerfuhrer?

A The end of 1942 and 1943.

Q Did you ever see this man mistreat the prisoners?

A Yes.

Q What did you ever see him do?

A He beat the people.

Q Did you ever see him present at any hangings?

A No.

Q Hangings by the wrist?

A No.

Q What kind of hangings did you ever see him present at?

A I never saw him present at hangings.

Q Would you be able to recognize Redwitz if you were to see him again?

(Blaha-direct)

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A Yes.

Q Will you look over in that group of forty prisoners and see if you can recognize the man Redwitz?

A He is number 22 in the last row.

Q That is the man Redwitz?

A Yes.

Prosecution: Let the record show that the witness, Doctor Blaha, identified the accused wearing number 22 as being the man Redwitz.

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

A Yes.

Q What position did he hold at Dachau while you were here?

A He was one of Redwitz's representatives - the second or third verwaltungsfuhrer.

Q Did you ever see Lippmann mistreat any of the prisoners?

A No.

Q Would you be able to recognize Lippmann if you saw him at this time?

A Yes.

Q Would you look over in that group of forty men and ascertain whether or not Lippmann is present?

A Yes, the first row, right hand side, number 36.

Prosecution: Let the record show that the witness Doctor Blaha identified the man wearing number 36 as Lippmann.

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

A Yes.

Q Did you ever see Knoll mistreat the prisoners?

A Yes.

(Blaha-direct)

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Q What did you ever see Knoll do to the prisoners?

A I saw him beat people on the punishment bench, especially the Czechs. He was a block elder on block 15.

Q Would you recognize the prisoner Knoll if you saw him at this time?

A Yes.

Q Would you look over in that group of forty men and indicate to the court which man is Knoll?

A He is the second from the window, right hand row, number 16.

Prosecution: Let the record show that the witness Doctor Blaha identifies the accused wearing number 16 as being the man Knoll.

Q Do you know a man by the name of Doctor Eisele?

A Yes.

Q What position did he hold in Dachau while you were here?

A He was a SS doctor under chief doctor Hintermayer. He was in the surgical station.

Q Do you spell Eisele E-I-S-E-L-E.

A Yes.

Q Will you look over in that group of forty men and indicate to the court the man you know as Doctor Eisele?

A Next to Doctor Hintermayer, number 14.

Prosecution: Let the record show that the witness, Doctor Blaha, identifies the prisoner wearing number 14 as Eisele.

(Blaha-direct)

Q Doctor, do you know a man by th name of Eichberger?

A Yes.

Would you recognize him if you saw him at this time?

A Possibly, I only saw him twice. he was an interrogator at headquarters.

Q Do you know a man by the name of Willy Wagner?

A Yes.

Q What did he do at Dachau?

A At first, Oberscharfuhrer of the camp and then at the laundry.

Q Did you ever see him mistreat the prisoners?

A Yes.

Q What did he do?

A He beat the people. I myself was present when he beat the people and especially in his working detail he maltreated the people a lot. Especially I saw him beat the prisoners.

Q What kind of beatings?

A He handed out the punishment of twenty five beats.

Q When you say twenty five, what do you mean by that?

A Punishment by beating, which was usually handed out in the camp. Sometimes, in 1942 and 1943, publicly on the place where formations were held, and then it was done in the building next the storage room.

Q When this was done, were beatings accompanied by music?

(Blaha-direct)

A Yes.

Q Will you describe that to the court?

A When someone had to be beaten, a band of the prisoners were brought over to the headquarters of the camp or over to the grounds where the formations were held and then to the bath house and this table, or block, was put up at the open window and the band remained under the window and while the beatings were administered, they played a German march, usually. The so-called 25 March.

Q Would you know Willy Wagner if you saw him at this time?

A Yes.

Q Would you look over in that group of forty accused and indicate to the court the man you know as Willy Wagner.

A He is number 8.

Prosecution: Let the record show that the witness, Doctor Blaha, identifies the accused wearing number 8 as being Willy Wagner.

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

A Yes.

Q What was his office here at Dachau?

A He was a rapportfuhrer.

Q What time was he rapportfuhrer?

A The year of 1943.

Q Did you ever see this man Trinkle mistreat the prisoners?

A Yes, he beat me.

(Blaha-direct)

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Q Where did he beat you?

A In the morgue.

Q How badly did he beat you?

A Just gave me several beats with his first and pushed me away.

Q Would you be able to recognize Trenkle if you saw him again?

A I believe so.

Q Look over in that group of forty prisoners and see if you see the man you know as Trinkle.

A He is number 4.

Prosecution: Let the record show that the witness, Doctor Blaha, identifies the man wearing number 4 as being the accused Trinkle.

Q Do you know a man by the name of Josef Seuss?

A I only know him by name.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q In your direct examination you testified that you came to Dachau I believe in 1941, the 30th of April, is that correct?

A Yes.

Q When you came here in 1941 who was the camp commander?

A Sturmbannfuhrer Piorkowsky.

Q And how long a period of time did he remain here as camp commander?

A He had been there before I got there I don't know. He was there until the latter part of 42.

(Blaha-cross)

Q Can you give us a little more explicit answer than the latter part of 1942?

A Until the fall of 1942.

Q Who came in as lager commander then?

A Weiss.

Q How long did Weiss stay as commander?

A I think one year, altogether.

Q And who followed Weiss?

A Weiter.

Q How long was Weiter here?

A Until the end.

Q When you came here who was the first schutzhaft-lagerfuhrer in 1942?

A Obersturmfuhrer Zill.

Q Can you remember how long he remained as schutzhaft-lagerfuhrer?

A I think at the time when Fiorowsky left, Zill went with him.

Q Who followed Zill?

A Redwitz.

Q When did Hoffmann become lagerfuhrer?

A Hoffmann was a deputy of Zill and represented him for some time.

Q When you first arrived here in the camp in the early part of 1942, things were not so bad considering it was a concentration camp, was it?

A It was very bad.

Q It was very bad, even then?

A Yes.

Q What did you mean then when you testified on direct examination that there was not so much crowding - that it was not so bad, if I remember (Blaha-cross)

your exact words?

A It wasn't over-crowded, but the discipline was terribly strict.

Q So the crowded conditions were not so bad in the early part of 1942?

A No.

Q There weren't two or three people sleeping in hospital cots at the same time were there?

A No!

Q Nor were there two or three people sleeping in the beds of the blocks, or lagers as you call them, were there?

A No.

Q Sanitary conditions were fairly normal weren't they?

A Better than afterwards.

Q The food was better than it was later wasn't it?

A Somewhat better.

Q Conditions in the hospital generally speaking, were better than they were much later weren't they?

A No, they were worse at that time.

Q In the early part of 1942?

A In 1942 they were worse than in 1943 and 1944.

Q What made them better in 1943 and 1944?

A Because the prisoner doctors came into the hospital in 1943 - there were only laymen in there then.

Q You mean laymen, medical doctors?

A No, no medical men at all, just plain laymen of various professions.

(Blaha-cross)

Q When did you come into the hospital as a prisoner doctor?

A In the year 1942 I was the only doctor who was in the prison hospital.

Q How many patients did you have in the early part of 1942?

A In the entire hospital?

Q Yes.

A About one thousand.

Q How many patients did you have in the hospital in the latter part of April, 1945?

A Three thousand.

Q And did you have any additional help?

A They were so many and very little help at that time and there were very few medicines.

Q And how was it at the beginning?

A At the beginning when there were fewer there was still some medicine available.

Q When did the medicine supply become really acute?

A It was bad in the beginning and also in the end.

Q So that from the very beginning you were short of medicine, is that correct?

A No, I meant as a general rule the medicine - the treatment.

Q I want to know what kind of medicine supplies you had in the beginning?

A Toward the end there was always less medicine.

Q Was there more medicine at the beginning when you started in as a prison doctor?

A Yes.

(Blaha-cross)

- Q And the shortage became more acute towards the end, is that correct?
- A Much less, yes. And we helped ourselves by smuggling various types of medicines from our countries.
- Q That continued right on up to the end?
- A I received at least more than a half million kromer of medicine.
- Q You say that you, yourself, were hung in the shower rooms by your hands with chains or rope behind you, is that correct?
- A Yes.
- Q And when was this that you were hung in the shower room?
- A In the spring of 1942.
- Q At that time who was the lagercommandant?
- A Piorowski.
- Q Who hung you by the hands in the shower room?
- A One of the block leaders, I don't know his name.
- Q One of these defendants?
- A No.
- Q You mentioned that you smuggled a half million kromer of medicine into the camp, is that correct?
- A Yes.
- Q You said a little while ago in answer to a question that the food was a little better in the early part of 1942 and became progressively worse as time went by, is that correct?
- A Yes.
- (Blaha-cross)

Q Would you tell me what was the calory content of the food in the early part of 1942 when it was better?

A Without the extra for heavy work it was 1200 calories.

Q And in your opinion how many calories are required to sustain the average man, in the event he is not doing hard, laborious work?

A 2400.

Q You said you were hanged by the wrists in the shower - you said this man Jarolin was present, is that correct?

A Yes.

Q He was present?

A Yes.

Q Did he himself hang you up by the wrists?

A No.

Q He was merely a spectator looking on, is that correct?

A He is the one giving the orders, together with Hoffmann.

Q Did Jarolin give the order to hang you up?

A That was done from the headquarters.

Q In other words, Jarolin was only following orders from someone else, is that correct?

A Yes.

Q Who else was present?

A Hoffmann, the camp deputy and other SS men. There were twelve hanged at that time.

Q Twelve besides yourself?

A Yes, twelve, including myself.

(Blaha-cross)

Q Did Jarolin himself hang any of those twelve?

A He was merely an inspector on orders.

Prosecution: May it please the court, I don't believe that was all of that answer.

A He was the inspecting organ about the carrying on of the hangings.

Q Do you know of your own knowledge that Jarolin was ordered to do that?

A I don't know that but I was called in there so I presume it.

Q When did the invalid transports start coming into Dachau?

A That was in the summer of 1941.

Q When did Dachau become what is known as a sick camp?

A I don't know.

Q You do know that it was known as a sick camp, don't you Doctor?

A I don't know - at that time I wasn't in the hospital, we were working.

Q When you started work in the hospital early in 1942 a great number of invalid transports arrived in Dachau, didn't they?

A Yes.

Q And on these transports as they came in there were any number of dead bodies were there not?

A Yes.

Q And there were also any number of people on those transports who were seriously ill, were there not?

(Blaha-cross)

A Yes.

Q When did the first epidemic begin in Dachau, if you know?

A That was in January 1943. That was a typhoid epidemic.

Q Had there been any other epidemics to your knowledge prior to 1943?

A Yes, dysentery. That was continuous.

Q This typhus epidemic that you spoke of as starting in 1943, what caused that?

A That was typhoid in 1943.

Q What caused the typhoid epidemic in 1943?

A I believe it was the water.

Q About when in 1943 did that happen?

A In January 1943 and lasted until April.

Q That epidemic was fairly well cleared up then, wasn't it?

A Yes, there was still some complications that remained, though.

Q When was the next epidemic?

A The next was the typhus epidemic in the fall - October and November, 1944.

Q And that was a typhus epidemic?

A Yes, fleck fever.

Q What was the cause of the fleck fever in the fall of 1944?

A That is an infection which is carried by lice.

Q And you testified on direct examination this was caused by the fact that people were brought into this camp on invalid transports, is that correct?

(Blaha-cross)

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- A No, they were not invalid transports, they were evacuation transports from Hungary.
- Q The typhus epidemic was caused from the other people being brought into Dachau, is that correct?
- A Yes.
- Q And the reason these people were being brought into Dachau was because they were evacuating from other camps for their safety, is that correct?
- A Yes - not for their own safety but they were evacuated from other concentration camps.
- Q Do you know why they were evacuating them from other concentration camps?
- A Because the enemy was coming.
- Q They were not evacuated for their safety?
- A Not because of their safety, no.
- Q What is the normal accommodations of camp Dachau. By that, I mean how many people can Camp Dachau comfortably accommodate as prisoners?
- A When the camp was regularly filled, there were eight thousand prisoners.
- Q During the latter part of 1944 and the first part of 1945 how many people were sent into this camp?
- A More than fifty thousand.
- Q So it was terrifically over-crowded, wasn't it?
- A Yes.
- Q These transports started arriving, you say, in the latter part of 1944?
- A Yes.
- (Blaha-cross)

- Q And when they came in an attempt was made to give them a medical examination?
- A No.
- Q No medical examination was given to them at all, is that right?
- A They were only split up in the particular room. Those that could walk were put into the blocks and those that kept lying down were put in the hospital only when there was room. When no room, those that were lying down there were also sent to the block.
- Q At that time your hospital was so crowded that you couldn't put any one in there?
- A Yes.
- Q So that you had to improvise other hospitals in the blocks?
- A At last there were hospitals all over the camp.
- Q Who was the chief doctor at that time?
- A Doctor Hintermayer.
- Q And when these transports started to arrive in 1944 was he still the chief doctor then?
- A Yes.
- Q When was Doctor Witteler chief doctor?
- A I believe until September 1944 - I think so.
- Q The only transports that arrived when Wetteler was here were the French transports that you testified of in direct examination, is that correct?
- A There were several, but this one was the worst.
- Q You were fairly crowded here at the camp at that time?

(Blaha-cross)

A Yes, we were crowded at that time. We already had between thirty and forty thousand.

Q And when these transports arrived during Doctor Witteler's time were additional medical supplies sent to him?

A I don't know.

Q Were additional medicines made available to him?

A I don't know.

Q Did you see any additional doctors in the camp besides Doctor Witteler?

A Yes.

Q Who else?

A Do you mean SS doctors?

Q Yes.

A Doctor Richter, Doctor Karr, Doctor Blatzer, and then at the last Doctor Kreuger arrived.

Q That makes a total of how many doctors?

A No, they followed each other. They weren't there at one time.

Q I'm asking you how many additional doctors came into the camp to assist Doctor Witteler and stayed here with him?

A There were usually two to three doctors.

Q And at that time the camp had a population of over thirty thousand?

A Yes. Besides that, at that time there were at least twenty prison doctors in the hospital.

Q So you had a total of twenty three doctors taking care of thirty thousand, is that correct?

(Blaha-cross)

A Yes.

Q With regard to the execution of these Russians which you spoke about, you say there were between six or eight thousand executed?

A Yes.

Q Can you definitely tell me whether or not that was in the spring of 1942 or fall of 1941?

A No, that was in the spring of 1942.

Q You say they were taken out of the camp by Jarolin?

A Yes, they were directed by him in the place of formation.

Q And you say Jarolin took them out of the camp?

A Walked away with them, yes.

Did you go with him to where these eight thousand Russians were executed while they were being executed?

A That was impossible. No one could get there.

Q Do you know of your own knowledge whether or not Jarolin actually took part in the actual executions?

A No.

Q So far as you know, he was an inspector again, is that correct?

A Yes.

Q You saw, in 1944, an execution of a Russian, one Russian I believe, in front of the hospital is that correct?

A Yes, near the Messerschmidt barracks.

Q And whom did you see there at the time of this execution?

(Blaha-cross)

A I recognized Oberscharfuhrer Boettger and Mahl. I did not know the others.

Q How was this Russian executed?

A He was put on a block and there was a noose put around his neck and then the block was kicked out from under him. That was done under the gate of these barracks.

Q Did you see who actually performed the execution?

A Yes.

Q Who actually performed that execution?

A Mahl and Boettger.

Q What part did Boettger play in the execution of this Russian?

A He kicked the block away.

Q What were you doing there?

A I saw that from the window of the morgue.

Q There were some 90 Russians, I believe, officers executed in 1944, is that correct?

A Yes, Russian officers.

Q And who was present at that execution?

A The execution itself, I did not see, it was in the yard of the crematorium. I only saw how the the people were led from the camp through the gate to the crematorium and then after the execution I looked after those people.

Q Whom did you see leading them away?

A Schutzhaftlagerfuhrer Ruppert, Boettger - I knew them, I didn't know the others - there were several who took part.

(Blaha-cross)

Q You did not attend the execution yourself did you?

A No.

Q You don't know what part Ruppert and Boettger played, do you?

A No.

Q You spoke of a Doctor Rasher in your direct examination, what was his position here in the Camp Dachau?

A He was here in charge of the experimental station of the air corps.

Q Do you know to whom he was directly responsible?

A No, but I know that he had high connections.

Q Who was the camp commandant at the time Doctor Rasher was here?

A Camp Commandant Weiss and Weiter.

Q Do you know whether or not Weiss or Weiter had anything to do with the experiments that Doctor Rasher was making for the Luftwaffe?

A I don't know.

Q Rasher's experiments were with air pressure and cold water, is that correct?

A Yes.

Q And on one of the cold water experiments Himmler was present, is that correct?

A Yes. there were several times - I think twice in that station - but I saw him once.

Q Didn't you testify that Doctor Rasher worked solely under the direction of Himmler?

A I don't know about that.

(Blaha-cross)

- Q Didn't you so testify, Doctor, during direct examination?
- A No, not I. I don't know about that.
- Q On these cold water experiments, you performed the autopsies, is that correct?
- A Yes.
- Q And you took part of the organs and sent them to Munich, is that correct?
- A Yes, Doctor Rasher sent the SS people there especially for that.
- Q And some of the bodies that you took the inside out and sent to Munich the body was still alive wasn't it?
- A Yes, the heart was still working and the nervous system.
- President: The court will adjourn until 0845.

William D. Jensen
Lt Col JAGD
Chief Prosecutor

The Court met, pursuant to adjournment, at 8:45

A.M.

President: The court will come to order.

Prosecution: May it please the court, that the record reflect that all members of the court, all of the accused, the regularly appointed defense counsel, the special defense counsel, and all members of the prosecution are present.

Dr. Franz Blaha, a witness for the prosecution, having been reminded that he was still under oath, continued his testimony as follows:

CROSS EXAMINATION (Continued):

Questions by defense:

Q Doctor, will you tell us when the Phlegmon experiments were made?

A In the years 1942 and 1943.

Q And, when were the cold water experiments conducted?

A During the same time.

Q When were the air pressure experiments made?

A In 1942 and the beginning of 1943.

Q And, how about the salt water experiments?

A In 1944.

Q Who was the chief surgeon at Dachau when the experiments were being made in 1942 and 1943?

A Doctor Walter.

Q And, for how long a period of time did he continue to remain here in Dachau.

A I believe until February, 1944.

(Dr. Franz Blaha - Cross)

- Q Who conducted the Phlegmon experiments?
- A Obersturmfuhrer, Doctor Barber, Biochemist, Doctor Kiselreiter, and Professor Lower under the supervision of a Doctor from the Government in Berlin.
- Q Under the supervision of Berlin itself?
- A These Phlegmon experiments were inspected by Berlin from time to time.
- Q How about the air pressure experiments; were they inspected by Berlin?
- A I don't know.
- Q You spoke about liver punctures; where was the puncture made?
- A They were done in the operating room.
- Q Can you demonstrate on your body where the punctures were made?
- A Here.
- Q Indicating directly under the lower rib, and on the right side; is that correct?
- A Yes, in between the last ribs.
- Q What kind of a needle was used to effect these liver punctures?
- A It was a special puncture needle.
- Q Was it a large or small needle?
- A They were thick needles; in order to obtain some of the liver tissue.
- Q What type of surgery is ordinarily used in the cure of Phlegmon?
- A At first incisions and contra-incisions, and then drainages; possibly resection of the ribs if there is a pus field in the chest; and amputations.

(Dr. Franz Blaha - Cross)

- Q What members of the body do you amputate; the arm or leg?
- A It depends where it was; either the hand or the foot.
- Q You stated under direct examination that the Phlegmon was inoculated through the rectum; where would that localize?
- A No, it was injected either into the muscle of the rectum or into the muscles of the arm.
- Q Your testimony yesterday was not quite correct then; is that right?
- A No, I didn't say that.
- Q When the Phlegmon is injected into the large veins of the arm, does the Phlegmon localize there where it was injected?
- A No, generally not; a general sepsis takes place.
- Q During the period of three years you were here in Dachau you performed between 6,000 and 7,000 autopsies; is that right?
- A Yes.
- Q How long does it take you to perform an autopsy?
- A That differs; if we find the cause of death immediately it went fast; if one had to look for it it took a longer time.
- Q How long a period of time would it take to do a fast autopsy?
- A Fifteen minutes.
- Q When you do an autopsy in fifteen minutes, you can ordinarily determine the cause of death?
- A Yes, if the death was an obvious matter, then yes.

(Dr. Franz Blaha - Cross)

I had many times the bodies of people where the organ had been moved, and the organ showed up already.

Prosecution: We object to that translation.

Q Will you repeat that last answer?

A My assistants had opened the body, and as I looked through the body, they had already opened the second one; and as I would go to the second body, they would sew up the first.

Q Was it ever necessary to examine the organs of the body under a microscope for the purpose of determining the cause of death?

A Yes.

Q When you found it necessary to examine organs under a microscope, what was the length of time it would take to make a complete autopsy?

A We would do that afterwards.

Q How long a period of time would it take under such conditions to determine the cause of death?

A It depended on how many preparations we had to make, whether one or two organs were to be examined; sometimes a half hour, sometimes ten minutes.

Q Did it ever take eight days?

A No.

Q Who were your assistants in these autopsies?

A Doctor Younghoff, Pathologist from Netherlands; Doctor Limiozen, Professor of Toxicology; Professor vrobletzky from Russia; and a medical man, John Schiess.

Q How many did you have all together?

A Usually six people, they took turns, they changed around; when one left another arrived.

(Dr. Franz Blaha - Cross)

- Q While you were the prison doctor in the hospital, you were required to take the skins off human bodies, were you not?
- A I did not do that.
- Q Didn't you testify under direct examination that, "I removed skins for Rasher and Walter"?
- A I didn't do that because the Capo who worked in the morgue did that. At first I was only a porter in the morgue. In 1942 when I started working in the morgue I worked as a porter. The autopsies were done by Bruno at that time; and his profession was automobile mechanic.
- Q Didn't you testify yesterday to this court that you took the skins off some of the bodies yourself?
- A No. I only tanned them and prepared them.
- Q You lived in the hospital all the time, did you not, Doctor, after you were assigned to the hospital?
- A Yes.
- Q And, you had your own bed?
- A Yes.
- Q And, you were not required to double or treble up in your bed?
- A No.
- Q You had your bed to yourself?
- A Yes.
- Q And, the hospital was quite over-crowded?
- A Yes.
- Q Now, you served in this camp as prison doctor in 1942, 1943, and 1944; is that right?
- A Yes.

(Dr. Franz Blaha - Cross)

Q And, you were also a work prisoner in 1941?

A Even as a prison doctor I had to work at work.
At first when I came to the hospital I didn't
do anything but carry out bodies; I pulled out
the bodies from the transports.

Q I am only asking if you were a work prisoner in
1941; and then you were in the hospital from
1942 to 1945; is that right?

A In 1941 I was a worker, and in 1942 I worked in
the hospital, but at the beginning, not as a
physician.

Q Do you know Lagerkommandant Peorkowsky?

A Yes.

Q He was here when you arrived?

A Yes.

Q And, things were very difficult under Lagerkommandant
Peorkowsky?

A Yes.

Q And, he continued here until September, 1942 as
Lagerkommandant?

A Yes.

Q And, he was succeeded by Lagerkommandant Weiss; is
that right?

A Yes.

Q Did conditions here change any when Weiss became
Lagerkommandant?

A As far as I know there was a change.

Q What changes were there?

A There was more emphasis on work.

Q What other changes were there?

(Dr. Frans Blaha - Cross)

- A The people were pulled out to work more, and there was not such time for matters like drill.
- Q During Peorkowsky's time the whipping block or beating block was very much in evidence; was it not?
- A Yes.
- Q That was very much in evidence during Peorkowsky's regime?
- A Yes.
- Q Did that continue under Lagerkommandant Weiss?
- A Yes.
- Q Were there as many beatings under Weiss as under Peorkowsky?
- A I cannot say that, but it continued.
- Q Did you see any prisoners beaten on the block when Weiss was Lagerkommandant?
- A Yes.
- Q Do you know whether or not they were official beatings or not?
- A It was upon the request for punishment, and this was handed out as punishment.
- Q Did hangings by the wrists continue under Weiss?
- A No.
- Q Did Weiss discontinue hangings by the wrists?
- A No.
- Q Did it continue?
- A No.
- Q As a matter of fact, Weiss discontinued hangings by the wrists; did he not?

(Dr. Frans Blaha - Cross)

- A I don't know that hangings discontinued under Weiss.
- Q Didn't you just tell us they were not continued?
- A No, they were not continued.
- Q During Peorkowsky's time were the prisoners given any sort of entertainment?
- A I don't know that because during that time I was in the punishment block, and I didn't have any possibility to get to these things.
- Q Do you know if, during Weiss' regime, any arrangements for entertainment were made?
- A Yes.
- Q The typhus epidemic which started in 1944 was carried by people coming into the camp by people in transports coming from other camps; is that correct?
- A Yes.
- Q Doctor Hintermayer was chief physician at that time?
- A Yes.
- Q And, until the decision was arrived at in Berlin, by Berlin, there was no outside knowledge that that epidemic was raging in Dachau; is that correct?
- A Yes.
- Q Now, what is your knowledge as to malaria?
- A There was a special experimental station in the hospital which was conducted by Professor Schilling. The laboratories were on block "B".
- Q Did you assist Doctor Schilling in his experiments?
- A No.

(Dr. Franz Blaha - Cross)

Q Under whose direction was Doctor Schilling working?

A I don't know that. I only know he received visitors there. Doctor Grevitz visited him sometimes.

Q Who is Doctor Rabbit?

A Doctor Rabbit was a Reich SS physician from Oranienburg, and in Oranienburg was the Headquarters of the SS.

Q You know of your own knowledge, Doctor Blaha, that Doctor Schilling was working directly under orders of Himmler; is that correct?

A I don't know that.

Q You knew what kind of work he was doing?

A Yes.

Q Just what was it?

A It was research by the immunization for and the treatment of malaria.

Q Are you at all familiar as to how he conducted his research?

A His assistants told me about it.

Q Of your own knowledge do you know how he conducted his experiments?

A No, but I also knew by the chart curves and by the case histories.

Q You wrote the case histories?

A Yes, because of my interest as a physician.

Q And, when you testified yesterday that these prisoners were infected with malaria disease by inoculations of the extracts of the mucous glands of mosquitoes, you were not testifying of your own knowledge; is that correct.

A No, I found out from his assistants, from the case histories, and from the card files.

(Dr. Franz Blaha - Cross)

- Q When did you have the opportunity to read the case histories and the card files.
- A During the time the experiments were carried out, and after the liberation.
- Q How did you know, as you testified yesterday, that there were two different types of treatment.
- A I also knew that from his assistants and from the case histories.
- Q Now, yesterday you gave as a therapeutic measure in the treatment of malaria, the use of quinine; is that a recognized treatment for malaria?
- A Yes.
- Q You also spoke about neosalvarsan; is that a recognized treatment for malaria?
- A No, I never heard about it until that time.
- Q Do you know what part neosalvarsan plays in experiments with malaria?
- A Now I know.
- Q Did you know it then?
- A No.
- Q How do you come to know it now?
- A From these case histories.
- Q And, you learned from your autopsies that neosalvarsan was used?
- A I saw that from the reactions of the organs that had been exposed to neosalvarsan.
- Q How could you determine from your autopsy that the patient died, or if he died, from the treatments of neosalvarsan?
- A I saw that from the following reasons: First, because

(Dr. Frans Blaha - Cross)

the reactions were similar to the arsene reactions; and, I heard from his assistants that neosalvarsan was used in the treatment of these people.

Q Prior to the time you came to Dachau, had you any experience with malaria?

A No special experiences, just the general experience which each pathologist has.

Q Did you have experience with malaria as a result of your pathological work prior to the time you came to Dachau?

A Not great experience.

Q Did you have any?

A Yes, I had some.

Q Is your memory any better now, Doctor, than it was when you testified before Colonel Chavez?

A Now I have thought those things over, and since then I have seen many things, and I took a special interest in these things.

Q How many cases of death from pyramidon did you learn of, as a result of your autopsies?

A Three of them were acute cases which resulted in death in several hours.

Q When were these deaths as a result of pyramidon?

A The beginning of 1944.

Q Was Doctor Schilling here at that time?

A I don't know.

Q Did you see him here when these deaths occurred from pyramidon?

A He was not present during the autopsy.

(Dr. Franz Elahi - Cross)

- Q Was he always present when a person was alleged to have died from malaria, when you performed the autopsy?
- A Yes, before that.
- Q How did you determine from your autopsy that these people died from pyramidon?
- A That again was acute toxinaemy, lung oedema, insufficiency of the heart muscles, and disintegration of the blood corpuscles.
- Q What happened to the neuclear cells?
- A They disintegrated also, erythrocytosis.
- Q What is the general effect of pyramidon on the blood corpuscles?
- A It has a toxic influence on the blood corpuscles.
- Q What is this toxic influence?
- A It causes the blood corpuscles to disintegrate.
- Q Which ones, the red or white corpuscles?
- A The red ones, and the granulated white ones.
- Q Are you able to determine from your autopsy that a person died from pyramidon without the aid of a microscopic examination of the tissues?
- A You can determine it approximately, not definitely. There is a certain chemical toxic reaction, but you can't determine exactly without a microscopic analysis.
- Q Did you use a microscope to determine if these three people died as a result of pyramidon?
- A I did; and also the laboratory of Doctor Schilling did.
- Q When was this microscopic examination done?
- A After the autopsy.
- Q What date?
- A I don't know that.

(Dr. Frans Elaha - Cross)

- Q Did you keep a record of it?
- A Yes, I kept biological case histories.
- Q Where are they?
- A Upon the orders of the chief doctor, Doctor Hintermayer they were all torn out and destroyed.
- Q When did Doctor Hintermayer tell you to tear out these microscopic examination records?
- A Shortly before the liberation; all types of records and entries were destroyed.
- Q Do you recall exactly what the microscopic findings disclosed?
- A I can't state very exactly, just what I remember. You must remember that I made thirty or more such examinations a day.
- Q What kind of examinations?
- A These autopsies, and also microscopic examinations. All these specimens I had to look at, and I had to dictate them into the record even if other people made the autopsy who were in the pathological laboratory.
- Q You testified yesterday that there were approximately 1,000 deaths due to malaria; is that correct?
- A No, I said, direct cause of death, thirty; and as a result of complications, three hundred to four hundred.
- Q And these complications, what do you mean by complications?
- A They were the people who had malaria or went through malaria, and then they died of complications such as tuberculosis, pneumonia, dysentery.
- Q As a result of your autopsy, you wrote out a certificate, did you not, that the death was caused by, let us say, tuberculosis, or whatever one of those other complications you found was the cause of death?

(Dr. Franz Blaha - Direct)

- A Yes.
- Q And, did you put down a secondary cause of death?
- A We always mentioned that he went through malaria; that was upon orders of Professor Schilling.
- Q Did you put down on your death report the secondary cause of death?
- A Yes, we mentioned all the diseases he had. For instance, we always said the main cause of death, then the other secondary pathological findings as a secondary cause of death.
- Q Did you put these other secondary pathological findings as a secondary cause of death?
- A All these were pathological findings.
- Q How do you know of your own knowledge that three of these people died as a result of malaria infections?
- A First of all because they came from the malaria ward; and then the people who worked in the malaria station said they were treated at the malaria station.
- Q Did you take these three people out of the malaria ward yourself; or were they taken from some other ward?
- A As far as I can remember, from the malaria ward, and people from the malaria ward reported back to us before hand.
- Q Did you yourself go into the malaria ward and take the dead bodies out of the malaria ward?
- A No.
- Q Did you actually see them brought out of the malaria ward?
- A No, they only had slips of paper that said they came from the malaria ward.

(Dr. Franz Blaha - Cross)

Q And, also every person that had malaria had a slip of paper which said he had been treated for malaria; is that correct?

A Each person who had an autopsy had a slip of paper from where they came.

Q All the people, the 1200 people that you testified of yesterday who had been inoculated for malaria had a slip of paper indicating that they had so been inoculated; is that correct?

A No, they came from the tubercular ward, the medical ward; only these thirty.

Q I am talking about these others. Every time that Doctor Schilling inoculated anyone of these 1200 people, he tagged them; is that correct?

A I don't know that.

Q And, if he did tag them, that tag would state that they had been inoculated for malaria, and that tag would stay with them until they either died, or until they freed as a result of this liberation; is that correct?

A There was an index of the malaria diseased people; this index was kept in the hospital office.

Q If any of these 1200 people died who had been inoculated for malaria, the original slip of paper would be on their body; would it not?

A No, we were told that later on.

Prosecution: We object to the translation that was made of the Doctor's reply, and ask that the Doctor make his original reply again.

President: Have him repeat his answer.

(Dr. Franz Blaha - Cross)

Q If any of these 1200 people died from something else, who had originally been inoculated for malaria, the original slip of paper would be on their body; would it not?

A No.

Q What did you mean a minute ago when you said that you were told that afterwards?

A Everybody who entered the hospital as a patient had a case history, and on that it was noted, if he did, that he went through malaria. And, if a person who had gone through malaria died in the tuberculosis ward or the medical ward, we were then notified especially that he had gone through malaria. Only the people who came directly from the malaria ward had slips of paper on them as tags saying they had come from the malaria ward.

Q The malaria experiments were performed on human beings, were they not, Doctor?

A Yes.

Q Had you ever been familiar with malaria experiments before?

A What do you mean by before?

Q Before you came to Dachau.

A No.

Q You had no knowledge of malaria before you came to Dachau?

A Only as a pathologist; general knowledge.

Q From your experience obtained in Dachau, do you know that a human being is the only type where a true experiment can be obtained?

(Dr. Franz Blaha - Cross)

A I don't know, possibly.

Q Do you know that malaria experiments are performed on human beings in America?

A No.

Q To clear up a point with reference to these slave market formations you testified to yesterday, as I understood you, you stated that these formations began at the end of 1943 and continued through 1944 and 1945; is that correct?

A Yes.

Q Can you give us the approximate months when those formations started?

A I can't state exactly; it started out gradually, especially towards the end of 1944, and most of it was during the beginning of 1945.

Q Will you give us your best recollection as to the month in 1943 when the first formation started?

A I can't state exactly, it started gradually at first with very few people, and then there were more and more, and at the end there were hundreds and then thousands of people participating.

Q You testified, Doctor, that you saw this man, the one wearing number 23, at one of these formations, pushing them to keep them in line; is that correct?

A Yes.

Q Will you give us the month that you saw this man perform that act?

A It happened throughout many months; he was in charge of these inspections.

(Dr. Franz Blaha - Cross)

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Q He was in charge of these inspections?

A He grouped these people and he lined them up.

Q In other words, Doctor, this man's actions continued from the end of 1943 and as long as these formations continued, through 1944 and 1945; is that correct?

A I can't say that, but I especially remember that during the end of 1944 and the beginning of 1945 he was present.

Q I believe yesterday there was a slight misunderstanding about a word you used. In speaking of the prisoner Knoll, you stated you had seen him beating the prisoners over the punishment bench, as it was translated.

A In general beat them.

Q Do you mean the official beatings on the bench?

A Unofficial; as Blockaeltester, of the punishment block.

Q Will you tell us during which period this man was blockaeltester of the punishment block?

A 1941.

Defense: May it please the court, at this time I request that the testimony of beatings by Knoll be stricken from the record as the time they were administered is prior to the time set by these Particulars.

Prosecution: In reply to that, I am not certain but that Doctor Blaha testified yesterday that these beatings also took place in 1942. I think that before any testimony is stricken at this time a further examination should be made to ascertain if this man administered beatings in 1942.

(Dr. Franz Blaha - Cross)

President: Subject to objection by any member of the court, the objection is sustained, and the testimony in the record insofar as it applies to the specific acts of the accused, Knoll, relating to beatings in 1941 will be stricken from the record, and the court will disregard the testimony.

Questions by defense (continued):

Q What was the status of Knoll during the time you were in camp?

A When I arrived he was Blockaeltester at the punishment block.

Q And, that position is held by a prisoner, is that correct?

A Prisoners; all of the Blockaeltesters were prisoners.

Q Did Knoll's status as a prisoner remain as such until the liberation?

A Yes.

Q In other words, you and Knoll, during this period, during this time, were both prisoners in Dachau; is that correct?

A Yes.

Q Now, Doctor, yesterday you also identified a man by the name of Wagner, and you stated that he was one of the men who handed out these 25 lashes; is that correct?

A Yes.

Q Will you please place the dates of the official beatings by Wagner?

A I believe it was in 1942; I recall it as that. Later on he became administrator at the laundry detail.

(Dr. Franz Blaha - Cross)

- Q And, these official beatings, did they take place in the first half, the second half, or the last part of 1942?
- A I don't remember that.
- Q Your only recollection is 1942?
- A I know him very well because also as administrator in the laundry he beat the prisoners.
- Q I am only interested in what you testified to yesterday in regard to the official beatings by Wagner. What was Wagner's official position in the camp at the time he administered these official beatings?
- A I believe Oberscharfuhrer.
- Q Not his rank, his position in camp?
- A I don't know that.
- Q Can you tell us whether or not it was before he went to take charge of the laundry?
- A Yes, before that time.
- Q I believe you identified number 27 as the defendant, Becher; is that correct?
- A Yes.
- Q Will you state if he was a political prisoner, or if he was an SS man?
- A He was a political prisoner.
- Q I believe you identified number 33 as the defendant, Mahl, is that correct?
- A Yes.
- Q Will you state whether Mahl was an SS man or a criminal prisoner?
- A He was a criminal prisoner, a so-called, "green one."
- Q Yesterday you talked about the execution of a young Russian?
- (Dr. Franz Blaha - Cross)

A Yes.

Q At that time, you stated that the accused, Mahl, put the rope around the neck of the young Russian?

A Yes.

Q And the accused, Boettger, was there?

A Yes.

Q Now, I ask you who was present besides those two men?

A Other SS men were present whom I didn't know.

Q Who were the prisoners present?

A I think a few from the crematorium were present too.

Q Was it a public execution?

A Yes.

Q And, during a public execution a few SS men were present and prisoners?

A The whole Messerschmidt detail was present.

Q But you said only a few SS men were present?

A Yes, but they stayed away as spectators.

Q For what reason did the accused, Mahl, especially put the rope around the young Russian's neck?

A I saw it.

Q Was anybody who wanted to able to put the rope around the Russian's neck, or did he have an order to do so?

A I believe he had an order for it.

Q Doctor Blaha, how many people died directly or indirectly as a result of the malaria experiments?

A Thirty came directly from the malaria ward, and three hundred to four hundred died who went through malaria.

Q On May 3rd, 1945 you testified before Colonel Chavez relative to Dachau, did you not?

A Yes.

(Dr. Franz Blaha - Cross)

Q I ask you whether or not at that time you stated that 100 people died directly and indirectly as a result of malaria experiments, over a period of four years?

Prosecution: I object to that question unless Doctor Blaha be given an opportunity to see any statements he is alleged to have made, before he replies to the question.

Defense: For the purpose of impeachment, I am asking him whether or not he made that statement.

Prosecution: In reply to that, before he is required to make a reply to that question he should have the opportunity of examining the instrument about which he is now being questioned.

Defense: I believe the counsel for the prosecution is basing his contention on a misconception.

President: Subject to objection by any member of the court the question will be answered; the objection is not sustained.

(Questions by defense) continued:

Q You may answer that question.

A I don't recall that any more because in the 3rd of May as chief physician I had other worries in the camp and I didn't have perspective over the whole story yet.

Q Then, such testimony you gave Colonel Chavez at that time was inaccurate; is that correct?

A No, it was just not complete; it was not a total.

Q Now that it is six months later, you are able to make an accurate statement when you say that there

(Dr. Franz Blaha - Cross)

were between 300 and 400 people that died either directly or indirectly as a result of the malaria experiments?

A Since that time I looked up the records, and I studied my own notes; and because of my interest as a Doctor I used all these things which I had seen.

Q The occasion of your checking your records since May 3rd, 1945 was before, no doubt, the order Doctor Hintermayer gave you to destroy the records; is that correct?

A I don't understand that.

Q At the time you checked your records since the 3rd of May 1945, that was before Doctor Hintermayer gave you the order to destroy your records; is that correct?

Prosecution: May it please the court, I object to the translation of that question by the interpreter. The question was, "records" and the interpreter said, "notes."

President: Will you repeat the question

Q At the time you checked your records since the 3rd of May 1945, that was before Doctor Hintermayer gave you the order to destroy your records; is that correct?

A Yes.

President: The court will take a fifteen minute recess.

At the direction of the president, the court then recessed for fifteen minutes, after which time (10:15 A.M.) the personnel of the court, the prosecution and defense, all the accused, the interpreter and the reporter, and the witness resumed their seats.

Dr. Franz Blaha, a witness for the prosecution, having been reminded that he was still under oath, continued his testimony, through the interpreter, as follows:

(Dr. Franz Blaha - Cross)

Questions by defense (continued):

Q Doctor Blaha, I call your attention to the testimony you gave yesterday relative to the suspected execution of some 800 Russians at Dachau.

A Six to eight thousand I said.

Q Will you restate the people who were present at that time?

A How do you mean that?

Q The officials.

A I was not present at the execution.

Q During that part of your testimony yesterday you named certain officials; I ask you now to rename those officials.

A I merely said that I saw that a group of Russians were led out of the camp.

Q By whom?

A Jarolin.

Q Were there others with Jarolin?

A I saw Hoffman.

Q Were there others with Jarolin and Hoffman?

A Yes, several.

Q Who?

A I don't know the others.

Q Are Jarolin and Hoffman the names of the two you named yesterday in connection with that affair?

A Yes.

Q To refresh your recollection I will ask you whether or not you said yesterday that Zill was also with Jarolin and Hoffman?

A Yes, Zill also, that's correct.

(Dr. Franz Blaha - Cross)

Q When did Zill come to Dachau?

A He was already here when I arrived.

Q When did Zill leave Dachau?

A I believe at the time Peorkowsky left.

Q I ask you whether or not Zill left Dachau on the 1st of January, 1942?

A No, he was still there.

Q At Dachau in an official capacity subsequent to 1 January 1942?

A I think so; I saw him several times.

Q You saw Zill several times at Dachau acting in an official capacity in Dachau after 1 January 1942?

A I don't know whether or not he was in an official capacity or an unofficial capacity.

Q From the circumstances surrounding the 8,000 Russians would you say Zill was acting in an official capacity then?

A I think so.

Q But, after January 1, 1942 such times as you saw Zill, you don't know whether or not he was working in an official capacity?

A I don't know at all, and didn't receive any news as to whether anyone was or was not acting in an official capacity.

Q Did this affair involving the 8,000 Russians happen prior to the 1st of January 1942 or subsequent thereto?

A In my opinion, after the 1st of January 1942.

Q And, you are sure Zill was with them?

A Yes.

Q Doctor, what is your status now?

A I am chief physician in Prague at the insurance hospital.

(Dr. Franz Blaha - Cross)

Q You are not under arrest?

A No.

REDIRECT EXAMINATION

Questions by prosecution:

Q On cross examination you were asked this question:

"At the time you checked your records since 3 May 1945, that was before Doctor Hintermayer gave you the order to destroy your records; is that correct?" Do you recall being asked that question?

A No, that was after the order. They were not the official records because I have already testified that the official records were destroyed, Therefore, for my own interest, I made copies and entries.

Q Now, the copies and entries that you made, they were your own personal notes; is that correct?

A Yes.

Q Now, Doctor, you further testified on cross examination yesterday that there was very little medicine available at the beginning at the hospital, and that it grew less; is that correct?

A Yes.

Q I will ask you whether or not you had occasion to get into the SS hospital after the liberation, immediately after the liberation?

A Yes.

Q Did you find any medical supplies there at that time?

A Yes, and also in other places, in the so-called Dutch Hall, then in the laboratory in the plantation; and we got all of them.

(Dr. Franz Blaha - Redirect)

- Q Now, will you tell the court how much of these medical supplies you found there in these various places?
- A So much that with all the patients we had sufficient for over 14 days. Then the American medicine arrived.
- Q And, none of that medicine was made available to the prison hospital prior to the time you obtained it, or about the 29th of April; is that correct?
- A Before that time, we had almost nothing.
- Q Yesterday you stated, in substance, that Jarolin was present at your hanging by the wrists. I now ask you whether or not Jarolin gave any orders?
- A Yes.
- Q Tell the court what orders Jarolin gave on that occasion.
- A For instance, I and several others were hung up a bit low so that our shoes touched the floor; and he gave the order that we should be hung up higher.
- Q Now, Doctor, yesterday on cross examination you stated, with respect to the cold water experiments, that when the organs were removed from the body, that there was some movement of the muscles of the heart and reactions of the nerves.
- A Yes.
- Q Prior to the time of the removal of these organs from these bodies, were these persons dead?
- A Naturally, but organs retain their activity for some time, especially in healthy persons who have died suddenly.
- Q As a pathologist, and based on your experience as such, I ask you whether or not it is a common fact that the organs of persons who have died as a result of freezing
- (Dr. Franz Blaha - Redirect)

will thereafter, when exposed to warm temperature, have some reaction?

A Yes, especially if they are touched after the body is opened.

Q Is that the movement you were referring to yesterday?

A Yes.

Q Doctor, after Knoll was Blockaeltester on the punishment block, to what block did he go to?

A I don't know; he then became a Capo.

Q Do you know in what block he became a Capo?

A There was no Capos in a block; that was in a working detail.

Q Yesterday you testified, in substance, that there were approximately twenty doctors in the hospital who were prisoners; is that correct?

A Yes.

Q At that time, Doctor, do you know whether or not there were other men confined in Dachau as prisoners who were doctors?

A Yes, after the liberation, we found forty-eight doctors which were called into work.

Q Do you know whether or not any of the patients or human guinea pigs that Doctor Schilling experimented on had tuberculosis prior to undergoing these experiments?

A Yes.

Q What is the effect, Doctor, based on your experience as a pathologist and physician, of malaria on tuberculosis?

A Any fever-type disease makes tuberculosis worse.

(Dr. Franz Blaha - Redirect)

Q Does malaria, then, make tuberculosis more active?

A Yes, more active, and a general worsening of the condition.

RECROSS EXAMINATION

Questions by defense:

Q Now, Doctor, going back to these records; you said you made copies of records.

A Yes.

Q What records did you copy?

A The pathological findings, the patient's history, and all our notes which we had in the pathological section.

Q Were they official records you copied?

A Yes.

Q Do you have them?

A No, I don't have the official records.

Q I didn't ask that. Do you have your copies?

A Yes.

Q Where?

A Home.

Q Where is your home?

A In Prague.

Q Can we get them?

A Yes.

Q How many records did you copy?

A The many different ones of which we had a scientific interest; because I didn't want to lose the entire work which I had done there.

Q Did you have your notes with you when you were interrogated by Colonel Chavez?

(Dr. Franz Blaha - Recross)

A No, I had them hidden in the plantation because it was too dangerous during the time of the SS to have such matters on your person.

Q At the time you testified before Colonel Chavez, it was not dangerous, was it?

A No, but I didn't have time to get these matters up and study through them. At that time I was chief physician and was responsible for over 30,000 in the camp.

Q Colonel Ball was here too at that time; was he not?

A Yes.

Q Your testimony before Colonel Chavez lasted over a period of three days, did it not?

A I think so.

Q When you were testifying before Colonel Chavez, did you tell him you had records?

Prosecution: I object to that question on these grounds: If it is thought to impeach the witness by a statement that he has formerly made in writing, it is the rule everywhere that the witness has a right to examine that document, in order to ascertain in its entirety the circumstances under which the particular statement was made, its connection with the rest of the matter in the statement; and then he will have an opportunity to explain the answer that he is alleged to have made. It is futile and improper to take one statement separate from the context of a long statement and attack the witness with respect to that one statement without permitting him to refresh his memory as to the entire document where the one
(Dr. Franz Blaha - Recross)

statement was taken from.

(Whereupon argument on the objection was offered by the prosecution and defense.)

President: What is the purpose of the defense's question?

Defense: The witness has testified that he made copies of the official records, and that he had these copies in his possession in either the bunker where he was living or some place else. He made testimony before Colonel Chavez; now I want to know if, during the course of that testimony, did he tell Colonel Chavez that he had made copies of the official records.

President: For what purpose? To impeach the witness?

Defense: No, not to impeach him, but to attack his credibility.

President: Subject to objection by any member of the court, the prosecution's objection is sustained, and the witness will be shown the document if he is being examined on a statement contained in the document.

Defense: I haven't been questioning him on any statements in the document.

President: You have the document in your possession?

Defense: Yes, sir.

President: Any reference you make to testimony the witness made before Colonel Chavez, contained in that document, the ruling is as I have said. The witness will be shown the document if he is going to be examined on any statement contained therein.

(Dr. Franz Blaha - Recross)

Questions by defense (continued):

Q You stated yesterday that you were hung by your wrists. Will you state the date of that occurrence?

A It was in the Spring of 1942. No.

Q What do you mean by, "No"?

Interpreter: I'm afraid I put the form of the question wrong. I think I said, "Do you remember the date?"

Q Will you state the date, Doctor, that you began work in the hospital?

A It was the 1st of June, 1942.

Q Then this hanging took place while you were stationed in the hospital?

A No, before.

Q Doctor Blaha, I will ask you whether or not all applicants for the malaria experiments were examined physically prior to the experimentation?

A Yes, they were all supposed to be examined.

Q That examination included X-Ray; did it not?

A Yes.

Q What was the purpose of the physical examination given to the applicants of the malaria experiments?

A To see if the people could be used for that purpose.

EXAMINATION BY THE COURT

Questions by Colonel Blanchard:

Q I believe you stated yesterday that some time after you first went to work at the hospital, you were removed and put on some other work because you refused to perform certain work that they wanted in the hospital; is that correct?

(Dr. Franz Blaha - Recross - Court)

statement was taken from.

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(Dr. Franz Elaha - Recross)

A Yes.

Q What was the work you refused to perform?

A Those were the "non-indicated" surgical operations on healthy persons.

Q What do you mean by, "non-indicated"?

A That was like this: The chief physician had the block Capo select various healthy people, and they were portioned out in groups either for stomach operations, gall bladder, or other such operations so that the SS doctors could be taught. I was supposed to perform these operations and demonstrate to them.

Q Who was the chief surgeon at that time?

A Doctor Walter.

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

Rudolf Wolf, a witness for the prosecution, was sworn and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q State your name, age, occupation, and residence.

A Rudolf Wolf, thirty-five years old, engraver, Freiberg.

Q What is your nationality?

A German.

Q Were you ever confined in the Dachau Concentration Camp?

A Yes.

Q When were you first confined in Dachau?

A From September, 1942 until the end.

Q What block were you in when first in Dachau?

A When I came to Dachau I went to block number 20.

(Rudold Wolf - Direct)

Q What work did you do at Dachau?

A From my arrival in Dachau until the end of the year 1942 I was in the WP, that is the German Defense Industry as a wood carver.

Q Was that what we know as the DAN?

A Yes.

Q What is the German translation for DAN?

A German Armament Works.

Q Was that plant located at Dachau?

A Yes.

Q Did you ever know a man named Schulz?

A Yes.

Q Where did you know Schulz?

A In the plant of the German Armament Works.

Q What was his capacity at the DAN?

A He was in charge.

Q What was his rank?

A He was an SS Untersturmfuhrer.

Q Can you identify the man who was the leader of that work detail?

A Yes.

Q Is he present here in this courtroom?

A Yes.

Q Will you come with me and identify him?

Prosecution: Let the record reflect that the witness identified number 39 as being Schulz, the leader of the work detail at the DAN.

Q Did you ever see the man you just pointed out mistreat any prisoners on that detail?

A Yes.

(Rudolf Wolf - Direct)

Q How did he mistreat the prisoners?

A He would hit them with the fist or sometimes kick them with his foot, and if a stick was handy, he would use that.

Q Did you ever see Schuls destroy the food of the prisoners?

Defense: The defense objects to that question as leading.

Prosecution: I'll withdraw the question.

Q Have you ever seen the prisoners with food on that detail?

A Yes, the prisoners would have packages sent to them from home at that time.

Q Were they permitted to cook that food there at the work detail?

A Through a talk with Capo Brunner the camp commandant, Weiss, allowed the cooking.

Q Did Schulz permit it to be done?

A When Schulz walked in and happened to see the food, he would throw it into the stove.

Q Could the prisoners retrieve it and eat it?

A No, it couldn't be eaten any more then because it was down there in the dirt.

Q Did you ever know a man named Jarolin?

A Yes.

Q Where did you know him?

A In Dachau.

Q Was he a member of the SS?

A Yes.

(Rudolf Wolf - Direct)

Q Would you recognize him if you were to see him today?

A Yes.

Q Is he present here in the courtroom?

A Yes, number 3.

Prosecution: Let the record reflect that the witness identified number 3 as being Jarolin, the man whom he knew in Dachau.

Q Did you ever see Jarolin mistreat prisoners at Dachau?

A Yes.

Q How did he mistreat the prisoners?

A He hit them with the fist, kicked them with the feet, and also his pistol was more loose in the holster.

Q What do you mean by, "His pistol was more loose in the holster"?

A He was always quickly ready to shoot the pistol.

Q Did you ever see him shoot the pistol?

A Yes.

Q Did you ever see him injure anybody as a result of shooting the pistol?

A No, because we immediately tried to get out of the line of fire.

Q Do you recall the nationality of the prisoners whom you saw Jarolin mistreat?

A Yes.

Q What were their nationalities?

(Rudolf Wolf - Direct)

A Poles, Czechs; one day I saw him mistreat a Dutchman; and so far as I know, there were also Russians and Germans too.

Q What were the nationalities of the prisoners you saw Schulz mistreat?

A They were about the same nationalities I just mentioned.

Q By that do you mean Poles, Czechs, Russians, etc.?

A Yes.

Q While you were in Dachau do you recall ever hearing the name, Kick?

A Yes.

Q Could you identify him if you saw him today?

A Yes.

Q Is he present here in the courtroom?

A Yes, number 9.

Prosecution: Let the record reflect that the witness identified number 9 as being the man Kick.

Q What was Kick's capacity at Dachau?

A Kick was in charge of the Political Department.

Q Did you ever see Kick in the inner compound of the concentration camp?

A Yes.

Q Did you ever see him mistreat prisoners?

A Really mistreat, that is beat, I didn't see that.

Q What did you see him do in the inner compound?

A His job, among other things, was the selection of people for the transports.

Q Just how did he make this selection of people in the inner compound for the transports.

A He made these lists from the indexes with the assistance of the Labor Office man, Welter.

(Rudolf Wolf - Direct)

Q Have you ever heard of a recovery transport?

A Yes.

Q Where did you hear of such a transport?

A In Dachau.

Q Will you explain to the court what is meant by a recovery transport?

A It was generally known in the camp that invalids who were too weak to work, and those who were crippled through accidents, who had arm or leg amputations, they were put together and were supposed to be sent on a recovery or recreation transport to Linz. The people were sent away, but whether they arrived there or not, we didn't know. I can only say we never heard anything more from those people. Only the artificial limbs were sent back at that time.

Q Did you ever see anybody go on such a transport?

A Yes.

Q What were the nationalities of the people going on such a transport?

A They were mixed, just like the entire population of the camp.

Q Were there any Poles, Russians, or Czechs in such a transport?

A Yes.

Q What was Kick's connection with such a transport?

A He was in charge of the Political Department; that is, in a sense, an officer of the Gestapo.

Q Where were the lists for the transports prepared?

A These lists were prepared in the orderly room, and as I found out at the time from a prisoner in the Political

(Rudolf Wolf - Direct)

Department they were also prepared in the Political Department.

Q Did Kick perform any punishment investigations?

A I myself never saw one of those punishment investigations, but I know from others who were called into the Political Department, and during those punishment investigations or, as we called them, punishments, Kick and Bauer were present.

Q Did you ever see anyone return from such an investigation?

A Most of them who came back from such an investigation were immediately sent to the standing bunkers, or the general commandant arrest; seldom one would be sent back to the camp.

Q Have you ever known a man named Knoll?

A Yes.

Q Where did you know a man by that name?

A In Dachau, he was a prisoner in Dachau.

Q You saw him in Dachau?

A Yes.

Q What were his duties in Dachau?

A He was a Capo in Dachau as long as I knew him.

Q Would you recognize him if you saw him?

A Yes.

Q Is he present in the courtroom; and if so, please come with me and point him out?

A There, number 16.

Prosecution: Let the record reflect that the witness identified number 16 as being Knoll, the man whom he is talking about.

(Rudolf Wolf - Direct)

Q Did Knoll have a work detail as Capo?

A Yes, as Capo of the work detail at the gravel pits.

Q Were you ever on Knoll's detail?

A No.

Q Did you ever see Knoll's detail return at night?

A Yes.

Q Did you see the appearance of the prisoners as they returned?

A Yes.

Q Will you describe the appearance of the prisoners to the court?

A The prisoners who were in Knoll's detail were, at that time, mostly Jews; that was the time the Jews came from Poland and Hungary. They were very weak and thin because, in the camp itself, they were in the penal company. Besides that there usually was a roll cart detail. A roll cart is a former trailer of a truck. Ten prisoners had to pull that wagon; they were in a sling, and had to pull the roll cart with that; and on this cart were mostly dead people. I personally heard Knoll himself brag about what he had done.

Q What do you mean about, "what he had done"?

A He indicated that he had killed so many people of the detail.

Q Were these people alive when they went out on the detail in the morning?

A Yes.

Q Do you know of your own knowledge who killed them?

A I can only presume it was Knoll himself because from

(Rudolf Wolf - Direct)

the appearance of these people after the detail
he bragged about it.

Q Did you ever see Knoll mistreat prisoners in your
presence?

A Yes.

Q How did he mistreat those prisoners?

A I can remember one case on Block 16; that was a block
where the Poles were. What Knoll was doing in this
block I don't know because he was regularly in Block
number 2. I was there with a friend of mine, and I
saw Knoll take a leg off a chair and beat a Pole
with it.

Q How badly did he beat the Pole?

A The Pole collapsed and remained lying there.

Q When was that, to the best of your recollection?

A In the year of 1944; the exact time, however, I can't
say for sure.

Q Have you ever known a man named Mahl?

A Yes.

Q Where did you know Mahl?

A In Dachau.

Q What was the capacity of Mahl at Dachau?

A The last times, that is, in the year 1943 on, he was
Capo in the crematory.

Q Can you identify Mahl?

A Yes.

Q Is he present here in the courtroom; if so please point
him out?

A Yes, number 33.

(Rudolf Wolf - Direct)

Prosecution: Let the record reflect that the witness identified number 33 as being the man Mahl.

Q Have you ever seen Mahl commit any atrocities in Camp Dachau?

A Yes.

Q What did you see him do?

A This was in the summer of 1944. I had received an injury to my hand at the work detail, and for that reason stayed away that day from the detail to go to the hospital. Towards 11:00 o'clock I was just on the way to the hospital; Mahl and Bogarts came into the camp together. At that time I walked into the hospital for an examination, and when I came out of the hospital, that was shortly after 11:00 o'clock, I saw across the street from the entrance of the hospital a group of prisoners. I walked over and joined them to see what was going on. There at the gate, between the canteen barracks and the barracks in which the Messerschmidt detail was living, Mahl and Bongartz were standing, and a doctor, but I don't know who the doctor was. In the middle of this group standing at the gate, there was a young Russian standing on a stool; he was about 18 or 20 years old. I saw Mahl put the noose of the rope which was tied to the gate around the neck of the young Russian, then the stool under the feet of the Russian was kicked away.

(Rudolf Wolf - Direct)

I couldn't see who kicked the stool away because I was standing too far back. I saw how Mahl was grabbing the Russian by the legs and pulling on that Russian like a professional hangman; and as such, he was known in the camp.

Q In what direction did Mahl pull?

A Downward.

Q Do you know whether or not the Russian died as a result of that?

A Yes, it must have been because he was hanging stiffly in the noose, and he remained hanging there for an hour or more, until all the details had come back to the camp. I hardly believe that anyone with a noose around his neck for an hour could still be alive.

Q Have you ever known a man named Ruppert?

A Yes.

Q Where did you know Ruppert?

A In Dachau.

Q What was his capacity in Dachau?

A He was Protective Custody Camp Leader.

Q Do you know his rank?

A Yes, he was an SS Obersturmfuhrer.

Q Would you know Ruppert if you were to see him today?

A Yes.

Q Is he present in the courtroom, if so please point him out?

A Yes, number 2.

Prosecution: Let the record reflect that the witness identified number 2 as being the man Ruppert.

(Rudolf Wolf - Direct)

- Q Did you ever see Ruppert mistreat any prisoners?
- A Yes.
- Q How did he mistreat them?
- A He kicked them with his feet, and also hit them with a whip.
- Q How badly did he strike the prisoners?
- A Hit them so hard that the people became unconscious. He was such a man who could beat people without changing his expression. Just like a blacksmith hitting on cold iron.
- Q What were the nationalities of the people he mistreated in Dachau?
- A Several; Poles, Russians, Czechs, Frenchmen, Belgians; one could say almost all nations that were present in Dachau.
- Q Did Ruppert beat frequently or infrequently?
- A I saw him beating someone very often.
- Q Have you known a man named Niedermeyer?
- A Yes.
- Q Where did you know him?
- A I saw him in the camp a few times.
- Q Do you know what his capacity at Dachau was?
- A He was in charge of the crematorium for a while, and later he was in the signal office at the command post.
- Q Can you recognize Niedermeyer when you see him?
- A Yes.
- Q Is he present in the courtroom, if so please point him out?
- A There, number 5.

(Rudolf Wolf - Direct)

Prosecution: Let the record reflect that the witness identified number 5 as Niedermeyer.

Q Have you ever known a man named Trenkle?

A Yes.

Q Where did you know Trenkle?

A In Dachau.

Q What were his duties in Dachau?

A First, Rapportfuhrer, and then Protective Custody Leader.

Q Could you recognize Trenkle if you saw him today?

A Yes.

Q Is he present in the courtroom, and if so, please point him out?

A There, number 4.

Prosecution: Let the record reflect that the witness identified number 4 as Trenkle.

Q Have you ever seen Trenkle mistreat prisoners in Dachau?

A Yes.

Q How did he mistreat them?

A He hit them with his fists, kicked them with his feet; and I would like to demonstrate his favorite way of mistreating prisoners so that it could be better understood. The prisoner had to stand at attention in front of him, then Trenkle would stand in front of him something like this, and would use the outer edge of his shoes and kick him in the lower part of the legs. He did that to me personally, so that the blood would run.

Q When he pulled his feet down, did he scrape the skin off the shin?

A Yes.

Q What other mistreatment did you ever see Trenkle give

(Rudolf Wolf - Direct)

prisoners at Dachau?

A I watched one whipping which was done publicly at the formation place. We prisoners had to remain after formation at that place in the evening. And, then those who were sentenced to this whipping as punishment had to go into the center of the place where the so-called bock or block was standing. That was the radio mast where the radio was fixed to. Then the prisoners had to bend over this block, one after another - - -

Q Just a moment, please. Will you show the court over here on this table how the prisoners had to get over the block?

A The block was about the same height as this table, it was somewhat bent in the center. On the front part there were straps attached and underneath it there was a box, which was of such a size that merely the two feet would have room enough in it. The prisoner had to step into the box, and then had to lay across the block like this. In former times there would be SS men to the left and right of him, but at this time that had been discontinued. Redwitz ordered that the SS were not to do the beatings any more, that the prisoners had to do it themselves. During this particular evening some particularly strong prisoners were called out of our block and they had to do the beating. I know that one prisoner, Herman Folger, refused to do the beating, whereupon Trenkle walked over to him, pulled

(Rudolf Wolf - Direct)

this cat-o-nine tails out of his hand, hit him across the face twice, and then did the beating of the prisoner who was lying across the block himself. After that the prisoner was released, and had to report, "Prisoner number so and so, whatever it was, received 10 or 25 lashes according to orders." Then he had to do about 10 knee bends so that the posterior would be relaxed. And then they had to go to the hospital, and across the posterior which was mostly broken open, they received iodine. After that I saw a Russian in the block who had been beaten, and he showed us his posterior; it was black and blue, and had a great clotting of blood.

President: The court will recess until Monday morning at 8:45. The court is closed.

William J. Deven
Lt Col JACD
Chief Prosecutor

19 November, 1945

The court met, pursuant to adjournment, at 8:45 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.

The reporter, interpreters and all the accused were also present.

Prosecution: Mr. Wolfe, you are reminded that you are still under oath.

Prosecution: May it please the court, it is desired that the last question and answer of this witness be read at this time.

Whereupon the reporter read the last question and answer of the witness.

Q Do you recall the nationality of the prisoners beaten on the occasion just described, by Trenkle?

A Yes.

Q What were those men's nationalities?

A Russians and Frenchmen.

Q Did you see Trenkle mistreat prisoners on more than one occasion?

A Yes.

Q Approximately how many times?

A I cannot say very accurately because it was so often.

Q Did you ever know a man by the name of Welter?

A Yes.

(Wolf-direct)

Q Where did you know him?

A In Dachau.

Q What were his duties in Dachau?

A He was the leader of the labor service.

Q Would you know that man if you were to see him today?

A Yes.

Q Is he present in the court room? If so, please identify him.

Prosecution: Let the record show that the witness, Mr. Wolf, identified the man wearing number 23 as the accused Welter.

Q Have you ever seen that man mistreat prisoners at Dachau?

A Yes.

Q How did he mistreat the prisoners?

A He struck them with the fist and the feet. I remember a case where one detail left for work at the noon hour. One Russian stayed away from the detail because he wanted to go to the hospital. The block elder had to report that that man was missing. Welter ordered that that man be gotten from the block and he beat the prisoner with a riding crop without the prisoner being able to justify himself and because the Russian wanted to save his face he went like this (witness put his arms up in front of his face) he beat him right across the back so that the Russian was contracting because of pains. And at that moment our detail had to leave and I couldn't observe what happened later on.

(Wolf-direct)

- Q What were Welter's duties as labor leader?
- A As labor leader he was in charge of putting together these working details and together with Kick he put up the lists for the transports. I saw how he was reading down the list of names and the ones that were called out had to fall out. That happened during the formation during the morning and these people were sent out in transports. I remember one transport that was accompanied by Welter - but I don't know the destination of those transports.
- Q Did you ever see those people return from the transports to Dachau?
- A No.
- Q Do you recall a fleck fever, or typhus, epidemic at Dachau?
- A Yes.
- Q When did that epidemic take place, to the best of your recollection?
- A The last typhus, that is fleck fever, was at the end of 1944 and it hadn't stopped yet when we left Dachau on 26 April 1945.
- Q Who was chief physician at Dachau during that epidemic?
- A Doctor Hintermayer.
- Q Approximately how many people died as a result of that epidemic, to the best of your knowledge?
- A As a layman and since I don't have entrance to the files, I estimate eight to ten thousand people
(Wolf-direct)

because every day carts were brought out from the hospital with dead bodies piled on it.

Q What were the housing conditions at Dachau during the time of that epidemic?

A In my room on block 4, room number 1, regularly there were 60 and at the most a hundred to be brought up in these two rooms and there were about 250 people put up in the room.

Q Did you have a bed to yourself?

A No, the beds were put up three next to each other and three on top of each other. There were seven of us in three beds.

Q Did you ever have typhus during that epidemic?

A No, not I. I was the outside man on one of these beds and the second man from me and the man below me had typhus.

Q Were they removed to the hospital?

A Yes, but very late. As a layman and not a doctor I could tell without a doubt that that man had typhus because these typical spots were to be seen on his body and only then was the man brought to the hospital and about three days later, or a little before, the report came to the block that the man was dead.

Q Did you ever know a man by the name of Boettger?

A Yes.

Q Where did you know Boettger?

(Wolf-direct)

A In Dachau.

Q What were his duties in Dachau?

A He was report leader.

Q Would you recognize Boettger if you saw him today?

A Yes.

Q Is he present in the court room, if so point him out.

A He is number 18.

Prosecution: Let the record show that the witness, Mr. Wolf, identified the prisoner wearing number 18 as Boettger.

Q Have you ever seen Boettger mistreat prisoners in Dachau?

A Yes.

Q How did he mistreat them?

A He struck them with the firt and I saw him go into the bath house frequently when these whippings took place.

Q Did you ever see him whip anyone in the bath house?

A We were not permitted to go in but in the evening I saw through the window how he struck people.

Q What did he strike them with?

A With the usual cat of tails..

Q Did you ever know of anyone dying as a result of the treatment of Boettger?

A I saw that on the formation grounds he beat people so severely that they had to be carried to the (Wolf-direct)

hospital. Whether or not they died there I do not know. Because we could not, at least very often, we could go to the hospital and if one asked after a person which one knew who was brought to the hospital and would not see them if they shipped out in transports.

Q Did you ever see Boettger shoot any prisoners?

A I did not observe it, but I can remember a case on a transport which left Dachau on 26 April which he was on how he shot a Russian and killed him at that time. We had left Dachau and were between Gauting and Steinberg and there a Russian collapsed because of weakness and he was lying in the ditch next the road. The cart which we were pulling was following the actual transport and Boettger was riding up and down the tracks on a bicycle and when he arrived at the cart next to where the Russian was lying and he got off his bicycle and stepped into the ribs of the Russian and because the man did not get up Boettger pulled out his pistol and shot the man in the head from a very close distance. He got on his bicycle again and continued riding.

Q This transport that you spoke, was that the evacuation of Dachau prior to the liberation?

A Yes.

Q Will you describe that transport to the court?

A When we pulled in on the evening of the 25th we could hear the firing of the guns from the front already. We expected that we were not allowed to leave the camp for details and that happened the next morning. On the

(Wolf-direct)

morning of the 26th we had to fall out for formation. The formation was held as usually and after that we were supposed to go on the working details, but the order was to fall out and into the barracks and we were not permitted to leave the barracks anymore, with the exception of a few who left the barracks, but that is beside the point. Around ten o'clock the block elders, that is the prisoners, were called to the orderly rooms and when they returned they told us that we should pack all our private belongings and get ready for a march. Whereupon, we packed our belongings. I went up to the closet and got myself a rucksack and in the meantime it was around twelve o'clock noon. We got a meal and that was a meal which we never saw in Dachau before - it was beans and bacon. We said to ourselves that that was a hangman's meal. After the meal we had to fall out and march over to the formation grounds. On the formation grounds the order came for Germans, Russians, Italians and Czechs to fall out. Everybody else marched back to the block. The ones who marched back were Frenchmen, Poles, Belgians - nations protected by the international red cross. Then we were divided into groups of a hundred people. Germans separate, the Russians, the Italians and Czechs, but always into groups of a hundred men. I cannot say how many were present from each group and after this division took place each group of a hundred was led to the kitchen

(Wolf-direct)

and there we got our so-called marching rations which consisted of food for two days for every man. It was a fifth of a loaf of army bread and army bread is about 25 centimeters, weighs about 1500 grams, that is for two days, we received 300 grams of bread. Besides that, we got a piece of margarine about as big as two fingers, just as much cheese, two slices of sausage about that big, eight centimeters of a diameter, and the slice was two to three centimeters thick. And then we were told that as a special marching ration we would get another can of meat somewhat similar to corned beef. These were the regular Wehrmacht rations. I believe one can contains about 1 kilogram. That was the rations for two days.

And after we received that we fell out at the gate house and then we waited all afternoon until nine o'clock in the evening to leave. At nine o'clock we left the camp. From the first 100, 25 men were picked for the road cart. I will describe a road cart. The road cart is a former trailer of a truck. The side boards were taken away, also these little cabs up front were removed and then in front of that road cart there was a beam as if horses were pulling it and on the sides there were slings made of ropes and these slings we had to put over our shoulders and we had to pull that. These road carts did not have any brakes in order to stop the cart when it was going down hill. These road carts carried the baggage of the transport leader and the SS men who accompanied us.

(Wolf-direct)

Q Who was the leader of that transport?

A The leader was a captain of the Wehrmacht by the name of Degelow.

Q Would you know him if you were to see him today?

A Yes.

Q If he is present in the court room, will you point him out?

Prosecution: Let the record show that the witness, Mr. Wolf identifies the man wearing number 37 as the accused Degelow.

Q Were any of the prisoners mistreated on that transport?

A Yes.

Q How were they mistreated?

A The transport leader Degelow ordered the guards in the following manner: "If these swine", and we were meant by that, "if they will not move any faster, just hit them with the rifle butts", and I myself saw how he picked up a piece of wood, a branch of a tree or something, and beat the prisoners.

Defense: I understand that this is the group of 100 Germans in this transport, and if so, that description is not competent and I object to the description of the German transport.

Prosecution: The witness testified that it was Germans, Russians, Italians and Czechs. Certainly that meets the requirements of this court as to their being enemy nationals.
(Wolf-direct)

Defense: The council for prosecution is right in his description of the organizing of these transports into German, Czech, Russian, and so forth, groups and the witness, being German, would naturally be on the German transport.

President: Subject to objection by any member of the court, the motion is overruled.

Q What nationalities were represented in the transport about which you are speaking?

A Germans, Italians, Russians, Czechs.

Q Is that the transport which Degelow was transport leader of?

A Yes.

Q What nationalities did you see mistreated on that transport?

A All nations - Russians, Czechs and Italians.

Q Is that the same transport on which you saw Boettger shoot the Russian?

A Yes.

Q Do you know how many people died as a result of that transport?

A I cannot state that.

Q Do you have any idea as to whether any people died on that transport?

A Yes.

Q Can you estimate how many there were that died?

A It is very hard because it was night when we were marching and during the first night, at first there were only a few who remained lying in the ditch besides the road until later, whole groups were left at the side of the road because

(Wolf-direct)

of weakness and thirst and one cannot estimate numbers as would have otherwise been the case. I, for myself, estimated at least 600 people and that is a very low estimate.

Q How did you happen to be in Dachau?

A I got to Dachau after the end of my sentence, which was a year and a half. I was sentenced because I aroused the public anger - I was sentenced to a year and a half in prison and after I served off that sentence I was released and brought to the police station in Frankfurt. The next day I was brought to the Gestapo, that is not the regular police, and there I was told that I had made remarks against the state before I served my time, and I admitted it because it was a fact because I was against the Nazis with the reason that I was a member of the Communist Youth. I was beaten at Gestapoin such a way that I hardly recognized myself then brought back to the police station 8 days later I was to sign a certificate but because I refused to do that they said "You can go to hell this way, you pig".

Q When did you come to Dachau?

A After this questioning I was put in the transport and sent to Randenberg, near Berlin, and after that was brought to Neungammer near Hamburg, and came to Dachau in 1942 and there I remained up until the transport.

Q You mentioned a man by the name of Ruppert, did you ever see him mistreat the prisoners?

(Wolf-direct)

A Yes.

Q How did he mistreat the prisoners?

A As usual, he struck them with the fist and I also saw him beating the prisoners with a stick or riding crop. I assumed that it was a riding crop because he was always carrying it under his arm or in his boot.

Q What was the nationality of the prisoners that Ruppert mistreated?

A I can say that there are all nations which were present in the camp, Russians, Czechs, Poles, and Belgians.

Q In 1942 did you see any Russians die in Dachau - or dead Russians in Dachau?

A I saw how Russians were brought over to the crematorium.

Q Was Jarolin present at that time?

A Yes.

Q Did he have any connections with the dead Russians to your knowledge?

A I don't know what connections he had with them. I only saw how Jarolin was standing by the gate when a car of dead Jews went through.

Q Saturday you spoke of Knoll and said he brought in car loads of dead Jews. How many times, approximately, did you see that detail come in with dead Jews?

A I remember six or more times, but I have to say that they were not always only Jews because there were other people on his details - not only Jews.

Q What nationality were there?

(Wolf-direct)

A As I can remember there were also Russians and Poles on his details.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q What month in 1942 did you come to Dachau for the first time, Mr. Wolf?

A In September.

Q What block were you put into at that time?

A I came in block 20, room 1.

Q How long did you remain in that block?

A It was up to the 26th of January - it may have been up to the quarantine in 1943.

Q Then what block did you go to?

A Came into block 24, room number 4 then.

Q How long were you there?

A I remained there until the year 1944 - then I was brought to block number 4, room number 1.

Q What ^{were} the criminal block or blocks in Dachau?

A It was block 20 and 22.

Q So you were first put in the criminal block, is that correct?

A Yes.

Q What kind of patch, or identifying mark, did you wear?

A A green triangle.

Q Will you please tell the court what that green triangle meant?

(Wolf-direct)

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- A That green triangle meant protective custody of the Poles or professional criminal.
- Q On Saturday you identified the prisoner Knoll?
- A Yes.
- Q Knoll was a prisoner in Dachau the same as you were, is that correct?
- A Yes.
- Q What type of identifying mark did he wear?
- A Red.
- Q And what does red designate?
- A A political prisoner.
- Q So that you were a protective custody or criminal prisoner and he was a political prisoner, is that correct?
- A Yes.
- Q You related an instance in which you said Knoll came back from the quarry and you said there were several dead bodies brought back?
- A Yes.
- Q Was Knoll a prisoner at that time?
- A Yes.
- Q When were these details, Mr. Wolf?
- A Through my first time in Dachau, that is the end of 1942.
- Q You saw these details come back from the quarry in the end of 1942?
- A Yes.
- Q Was this quarry detail a special detail or was it picked from all over the camp?
- A Only prisoners who were in the punitive company or Jews were in this detail.

(Wolf-cross)

Q And in the punitive company, were criminal prisoners kept there?

A Also.

Q What other types of prisoners were kept there?

A The Russians, Poles, anyone who broke the laws of the camp.

Q Were you ever on this quarry detail, Mr. Wolf?

A No.

Q Where were you standing when you saw this quarry detail Mr. Wolf?

A On the formation ground.

Q How far is that from the place where the detail came by and you noticed it?

A About the distance from here to the court.

Q Would you also say about the same distance from where you are to the back row of the defendants box?

A Yes.

Q What time of day was it when these details came back?

A It was about six or six thirty.

Q And about this time of the year?

A No, in September, October.

Q Can you recognize anyone up there on the back row to the right on the right hand side?

A Yes, if I strain myself.

Q Can you recognize them there when you saw them Saturday when you said you had to go over here to recognize anybody?

A I believe not, but usually I was wearing glasses.

Q Where are your glasses now?

A They are in Friedburg, where I live.

(Wolf-cross)

Q Both Saturday and today?

A I forgot them altogether.

Q You never identified any of the individual bodies on this cart did you - you can't tell me the names of the prisoners can you?

A No.

Q So that your estimate that they were Poles and Russians is that there were Poles and Russians on this detail so that you presumed that some of the people on this cart must be Poles and Russians is that correct?

A Yes, certainly.

Q You don't know of your own knowledge who they were?

A No.

Q You don't know of your own knowledge that Knoll had anything to do with these people on the cart - you didn't see him do anything to them did you?

A I did not see how he beat them or how he may have beat them to death, but he told us in my presence and he was bragging that he brought people home dead.

Q He posed that he brought people home dead?

A Yes.

Q He never said that he killed them?

A He said "Well, I accomplished that today".

Q Of course, you don't know what he meant by "accomplished"?

A Yes, I understood it.

Q That was your understanding but you don't know what he meant?

A I cannot look into his head but his remark was clear cut. In Germany one had to assume that this was his action.

(Wolf-cross)

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Q Again I say that that was just your own assumption, is that correct. Answer yes or no.

A Yes.

Q You also said that you saw Knoll beat prisoners on block 16 where the Poles were?

A Yes.

Q Was Knoll a prisoner at that time?

A Yes.

Q At what time was it that you saw this occur?

A It was in the evening after work was over.

Q Approximately what time in the evening?

A It could have been eight but it could have been eight thirty

Q What time of the year?

A It was in the summer - it was very light.

Q And just what did Knoll do?

A I watched in that room in barrack 16, room number 1 and was visiting with a friend of mine who worked on the detail. I saw Knoll, how he had an argument with a Polish man there and then I saw how Knoll picked up a leg of a stool which had fallen down and how he was beating the Pole with this leg of the stool.

Q Did Knoll at that time live in block 16?

A No.

Q Did you live in block 16?

A No, but as I emphasized, I was visiting someone there.

Q The incident that you described was just a personal argument between Knoll and this Pole and during the course of the argument Knoll picked up the stick and hit him is that right?

(Wolf-cross)

A Yes.

Q On Saturday you identified a man by the name of Niedermeyer?

A Yes.

Q Tell us what his job was when you first came to Dachau.

A I found out later that he was the administrator of the crematory.

Q What do you mean by the administrator?

A One can say that he was in charge of the detail of the crematory.

Q He was in charge of the crematorium?

A Yes.

Q During what period did you find out later that he held this job?

A I cannot state that because I didn't take an interest in these things because one was busy enough with one's self.

Q You did take enough interest to find out that he was the leader of the crematorium and I wish that you would take enough interest to tell us when he was the leader of the crematorium.

A To my knowledge it is from the year 1943 but exactly when it was, I don't know.

Q Would you state definitely that the man that you identified as Niedermeyer was the leader of the crematorium in 1943 after you arrived at Dachau?

A Yes, but whether it was the beginning of 1943 or the last half of the year, I don't know.

Q You are sure that Niedermeyer was the leader of the crematorium any time during 1943?

A Yes.
(Wolf-cross)

Q And you are just as sure of that as you are of anything else you have testified to here Saturday and this morning?

A Yes, because I know that from the people who worked in the crematorium.

Q Do you know that for a fact Niedermeyer left for the Russian front in February of 1943?

A I do not know that.

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

A Yes.

Q What was his job?

A He was administrator in the crematorium.

Q Before or after Niedermeyer?

A I must assume that it was after.

Q Do you know whether or not he was at the crematorium at the same time that Niedermeyer was there?

A I do not know that.

Q Isn't it not a fact that Niedermeyer was merely under Bongarts for a couple of months and was not the leader of the crematorium in the year of 1943 at all?

A It is possible.

Q Is it not possible that everything that you have testified as far as Niedermeyer is concerned is entirely wrong?

A You cannot call it wrong.

Q That is under your German assumptions.

A Yes.

Q On Saturday you identified a man by the name of Trenkle?

A Yes.

Q Can you describe what it was that he did to you?
(Wolf-cross)

A Yes.

Q When was that?

A 1944.

Q What month?

A Shortly before an accident with his motorcycle.

Q Will you tell us what month that happened?

A So many things happened, so many things were going on that one remembered the action but not the time during which it happened.

Q Did you go to the hospital

A I had it bathed with iodine, the only aid one could get.

Q Did you go to the hospital?

A Yes, the infirmary.

Q You don't remember what time in 1944 that was?

A As I stated, I cannot remember the month it happened.

Q Where was that - was that inside the camp here at Dachau proper?

A Yes.

Q What was Trenkle's position at that time?

A At that time he was the verwaltungsführer.

Q He was the verwaltungsführer at that time?

A Yes.

Q Was he first, second or third verwaltungsführer?

A I cannot state that.

Q You are sure that it was in the year 1944?

A Yes.

Q Do you know as a matter of fact that Trenkle was not verwaltungsführer after November, 1943?

(Wolf-cross)

A I don't know that. In 1944 he was verwaltungsführer.

Q You are as sure of that as you are of anything else that you have testified to here in court today?

A Yes.

Q You also identified a man by the name of Welter?

A Yes.

Q What was his job?

A He was labor leader.

Q You are sure of that?

A Yes.

Q What makes you think that?

A When the working details left he was standing at the desk checking whether they left or not.

Q That is sufficient for your German assumption that he was the leader of the labor committment?

Prosecution: I think it would be proper if the counsel for defense would cease brow beating the witness with this type of questioning.

Defense: I submit to the court that there has been no restriction granted to the prosecution in its direct examination. Counsel has a witness here who was a criminal prisoner at the time before the collapse of Dachau and I submit to the court the fact that we believe that the witness is wrong on some of his assumptions.

Prosecution: This trial is being conducted before this court/and the mere fact that a man may have been here as a criminal prisoner does not justify the defense in using the method of cross examination that he is using and it is highly prejudicial, and I object to it on that ground.
(Wolf-cross)

President: This court is concerned entirely with obtaining facts and evidence. We are not concerned in the slightest with twists of words and meanings. The objection is sustained.

Q Mr. Wolf, on what do you base your assumption that Walter was the leader of the labor service?

A I do not understand.

Q You told us on direct examination that Walter was the leader of the labor service?

A Labor service leader.

Q On what do you base that conclusion?

A Firstly, it was known all over the camp that he was the labor service leader and as far as I said, he was standing at the desk when the details were leaving and checking that all of them left.

Q And will you tell us during what time he was labor service leader?

A As far as I know, the end of 1943 or the beginning of 1944. We cannot set the dates very accurately because of the constant change of prisoners.

Q Try to recall as near as you can because the dates are very important to us.

A I understand that completely, but there was such a constant change - the labor service leader left, and then he returned again then he was in another camp or something.

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

A I know of the name but I don't know who it was.

Q You don't know that Stompf was the labor service leader?

A I don't know that.

Q Would you say I was wrong if I said that Stompf was the labor service leader during the time that Boettger was here.

(Wolf-cross)

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A It is possible, I cannot recall everybody who was labor service leader. I only know that the name of Welter remained in my memory because he acted so badly towards prisoners.

Q Would you say I was wrong if I told you that Welter was never labor leader?

A I would say it was wrong because he was that.

Q You are sure of that?

A Yes, certainly.

Q You said that Welter's job was as labor service leader and he also put together the details with Kick and help make the lists for transports, is that correct?

A The working details were put together by the labor service leader himself - the transports were put together by both of them.

President: The court will take a fifteen minute recess.

The court then took a recess until 10:15 o'clock, a.m., at which hour the personnel of the court, prosecution and defense, and all the accused and the reporter and the interpreter resumed their seats. The witness was advised that he was still under oath.

Q Just before the recess, you were describing Welter's connection with these transports, will you please repeat that description?

A Welter and Kick together would select the people.

Q Just how would they make that selection?

A Probably from the index - it was a list prepared and it was then read to the people.

(Wolf-cross)

- Q Will you describe just what you saw with respect to these transports being made up?
- A The camp elders would read the list and Welter was standing with them and looking at the list.
- Q And that would be on the parade ground, or something of that sort?
- A Yes.
- Q So that you actually of your own knowledge don't know by whom or where these lists that the camp elders read were prepared?
- A No, because I was in the detail of the armament works and not in the orderly room.
- Q Your statement that the lists were prepared by Welter in conjunction with Kiek is your understanding from talking with the prisoners, is that correct?
- A Yes, from the prisoners who worked in his detail.
- Q Did Welter do anything else at these formations picking the transports other than just stand there when the camp elders read off the list?
- A Well, he talked with the camp elders and after the transports had been put together he mentioned that it was OK.
- Q On questioning by the prosecution, you stated that after they left you never saw the people again?
- A Yes.
- Q Did you mean to leave the impression that these transports being made up were invalid transports?
- A Not always.
- (Wolf-cross)

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Q Did you mean to leave the impression that any of these transports made on the parade grounds by the camp elders were invalid transports?

A Yes.

Q Will you please tell us just how you know that, Mr. Wolf?

A I remember one transport very well, I don't remember the time but it was in the summer of 1944 when the invalids who also had artificial limbs were sent away.

Q Was that held on the parade ground when Welter was present?

A Welter was not present.

Q Is that the only transport that you know of that was an invalid transport that was formed there on the parade ground?

A There were several of them put together but when they were and the ones that Welter was present at I cannot say because there were so many.

Q You don't know that Welter had anything to do with the invalid transports that were formed there on the parade grounds?

A There was always different kinds of transports - invalid transports and transports to different camps for work and I only know that Welter was present when the selections for these transports were made.

(Wolf-cross)

Q You still haven't answered my question. You don't know that Welter was ever present at what you knew as an invalid transport?

A He was also present when they were put together.

Q When invalid transports were put together?

A Also then.

Q When was that, Mr. Wolf?

A I would like to ask the defense counsel not to try to insist on the dates because we were bothered so much in the camp and mistreated so much that I can't remember all the dates.

Q I appreciate your position, Mr. Wolf, but you must realize that you, in your testimony, are perhaps costing a man his life and for that reason I must insist that you be as accurate as you possibly can.

A I make my testimony as accurate as I can but things I don't remember I just don't remember.

Q You stated that you remember a transport that you are sure was an invalid transport at which you are sure Welter was present. It is very important that we know when that was.

A There were constantly transports - every week transports would leave, either invalid transports or work transports and therefore I can't remember when it was because they came up so frequently.

Q You don't know which transports were invalid transports and which ones were work transports?

A No.

(Wolf-cross)

- Q You can't tell which transports Welter may have been connected with?
- A No.
- Q The only transport that you ever actually remembered and knew it as an invalid transport was in 1944 where people with artificial limbs and the such came back?
- A Yes, in the summer of 1944.
- Q That is really the only transport that you have any real evidence and you can remember as an invalid transport?
- A Yes.
- Q Now, with respect to this beating of the Russian that you saw by Welter. Will you again try to place that as far as time is concerned?
- A That was the end of 1942.
- Q And what block did that occurrence take place in - what block was the Russian in?
- A That was in no block and I don't know in which block the Russian was in, because the right side of the block, that is the uneven numbered blocks, were partly occupied by the Russians.
- Q One of these work transports you stated that Welter accompanied can you tell us when that was?
- A That was the end of 1942 and it might have been the beginning of 1943.
- Q You don't know where that transport was going?
- (Wolf-cross)

A At that time, it was said in the camp that it went to Friedrichshausen.

Q It is my recollection that Welter did accompany and take a work transport into Friedrichshausen about June of 1943. Could that have been the transport that you are referring to?

A It is possible. As I said before, I can't remember the dates.

Q But that could have been the one?

A Yes, it is possible that it was that transport.

Q And that is a transport with a group of prisoners that were taken to Friedrichshausen from Dachau to do work, is that correct?

A Yes.

Q How long did you work in the Dachau Armament Works?

A Since from my arrival until the last days of the year 1942.

Q Will you give us the dates?

A I don't know the exact dates - shortly after I arrived here at Dachau in September until the end of the year, that is when the factories would have their year-end vacation.

Q In your testimony on Saturday you stated that you saw the defendant Schulz throw some food into the stove?

A Not into the stove but from the stove on the ground.

Q What time of the day did you see this?

(Wolf-cross)

- A It might have been before noon, it might have been noon, it might have been after noon because the prisoners were standing around cooking on that stove.
- Q Was it near the noon hour?
- A No, it was working time.
- Q It was during working time. Do you know whether or not there were rules prohibiting the prisoners from cooking during working hours?
- A As I already said Saturday, there was permission granted by the camp commandant Weiss that the prisoners could cook their things and that they didn't cook during noon times is natural because during noon time they had to go into the camp.
- Q Did the permission include working hours?
- A The permission was general that you could cook in the factory and since we were in the factory only during working hours, you had to presume that it had to be during working hours.
- Q How many men were gathered around the stove at this time?
- A That differed - sometimes one, and sometimes there were several and sometimes there were two looking over their things.
- Q And this occurred sometime between September and December of 1942?
- A Yes.
- Q You are certain of that?
- A Yes.
(Wolf-cross)

Q And you are certain that the defendant Schulz is the man that threw the food on the floor?

A Yes. He was at that time in charge of the factory.

Q Don't you know that Schulz did not arrive at Dachau until 1943?

A I don't know.

Q How many times did you see Schulz throw food upon the ground?

A I only remember one case because I was not in there, but in a small lock room where I worked.

Q What became of the food after it was thrown on the ground?

A When the cleaning took place it would be swept up with the other matters on the ground.

Q What type of stove was this?

A It was a glue stove - it was set up to heat the glue.

Q It was not a cooking stove?

A It was not a regular cooking stove because there wasn't one there.

Q Did Schulz ever strike you?

A Not me personally.

Q Did you ever see Schulz attend any executions?

A No.

Q Would you say that Schulz was a calm man or was he a man of a nervous nature?

A He was at times very excited and in my opinion he was quick tempered.

(Wolf-cross)

Q At the time you witnessed the hanging of a young Russian will you give us the date of that occurrence.

A I can only say that it was in the summer of 1944.

Q When you saw the defendant Mahl, who was with him?

A Oberscharfuhrer Bongarts and SS Hauptcharfuhrer Boettger and there was someone else present, I might presume that it was the Doctor Hintermayer.

Q What was their relation to Mahl relative to rank?

A They were his superiors.

Q When this transport left Dachau on April 26, could you hear any firing?

A Yes.

Q How far away would you say the battle was raging?

A You mean the front line of the troops?

Q Yes.

A In my opinion about thirty or forty kilometers.

Q Relative to the organization of this transport, you stated there were groups of 100 prisoners each, is that correct?

A Yes.

Q Grouped according to nationality?

A Yes, separate.

Q What group were you in?

A In the first part of the march, during the first night, I was in the first group and since it was said that the group was held up through our cart and in the second night it was put in the end.

Q What group was in front of you?

(Wolf-cross)

A We didn't pay so much attention to it but I might be able to presume that they were either Russians or Jews.

Q What group was behind you?

A During the second episode of the march there were no groups behind us.

Q You stated that you did not pay much attention to the groups?

A They were just walking in front of us - we couldn't pay much attention - we just paid attention to ourselves because after awhile we would be weak.

Q At that time, were you suffering from bad eyesight.

A Yes, naturally, which was caused by the bad light where I worked.

Q Did you have your glasses with you?

A At that time, yes.

Q You stated that the defendant Degelow was a captain in the Wehrmacht, is that true?

A Yes.

Q Do you know the insignia worn by an officer of that rank?

A I don't know the exact insignia that was worn at that time but at any rate, he was an officer, I am sure of that.

Q Why do you say he was a captain?

A That was generally known in the transport, one only talked about the captain.

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

A No.

Q Will you give us again the amount of food that was allowed each prisoner on this transport?

A(Wolf-cross)

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A At the kitchen we received $1/5$ th of a loaf of bread per man for two days.

Q How much would that be in grams?

A About 300 grams. It was only cut, it wasn't weighed and one loaf of bread, 1500 grams so $1/5$ would weigh 300 grams.

Q How much margarine in grams?

A I don't know the amount of grams but it was about as much as two fingers.

Q How much cheese did you have?

A The same amount.

Q Do you know the amount in grams of sausage and other meat that you received?

A I can't tell you the amount of grams of the sausage. I only know the size and the meat was a usual army can so it was about one kilogram.

Q When you first arrived in Dachau in September 1942 was Weiss the lager commandant at that time?

A He was made camp commandant at that time, I don't know the exact time. He came with us from Neungammer.

Q What I'm trying to get at is that you were not here prior to the time Weiss was camp commandant were you?

A It may have been a month, or maybe a few days, but in October 1942 Weiss was commandant of Dachau.

Q When you first went to work in the armament works here in Dachau were you permitted to cook your food in the factory?

A At first not.

Q And then Commandant Weiss gave permission for the prisoners to cook their food there, is that correct?

(Wolf-cross)

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A At first not.

Q And then Commandant Weiss gave permission for the prisoners to cook their food there, is that correct?

(Wolf-cross)

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- A Upon request of the capo it was permitted by Weiss.
- Q Were you here when Weiss was replaced by Lagerfuhrer Weiter?
- A Yes.
- Q Was the permission to cook food continued by Weiter?
- A I don't know that a they continued cooking in the details but whether it was permitted by Weiter, I don't know.
- Q On Saturday you testified that Kick made some punishment investigations, that is correct, isn't it?
- A Yes, in the so-called shoe house there was a room where these investigations took place, and sometimes when we would stand on the formation place we would be able to look into that room because there was a light in it and a prisoner was standing there. Kick and Bach were both present. This was fairly close to the place of formation and I was wearing glasses so I could see it.
- Q Kick was a member of the Gestapo from Munich, is that correct?
- A He was the criminal officer.
- Q From the Gestapo in Munich?
- A That is only an assumption on my part - that he was from the Gestapo because he was an official in the Political Department.
- Q These criminal investigations were ordered by the Gestapo in Munich, is that correct?
- A It is possible.
- Q With reference to that Russian whom you talked about on Saturday who standing on a stool, was that an official execution?

(Wolf-cross)

A Yes.

Q De you know who ordered that execution?

A No.

Q You don't know as a fact that that execution of that Russian was ordered by Berlin do you?

A No, I don't know.

Q While you were testifying Saturday, you said that Redwitz ordered that the SS discontinue beating of the prisoners, is that correct?

A We were told that order came from Redwitz and after that the SS didn't do it - it was done by prisoners.

Q When was it that that order came through - when was it that the SS discontinued beating the prisoners?

A I don't remember whether it was 1943 or 1944.

Q Now, with reference to the typhus epidemic which you say a man in your block died of typhus, is that correct?

A Two.

Q Two of them died?

A Yes, they didn't die in the block. They died shortly after they were brought to the hospital.

Q And you knew of your own knowledge that one of them had fleck fever or typhus?

A Both of them.

Q You knew that?

A Yes.

Q Now, on each block they have a block physician, is that correct?

A It was later on ordered that a prison doctor would control each block.

(Wolf-cross)

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Q Was there a prison doctor in charge of each block when these two were diagnosed by you as having typhus?

A I don't know because I never saw the block doctor.

Q Did you know whether or not there was a block doctor at that time?

A I don't know.

Q How long before they were actually taken to the hospital did you yourself determine that they both had typhus?

A About two days before they were actually sent to the hospital I said, and I can give the name of one, Frans Casper from Vienna, I said, "You have typhus, you already have spots on your body".

Q And?

A And two days later upon recommendation of the block elders he was sent over to the hospital.

Q At the time you discussed the thing with Casper, did you tell the block elder that you thought he had typhus?

A I told him that he should go and see what was the matter that in my opinion it was typhus.

Q And as a result of your telling him that, did he go see the doctor?

A He first told me that "It is none of your business" but he then went and reported it.

Q He did report it?

A In my opinion, he reported it because he went over to the first aid station.

Q And as a result of his reporting it did any doctors come to see your friend or not?

A I don't know.

Q In this transport of April 26th you say that you saw Boettger kill and shoot a Russian, is that correct?

A Yes.
(Wolf-cross)

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Q And on what date of the movement did this shooting take place?

A On the second day of the march.

Q What time of the day was it?

A It was toward morning, it was light already. We marched at night.

Q Do you know why the Russian was shot?

A That is beyond my knowledge.

Q How far away from the Russian were you when he was shot?

A The street was about as wide as the space between these two tables and I was on the left side pulling the cart and he was lying in the ditch - that is about as far away as you are from me.

Q How far away from the Russian was Boettger when he did the shooting?

A Right next to him.

Q There is no possible chance of your being mistaken that it was Boettger who did the shooting?

A That is impossible because I saw it myself.

Q You came to Dachau in September 1942 as a criminal prisoner is that correct?

A Yes.

Q How many times prior to the time you arrived at Dachau have you served prison sentences?

A I was punished altogether seven times.

Defense: That is all - no further questions.

(Wolf-cross)

REDIRECT EXAMINATION

Questions by prosecution:

Q Mr. Wolf, what crime did you commit that caused you to be punished?

A One time it was bodily injury - I hit somebody in the nose and I received three weeks, and then I had property damage and I received three days in jail. One time I was present when a bicycle was stolen and I was sentenced as an accessory after the fact and received three months in prison. And then I was sentenced to pay a fine of 50 marks which I had to serve because I didn't have the money because I was out of a job, that was 10 days in jail. I don't remember the fifth one. It was a very short sentence - a few weeks, I don't remember exactly. And the last sentence I received during the Nazi regime and by cause of antagonizing public opinion and received a one and a half year prison term.

Q Who picked you up after that term had been served?

A At the police station - the criminal police or Gestapo - I was arrested immediately.

Q Was that after you had been released from prison?

A Yes.

Q You spoke of Knoll on cross examination, just what authority did Knoll have while he was here other than being a prisoner?

A He was a capo.

Q What authority did a capo have in relation to other prisoners?

A He was, so to speak, in charge under the order of the detail leader.

(Wolf-redirect)

Q Did he have authority over the prisoners assigned to his detail?

A Yes.

Q On the work detail was he the sole authority present when he had the detail out?

A It is possible that he had some capos under him or some clerks which was usually done on the details.

Q Was there any distinguishing marks on the prisoners as to nationalities?

A Yes, they had these so-called triangles that I mentioned before.

Q Was it possible to distinguish a Russian, Polish, and Czech?

A Yes, the foreign prisoners, with exception of the Italians, all had red triangles, the Italians had black ones and this triangle the various initials were written in black. The Poles, a "P", the Russians an "R", a "T" for the Czechs, the Belgians a "B" and the Frenchmen an "F", and the Jews had a red triangle with the point down and a yellow triangle with the point up.

Q Who placed these marks on the various prisoners?

A They were to be had in the block - they were seen over by the supply.

Q Did the authorities at Dachau supply those distinguishing marks?

A Ordered.

(Wolf-redirect)

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Q What authority did Wahl have as a prisoner?

A He was also a capo.

Q He had the general authority of the capos?

A Yes.

Q As to Welter, was he labor allocation office leader?

A A labor allocation office was something different from a labor service office.

Q Where did Welter fit into that picture?

A He was labor service official.

Q On the transport that you spoke about that left on April 26, were the prisoners supplied with water on that march?

A On the whole route, we received nothing to drink. My comrade and I left the transport shortly after Starnberg and up to that time we had nothing to drink.

Q What were the weather conditions during that march?

A Shortly after we left Dachau it started to rain and that continued until the end and it was cold.

Q You said that Redwitz directed that prisoners do the official beatings, is that correct?

A Yes.

Q Did the SS men continue to beat unofficially?

A Yes.

Q The prisoners who beat officially were under the direction of SS men, is that correct?

A Yes.

Q You stated on direct, I believe, that Trenkle ordered a prisoner to beat and he refused, is that correct?

(Wolf-redirect)

A Yes.

Q And that he struck the prisoner across the face and then proceeded to beat the prisoner himself?

A Yes.

Q Now, you stated, I believe, that you never saw a physician in the block during the typhus epidemic, is that correct?

A Yes.

Q You never saw an SS physician there?

A No.

Q Were any of the doctors prisoners?

A The so-called block physicians were prisoners but I never saw one or the other. They weren't identified specifically.

Prosecution: No further questions.

RECROSS EXAMINATION

Questions by defense:

Q Mr. Wolf, the triangle that you wore, did you wear the point, the apex, down or up?

A Down.

Q Upon redirect examination you testified that you had served seven separate prison sentences, is that correct?

A Yes, as far as I remember there were seven prison terms.

Q What was the date of the first prison sentence?

A I don't remember.

Q How old are you Mr. Wolf?

A Thirty five.

(Wolf-redirect, recross)

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Q How old were you when you first served a prison term?

A It might be 19 or 20 years.

Q From the time of your 19th or 20th year until the day when you are 35, you served seven separate prison sentences?

A Yes.

Q How many prison sentences are required under German law before you are adjudged a professional criminal?

A I don't know, but we had some people in Dachau who only had served one sentence of a few months and still they were identified as professional criminals.

Q All prisoners in Dachau didn't come in the same category as you - as a professional criminal, did they?

A How do you want me to understand that?

Q There were many of them who were not criminal prisoners, is that correct?

A Yes, that is correct.

Q In the enumeration of the sentences you have served since you were 19 or 20 years old, the 4th one you don't remember why you were interned. That is the sentence of 50 marks when you had to serve 10 days.

A I don't remember what I had to pay that for.

Q There is also another time when you don't remember why you were interned?

A Yes, that is correct.

Q Could that time have been for house breaking?

A No, I never had house breaking.

Q Among the seven separate sentences, you mention six, can you remember the offense for which you served the 7th one?
(Wolf-recross)

A Yes, I just remember. I was accused of having slept in a tug boat in Harberg and accused of going to do that thing through a window. I received four weeks.

Q Don't you know that after you have been convicted three or four times in Germany, you are adjudicated a professional criminal?

A No.

Defense: No further questions.

EXAMINATION BY THE COURT

Questions by the court:

Q Mr. Wolf, were you ever in the German army?

A No.

Q Why not?

A I only registered and I had my pass but I didn't serve.

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

Prosecution: Prosecution calls as its next witness, Helmut Breiding.

Helmut Breiding, a witness for the prosecution, was called, sworn, and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q Will you state your name, age, occupation and residence?

A Helmut Breiding, actor, 27 years, Dachau.

Q Do you speak English, Mr. Breiding?

A Yes, sir.

(Wolf-recross, court)
(Breiding-direct)

Q Were you ever in Dachau Concentration Camp, as a prisoner?

A Yes, sir, I was.

Q Will you give us the dates during which you were in Dachau as a prisoner?

A I was in Dachau Concentration Camp from May, 1941 until April, 1945.

Q When were you first arrested?

A I first was arrested on May, 22, 1939.

Q What was the reason for your arrest?

A Illegal passing, or illegal entering Germany from outside of Germany and being Jewish.

Q Will you tell the court briefly where you lived and where you worked during your stay at Dachau?

A From May, 1941, when I arrived at Dachau, until February 1942 I was a patient in the tuberculosis station in Dachau hospital. From February 1942, as I remember quite clear, until October 19 I was a member of the punishment company of the Dachau Concentration Camp, because there was an order that all Jewish prisoners were automatically members of the punishment company. And until this day, 19 October 1942 I was called and treated as a Jewish prisoner. After 19 October 1942 I was ordered by the Political Department of Dachau Concentration Camp that I would no longer be looked upon or treated as a Jew and I was permitted to change my triangle and in the future only wear the red one. This was because I was half Jewish only and it happened to four or five others as well.

(Breifing-direct)

Q What happened to the other Jews, I mean the full Jews on that day?

A All the other Jews who were still in the camp, amounting to about 75 or 80, were sent to Auschwitz Concentration Camp.

Q Was there any common knowledge in the camp as to what the purpose was of sending those Jews to Auschwitz?

Defense: I object to that as being too remote. I submit to the court that common knowledge of the Auschwitz Camp by the population of Dachau has no bearing in this case.

President: The objection is overruled, subject to objection by any member of the court.

A It was common knowledge in the concentration camp that prisoners who were especially sent to Auschwitz Concentration Camp were sent there for the purpose to pass the gas chambers and the existence of the concentration camp in Auschwitz was common knowledge of us at Dachau.

Q Continue with your activities in Dachau.

A From October until one of the first days of November, I was unemployed. From November 1942 to sometime in the summer of July 1944 I worked as a clerk or typist in the Arbeitsfuhrer's office.

Q Mr. Breiding, will you give us the translation of arbeitsfuhrer.

A I may rather give a more special definition of the word arbeitseinsatzfuhrer. The arbeitseinsatzfuhrer is the man who handled all statistics which were sent to Berlin.

(Breiding-direct)

He received orders from the verwaltungsfuhrer to point work details for various industrial firms.

Q Mr. Breiding, we have perhaps misunderstood the distinction between the arbeitseinsatzfuhrer and the arbeitsdienstfuhrer.

A Yes, I was of the same opinion. The arbeitsdienstfuhrer received his orders from the arbeitseinsatzfuhrer to select such men of special professions for work details which was orders from headquarters to the arbeitseinsatzfuhrer to have them ready for these firms.

Q What were the duties of the arbeitsdienstfuhrer?

A He had to select inmates for all work details that were required and was also in control of the individual work details and he saw that everyone was at work during work hours or that they left the camp just before work hours for work. The arbeitsdienstfuhrer also chose inmates who were subject for experiments in the malaria experimental station.

Q At the time you came in as a clerk in November 1942, in what office was that?

A This was in the prisoners' office, which was situated within the compound. It was called the arbeitseinsatzfuhrer's office.

Q Who was the commander of that particular office?

A During the time I worked there, the commanders changed rather often. I came and just after that I think Stomph must have left. My supervisors were Oberscharfuhrer Flamm, Oberscharfuhrer and later Hauptscharfuhrer Welter, Oberscharfuhrer Mueller, Oberscharfuhrer Hapolbusch, Untersturnfuhrer Scharm and Unterscharfuhrer Meyer.

(Breiding-direct)

Q Mr. Breiding, when was the first time you met Welter?

A I met Welter long ago before he came into his office.

Q Did you have occasion to see him in February 1942?

A Yes, sir, I did.

Q Will you tell the court the circumstances under which you saw him at that time?

A This was when I still belonged to the punishment company of Dachau Concentration Camp and not very long after my return from the hospital. Welter came in our Barrack number 15, which was the punishment company barrack, about 9 o'clock in the morning. He gave an order to the block senior that all Jewish inmates had to assemble in the road between Block number 15 and 13. When they all were assembled Welter came and picked out four Jewish inmates who looked rather strong. I was, myself, amongst these four. The block clerk had to take their numbers and fortunately Welter himself did not ask the block clerk to give him these numbers in writing. At the time I was chosen with these three other Jewish inmates, I did not know for which purpose it was. However, just after Welter had left, the block senior was told that the four of us would be called for in the afternoon. The block senior immediately brought me back to the prisoners' hospital.

Q What was the purpose for the selection of these four men?
(Breiding-direct)

A These four Jews were transferred to the bunker first. They never came back to us in camp. They were assigned to work in the crematorium and the time they worked they had their rooms in the bunker.

Q Mr. Breiding, at that time was there any common knowledge amongst prisoners as to what happened to these groups of four Jews who were selected and used as workers in the crematorium?

A This was not common knowledge right from the beginning but it came later after the selection of four other Jews about two months later.

President: The court will take a recess until 1:30 o'clock.

President: The court will come to order (Time: 1:30 o'clock, p.m.).

Rec 3 John J Munson was sworn as reporter.

Prosecution: The witness, Helmut Breiding, is reminded that he is still under oath.

Q Mr. Breiding, just before the recess, we were discussing a selection of four Jews, in February 1942, as a work detail in the crematorium, and you stated that it was common knowledge amongst the prisoners that certain conditions existed in connection with this crematorium detail.

A Yes, sir.

Q Will you tell the court what that matter of common knowledge was?

Defense: If it please the court, it is not pleasant to continue objections on the same matter, but the way counsel stated this question, it introduces a new consideration on this common knowledge evidence. The witness is now fixing to testify as to a common knowledge which existed one time which he learned later, therefore. I object to that type of common knowledge as proof in this proceeding.

President: Subject to an objection by any member of the court, the objection is overruled.

President: At this time, I'll say that from now on, I'll make these rulings and they will be subject to objection of the court, but I'll not so state.

A It became common knowledge that a group of Jewish inmates worked in the crematory for about two months. After this period, a new group of four Jewish inmates were chosen the same way as I described to the court before. These Jewish inmates, after about two months, worked in the crematory, were excused in a way which I learned later by Doctor Blaha, because Doctor Blaha told me one day that —

Defense: If it please the court, Doctor Blaha has testified in this proceeding. Doctor Blaha, I assume, is still available for
(Breiding - Direct)

further testimony and now we have a paradoxical situation where this witness is undertaking to testify for Doctor Elaha. Hearsay, yes, the court has ruled that hearsay evidence is admissible, I submit to that, but this is different inasmuch as Doctor Elaha is available as a witness and is available to give further testimony.

Prosecution: If the court please, I have no objection having that portion of the answer stricken out.

President: Sustained.

Q Please don't refer to testimony by any other witness here and in particular please omit reference to Doctor Elaha and what he told you. Let us know, though, what the common knowledge was with reference to these people.

A It was common knowledge that these Jewish inmates did not work in the crematory longer than about two month, after which period another group of four Jewish inmates were choosen for the same type of work.

Q And what happened to these four Jews at the end of the two month period?

A These Jewish inmates were excused in some way, and I personally missed a chance to prove this fact. This was when I worked in the Labor Office of the Dachau Concentration Camp where I was able to check in the card index record and found two cards of two Jewish inmates I knew by name and who worked in the crematory. I found their cards with the cross, with the red cross on it which meant that they died in the concentration camp.

Q During the time you worked in the Labor Office, did you have any occasion to know a man by the name of Welter?

A Yes, sir, I did.

Q And was this Welter the same man you referred to by the name (Breiding - Direct)

of Welter that had selected you in February 1942 for the
crematory detail?

A Yes, sir.

Q Do you know whether that man Welter is in court today?

A Yes, sir.

Q Will you kindly pick him out, what is his number, Mr. Breiding?

A 23.

Prosecution: Let the record show the man identified as Welter, a
Labor Office defendant bearing the number 23.

Q During the time you were in the Labor Office, Mr. Breiding, what
were Welter's duties?

A Welter selected inmates for work details and he also selected
people for transports.

Q Mr. Breiding, during the time you were in Dachau, did you have
occasion to witness any so called slave-markets?

A Yes, sir.

Q How often did you see these slave-markets?

A Several times.

Q Will you describe to the court just what the slave-market was?

A The clerks of the individual blocks received orders from the
Arbeitsinsatz to assemble all their inmates of their barracks
where there were blocks of who were unemployed. All these inmates
were brought up to the formation place and were then chosen by
Welter or whoever the Arbeitsinsatz at some later date was.

Q How were they dressed during this interview?

A They mostly were wearing their striped uniform.

Q And during this formation, were they compelled to undress?

Defense: Object to counsel leading the witness.

President: Objection is not sustained.

A Yes, sir.

(Breiding - Direct)

- Q Will you describe the procedure insofar as selection was concerned?
- A The inmates stood in some sort of a formation about ten men in a row, and were then asked by the Arbeitsdienstfuhrer for their profession. They were also asked about their state of health, and I witnessed myself various cases that people who were already, besides did not appear as should be considered as common health, had to stand all sorts of insults by Welter. Welter or the Arbeitsdienstfuhrer had chosen a sufficient number which was required. They were, the second time presented to the camp's physician. That is where all inmates had to get undressed. If a great number of inmates were chosen for great transport, this procedure took place on the formation place because there was not enough space in the hospital to get all the inmates in for the physician's examination. That is where I mean to say that the inmates had to undress themselves in the open air.
- Q Mr. Breiding, do you know a man by the name of Kiern during the time you were in Dachau Concentration Camp?
- A Yes, sir, I did.
- Q Did you have occasion to see this man Kiern during November 1942?
- A Yes, sir.
- Q During that time did you have occasion to see him at the roll call place?
- A Yes, sir.
- Q Will you tell the court the circumstances of the incident at which you saw him?
- A This was shortly after my appointment at the Arbeitseinsatz. A transport arrived at Dachau Concentration Camp coming from :
(Breiding - Direct)

Stutthof Concentration Camp near Dansig. I know that this transport came from Stutthof because we had to type out cards for the card record on which we had to mark their date of arrival and place or the camp where they came from. In the office I learned that this transport was in a very poor condition, and I went over to the bath, to the prisoners' shower bath to convince myself that this was true. There was a number of inmates in front of the prisoners shower bath all waiting to be called in and be attended to. Those who last were attended to had to wait several hours. Amongst the inmates who, as I already mentioned before, were in a very poor condition, one was lying on the ground right in front of the bath who I thought was dead already, but he eventually lifted his head and gave some sort of a noise which I couldn't understand because it was either Polish or Russian. Kiern was close to this inmate and when he saw that this inmate was still alive, he went to him and kicked him with his heel right into his neck after which this man was dead.

Q What happened to this man after this incident?

A A short while afterwards, he was transferred to a pile of inmates who were all dead.

Q Mr. Breiding, was this done during the daytime?

A Yes, sir, about sometime before noon.

Q Do you see Kiern in this courtroom?

A Yes, sir.

Q Will you step up and identify him, please?

A Yes, sir.

Q What is his number, Mr. Breiding?

A 21.

Prosecution Let the record show that the witness, Mr. Breiding, identified prisoner number 21 as the man Kiern.

(Breiding - Direct)

Q Mr. Breiding, I show you a paper marked Prosecution's Exhibit 47 for identification and ask you whether you have ever seen that before?

A This is a list of --

Q Have you ever seen that before?

A Yes, sir.

Q I show you this paper marked Prosecution's Exhibit 48 for identification and ask you if you know what that is?

A This is another list.

Q Mr. Breiding, will you tell the court what Prosecution's Exhibit number 47 for identification is?

A This is a list which has been typed out in the office of the Arbeitseinsatz, preparing names which have been read by the Arbeitseinsatzfuhrer to be hired to the malaria experimenting station for experiment.

Q And, Mr. Breiding, what is Prosecution's Exhibit number 48 for identification?

A This is a list which is addressed to the leader of the Arbeitseinsatz of Dachau Concentration Camp, giving names of inmates who have been chosen for malaria experiments by the physician.

Q Can you tell us who typed Prosecution's Exhibit number 47 for identification?

A This list has been typed by myself.

Q Do you recall during the time you worked in the Labor Office seeing any other such lists?

A Yes, sir.

Q How often did such lists come into your office?

A Approximately once a month.

Q Was Prosecution's Exhibit number 48 for identification typed (Breiding - Direct)

in your office?

A No, sir.

Q Do you know how this came to your office?

A This list was typed out in the office of the prisoners' hospital.

Q And what was the procedure in your office when such a list was received from the office of the camp physician?

A Whenever a list came from the camp physician to our office, we made a copy of the same list, which, to the camp physician, was a confirmation by the Schutzhaftlagerfuhrer that he agreed to the malaria experimenting station receiving these prisoners for their experiments.

Q And were any changes ever made in the office of the Arbeitsdienstfuhrer?

A Sometimes, yes.

Q Over what period of time did these lists come into your office?

A These lists, if I am not mistaken, appeared approximately once a month ever since 1943.

Q Can you state approximately what month they began?

A I don't think I could.

Q You mentioned that the list typed in the office of the Arbeitseinsatz indicated that the Arbeitseinsatz agreed to the hiring of the prisoners named.

A Yes, sir.

Q What do you mean by hiring?

A This means that the Arbeitseinsatzfuhrer had no objections to have these inmates being out of work for or in order to have these experiments going on with them.

Q Can you tell who the camp physician was at the time Prosecution's Exhibit number 48 came into your office?

A Doctor Witteler.

(Breiding - Direct)

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Q Do you know whether this exhibit, Prosecution's Exhibit number 48 for identification came to you through the camp commander's office?

A No, it did not.

Prosecution: The prosecution offers in evidence, Prosecution's Exhibit number 47 for identification.

Defense: No objection by the defense.

President: Received in evidence.

Prosecution: Prosecution offers in evidence, Prosecution's Exhibit number 48 for identification.

Defense: No objection by the defense.

President: Received in evidence.

Q With reference to the man whom you saw defendant Kiern kick in 1942, can you tell what the nationality of that man was?

A He either was Russian or Polish.

Q Can you tell the court how you know that?

A Because he had his hair cut in a way how Germans did not have it.

Q Did you have occasion to type the cards on that group of prisoners?

A Yes, sir.

Q And what was the nationality of the prisoners of this same group whose cards you typed?

A Majority of them or nearly all of them were Polish or Russians.

Q What was the nationality of the Jews selected for the crematory detail?

A Either one, Czech, Austrian, these are the two I remember clearly.

Q What was the nationality of the prisoners you saw lined up on the slave-market?

(Breiding - Direct)

A They are all nationalities.

Q When you say all nationalities, will you enumerate a few?

A Russians, Poles, French, Belgians and Italians.

Q During the time you were at Dachau, did you have the occasion to know a man by the name of Wagner?

A Yes, sir.

Q If you see this man Wagner in court, will you point him out, please?

A Number 8.

Prosecution: Let the record show that the defendant bearing the number 8 was identified by Mr. Breiding as one Wagner.

Q Do you know what Wagner's duties in Dachau were?

A Yes, sir.

Q First tell us was he a member of any organization in Dachau?

A I don't quite get what you mean.

Q Was he a prisoner?

A No, sir.

Q What was his capacity here?

A He was SS Hauptscharfuhrer.

Q What were his duties?

A He was, for some period, chief of the prisoners' laundry.

Q Did you ever see Wagner mistreat any prisoners?

A Yes, sir.

Q Can you tell us about what time that was?

A This was when he came back from an outside work detail for which he was appointed, I think in 1943. I saw him in front of the kitchen in camp where a pile of potatoes were lying, and two or three rather young Russian inmates went to that pile and took some potatoes away. I could see they were Russians because they passed me in a very close distance and I could see them wear the "R" on their trousers.

(Breiding - Direct)

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Q Continue Mr. Breiding.

A When these Russians took the potatoes, they didn't see Wagner coming, and Wagner just came close to them and kicked two of them, I think it were two, in the posterior.

Q Was that the only occasion of mistreatment you had seen?

A No, I saw a few other times when he kicked or slapped inmates into their faces.

Q Tell us, Mr. Breiding, about how often did you see beatings at Camp Dachau?

A Many times.

Q You worked in an office most of the time, did you not?

A That is right.

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

A Yes, sir.

Q Did you know this man Kick at Dachau?

A Yes, sir.

Q Do you see this man Kick in court today?

A Yes, sir.

Q Will you point him out, please?

A Number 9.

Prosecution: Let the record show that the witness has identified defendant wearing number 9 as Kick.

Q Did you have occasion to see defendant Kick in January or February of 1942?

A Yes, sir.

Q Where were you at that time?

A I was still in the prisoners' hospital.

Q I believe you stated before, you were suffering from tuberculosis.

A Yes, sir.

Q Will you tell the court the circumstances under which you saw
(Breiding - Direct)

Kick at that time?

A This was very shortly before I was sent from the hospital to block 15, end of January. There was a commission in Dachau Concentration Camp which also visited the prisoners' hospital in order to select people for the famous invalid transport. Whether Kick was a member of this commission or not, I couldn't say for sure, but I saw him with them.

Q Did you appear before this commission?

A Yes, sir.

Q Do you know how many men appeared before this commission on that day?

A Well, I guess more than a hundred.

Q What nationalities were these men that appeared before the commission?

A Yes, sir.

Q What nationality were they?

A They were mostly Poles, and also other nations.

Q And Germans too?

A And Germans too.

Q How many of these prisoners that appeared before the commission on that day were selected for the invalid transport?

A All of them, I think, except myself. As a matter of fact, I was selected for it too.

Q Did you go out on the transport?

A No, I did not.

Q Was this commission seated at the time you appeared before them?

A Yes, sir.

Q And was Kick sitting amongst them?

A Yes, sir.

Q During your stay as a prisoner at the Dachau Concentration Camp,
(Breiding - Direct)

did you have an occasion to know a man by the name of Peter Betz?

A Yes, sir.

Q What were his duties?

A I first saw him to work during the first quarantine we had in concentration camp, this was from January 1943 to March 1943. During this time, he held the position as a Rapportfuhrer,

Q Was he an SS man?

A Yes, sir.

Q Do you recall his rank?

A Yes, sir.

Q What was his rank?

A He was Hauptscharfuhrer.

Q Do you see Peter Betz in court today?

A Yes, sir.

Q Will you point him out please?

A Number 19.

Q Mr. Breiding, will you step up closer and put your hand on him please?

Prosecution: Let the record show that prisoner number 19 was identified by witness Mr. Breiding as being the man Peter Betz.

Q By the way, Mr. Breiding, we spoke about a man named Kiern, do you know what his rank was?

A Yes, sir.

Q What was his rank?

A He was Hauptscharfuhrer.

Q What were his duties in Dachau?

A He was, for sometime, he was in the Post Censor Department and later on, I think he was a Blockfuhrer.

President: Who was this man Captain?

(Breiding - Direct)

Prosecution: Kiern, sir.

Q During your stay at Dachau, did you know a man by the name of Filleboeck?

A Yes, sir.

Q What was his position in Dachau?

A He was the Food Supply Officer.

Q Was he a member of the SS?

A Yes, sir.

Q On the camp staff?

A That is right.

Q Do you see him in court today?

A Yes, sir.

Q Will you point him out please?

Prosecution: Will the witness who was touched stand up please?

Prosecution: Let the record show that the witness bearing the number 29 was identified by the witness Mr. Breiding as the man Sylvester Filleboeck.

Q During your stay in Dachau, Mr. Breiding, did you have occasion to know a man by the name of Langleist?

A Yes, sir.

Q What was his position while you knew him?

A He was a Hauptsturmfuhrer, and he was in charge of the guard battalion.

Q Do you see him in court today?

A Yes, sir.

Q Will you point him out please?

Prosecution: Will the man who was touched stand up please?

Prosecution: Let the record show that the defendant wearing the number 34 was identified by the witness Mr. Breiding as Langleist.

(Breiding - Direct)

Q During the time you were at Dachau, Mr. Breiding, did you know a man by the name of Wetzsel?

A Yes, sir.

Q What was his position?

A He was the, well he was a Hauptsturmführer or Obersturmführer, I am not quite sure, he was the Verwaltungsführer

Prosecution: For record, he was the Administration Chief.

Q When you say Administration Chief, can you tell us what the duties of that position were?

A The Verwaltungsführer was responsible for the food, clothing and lodging of the prisoners.

Q Did you see this man Wetzsel in court today?

A Yes, sir.

Q Will you point him out please?

Prosecution: Let the record show that the defendant bearing the number 40 was identified by the witness Mr. Breiding as the man Wetzsel.

Q During your stay at Dachau, did you have occasion to know a man by the name of Redwitz?

A Yes, sir.

Q What was his position in camp?

A He was Hauptsturmführer and Schutzhaftlagerführer.

Q Do you see him in court today?

A Yes, sir.

Q Will you point him out please?

Prosecution: Let the record show that the defendant bearing number 22 was identified by the witness Mr. Breiding as Michael Redwitz.

Q Did you have occasion to listen to any speeches made by defendant Redwitz?

(Breiding - Direct)

A Yes, sir.

Q Will you tell the court the nature of the speeches and the place where they were made?

A This was after the roll call in the morning when all inmates had assembled on the information box. Redwitz started a speech in a very bad way, insulted the priests we had in camp.

Prosecution: Prosecution has no further questions.

CROSS EXAMINATION

Questions by defense:

Q Mr. Breiding, where were you born?

A In Gurtenheim, Germany.

Q That is in Germany?

A That is right.

Q I believe you stated that you were arrested for illegal entry into Germany in 1939.

A Yes, sir.

Q I assume from that you were out of Germany and come back, is that correct?

A Yes, sir.

Q Mr. Breiding, what was the date when you joined the Arbeitseinsatz Office, is that the term for it?

A That is right. I couldn't say the exact date, it was in the very beginning of November.

Q In what year?

A 1942.

Q Now you explained for us on direct examination the distinction between the Arbeitsdienst office and the Arbeitseinsatz office, I didn't quite get the relation between the two. Will you explain it again please?

A The Arbeitseinsatzfuhrer made or was responsible for all statistics
(Breiding - Cross)

which were from period to period sent into Berlin or rather Roundyoungberg Headquarters. He also received orders to appoint work details for various firms in Dachau or some distance of Dachau.

Q That is the Arbeitseinsatzfuhrer Office, now what was the Arbeitsdienst Office?

A The Arbeitsdienstfuhrer had to carry out the orders which he received from the Arbeitseinsatzfuhrer, such as selecting inmates for certain work details.

Q Do I gather from that the Arbeitseinsatz was more or less the office that did the paper work and so forth and the Arbeitsdienst was the office that actually carried it out physically?

A It is quite correct.

Q And in which office were the records kept?

A The Arbeitsdienstfuhrer had no separate office so the records were kept in the Arbeitseinsatz Office.

Q And that was inside the prison compound?

A Quite so, sir.

Q Who was the Arbeitseinsatzfuhrer when you came into the office?

A This was Unterscharfuhrer Flamm.

Q And how long did he remain leader of that office?

A Flamm left Dachau, I think, in July 1944.

Q And he was the leader of the Arbeitseinsatzfuhrer Office until that time?

A With a short interruption, yes.

Q And what was the interruption?

A He was sometime away in 1943 for some sort of a special training.

Q Can you give us the time and length of that interruption?

(Breiding - Cross)

- A I wouldn't like to bind on myself to a certain date, but I think he came back the end of the year 1943.
- Q And can you give us just some idea of his duration of stay from Dachau, was it a month, two months, three months, a year or what?
- A Approximately three months.
- Q Now, you have identified the defendant Welter, in which office was he?
- A Welter was the Arbeitsdienstfuhrer.
- Q And that office was under the Arbeitseinsatz Office?
- A Quite so.
- Q Were you in court on Saturday, Mr. Breiding?
- A No, sir, I was not.
- Q You didn't hear Doctor Blaha testify?
- A No, sir.
- Q My recollection is that Doctor Blaha testified that these slave-market operations that you have testified to started about the end of the year 1943, is that your opinion also?
- A No, sir.
- Q You state that Doctor Blaha was mistaken about that?
- A I think they started earlier.
- Q What is your estimate?
- A I think they started in May 1943.
- Q Do you know, Mr. Breiding, when the defendant Welter left the Labor Office?
- A As far as I can recall, I believe that Welter left Dachau Concentration Camp sometime in summer 1943.
- Q So that, therefore, it would have been impossible for Welter to have been present at any of these slave-market formations during the freezing winter weather, is that true?
- A Yes.
- (Breiding - Cross)

Defense: If the court please, may I look at the Exhibits 47 and 48?

President: Yes.

Q Now, regarding these malaria experiments and the connection of the labor office with them, I call your attention to the two exhibits, 47 and 48 that you have identified. Do you recall the dates on those two exhibits?

A I think I do.

Q You may look at them to refresh your recollections if you care to. Will you state for us what the two dates on those exhibits are?

A Number 47 is the 15th of June and number 48 is June 3.

Q And will you give us the year?

A Both in 1943.

Q You better check again.

A Both in 1944, I'm sorry.

Q And Welter left Dachau in the summer of 1943?

A That is right.

Q Now, you also testified to your being picked by the defendant Welter for this detail at the crematorium, I believe in February of 1942?

A Yes, sir.

Q And at that time Welter, as a representative of the Arbeitsdienst Office, upon orders came over to pick those inmates, ^{is} that correct?

A That is correct, providing that this setup was already made by this time.

Q By this setup you mean the two labor offices you have testified to?

A Yes.

Q And I believe you also testified, Mr. Breiding, at that time it (Breiding - Cross)

was not common knowledge among the prisoners that these Jewish inmates were later put to death, is that correct?

A That is correct.

Q Now, with respect to the defendant Kiern, Mr. Breiding, you state that you saw him personally in November of 1942 at the roll call place or in front of the shower room kick a prisoner lying on the ground.

A Yes, sir.

Q What was Kiern's job at that time?

A I don't know, sir, anyway, he was at that time in the compound. I also do not know for what purpose he came into the compound.

Q You are, however, sure that the man wearing number 21 who is now standing is the man who you saw standing in front of the shower room.

A I am definitely sure, sir.

Q Now, you said later he worked in the Post Office, is that correct?

A I don't know when he worked in the Post Censor's Department, I never saw him there, I was told that he worked there.

Q Were you told his job there?

A It was common knowledge in camp that every man who worked in the Censor Department, in the Post Censor Department, had to censor letters who were sent to us.

Q And from that common knowledge, it is your opinion that he worked as a censor in the Post Office, is that correct?

A That is correct, sir.

Q And this is the same man that subsequent to his being in the Post Office, became a block leader in Camp Dachau.

A I said that I believe that he was a block leader, I am not perfectly sure.

Q You were in camp after the time that he was in the Post Office,
(Breiding - Cross)

were you not?

A I even do not know, sir, when we was in the Post Office.

Q Well, can you tell me on what your information is based on as to his being a block leader, is that your own personal opinion, or again on this common knowledge of the camp?

A Because I saw him at the roll call several times.

Q And that was normally the functions of the block leader to be present at the roll calls?

A That is right, sir.

Q And you saw him there approximately how long after this incident that you described where he kicked the prisoner?

A I didn't see him very often afterwards.

Q Well, you did see him, you say a couple of times at roll call and that is the information upon which you base your conclusion that he was a block leader?

A Yes, but few men of the Arbeitseinsatz did not stand for the roll call and I was amongst this, that is why I say I did not see him very often.

Q Yes, I understand, Mr. Breiding, that it wasn't very often, but you stated that you saw him a couple of times. Now, will you try to recollect the length of time after the kicking incident that you have described the two occasions you have seen him in the functions of a block leader?

A I remember one case again, this was about May or June 1943 when Kiern came to our office and started shouting terribly. I don't know why, whether at this time he was stationed in a work detail outside and was just on a short stop at Dachau or whether he was still stationed at Dachau, I couldn't say.

Q You are getting away from the question, Mr. Breiding, I asked you if you will try to place the two times on which you have

(Breiding - Cross)

- testified you saw the defendant Kiern in the roll of a block leader subsequent to this date when he kicked this prisoner.
- A This was either still in November of 1942 or December, I doubt very much whether these incidents were in 1943.
- Q So that you have seen the defendant Kiern in November of 1942 when he committed the act that you described with this prisoner on the ground, you saw him twice in the roll of block leader in the latter part of 1942 and once again in the office in about May of 1943?
- A Yes, sir.
- Q Have you ever seen him on any other occasion other than those four times we have described?
- A This may be without being able to recall.
- Q But your identification of him in the court is based upon your recollection of those four times that you saw him?
- A Especially on the first incident I described to you.
- Q Now, with respect to the defendant Wagner, you described the incident where he kicked two Russians who were trying to gather some potatoes or potatoe peels, is that correct, can you tell us when that was?
- A This was also in the latter part of 1942.
- Q The note I have is that it was in 1943, I may be mistaken, it is correct that it was the latter part of 1942?
- A I think so.
- Q And at that time he was on one of the outside commandoes and he was bringing his detail back, do I understand you correctly?
- A Yes, you misunderstood me. At that time, he still was the chief of the prisoners' laundry. Wagner was transferred to an outside work detail sometime, I think, in the early part of 1943 and this incident that you described took place before he started on these outside commandoes.

(Breiding - Cross)

Q Mr. Breiding, were you in camp on the 29th of April of 1945 when the Americans took over?

A Yes, sir, I was.

Q And how long did you remain in camp after that date?

A Not very long, sir, about until the 4th of May.

Q Do you recall the circumstances under which the defendant Welter was arrested by the Americans?

A Yes, sir.

Q Will you tell us what those circumstances were?

A He was captured by the outfit of the Seventh Army CIC which was located here in Dachau.

Q And do you remember the date?

A No, sir.

Prosecution: If the court please, I fail to see just what this has to do with the case at large. Now certain events that happened after the liberation might be important, but offenses relating to the particular arrest of the defendant is far and beyond the issue of this case.

Defense: I think the circumstances surrounding the arrest and how the defendant was arrested is material to show whether he was apprehended or voluntarily surrendered and also what his status was at the date he surrendered or was arrested.

President: Objection is not sustained.

Q Do you recall, Mr. Breiding, the approximate date that Welter was arrested?

A I don't, it was later than the middle of May.

Q And from your information, I assume that you weren't present at the arrest in that he was arrested in the streets of Dachau by the American CIC, is that correct?

A That I don't know, sir.

(Breiding - Cross)

Q And then was brought to Dachau by the American CIC?

Prosecution: If the court please, may I remind the defense counsel that this being entirely new direct examination of its own witness, I believe the type of examination is improper.

President: Objection sustained.

Q Mr. Breiding, one of these exhibits I believe you typed yourself, is that correct?

A That is correct, sir.

Q And will you tell me which one it is?

A Exhibit number 47.

Q All right. Now, will you refer to 48 and tell me if they contain the same names?

A No, sir, exhibit number 48 shows five more names than exhibit 47.

Q Five more names or five different names?

A Well, the numbers on Exhibit Number 48 count from 1 to 30 while the numbers on Exhibit Number 47 count from 1 to 25.

Q List number 48 was the list received from the doctor after the doctor examined the people who are submitted to the malaria experiment, is that correct?

A That is correct.

Defense: No further questions.

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

President: The court will recess for fifteen minutes.

The court then took a recess until 3:20 o'clock, p.m., at which hour the personnel of the court, prosecution and defense, and the accused and the reporter resumed their seats.

Mr. Heinrich Stoehr, a witness for the prosecution, was sworn and testified as follows:

(Stoehr - Direct)

DIRECT EXAMINATION

Questions by prosecution:

Q Will the witness state his name?

A Heinrich Stoehr.

Q His age?

A 41 years.

Q Occupation?

A At the present time I am administrative in charge of administration of the General Hospital in Weisenberg.

Q Address?

A Weisenberg.

Q Mr. Stoehr, were you, at any time, a prisoner in Dachau Concentration Camp?

A Yes.

Q When did you first come to Dachau as a prisoner?

A In the spring of 1940.

Q And when did you leave?

A In March 1945.

Q When were you first arrested?

A In the year 1934.

Q What was the reason for your arrest?

A I worked against the Reich illegally.

Q During the years 1942 to 1945, that is beginning January 1942 until the time you left, in what part of Dachau Concentration Camp did you work?

A In the hospital.

Q What were your duties in the hospital?

A I was male nurse in the Septic Surgical Department.

Q During the time you were so employed in Dachau, did you have occasion to know one Endres?

(Stoehr - Direct)

A Yes.

Q Who was Endres?

A Endres was the SDG.

Q What does SDG stand for?

A He was the first aid man.

Q Was he a prisoner?

A No, not in the first time, not at first.

Q In 1942, what position did he hold, what was his rank?

A I can't say, I never paid much attention to those matters.

Q Well, was he a member of the SS?

A Yes.

Q Did you, on any occasion, see Endres mishandle or mistreating any prisoners?

A Yes.

Q Will you state when and where and the circumstances of such mistreatment or mishandling?

A In the hospital.

Q When?

A The entire time that Endres was active in the hospital.

Q During about what date was that?

A You are only concerned with dates beginning with January 1, 1942 until he left. Endres was always one of the most brutal men that I have known.

Q Do you see Endres in court today?

A Yes.

Q Will you point him out and put your hand on him. Will you step up and put your hand on the man whom you identified as Endres?

Prosecution: Will the man who was touched stand up?

Prosecution: Let the record show that defendant bearing the number 20 was identified by the witness Stoehr as the man Endres.

Q Will you tell the court what you saw at the hospital?

(Stoehr - Direct)

A Endress assisted the most cruel Capo of Dachau by the name of Heiden in his terrible treatment of prisoners.

Q What did that terrible treatment as you phrase it consist of?

A First of all, he used to, he was one of the worst beaters, he used to kick and beat the prisoners who reported for treatment, that was in the years during the year of 1942 during his whole activity in the hospital. Not only 1942, but before that also.

Q What else did you see him do?

A As a responsible SDG, he never stopped the Capo Heiden from carrying out his terrible operations without anesthesia, instead, he assisted him.

Q And what else did you see?

A I saw how Endres, in cooperation with the Capo Heiden, sent people in a terrible manner to their death.

Q Will you tell the court how this was accomplished?

A How the most terrible tortures was as follows: Capo Heiden ordered the prisoners onto the examination table and gave them a light dose of anesthesia. If the prisoner in the opinion of Heiden faked which could be determined from a wakening from the light anesthesia, they would hit him with wet towels. Then they bandaged the patient with heavy woolen blankets and put him three to four hours under a cold shower. The woolen blankets would get soaked and the patient would die with fever and high fever and freezing. I saw these procedures often and SDG Endres being the responsible SS man did not stop this.

Q Did you ever see him present at any of these operations as you call them?

A Yes.

Q Did he ever assist Capo Heiden in those operations?

(Stoehr - Direct)

A Endres often applied anesthesia.

Q Among the duties of Endres in the hospital, was the use of narcotics included?

A Capo Heiden was in charge of all that.

Q Did you ever see Capo Heiden using narcotics on prisoners?

A For what purpose please?

Q For any purpose.

A Yes, naturally.

Q Was Endres there at the time?

A Endres watched everything that went on in the hospital at that time.

Q Did you ever see Capo Heiden kill any prisoner?

A Very often.

Q Will you describe how this was brought about?

A Capo Heiden under the pretense of anesthesia often sent people into the hereafter.

Q How was this accomplished?

A He gave them injections.

Q Was Endres present at such times?

A Frequently.

Q And what did Endres do at these times?

A Often Endres didn't actually take part, but looked on but occasionally Endres would bandage while Heiden would give the injections.

Q When you say bandage, what do you mean?

A Bandage in order to give the injections.

Q During the time that you were at Dachau Concentration Camp, did you know a man by the name of Knoll?

A Yes.

Q Is he here in court today?

(Stoehr - Direct)

A Yes.

Q Will you identify him please, step up to him and put your hand on his shoulder?

Prosecution: Let the record show that the defendant bearing the number 16 was identified by the witness Stoehr as the man Knoll.

Q What was Knoll's position in the camp, if you know?

A I'm not exactly informed because I didn't pay any attention to matters that occurred outside the hospital.

Q Did you ever see Knoll mistreating any prisoner?

A Yes.

Q Will you tell the court what you saw?

A I often saw Knoll beating prisoners he was leading into the hospital. He did that in front of the hospital.

Q How often did you see him mistreat prisoners?

A I can't say.

Q Would you say it was more than once?

A Yes.

Q Did you ever have an occasion to treat any persons that had been beaten by Knoll?

A All the victims of these beaters I had to treat for years.

Q Do you recall any prisoners that were beaten by Knoll that were patients in your hospital?

A I don't remember the names today, but there were many patients who repeatedly mentioned the names of the ones that beat them and Knoll was one of them.

Q Did any of these patients who told you that they had been beaten by Knoll die?

A I couldn't say any more today.

Q What was the nationality of these patients who had been beaten by Knoll?

(Stoehr - Direct)

- A They were the inhabitants of the camp and they were put together from all countries of Europe. Among others and mainly Poles and Russians.
- Q What were the nationalities of the persons that you saw mishandled by Endres?
- A In the main, they were Polish priests upon which Heiden and Endres were very sharp and there were also Jews.
- Q Do you recall during the time you worked in the hospital any so called flegmon experiments?
- A Yes.
- Q Will you tell the court what you know about the flegmon experiments?
- A These experiments took place in my station. I don't think that the expression flegmon experiment could be applied correctly, these experiments were concerned with something entirely different. It was supposed to be proven that the worst diseases could be treated with biochemical methods. Thereupon, it was the task of Doctor Schulz, the chief doctor of the SS hospital, to produce the worst of all diseases, that was the main task not to produce legmon, but the sepsis, for this purpose pus was injected not only into the muscles, but also into the veins. The first experiments of this type were carried out in a very diligent manner. The first experiment with the pus was carried out without any control of a doctor, only on Schulz a period from time to time to look at the patients. To infect the people with puss was the task of the then Doctor Roumsour.
- Q When you say, Mr. Stoehr, that people were infected with pus, do you mean persons otherwise healthy were infected with pus?
- A They were entirely healthy people.
- Q And in addition to puss infections, what other diseases were these healthy persons injected or inoculated with?
- (Stoehr - Direct)

A The sepsis was supposed to be produced by the puss, and then it was tried to fight this disease with biochemical and also with aopathic means. Half of the patients were treated biochemically, the other half with the others, that is, aopathic means.

Q What nationalities were involved as far as the prisoners that were used for these experiments?

A They were prisoners from all nations of Europe.

Q Do you know whether any of these prisoners volunteered for any of these experiments?

A No.

Q How long did these experiments go on?

A From the summer of 1943 until spring 1944.

Q In spring of 1944, who was the chief doctor of the hospital?

A At the beginning of the experiments, Doctor Walter was chief physician.

Q And after Walter?

A Doctor Witteler.

Q And when was Doctor Witteler chief doctor of the hospital?

A I believe from January 1944 or December 1943.

Q Until when?

A Until the summer of 1944, the experiment in the biochemical station had been finished when Doctor Witteler became physician still some patients there who had not, were not cured yet.

Q In your station, were any experiments conducted as to surgical methods of treating these diseases?

A Yes.

Q Were these surgical experiments carried on in flegmon cases?

A No, it was necessary to treat the disease which was produced by surgical methods, the secondary appearance of these diseases was flegmon and it could only be treated by surgical

(Stoehr - Direct)

methods.

Q And you had nothing to do with the flegmon experiments as a class?

A Yes, we treated all of them.

Q And in the course of your treatment, did you make any examination of these patients?

A The patients were nursed daily.

Q And from these examinations that you know, many of these patients were healthy when they came to this hospital?

A They were entirely healthy, the last series consisted of 40 Polish and Csech priests.

Q And when did they come to the hospital?

A It must have been in the early spring of 1943.

Q Can you tell us whether any of these patients died?

A Yes.

President: Ask him to retranslate the answer as to when the last series came to the hospital.

Q When did this last group of Polish priests go to the hospital for these experiments?

A It was in the early spring of 1943 -- in the early fall of 1943.

Q About what month was that?

A I can't say for sure, there are members of the clergy here who noted it down.

Q Were there any other groups of healthy prisoners sent into the hospital for these experiments during 1943?

A Before this group there were other groups, infected and treated, this was the last large group.

Q And at that time, who was camp commander at Dachau Concentration Camp?

A I can't tell you that for sure because I never paid any attention to these matters.

Q But you are sure that groups of healthy prisoners went to the
(Stoehr - Direct)

hospital to be infected by these diseases during 1943?

A All of that happened in front of my own eyes.

Q Were any sent in the spring of 1943?

A Not into my station, I believe it only started in the summer of 1943.

Q Do you mean that it only started in your station in the summer of 1943?

A Yes, the biochemical experimental station went from summer 1943. The experiments were finished in the fall of 1943 but the patients remained there because they had to be cured.

Q Do you know anything of the treatment of tubercular prisoners in the hospital?

A Yes.

Q Can you tell the court what was done to these tubercular prisoners?

A In the winter of 1943 we had a large number of tubercular patients in the camp of Dachau. The hospital was not large enough to take care of all these tubercular patients. Several hundred of these patients were put into block 29 under instructions of Doctor Walter. At that time, the order was issued, I don't know who issued this order, that these people had to be killed, and they actually started with the killing of these people. I myself was given the task to lead it or to take the prisoners out of the bunker into the crematory in the evening together with the comrade.

Q When you say you were given the order to take the prisoners out of the bunker, who were those prisoners you took out of the bunker?

A That was a male nurse, Rudy, I don't know his last name.

Q I am referring to the bodies he removed from the bunker, what bodies were those?

(Stoehr - Direct)

A Those were people killed by injections.

Prosecution to Interpreter: Will you ask the witness to repeat his answer again?

A These people were killed by injections of phenol into the heart.

Q And were these tubercular patients?

A Yes.

Q What were the nationalities of these patients?

A They were people of all nations that were in the camp.

Q And when did this take place?

A That took place in the winter of 1943, I can't tell you the month.

Q Was there a psychopathic ward at the hospital?

A Yes.

Q What did that psychopathic or nervous ward consist of?

A That was a small room and differed from the others only in the matter that it was locked and that there were bars in front of the windows.

Q Can you tell us what was done with these psychopathic cases?

A I was not active in that station, but I often had the job to take people who were dangerous over there in order to put them into security.

Q Do you know what ultimately happened with these prisoners?

A This room after it was overcrowded was often emptied, the patients were either sent out on a transport or were liquidated within the hospital.

Q What were the nationalities of the psychopathic cases?

A As usual, people of all nations of Europe who were in the camp.

Q And over what period of time was this clearing out or liquidating of the psychopathic cases taken place?

A I can't tell you the time because this liquidation took place often.

Q Did it take place at the time you first came to the hospital?

(Stoehr - Direct)

A No, in the later years 1943 and 1944. I saw with my own eyes when the patients were sent into the cold shower room. There they were injected by the Capo's spies in the presence of a doctor and after a few minutes the dead people started coming out.

Q Mr. Stoehr, do you know a man by the name of Welter?

A Yes.

Q Did you know him at Dachau?

A Yes.

Q What was his position at Dachau?

A I can't tell you that because I paid no attention to matters that happened outside the camp.

Q Would you recognize him if you saw him again?

A Yes.

Q Is he present in the court today?

A Yes.

Q Will you step up and put your hand on his shoulder?

Prosecution: Let the record show that defendant bearing the number 23 was identified by the witness Stoehr as the man Welter.

Q Did you have occasion to see this man Welter outside the hospital?

A I saw him occasionally when he selected manpower. When this manpower was selected, there was also a man present from the so called Arbeitseinsatz or something like that and also a physician.

Q During the course of this selection, were the prisoners compelled to undress?

A Yes.

Q And did this occur in winter?

A At any time of the year.

Q How long did they have to stand without clothes?

(Stoehr - Direct)

A That differed a great deal.

Q Well, can you give us any span of hours during which they might have stood at different times?

A It is hard to say.

Q What were the normal winter clothes of these prisoners?

A Part of the prisoners were very scarcely dressed with these linen suits that was issued in the camp and others were wearing worn out civilian clothing.

Q What were the nationalities of these prisoners?

A People of all nations that were represented in the camp.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q Mr. Stoehr, you said that you were in the hospital from January 1942 until 1945 as a male nurse, is that correct?

A I was male nurse beginning the year 1940.

Q Yes, but you have only testified to activities from January 1942 because that is all we are interested in, isn't that so?

A Yes.

Q During the time that you were at the hospital, how many buildings did that hospital occupy?

A The hospital with the time kept growing and it became larger with the number of the patients.

Q Well, let's take generally for the year 1942, how many buildings would you say it occupied at that time?

A In the year 1942 we must have had at our disposal up to block 9.

Q Do I understand from that it was one through 9 or approximately nine blocks?

A No, you have to jump numbers, it was block A and B, 1, 3, 5, 7 — seven blocks. We might have had block 11 also, that is beyond my

(Stoehr - Cross)

- knowledge today.
- Q But your best recollection is seven or eight blocks comprising the hospital, is that correct?
- A Yes.
- Q And in which department did you work?
- A I worked in several departments at last, or during the last time block 1.
- Q Well, will you tell me by the names of the departments naming the numbers of the block which departments you worked in during the year 1942?
- A In the year 1942 I was already in block 1, responsible for block 1.
- Q And what was block 1?
- A That was the surgical department of septic diseases.
- Q And where was the reception block or the block where the prisoners were brought in when they came on sick call?
- A That was between A and B.
- Q It was not in the same block where you worked?
- A No, the reception took place in the infirmary in block A.
- Q And that was where Endres and Heiden conducted these examinations that you testified, is that correct?
- A Yes.
- Q What were you doing in that block at that time?
- A I had to take my patients daily to be operated on. I had to call for the patients there that were destined for my department, my station.
- Q So that the only information that you have is just what you gathered from going into the block where these acts were committed by Heiden and Endres, getting a patient and going back to the surgical ward?

(Stoehr - Cross)

A Yes, we were present during the operations.

Q Were you with the Capo?

A No.

Q Just how was a Capo designated at the hospital, by that I mean who would designate Heiden at the hospital, what were his duties that were different from yours?

A He was responsible for the entire hospital as a prisoner.

Q That is the Capo Heiden?

A Yes.

Q And you merely worked in one ward of the hospital, is that correct?

A Yes.

Q And if I recall correctly when I state that you testified that Heiden was the one who had charge of the narcotics in the hospital, am I correct?

A Yes, Heiden was in charge of the poison cabinet.

Q Did he keep those in a locked cabinet?

A I might say that he was in charge of only part of the poison. Whatever he needed he used to get from the pharmacy and Heiden had the key.

Q Heiden had the key to the pharmacy?

A Yes, also to the pharmacy. I can testify to that too.

Q And that was where the poison was obtained?

A Yes.

Q Do you know from your own knowledge, Mr. Stoehr, what relationship Heiden had with the authorities in the camp?

A No.

Q Do you know of your own knowledge whether he was under the orders of Endres?

A Well the SS was superior to the prisoner.

Q That is the only reason that you say Endres was over Heiden, is (Stoehr - Cross)

that correct?

A Yes.

Q You don't know do you whether Heiden was receiving his orders directly from anyone else outside the hospital?

A No, I don't know, but I am convinced that Heiden would commit murder on his own initiative. He was not ashamed to commit an open murder.

Q By that you mean that you believe that Heiden on his own initiative would, that is, did he go into the cabinet, take some narcotics and inject the people with narcotics, is that correct?

A Yes.

Q Was there a doctor in charge of the hospital during this period?

A Naturally, I am convinced that the physician knew about the carryings on of Heiden and his buddies.

Q Well, then when you testified, if my memory is correct, that Endres was in charge of the hospital, you mean that he was the aid man for the hospital but there was a doctor or doctors in charge, is that correct?

Prosecution: If the court please, there has been no testimony that Endres was in charge of the hospital and if I may refer, any reference should be given as the witness had testified.

Defense: If my memory is in error, I am willing to let the witness state what he has testified.

Q Will you state, Mr. Stoehr, what your testimony was with respect to Endres' position in the hospital?

A I mentioned Endres as SDG, first aid man and as an SS man, was partly responsible for what went on in the hospital.

Q But there were doctors who were in charge of the hospital who were actually the ones who were responsible for that

(Stoehr - Cross)

- A Yes, but in my opinion, it was the duty of Endres to at least report the actions of Heiden to the physician.
- Q Of course, you don't know whether Endres reported that, do you, Mr. Stoehr?
- A I don't know.
- Q When did Endres leave the hospital up here, do you know?
- A I can't tell you the month, it was during the year of 1942, I believe it was in 1942.
- Q Towards the end or would you say fall, winter, spring or summer of 1942, do you have any recollections of that?
- A I believe it was in the spring.
- Q Spring of 1942?
- A I can't say with any certainty, I only know that there was a big goings on about Endres and scandle about Endres and I know that he had wanted to turn some of the prisoners of the hospital over to Doctor Rasher, upon which he was supposed to have been removed from the hospital.
- Q And your best recollection as to the date would be spring of 1942, is that correct?
- A Yes, I believe it was 1942.
- Q So that actually these acts that were done as you testified to by Endres took place approximately in 3 or 4 months during the early part of 1942.
- A That is up to the time he left, the acts of his date before 1942, date back before 1942.
- Q Yes, but you have only testified from January 1, 1942 on, is that correct?
- A Only about 1942.
- Q So, therefore, anything that you said about Endres must have taken place within those first months of 1942?
- (Stoehr - Cross)

A Yes.

Q Who was the doctor in charge of the hospital during the first part of 1942?

A I believe it was already Doctor Walter.

Q Do you know a Doctor Woody?

A Yes, that was a predecessor of Doctor Walter, came after Mutig.

Q It could have been Doctor Mutig as far as your recollection is concerned that was head of the post during the period 1942 that Endres was in the hospital?

A Yes, possibly.

Q You never saw Endres give any of these injections?

A I only saw him assist.

Q Never saw him hold the needle?

A No.

Q Now, you testified that the defendant Walter had come in and picked out certain men for work details, is that correct?

A These selections occurred constantly.

Q What you are testifying to now are these so called slave-market operations, is that right?

A Yes, that was generally called slave-market.

Q Now, were you in court Saturday, were you in court today?

A Yes.

Q If my memory serves me correctly, Doctor Blaha testified that these operations began at the end of 1943, and Mr. Breiding testified that they began, he thought, in May 1943.

A I never paid any attention to these matters, I had much harder things to do than to worry about these things.

Q I understand that, but you have testified that they happened. We have two dates, I'd like to see which one of the two that

(Stoehr - Cross)

you agree with.

A This slave-market was carried on constantly under Welter that might have been in 1942.

Q So you don't agree either with Doctor Elaha or Mr. Breiding on the date, is that correct?

A I don't remember when Welter was in charge of this task, I saw him often when he participated in the selection of these people.

Q Then you don't want to state the time you saw them?

A I can't say for sure when it was.

Q And you can't for sure say that Mr. Breiding was wrong when he stated that these formations started approximately in May 1943, can you?

A No.

Q So that you don't know for sure whether Welter was ever present at any of these formations that took place in the winter time, is that correct?

A I couldn't say that today.

Q Mr. Stoehr, on these flegmon experiments, they were all conducted by Doctor Walter and Doctor Brochtol, weren't they?

No.

Q Who else did them?

A The camp physician, in reality, had nothing to do with this matter.

Q The camp physician had nothing to do with them?

A The experiments were carried on as far as I am informed on orders of Himmler by Obersturmfuhrer Schulz who was physician in the SS hospital. Doctor Keiselwetter, Lauwer, I can't say for sure, they only took place during the time when Doctor Walter was chief physician was responsible for the entire hospital.

Q They were never conducted while Doctor Witteler was here, were they?

A No.

(Stoehr - Cross)

Q Now, with reference to these tuberculosis patients, when you said several hundred of them were put in block 29 and undressed under the direction of Doctor Walter, they were to be exterminated, is that correct?

A Yes.

Q And Doctor Witteler hadn't arrived here in the camp yet, had he?

A No.

Defense: That is all.

REDIRECT EXAMINATION

Questions by prosecution:

Q Mr. Stoehr, regardless of dates, are you positive that you saw Welter conduct these so called slave-markets?

A Yes.

Q And that is the man that you identified as Welter?

A Yes.

Q Regardless of dates, you are positive that these experiments were conducted in the hospital at Dachau, is that correct?

A Yes.

Q Regardless of dates, are you certain you saw Endres assisting Heiden in the injections and killing of prisoners?

A Yes.

Q Are you positive that all these occurrences took place sometime between the years 1942 and 1945?

A Yes.

Prosecution: No further questions.

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

Eugene Seybold, a witness for the prosecution was sworn and testified as follows:

(Stoehr - Redirect)
(Seybold - Direct)

DIRECT EXAMINATION

Questions by prosecution:

Q Will you state your name please?

A Eugene Seybold.

Q And how do you spell your last name?

A S-E-Y-B-O-L-D.

Q And where is your home, Mr. Seybold?

A Goettinger, near Starnberg.

Q How old are you?

A 41 years.

Q And what is your civilian occupation?

A Tailor.

Q Now, Mr. Seybold, were you an inmate in the Dachau Concentration Camp?

A Yes.

Q When did you arrive at Dachau?

A In April 1942.

Q And when did you leave the Dachau Concentration Camp?

A This year.

Q Approximately what date, if you remember?

A The 28th of April.

Q Had the Americans yet liberated Dachau when you left?

A No.

Q Why did you leave Dachau when you did?

A I had to drive an SS message vehicle.

Q And where did you drive that vehicle?

A I drove it up to Munich.

Q Did you take anything along with you in that vehicle on that occasion?

A Yes.

Q What did you have with you?

(Seybold - Direct)

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A I had baggage of the SS Signal Corps.

Q Will you state whether or not you had any civilian clothes with you on that occasion?

A Yes.

Q Who were they for?

A For SS officers.

Q Do you know whether or not they were for SS officers who had been here at Dachau?

A Yes.

Q Now, Mr. Seybold, you say that you arrived here at Dachau in April 1942, is that correct?

A Yes.

Q Do you know a man named Wilhelm Welter?

A Yes.

Q When did you first see him after you arrived at Dachau?

A When I got into the camp as a new prisoner.

Q Did you see him the first day that you arrived?

A No, a few days later.

Q Now, on the occasion that you first saw Welter, was there anyone else along with you?

A No.

Q And you were alone?

A I was together with other prisoners.

Q About how many other prisoners?

A We were 27 men, recruits, new ones.

Q Now, what were the nationalities of those other men who were with you on that occasion?

A Poles.

Q Any other nationalities?

A And German.

Q Any other nationalities besides Poles and Germans?

(Seybold - Direct)

A I don't remember.

Q Now, on that occasion, did Welter beat any of the group that were with you?

A Yes.

Q How many of the group did he beat?

A All of them with the exception of two.

Q And what were the nationalities of the men whom he beat?..

A I only know that there was one German and the others were Poles.

Q And how did he beat them, what did he beat them with?

A With the hand.

Q And what was the physical condition of these men that were beaten by Welter?

A It was normal.

Q Would you recognize Welter if you saw him today?

A Yes.

Q Will you look over at the defendant's box and see if you see Welter in that group of defendants?

A Yes.

Q Will you go over and point out the man that you think is Wilhelm Welter?

Prosecution: Let the record show that Mr. Seybold identified the defendant wearing the number 23 as Wilhelm Welter.

Q Now, Mr. Seybold, what was your first job, your first detail that you were on after you were here at Dachau?

A The detail Liebhof.

Q And would it be accurate to state, Mr. Seybold, that that was a community gardening project?

A No.

Q Will you explain what the Liebhof project was?

A The prisoners had to pull out the ragweeds all day by kneeling down.

(Seybold - Direct)

Q And what was the Liebhof project, was it a farm, garden or what sort of place was it?

A That was a farm which was connected with the Concentration Camp of Dachau.

Q Now, what nationalities were employed on this particular project?

A All newcomers would be preferred for that, mostly Russians, Poles and Germans.

Q And for about how long did you work on that particular project?

A That was several months.

Q Now, Mr. Seybold, did you work at the crematory at Dachau?

A Yes.

Q And for about how long did you work at the crematory at Dachau?

A One one-quarter years.

Q Mr. Seybold, are you a Jew?

A No.

Q And what nationality are you?

A German.

Q Now, Mr. Seybold, you say that you worked at the crematory for about a year and a quarter, is that correct?

A Yes.

Q And that was the year and a quarter preceding the liberation of Camp Dachau by the Americans, is that correct?

A Yes.

Q Who was in charge, do you know, there at the crematory?

A In charge of the crematory was Bongarts, the deputy of the one in charge was Unterscharfuhrer Henson.

Q Now, were both Bongarts and Henson SS men?

A Yes.

Q And were there any other SS men employed there at the

(Seybold - Direct)

crematory?

A Only to guard us five prisoners.

Q And what was the job of you and the other four prisoners, do you know there?

A My work with the other three prisoners was to burn the bodies and then there was one Capo as superior.

Q And what was his name?

A Emil Mahl.

Q And was Emil Mahl there as the Capo all of the time you were at the crematory?

A Yes.

Q And did Emil Mahl have any other duties at the crematory besides supervising the prisoner workers?

A Yes.

Q What were those duties?

A He carried out the hanging of the prisoners and civilians.

Q Did you see Emil Mahl very frequently when you worked, do you know there?

A Yes.

Q Would it be accurate to say, Mr. Seybold, that you saw him every day?

A We were not present at the hangings themselves. We only got the corpses off the rope.

Q Would you recognize Emil Mahl if you saw him today?

A Yes.

Q Will you look at the group of defendants in the box and see whether or not you see Emil Mahl in that group?

A Yes.

Q Will you go over and put your hand on the shoulder on the man whom you identify as Emil Mahl, is the man standing there with 33 around his neck Emil Mahl?

(Seybold - Direct)

A Yes, that is him.

Q Is that the man who was the hangman at the crematory?

A Yes.

Q Now, Mr. Seybold, were there any documents or books kept on the number of corpses that were disposed of at the crematorium?

A Yes.

Q Who kept those books?

A Oberscharfuhrer Bongarts had the index cards.

Q And what became of those records, if you know?

A He burned these index cards eight days before he left the camp.

Q Who gave the orders for the burning of those cards?

A The order was given by the Command Post.

Q Now, immediately prior to the liberation of Camp Dachau were the corpses of the prisoners from the camp disposed of by any other means than cremation?

A Yes.

Q And what method was used for the disposal of those bodies?

A The bodies of those that were executed, that is shot or hanged, were burned and those that died normally in the hospital were taken by me to the mass graves.

Q And where were those mass graves located?

A Near Prittlbach.

Q And about how far is that from Camp Dachau here?

A About 20 minutes.

Q Do you have any estimate of the number of corpses that were disposed of at the crematory during the year and a quarter that you worked down there?

A I can't judge that any more, but altogether started with the year 1933. I, by using the index cards, figured 22,000

(Seybold - Direct)

prisoners.

Q Now, Mr. Seybold, do you recall an occasion in the fall of 1944 when some Russian officers were executed at the Dachau crematory?

A Yes, I was present myself, 90 Russian officers.

Q Do you recall who was in charge of that execution?

A Yes.

Q And what was the name of the man who was in charge of that execution?

A That was Schutzhaftlagerführer Ruppert.

Q Did you ever see Ruppert after that at the crematory, was he present at the crematory after that?

A Yes, he was active in each execution.

Q And was he active in a large number of executions or just a few executions?

A He was present at the most of them as leading personality.

Q Would you recognize Ruppert if you saw him today?

A Yes.

Q Will you look over at the group of defendants and see if you see him in that group of 40 men the man who is in charge of the executions of the 90 Russians?

A Yes.

Q Will you walk over to the defendant's stand and put your hand on the shoulder of that man, what is his number?

A 2.

Q Will the man who has been touched please stand up?

Q Is that the same man that you saw present at other executions at the Dachau crematory?

A Yes.

Q Now, on the occasion of this execution of the 90 Russian officers, could you recall whether or not anybody else was present at that execution?

(Seybold ->Direct)

A Yes.

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

A Yes.

Q Will you state whether or not he was present on the occasion of the execution of the 90 Russians?

A Eichberger was executioner.

Q Did you see Eichberger present at the crematory on other occasions?

A Yes.

Q Will you state whether or not the times when you saw him at the crematory was at other executions?

A Yes.

Q Would you recognize Eichberger if you saw him today?

A Yes.

Q Will you look over in that group of defendants and see if you see Eichberger in there?

A Yes.

Q Will you walk over to the defendant's box and place your hand on the shoulder of the man whom you identify as Eichberger, what is his number?

A 7.

Q Is that the man in the defendant's box with the number 7 around his neck the man whom you just touched one of the executioners of the 90 Russians?

A He took part.

Q Now, on this occasion of the execution of the 90 Russians, was there a doctor present?

A Yes.

Q Do you know the name of the doctor who was present on that occasion?

A Yes.

(Seybold - Direct)

Q What is that man's name?

A Doctor Hintermayer.

Q Did you see Doctor Hintermayer at that execution with your own eyes?

A Yes.

Q Now, did you ever have occasion to see Doctor Hintermayer present at the crematory at other executions?

A Yes.

Q Could you recognize Doctor Hintermayer if you saw him today?

A Yes.

Q Look over in the defendant's box and see if you recognize the man whom you call Hintermayer?

A Yes.

Q Walk over to the defendant's box and place your hand on the shoulder of the man whom you know as Doctor Hintermayer, what is his number?

A 10.

Q Is the man now standing in the defendant's box the man who was the doctor at the execution of the 90 Russians?

A Yes.

Q And is that the same man you saw present at the crematory on the occasion of other executions?

A Yes.

Q Now, Mr. Sevhold, do you recall any occasions when people were executed at the Dachau crematory by means of injections?

A Yes.

Q And who performed those executions at the Dachau crematory by injections?

A Hintermayer.

Q And what was the nationality or what were the nationalities of the people that Doctor Hintermayer executed by means of injections?

(Sevhold - Direct)

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A Two Russian women.

Q Now, Mr. Seybold, do you know why these Russian women were executed?

A I don't know for sure, but these two women were pregnant.

Q Now, Mr. Seybold, do you know a man by the name of Boettger?

A Yes.

Q Have you ever seen him at the crematory?

A Yes.

Q What, if any, part did he play in the execution of the two Russian women?

A Boettger came into the crematorium between 1:00 and 2:00 o'clock in a truck with two Russian women.

Q Was the defendant Boettger with the two women who were then executed by Doctor Hintermayer?

A Yes.

Q Would you recognize Boettger if you saw him today?

A Yes.

Q Will you look over in the defendant's box and see whether or not you see the man whom you recognize as Boettger?

A Yes.

Q Will you go over to the defendant's box and place your hand on the shoulder of the man whom you know as Boettger?

A Yes.

Q What is his number?

A 18.

Q Is that the man standing in the defendant's box the man you saw bring two Russian women to the crematorium?

A Yes.

President: Court will recess until 8:45 tomorrow morning.

(Seybold - Direct)

William D. Denson
WILLIAM D DENSON
Lt Col, JAGC
Trial Judge Advocate

Sheet 3
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and a [unclear]

Roll 2

Target 4

Trial Transcripts (RG 338)
Vol. 2, Nov. 20-24, 1945

The court met pursuant to adjournment at 0845 hours on the 20th of November, 1945.

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

Prosecution: At this time sir, we have two new reporters, and one new interpreter.

Technician Fourth Grade David H. Blatt, and Technician Third Grade Herbert J. Snyder were sworn as reporters.

Lieutenant Joe Oswald was sworn as an interpreter.

Prosecution: May it please the court, the prosecution asks that the witness Mr. Seybold resume the stand at this time.

The witness is reminded that he is still under oath.

DIRECT EXAMINATION (CONTINUED)

Questions by the prosecution:

Q. Mr. Seybold, our last inquiry before the court closed yesterday evening, was relative to Frans Boettger?

A. Yes.

Q. Now, Mr. Seybold, you have testified that in the course of the year and a quarter, while you were a prisoner, and working at the crematory, that you saw Mr. Hintermayer down there on numerous occasions at executions?

A. Yes.

Q. Now during the period of time when you were employed down there at the crematory, did you see any other doctor attending executions down there?

A. Yes.

Q. Will you look over in the defendants' box and see whether you recognize a doctor or doctors whom you identify as having been

(Seybold-Direct)

in attendance at executions when you were in the crematory?

A. Yes.

Q. Will you look over in the defendants' box and see if you can see any person that you can identify, any person that was a doctor or the people who were doctors at the time you were at the crematory?

A. Yes.

Q. Will you point them out please; him or them out please?

A. Yes.

Q. Step over to the box and lay your hand on the shoulder of the man or men who were down there?

Q. What is his number?

Prosecution: Number 14.

Prosecution: Will number 14 stand up please?

Q. What is his number?

A. 11.

Q. Mr. Seybold, do you know the name of the man whom you first identified as being the doctor who was at the crematory; the man who is wearing 14?

A. Doctor Eisele.

Q. And Mr. Seybold, do you know the name of the man whom you have identified as being the doctor participating in executions at the crematory, who is wearing number 11?

A. Yes.

Q. And what is his name?

A. Doctor Witteler.

Q. Now Mr. Seybold, going first to Doctor Eisele, the man with number 14, about how often did you see him in attendance at executions at the crematory?

(Seybold-Direct)

- A. About 7 to 8 times.
- Q. And about when, or covering approximately what period of time, if you recall, was Doctor Eisele down there at executions?
- A. It must have been between October, November, December, January, between that time, I can not recall it accurately now.
- Q. What year was that Mr. Seybold?
- A. End of 1944 and the beginning of this year, 1945.
- Q. Now Mr. Seybold, the man you have identified as Doctor Witteler, when is it that you recall having seen him in attendance at executions in the crematory?
- A. That was a little bit earlier than Doctor Eisele, I didn't see him in this year any more.
- Q. About how often did you see Doctor Witteler down there?
- A. Maybe only three or four times.
- Q. Now Mr. Seybold, do you know a man by the name of Fritz Becher?
- A. Yes, Becher.
- Q. What was Becher's job or position here at the Camp?
- A. Becher was a block elder.
- Q. Of what block?
- A. Block 19 and block 26.
- Q. And do you recognize; would you recognize Becher if you saw him today?
- A. Yes.
- Q. Will you look over in the box, and see if you recognize Fritz Becher in the box?
- A. Yes.

(Seybold-Direct)

Q. Will you go over and place your hand on the shoulder of the man you recognize as being Fritz Becher?

Prosecution: The man who is touched by the witness, please stand up.

A. No. 27.

Q. Now Mr. Seybold did you ever see Becher mistreat anyone?

A. Yes.

Q. And where did that mistreatment occur?

A. On block 19.

Q. And can you recall who it was that Becher mistreated?

A. It was a Russian.

Q. And what was it that he did to him?

A. He hit him with his fist.

Q. How badly did he beat him?

A. He was bleeding at his nose.

Q. Did you ever see him beat anyone else?

A. I also saw him once in block 26.

Q. Do you recall who he beat in block 26?

A. Clergymen were put up there but I do not remember whether he hit a clergyman or not.

Prosecution: You may inquire.

CROSS-EXAMINATION

Questions by the defense:

Q. Mr. Seybold, you testified yesterday that a few days after you entered camp, that 25 of the prisoners who came in with a group with you were slapped by Welter, is that correct?

A. Yes.

Q. And these 25 were all newly arrived prisoners, is that correct?

(Seybold-Cross)

- A. These were new admittances.
- Q. All 25 were hit by Welter, by his hand?
- A. No, not two of them, one of them was myself.
- Q. But there were 27 in the group, and 25 were hit is that correct?
- A. 27 were in the group, 2 were not beat up, the other ones all were beat up.
- Q. So that means that all 25 with the exception of the two you mentioned were hit by Welter with his hand, is that correct?
- A. Yes.
- Q. Was that the first time you had seen Welter, Mr. Seybold?
- A. That was the first time.
- Q. Did you know at that time what his job was in this camp?
- A. Yes.
- Q. What was that?
- A. Labor service leader.
- Q. Did you have occasion to see him in the camp subsequent to that day?
- A. Yes.
- Q. Was his office inside the compound, or outside the prisoner's compound?
- A. I do not know that.
- Q. Where did you see him, inside the compound or outside the compound?
- A. At working details.
- Defense: If the court please, I do not think that translation is quite correct.
- A. I was working in the labor office of the camp....in the office.

(Seybold-Gross)

- Q. And you saw him in this labor office is that correct?
- A. Yes.
- Q. And when you saw him in the office, was that inside or outside the compound?
- A. It was within the camp.
- Q. Now you have also testified that one of the accused, Eichberger, was present at the execution of 90 Russians I believe you said, in the year 1944?
- A. Yes.
- Q. What was Eichberger's job in the camp if you know?
- A. He was a rapport leader.
- Q. And was this execution that you claim that Eichberger took part in an official execution that was ordered by the camp or by Berlin?
- A. I do not know whether it was ordered by Berlin or the camp.
- Q. But it was ordered by one of them?
- A. It was Ruppert who was leading this group.
- Q. Eichberger was not in charge of the execution, is that right?
- A. No.
- Q. Do you know as a matter of fact that he was under orders to participate to the extent that he did?
- A. Yes.
- Q. Going back to these 90 Russians, you say Ruppert took an executive part, is that correct?
- A. Yes, he was the acting head of the community.
- Q. Just what did he do?
- A. He was standing beside of the officers during the shooting.
- Q. Did he do any of the shooting himself?
- A. No.
- (Seybold-Cross)

- Q. Who did the shooting?
- A. Hauptscharfuhrer Kuhn, Eicnberger, Oberscharfuhrer Baumgarte, Unterscharfuhrer Henshin.
- Q. All that Ruppert did was being in charge of the officers taking them down to the crematory?
- A. He didn't bring them to the crematory himself.
- Q. He was there in charge of them while they were at the crematory?
- A. Yes.
- Q. And he shot nobody, did he?
- A. No.
- Q. Now Doctor Hintermayer was present you say?
- A. Yes.
- Q. What was his job there?
- A. He was there as a doctor to certify the dead.
- Q. All he did was to examine the bodies, after this rifle team shot them, is that correct?
- A. Yes.
- Q. And he too, was under orders to determine whether or not these people were actually dead?
- A. I assume that.
- Q. Now you said that you were in the crematory, the day that Doctor Hintermayer injected two Russian women as a result of which injections they died, is that correct?
- A. Yes.
- Q. These two Russian women were pregnant, were they not?
- A. Yes.
- Q. And do you know of your own knowledge whether or not they died as a result of the injection that was given to them by Doctor Hintermayer?

(Seybold-Cross)

A. Yes.

Q. As a matter of fact they were both shot in the head by Bongarts afterward, weren't they Seybold?

A. No.

Q. Did you see the bodies of these two Russian women afterwards?

A. I myself carried them away.

Q. And you say definitely they were not shot in the head by Bongarts, after being given the injection by Hintermayer?

A. No.

Q. Was Mahl there at the same time?

A. Yes.

Q. Did Mahl help you with these two Russian women?

A. I didn't see the injection myself.

Q. How do you know then that he gave it, if you didn't see the injection?

A. Because only Doctor Hintermayer was there as the physician, I myself saw the poison and the syringe.

Q. But you never did see Hintermayer inject either one of these two women, is that correct?

A. No, Mahl, saw that.

Q. You testified yesterday, that you saw it done, did you not?

Prosecution: I object to that, I don't believe that that was the testimony, and if he is going to put words into the mouth of the witness, I want him to refer to the record.

Defense: If the court please, I think that that is proper cross-examination.

(Seybold-Cross)

President: Objection overruled, answer the question.

President: Read the question. (To the reporter)

- A. I myself didn't see it, but I saw it...afterwards, I saw where the injection was given into the veins, and only an expert can do that.
- Q. Now these two Russian women were brought down to the crematory in a truck is that correct?
- A. Yes.
- Q. And they were brought down in a truck by Boettger?
- A. Boettger was in back of the truck with these two women, when the truck arrived at the crematory
- Q. Do you know whether or not he was with the truck or just what his position there was?
- A. He always brought these people for shooting or for hanging.
- Q. That was his job wasn't it?
- A. He was a rapport leader.
- Q. That still was his job wasn't it?
- A. Not always, but he always did it when another rapport leader didn't have any time, or when he was ordered to do so.
- Q. Now you say you saw Doctor Eisele at the crematory in December of 1944, October, November, December of 1944?
- A. According to my knowledge, yes.
- Q. Do you know as a matter of fact that Doctor Eisele didn't arrive in Dachau until the 20th of February, 1945?
- A. I do not know that exactly any more, I said specifically, according to my knowledge, so much had happened during that time, and physicians changed over very rapidly.
- Q. So if Doctor Eisele didn't arrive until 20 February, 1945, (Seybold-Cross)

it was after that time that you saw him?

A. In any case, I saw him repeatedly at executions.

Q. It was 7 or 8 times?

A. Yes.

Q. And his job there was also to certify whether or not the person who was executed was actually dead?

A. The physician never examined that, only one doctor, Doctor Kruger, ever did it....was the one doctor who always looked after the people after they were shot.

Q. And Doctor Eisele never looked at them after they were shot?

A. No.

Q. Did Doctor Witteler ever look at them after they were shot?

A. No.

Q. And he attended two or three times, is that correct?

A. Yes.

Q. He did nothing but stand there?

A. They were always standing there; they signed and left.

Q. They did nothing except sign, is that correct?

A. Yes.

Q. Why were you at Dachau?

A. I was a criminal prisoner.

Q. At what prison did you live before coming to Dachau?

A. In Ausfriesland at Mohr.

Q. At what prison ?

Prosecution: Just a minute, may it please the court, we will object to this line of cross-examination on the grounds that it exceeds the scope of cross-examination, and on the (Seybold-Cross)

further grounds that we would like to call the attention of the counsel for the defense to the fact that evidence of bad character of an accused shall be admissible only when the accused personally has introduced evidence as to his own good character or to the bad character of any witness of the prosecution, so that we wish to call the court's attention, and the counsel of the accused to the fact that if he attacks the character of this man as a witness he thereby lays open to the prosecution, the means of presenting testimony to the bad character of every man on trial.

Defense: Now, if the court please, I have gained the impression at this trial, that the prosecution has attacked the character of these 40 defendants, by the application of the doctrine of common knowledge. We are under the impression that the court desires to know the character of the witnesses, who are introduced as proof; for that reason, I want to show the court the past record of each individual who comes here to testify against these defendants, in these proceedings.

Prosecution: Sir, I just want to make it perfectly clear what the position of the prosecution is with this type of evidence. If he wishes to open the door to any type of character evidence as to these accused, it is perfectly all right with us, but since it is a new procedure, I want to be perfectly fair and call his attention to that fact at this time

President: Objection denied.

Questions by the defense:

Q. Where did you live prior to that?

A. I was in no prison.

Q. What was the length of your sentence?

(Seybold-Cross)

- A. 5 years.
- Q. And for what were you convicted?
- A. Because of a criminal case.
- Q. For what were you convicted?
- A. Because of theft and house breaking.
- Q. Was that your first conviction?
- A. No, it was the second one.
- Q. What was the first conviction?
- A. Because of prohibited campaigning.
- Q. Isn't it a matter of fact that there was one other conviction?
- A. There were 7 punishments, which were continuous.
- Q. In other words, you have served 7 different sentences, which ran continually?
- A. Yes, 8 times.
- Q. Do you know where Neu Ulm is?
- A. Yes.
- Q. Have you ever participated in an execution at Neu Ulm?
- A. Yes.
- Q. What did you do, put the noose around his neck, or kick the stool from under his feet?
- A. I was standing aside.
- Q. What act did you do which constituted participation in this execution?

Prosecution: If it please the court, we object to this type of testimony. They are bringing something in here apart from this trial, and apart from his testimony as to these witnesses. This man is not on trial in this case. It is a grossly unjust line of questioning. The matters are completely (Saybold-Cross)

apart from the issues in this case.

Defense: The occasion that I am undertaking to show occurred in 1944. It occurred in the company with one of the defendants. The prosecution has gone to great lengths to condemn certain of the defendants for participating in an official or quasi-official execution. I am trying to show by this witness that he has already participated in an official or quasi-official execution, thereby showing that official executions were quite the vogue in Germany, and that many, including one or two of the defendants participated in some of these executions; and if that is improper, I ask permission to continue on another line.

Prosecution: I would like to state that the court can take judicial notice that there were, over a period of years, that there were literally hundreds of them at Dachau. Now, in this particular case, we have only 40 defendants, and we are concerned with the acts of those defendants, not the other men who may have worked with them, or the wrongs or misdeeds of the witnesses who come before the court. I submit that this man is not on trial here today, and that testimony relative to his activities apart from the issues in this case, is not proper evidence in front of this court, as such.

President: The objection is not sustained, continue the questioning.

Defense: Will the reporter read the last question?

- A. We didn't have anything to do with the execution, we were always imprisoned whenever these executions took place, there are enough witnesses to testify to that effect.
- Q. So that the statement you made about 10 minutes ago to the (Seybold-Cross)

effect that you participated in an execution at Neu Ulm, is in error, is that correct?

A. No, That was an execution which was out of the place, I was present at that one.

Q. And participated?

A. I went down with an Oberscharfuhrer, and Emil Mahl; I was not told where the trip was going to go; and on the way down on the railroad, the oberscharfuhrer told us that we were going to Neu Ulm to an execution of a Polish foreign laborer. who was convicted of a criminal offense of 9 thefts. I told the oberscharfuhrer I am a prisoner, I have nothing to do with it, I refuse to do it. Then the oberscharfuhrer said that Mahl himself will take care of it. It was by order of the Campe. He was sentenced by a legal court; I myself heard the charge; the sentence was read in German. It was not read in Polish because the accused himself understood it perfectly. Emil Mahl put the rope around his neck and the oberscharfuhrer kicked the thing on which he was standing; I was standing about 10 meters away from him.

Q. Where did you get the ring which you have on your right finger there?

Prosecution: If it please the court, this is an extremely wide latitude to go into the clothing that a witness is wearing on the stand. There should be a wide latitude, but there should be some limits.

Defense: If it please the court, it will interest the court to know where the witness got that ring he is wearing on his right hand.

Prosecution: If it please the court, this man is not (Seybold-Cross)

being tried by this court.

President: Court will recess.

The court then took a recess until 1000 hours, at which hour the personnel of the court, the prosecution and the defense, and the accused and the reporter resumed their seats.

President: Objection is sustained.

Questions by the defense:

Q. Did you ever see Unterscharführer Geith of the Munich Gestapo office?

A. I don't know the name of the man; during the executions of the Gestapo there was an unterscharführer present, but I don't know his name.

Q. That was the condition on the occasion of the execution of the 90 Russians, about which you have testified, was it not?

A. I don't know the name of the man.

Q. But there was an officer from the Munich Gestapo office in charge of the execution?

A. I don't know that, I didn't see it.

Defense: No further questions.

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

The next witness for the prosecution, Hans Merz, was sworn and testified as follows through the interpreter:

DIRECT EXAMINATION

Questions by the prosecution:

Q. What is your name?

A. Hans Mursch.

Q. You are at present a prisoner confined here at Dachau (Mursch-Direct)

is that correct?

A. Yes.

Q. How old are you?

A. 45 years old.

Q. You were formerly a member of the SS is that correct?

A. Yes.

Q. During...I withdraw that.

Q. Were you ever stationed at Dachau Concentration Camp?

A. Yes, since 1933.

Q. What were your duties while you were here at the concentration camp?

A. From 1933 to 1941, I was paymaster of the prisoners, and from 1941 to 1945, I was a recording official.

Q. Since 1941, until the liberation of the camp by the American forces, were you the recorder for the concentration camp?

A. Yes.

Q. And as part of your duties, did you keep a set of death records?

A. Yes.

Q. I show you 5 books, prosecution's exhibits 49,50,51,52, and 53, and ask you if you know what those are?

A. Those are the death books, that is the death register of the concentration camp at Dachau.

Q. Will you look at the books and tell the court what years are covered by those volumes?

A. This is the death book of 1941, starting with number 1 to number 887, starting with the 1st of June, 1941.

Prosecution: Let the record show that the witness refers (Mursch-Direct)

to prosecution's exhibit number 49, for identification.

- A. This is the death book of 1942, book number 1, from number 1 to 1000.

Prosecution: Let the record show that the witness refers to prosecution's exhibit number 50, for identification.

- A. This is book number 2, from number 1001 to 2000.

President: What year?

- Q. What year?

- A. 1942.

Prosecution: Let the record show that the witness is referring to prosecution's exhibit for identification number 51.

- A. This is book number 3, 1942, from 2001 to 3000.

Prosecution: Let the record show that the witness is now referring to prosecution's exhibit number 52, for identification.

- A. This is book number 4, from 3001 to 4000.

- Q. What year?

- A. 1942.

Prosecution: Let the record show that the witness is referring to prosecution's exhibit number 53 for identification.

- Q. Do you know whether you personally drew any of the death certificates appearing in these volumes?

- A. How do you mean that?

- Q. Did you type any of the certificates appearing in any of these volumes?

- A. I wrote them myself; partly myself and partly I had some help, and at times it was my deputy or representative; but I always checked all entries.

- Q. You were not present at the deaths of any of the persons recorded in these volumes were you?

(Mursch-Direct)

A. No.

Q. Where did you get the information from which these certificates were typed?

A. I received notices from the leaders of the political department, with additional birth certificates or marriage certificates, in order to complete the personal record.

Q. When you say you received this information from the leaders of the political department, whom do you mean?

A. From the criminal secretary, Kick, and criminal secretary Lookman, they were the two leaders.

Q. And at the time you received this information from the political department, did you also receive a certificate of death?

A. There were two documents attached; one as to the statistic county office in Dachau and one to the State Health Department.

Q. Each of the certificates appearing in these volumes you have just identified bears a cause of death?

A. Yes.

Q. From whom did you receive that information?

A. They were attached when I received the death certificate.

Q. And was there a cause of death attached to every death certificate you received?

A. With each death certificate.

Q. And by whom were these death certificates signed?

A. That was the signature; not really the signature, but it was typed; whoever happened to be the doctor on duty, Doctor Hintermayer, Doctor Walter, whoever happened to be there.

Q. Did you ever see Doctor Witteler's name on there?

(Mursch-Direct)

- A. Doctor Witteler, Doctor Kruger, Doctor Eisele.
- Q. There were always SS doctors attached at the hospital?
- A. Only SS doctors, I don't think I ever saw any others.
- Q. Were there any deaths in Dachau that were not recorded in these volumes?
- A. I don't know, I only know of deaths that were reported to me by the political department, with the exception of the Russians that were shot; at that time, I received no death certificates on them.
- Q. You received no death certificates of the prisoners that died in the Landsberg camp, did you?
- A. In those instances the recording offices were notified either in Kaufering or Landsberg.
- Q. Landsberg and Kaufering were sub-camps of Dachau, were they not?
- A. Yes.
- Q. But these books contain no certificates as to persons who died in any sub-camps, is that correct?
- A. No, there is nothing in them about it.
- Q. I show you another volume marked prosecution's exhibit for identification number 54, and ask you what that is?
- A. That is the death book of 1942, volume number 5, from 4000 to 5136.
- President: What year?
- Q. What year?
- A. 1942.
- Prosecution: If it please the court, there are some cards attached which are not included in the exhibit, they will be removed.
- Q. Will you tell the court, whether the deaths of all persons (Mursch-Direct)

who died in Dachau in the year 1945 are recorded in these books?

- A. Starting in January, 1945, I only received death notices of Germans.

Prosecution: At this time, the prosecution wishes to offer into evidence prosecution's exhibits for identification, numbers 49,50,51,52,53, and 54.

President: In the absence of any objections they will be received.

Defense: No questions.

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

Father Theodore Koch, the next witness for the prosecution, affirmed that he would tell the truth, and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by the prosecution:

- Q. Father will you state your name please?
- A. Theodore Koch.
- Q. Where were you born?
- A. In Posen, on the 8th of November, 1903.
- Q. What is your occupation?
- A. Clergyman.
- Q. How long have you been a priest father?
- A. Since 1932.
- Q. Where do you live at the present time, father?
- A. The SS Caserne, Freimann.
- Q. Father, were you ever a prisoner here at Dachau?
- A. Yes.
- Q. When did you come here as a prisoner Father?
- A. On the 29th of October, 1941.

(Koch-Direct)

- Q. Father what was the occasion of your coming to Dachau as a prisoner?
- A. Because I was Polish, and a clergyman.
- Q. And after you got to Dachau in October, 1941, what block were you put in?
- A. In block 28.
- Q. What block were you in, in January 1942, Father?
- A. In block 28.
- Q. Who was the block eldest of that block at that time?
- A. Fritz Becher.
- Q. Did you ever see Fritz Becher mistreat any of the prisoners?
- A. Yes.
- Q. Did you see this mistreatment take place after January 1, 1942?
- A. Yes.
- Q. Whom did you see Fritz Becher mistreat?
- A. I myself.
- Q. What did he do to you Father?
- A. He kicked me in the stomach, and hit me with his fist.
- Prosecution: Sir, we object to that translation.
- Q. Will you please repeat your answer again?
- A. He kicked me in the stomach with his leg and then hit me with his fist.
- Q. How badly did he hit you with his fist Father?
- A. I was almost unconscious at that moment.
- Q. What time of the year did that take place, and in what year?
- A. That was in July, 1942.
- Q. Did you ever know a priest by the name of Father Soto?
- A. Soto, yes.
- Q. Did you ever see Fritz Becher have anything to do with Father Soto?
- A. Yes.

(Koch-Direct)

Q. What did you see Becher do to Father Soto?

A. He also beat him and kicked him with the legs.

Q. How badly did he beat Father Soto?

A. He was entirely unconscious; that was on the occasion of an exercise punishment. Very often after we came home after the evening formation we had to carry out punishment exercises. That was on the block street. The punishment exercises lasted almost from six-thirty to eight-thirty; and during these punishment exercises Soto couldn't carry out the exercises with the rest of us. He fell on the ground and then was kicked by the block elders, by the legs and he was unconscious, not only he, but several others.

Prosecution: Just one moment please.

A. He was kicked out of the formation and he was almost unconscious; he couldn't stand up on his own legs.

Q. Father, who was the block elder, that did that?

A. Fritz Becher. At that time there was a block leader present who said that is enough, and the block eldest gave the following answer; they are supposed to exercise until eight-thirty.

Q. Father, will you describe the type of exercises that the priests were forced to undergo at this time?

A. Those were jumps, knee-bends, and you had to carry out gymnastics; that is running on the knees through the whole block.

Q. Who was in charge of these formations there father?

A. Block eldest Fritz, and the room eldest; they were the greatest sadists of the entire camp.

Q. When you say Frits, do you refer to Fritz Becher?

A. Yes.

(Koch-Direct)

- Q. Now Father, did you know another priest by the name of Father Kowilinsky?
- A. Yes.
- Q. What nationality was Father Kowilinsky?
- A. He was a Polish clergyman.
- Q. Do you know what the nationality of Father Soto was?
- A. Yes.
- Q. What was that nationality?
- A. Also a Polish clergyman.
- Q. Now, did you ever see Fritz Becher mistreat Father Kowilinsky?
- A. Yes.
- Q. When did that take place Father?
- A. That was in April 1942, in room number 1.
- Q. Do you know what the age of Father Kowilinsky was at that time?
- A. Probably more than 55, I am not quite sure.
- Q. What did you see Fritz Becher do to Father Kowilinsky?
- A. He hit him so hard that the whole face was bloody.
- Q. When you say the whole face was bloody, where was the blood coming from father?
- A. Out of his nose and mouth.
- Q. What happened to Father Kowilinsky at the time he was receiving this beating?
- A. The next day, I and another comrade, whose name I don't remember today, carried him to the hospital.
- Q. Now did you carry him to the hospital the same day he received that beating, or the day after he received that beating?
- A. No, the next day.
- Q. And what was his condition at the time that you and this (Koch-Direct) .

other priest carried Father Kowilinsky to the hospital?

A. He was broken up, bodily.

Q. When you took him to the hospital, can you tell the court at this time what was the condition of his mind as disclosed by what he said?

A. His mind was entirely healthy, only he was very weak and almost unconscious.

Q. Now did you hear from Father Kowilinsky after you took him to the hospital?

A. Yes.

Q. What was it that you heard Father?

A. He said that he probably would not live that, he would not recover from the disease.

Q. Now, thereafter Father, did you hear whether or not Father Kowilinsky died?

A. Yes.

Q. And how long after the beating was it that you heard he died?

A. That was a few days, probably 3 or 4 days.

Q. Would you recognize the man Becher if you saw him in the court room today?

A. Yes.

Q. Father, look over in that dock, and see whether or not you see the man, Fritz Becher?

A. Yes.

Q. Will you go over to the dock and point him out to the court please?

Prosecution: Stand up please.

Prosecution: Let the record show; may it please the court, that the witness identified the man wearing 27, as being the accused Fritz Becher.

(Koch-Direct)

Q. Father, I call your attention to an entry number 1165 in prosecution's exhibit number 51 in evidence.

Prosecution: May it please the court, at this time, I would like to have Father Koch read this certificate and have the interpreter translate it.

Q. Father, I call your attention to this entry number 1165, and ask you to read the matter contained under that entry.

A. The clergyman, Philip Kowilinsky, Catholic, living at Satefelde, the Clergy house, died at 21 hours on the 12th of April, 1942, in Dachau. The deceased was born on the 11th of May, 1891 in Chornikow. The registration office of Chornikow, No.65-1891. Father, Roman Kowilinsky, deceased. Mother, Suzanna Kowilinsky, born Chinska, living in Satefelde. The deceased was not married. Entered upon written report of the State Police, main office in Munich, 13 April, 1942. Read, approved, and signed by the Registration official and his signature. Cause of death, stopping of the heart and circulation, through bowel catarrh.

Q. Now Father, prior to this beating that was inflicted by Becher upon Father Kowilinsky, was he complaining of ill health?

A. Before the arrest, he was ill because of bad kidneys, but before this he was quite healthy.

Q. And when you say before this, you mean before the beating is that correct?

A. He was healthy, he even had a job, the block eldest Fritz Becher had made him the shopper for the canteen of the room.

Q. Now, Father, do you know whether or not any priests were ever selected for the Malaria experiments here in Dachau?

(Koch-Direct)

- A. Yes.
- Q. Do you know any of those priests by name?
- A. Yes.
- Q. Can you name some of them?
- A. I, myself.
- Q. You were selected for one of the Malaria experiments, is that correct?
- A. Yes.
- Q. What date did that take place Father?
- A. That was the end of July, 1942.
- Q. Now, when you were selected at the end of July, 1942, for this Malaria experiment, where were you living then?
- A. I was in block 23; that was a block for all those who were then unemployed.
- Q. What do you mean by unemployed Father?
- A. All those in the camp who didn't go out on details or were not members of a regular detail had to go to a certain room of a certain block during working hours.
- Q. And is that the room that you were in at the time you were selected for this experiment?
- A. Yes.
- Q. After you were selected there at this block, where did you then proceed to?
- A. 20 of us went to the hospital.
- Q. Do you know the nationalities of those persons who went to the hospital with you at that time?
- A. They were Poles and Russians.
- Q. Now after you got to the hospital Father, what happened at that time?
- A. I first had to stand before the ex-ray machine and I was x-rayed.
- (Koch-Direct)

- Q. And then where did you go to from there?
- A. Back to the block.
- Q. At the time that you were x-rayed Father, what was your physical condition?
- A. I do not know, we were not told.
- Q. What do you know of your own knowledge from the way you were feeling and from your ability to see yourself. what was your condition?
- A. I belonged at that time to the so-called musclemen, I belonged to the so-called musclemen; that is those who were standing on their last legs.
- Q. You say, you were standing on your last legs, what do you mean by that Father?
- A. I mean with that that I was very weak.
- Q. After you went back to the block, did you report back to the hospital a second time?
- A. The next day.
- Q. When you reported back to the hospital that second time what did you then do at the hospital?
- A. I was immediately sent to the experimental station, Malaria.
- Q. Do you know who was in charge of that station?
- A. Doctor Schilling.
- Q. And while you was there at the Malaria station what happened to you?
- A. For two days, I didn't eat and I was very tired, so for two days, and two nights, almost I slept.
- Q. Now after that two days had passed Father, what happened to you at that time?
- A. On the next day, not only I, but also the others, who were in the same room, with me were sent to another room where (Koch-Direct) *

pestilent mosquitoes were in little boxes.

Q. And what was done to you at that time?

A. Each one of us received a small box, with a mosquito, and you had to hold your hands over that box, which was covered with a towel. That lasted a half hour or an hour.

Q. How often was that procedure repeated Father?

A. That lasted almost one week.

Q. What other treatment did you receive at the hospital at that time?

A. This was before noon, and in the afternoon the man nurse, he was not really a man nurse, we called him August, I don't know his name, brought us another box with mosquitoes and it was put in the bed, between our legs.

Q. How long did the box remain between your legs Father?

A. Also, either a half hour or an hour.

Q. Now after you had been exposed to these mosquitoes, Father what other treatment did you receive?

A. Then each morning the blood smear was taken from the ear.

Q. Was your temperature ever taken?

A. Yes, that was during the day and also the night.

Q. Were you ever given any kind of medicine?

A. Yes.

Q. What were you given Father?

A. They gave us quinine for constipation.

Q. Did they give you a little quinine or a lot of quinine?

A. A lot.

Q. How long did this treatment take place Father?

A. That was two days.

Q. When did you leave the hospital?

(Koch-Direct)

- A. After 17 days.
- Q. Now, thereafter, did you ever have an attack of Malaria?
- A. Yes.
- Q. When did that attack take place?
- A. After 8 months.
- Q. Did you report to the hospital, at that time?
- A. No.
- Q. What did you do?
- A. I cured myself.
- Q. What with?
- A. With quinine.
- Q. Where did you get it?
- A. I received quinine tablets from my mother.
- Q. After that first attack that you say you had 8 months after leaving the hospital; did you get complete relief from the Malaria?
- A. I don't quite understand.
- Q. Did you ever have any further attacks of Malaria after this first one which you have described that took place 8 months after you left the hospital?
- A. The Malaria recurred precisely every three weeks for 6 months.
- Q. Now you say that the Malaria occurred....will you describe to the court the symptoms you had at the time you had these attacks?
- A. That was high fever, and chills and there were pains in the joints.
- Q. Father, prior to your going to the hospital, and being exposed to these infected mosquitoes, had you ever had Malaria?
- A. No, I had never been sick in my life.
- Q. Now, did you ever have occasion to report directly to
(Koch-Direct)

Professor Schilling?

A. Yes.

Q. When did you do that Father?

A. After the release, all of us had to report to the hospital every Saturday and there we were asked if any of us had had fever or chills, and at that time Doctor Schilling said if you have fever or chills, you have to report to the hospital.

Q. Now Father, what week, would you describe as being the worst week that you underwent as being a prisoner at Dachau?

A. The worst week was from the 27th of March to the 7th of April.

Q. And what kind of.....what year was that Father?

A. 1942.

Q. What kind of treatment did you receive during that week?

A. From Palm Sunday until Easter Monday, we had to go through exercises on the formation place from 6 o'clock in the morning until 7 o'clock at night, except for dinner.

Q. Now what kind of exercise or drill or punishment did you get at that time?

A. That was jumping or constant running or knee bends, the same type of exercise that we had to do in the block street.

Prosecution: Put the rest of it in there, if you please.

A. The same type of exercise that Fritz Becher carried out with us on the block street.

Q. During that week Father, did any of the priests die?

A. Yes.

Q. Do you know how many?

A. 8 died, and after the exercises, many others.

(Koch-Direct)

Q. Now Father, under whose supervision were those exercises performed?

A. There was the block eldest and the room eldest.

Q. And the block eldest at that time was named what?

A. Fritz Becher.

Q. Father do you know whether or not Fritz Becher ever threatened the prisoners with sending them on invalid transports?

A. Yes.

Q. What would be the occasion for Becher threatening the prisoners with the invalid transport?

A. Very often after we returned to the block, after the evening formation he would preach to us and he often preached to us and said if you don't keep clean, if you don't keep up the work, then I am going to send you to the block where the invalid transports are.

Q. Now what was the occasion for considering the invalid transports as a form of punishment?

A. Because it was the opinion that all of those who went on the invalid transport were to go to a gas chamber.

Q. I ask you Father whether or not it was a matter of common knowledge among the prisoners in the camp at Dachau, that to go on an invalid transport was a passport to one's death?

Defense: May it please the court, I am not objecting to the application of the common knowledge rule, but I am objecting to the leading question.

Prosecution: May it please the court, in respect to that, I do not think that that question is leading. In other words, in view of the answer that was previously given to the question concerning why such a transport was considered as punishment, I think that this is a proper question.

(Koch-Direct)

President: Objection overruled.

Interpreter: Will the reporter read the questions please?

A. Yes.

Q. Now this block that you were living in Father was Fritz Becher's....that Fritz Becher was the eldest, was inhabited by what nationalities of priests?

A. Poles and Czechs.

Q. Did you volunteer for this Malaria experiment?

A. Never.

Prosecution: No further questions.

CROSS-EXAMINATION

Questions by the defense:

Q. Father, at the time the priests were beaten by Becher, you stated that a block leader was present, is that true?

A. Yes.

Q. Was this block leader an SS man?

A. Yes.

Q. Was Becher an SS man?

A. I am not sure, I do not know for sure.

Q. Do you know whether or not Becher was a political prisoner?

A. I do not know that either.

Q. Did you ever see Becher wear an SS uniform?

A. No.

Q. At the time you saw Becher strike Father Kowilinsky, could you state what part of the body that he hit him?

A. He hit him in the face so hard, that he fell and I personally picked him up from the ground, and put him on his legs.

Q. Did he hit him on any other part of his body besides on his face?

A. I couldn't determine that.

Q. When you were selected for the Malaria experiment Father, that was in July 1942, is that correct?

A. Yes, July 1942.

Q. And do you know who the camp commander was at that time?

(Koch-Cross)

- A. Probably Piekofski.
- Q. And you were infected with Malaria by mosquito bites only is that correct?
- A. Yes.
- Q. And prior to the time you underwent this Malaria experiment you were given a physical examination in the hospital by x-ray?
- A. Yes.
- Q. And who was the doctor that x-rayed you, do you know father?
- A. I do not know.
- Q. Was it in Professor Schilling's laboratory itself, or in the general hospital or where?
- A. That was in the hospital, that there were the x-ray machines.
- Q. But you do not know the name of the doctor who x-rayed you do you Father?
- A. No.
- Q. How many times were you bitten by mosquitoes?
- A. At least one week, every day.
- Q. They did put the mosquitoes on your arms, or the box between your legs every day?
- A. Every day; in the morning we had it in the arm, and in the afternoon between the legs.
- Q. How long after you were bitten by the mosquitoes did you begin to feel the effects of the Malaria?
- A. Only 8 months after I was released, I had the first Malaria attack.
- Q. Did you have a Malaria attack while you were in the hospital?
- A. No.
- Q. You had no chills or fever?
- A. No.
- Q. And you were not sick in the hospital at all as a result of the mosquito bites?

(Koch-Cross)

- A. No, that was the largest part of us.
- Q. While you were in the hospital, a blood smear was taken from the lobe of the ear, was it not?
- A. Yes.
- Q. And you were given quinine and some other medicine, do you know what the other medicine was?
- A. No, I only received quinine; and that is so many tablets, that the stomach couldn't stand it.
- Q. How often did you receive quinine?
- A. At least two days.
- Q. How many tablets were you given Father?
- A. That was several during the day; early in the morning; and noon, and in the evening.
- Q. Did you take one or two tablets in the morning?
- A. Three tablets.
- Q. And at noon, did you take three more?
- A. The same thing at noon and again in the evening.
- Q. And you left the hospital at the end of 17 days, and were required to come back every Saturday, is that correct?
- A. Yes.
- Q. And Doctor Schilling told you at that time when you came back on Saturdays that if you ever had any chills or fever you were to go to the hospital at once?
- A. Otherwise it would be considered as sabotage.
- Q. That is Doctor Schilling thought it would be sabotage, is that correct?
- A. Yes.
- Q. So you felt fairly well until about 8 months when you received an attack of Malaria?
- A. Yes, I was not ill.
- Q. When you got that attack of Malaria, why didn't you go back (Koch-Cross)

to the hospital for treatment at that time Father?

A. Because everybody who went to the hospital at that time had to be there for several days because that is the time when they carried out the experiment.

Q. Wasn't the experiment carried out on you when the mosquitoes were biting you, and you were being treated with quinine?

A. I didn't report because I said, I didn't get fever.

Q. Since that first attack that you got at the end of the first 8 months have you been suffering from repeated attacks?

A. No.

Q. When was it that you were having attacks every 3 weeks for 6 weeks?

A. That was 8 months after the release.

Q. When was the last attack of Malaria that you had Father?

A. I don't remember the month or the day.

Q. Was it a long time ago?

A. It was the end of 1943.

Q. You were in camp were you not Father when Weiss became Lager commandant?

A. Yes.

Q. And after Weiss became Lager commandant the priests no longer had to report for malaria experiments, is that correct?

A. No, that is not true.

Q. Did the priests have to report for Malaria experiments when Weiss was commandant?

A. Yes.

Q. Do you remember when he became commandant?

A. In October 1942.

Q. And of your own knowledge, you know that the catholic priests had to continue reporting to Doctor Schilling after Weiss became commandant?

A. Yes.

(Koch-Cross)

- Q. Do you know the names of some of the priests who had to report after he became commandant?
- A. Yes, he did, because they didn't want to go to the Malaria station.
- Q. Were any priests subject to the Malairia experiment after Weiss became commandant at Dachau?
- A. Yes.
- Q. Can you give us the names of some of those priests that had to go through the Malaria experiment after Weiss became Lager commandant?
- A. That was the largest portion, but I don't remember the names. I was the first, and afterwards the largest part of the priest block was sent to the Malaria station.
- Q. You went in July 1942, Weiss became commandant in September or October, as you testified....how many priests went in with you?
- A. The first ones went with me; Anton Weiss, an evangelist pastor...a protestant pastor; we were the first guinea pigs, and then all of the others had their turn.
- Q. And when did they go?
- A. That was the next series as you might call it.
- Q. And when was the next series called?
- A. In the next months, September, October, ...December.
- Prosecution: May it please the court, I don't believe we are getting all of the translation.
- Prosecution: Would you ask him please to repeat the last 3 words that he said?
- Defense: Let him repeat the whole question please.
- A. We three were the first, and after that I don't remember the exact number, but there were almost 200 clergymen and then they had...it was their turn in the next months; that is 20 men each time had to report to the Malaria station.
- Q. Do you of your own knowledge know as a fact that commandant Weiss ordered that the priests would not be subject to the (Koch-Cross)

Malaria experiments shortly after his arrival at the camp as commandant?

A. No, I didn't know that.

Defense: No further questions.

Prosecution: May it please the court, I would like to ask about three questions about matters I didn't cover on direct examination.

REDIRECT EXAMINATION

Questions by the prosecution:

Q. Father what was the daily ration that the priests in your block received in 1942?

A. In 1942, we received each day a one-quarter of a loaf of bread; the bread weighed at that time 1500 grams; on Tuesday and Thursday we received a small piece of sausage; on Saturday for Sunday we received a spoon of Marmalade and a small finger of margarine. Then each day we received soup; that is one liter of soup, at noon; and in those days in which we didn't receive rations, that is marmalade or margarine we received $3/4$ of a liter of soup.

Q. Father, will you describe the nature of the soup you received?

A. At the beginning, the soup was rather good, but in the last years, that is 1945, already it was nothing but water. The bread rations at that time became less; a loaf of bread at that time only weighed 1200 grams; and each one of us received sometimes $1/5$ sometimes $1/6$, and sometimes $1/10$ part of a loaf of bread.

Q. And how long did that amount of bread which you just described have to last you?

A. That was a daily ration.

Q. Now Father, did the ration get better or worse through the years, from 1942 up until the liberation in April 1945?

A. In the last years, they were much worse.

(Koch-Redirect)

Q. During the time that Fritz Becher was block eldest, how many priests died in your block?

A. About 400 clergymen.

Prosecution: No further questions.

Defense: No further questions.

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

Father Frederick Hoffman, the next witness for the prosecution affirmed that he would tell the truth, and testified through the interpreter as follows:

Prosecution: May it please the court, Father Hoffman is a Czech. He speaks German, but he speaks Czech better. It is his request that we have a Czech interpreter sit alongside the German interpreter and at any time that he does not understand the German to have the Czech interpreter translate it for him at that time. In that way, I think we can eliminate having a three way translation.

DIRECT EXAMINATION

Questions by the prosecution:

Q. Father state your name please.

A. Frederick Hoffman.

Q. Where were you born Father?

A. In Steinkirchen.

Q. Where is that located?

A. It is in Lauzits, in Germany.

Q. What nationality were your parents Father?

A. They were Czechs.

Q. How long did you live in Germany?

A. Only two years.

Q. And then where did you go to?

A. Then I came to Czechoslovakia.

(Hoffman-Direct)

- Q. And how long did you live in Czechoslovakia?
- A. Until the year of 1940, and then I was imprisoned.
- Q. Father what was your occupation back in Czechoslovakia, prior to your imprisonment?
- A. I was a priest, a clergyman.
- Q. Today, Father, do you hold any offices in Czechoslovakia?
- A. Yes.
- Q. What are they Father?
- A. I am a member of the Parliament in Moravia and also a member of the Finance Commission of Moravia.
- Q. Now many times did you come to Dachau Father, as a prisoner?
- A. Twice.
- Q. When did you come here the second time?
- A. On the 3d of October 1941.
- Q. Do you know the occasion Father for your being arrested and being sent to Dachau?
- A. Because of preaching.
- Q. Now after you came to Dachau the second time what block did you occupy?
- A. At first, the admittance block, block number 9, and then block number 30.
- Q. What block did you occupy in January, 1942?
- A. In block 30 and then later on in 28.
- Q. Did you ever know a man by the name of Fritz Becher?
- A. Yes.
- Q. What position did he hold in Dachau?
- A. He was the block elder in block 23.
- Q. How long did you remain a prisoner in Dachau Father, after you came here the second time?
- A. Up to the end.
- Q. That was the 29th of April, 1945, is that correct?
- A. Yes.

(Hoffman-Direct)

Q. Did you ever see Fritz Becher mistreat any of the prisoners?

A. Yes.

Q. When did you see him mistreat any prisoners?

A. It happened so often during the year 1942, it was nothing special.

Q. What did you see him do?

A. He was beating them, and during the drill periods when the people could not move on any more, he beat them and kicked them with his foot.

Q. What was the nationalities of the persons whom you saw him beat in the year 1942?

A. Most of them were Poles and Czechs.

Q. Now Father, do you know a man by the name of Jarolin?

A. Yes.

Q. What position did he hold here at Dachau while you were here?

A. At first he was a rapport leader and then he was an unter-scharfuhrer.

Q. During the time that he was here and you were here, did you ever see Jarolin mistreat any of the prisoners?

A. Yes.

Q. What did you see Jarolin do?

A. On the formation grounds he also beat clergymen.

Q. Did you ever see him beat any priests at any place other than the formation grounds?

A. He also came to block number 30 and he beat people there too.

Q. Whom did you see Jarolin beat out on the formation ground?

A. Several prisoners and with us the clergymen.

Q. And do you know the nationalities of these prisoners that he beat?

A. In the year of 1942 they were mostly Poles, Germans, and Czechs.

Q. Father, while you were here in Dachau, did you keep a record of the deaths of the priests that occurred during your stay here?

A. Yes.

(Hoffman-Direct)

- Q. How did you keep that record Father?
- A. From my comrades, I received the names of the people who died during the years of 1940 and 1941 and then as anyone died I put it down on a slip of paper.
- Q. Now you say afterward, when anyone died, you mean after 1941 you yourself kept a record of the priests who died?
- A. On the 6th of March, 1944 there was a commission from Berlin who wanted to know how many priests had died here, and the Polish priests prepared the statistics during two nights, and I also have that material.
- Q. Do you have with you Father, at this time the record of the priests that died here, that you yourself made?
- A. Yes.
- Q. Do you recall at this time Father, how many priests died in Dachau during the years 1942 up to and including the end of April 1945?
- A. Approximately 540.
- Q. Now do you have a record Father of the number of priests that were sent out on invalid transports during that same period of time?
- A. Yes.
- Q. And how many priests do you recall went out on invalid transports during that period?
- A. 324.
- Q. Father, during your time here, were any priests ever used in the Malaria experiments?
- A. Yes.
- Q. Did you keep a record of the number of priests that were used in the Malaria experiments?
- A. Yes.
- Q. Will you tell us at this time how many priests were used in these Malaria experiments as Guinea pigs?
- A. Approximately 200.
- Q. Do you know Father, how many priests died as a result of these (Hoffman-Direct)

Malaria experiments?

- A. I am not a physician, it is difficult to state that, but I know a few names.
- Q. When you say you know a few names, you mean by that you know a few names of those who died who had Malaria?
- A. Yes.
- Q. What are some of those names Father?
- A. First, a Czech by the name of Horky, or for instance the Polish Army Chaplain Dachdira, if you want me to, I can look it up in my records.

Prosecution: Father, we won't take time to do that right now.

The court then took a recess until 1315 hours, at which hour the personnel of the court, the prosecution and defense, the accused and the reporter resumed their seats.

(Hoffman-Direct)

Prosecution: Father Hoffman, please resume the stand

Q Do you know the names of any priests that went out on invalid transport?

A Yes.

Q Will you please state to the court the names of some of those priests that you recall at this time that went out on invalid transport?

A Yes. Paschek, Joseph, it was a Czech -- he was sent on the 20th of May 1942, and there was some communication sent from his home, asking how he died here.

Q What other names do you have, beside the one you just gave to the court?

A Balzarzack, Felix, A Pole; there was Biolwey, Peter, a Czech from Sudetanland; Stauffels from Luxembourg; Vikofsky, Gustaf; Joseph Lobitsky; John Garbovia; Garas, Friedrich; if you want, there are all of three hundred twenty four names in here.

Q Have you had occasion to examine the death books marked Prosecution Exhibits 49, 50, 51, 52, 53, and 54?

A It starts 1941 here.

Q Have you had occasion to examine the death books marked Prosecution Exhibits 49, 50, 51, 52, 53 and 54?

A. Yes.

Q Have you found within those exhibits, that you have just stated you have examined, the names of those priests that you have just given to the court?

A Yes.

Q Would you please state to the court, in the order in which you gave those names, the numbers of those priests that you have just described to the court?

A Yes.

(Hoffman-Direct)

Q What was the number in the death book of the first priest you just named,

A That was Paschek. It says in the book that he died on the 26th of July 1942.

Q That isn't my question. Father, will you give to the court the number in the book where is found the death certificate of the priest that you named?

A '42, Volume Number Three.

Q What is the page?

A 2744.

A And the page for the next priest you named?

A Balzarzack, page 2721.

Q And the next priest?

A Biolwey, page 2565; Stauffels, page 2699;

Q And the next priest?

A Vikofsky, page 2716; Lobitsky, page 279C; Garbovia, page 2270; Garas, Friedrich, is in the first volume -- he is the last named in that volume.

Q Father, do you also have the dates on which these priests left Dachau on this invalid transport?

A Yes.

Q Father, will you please give those dates to the court?

A Paschek, the 20th of May 1942; Balzarzack, the 4th of May 1942; Biolwey, the 4th of May 1942; Stauffels, the 28th of May 1942; Vikofsky, the 11th of June 1942; Lobitsky, the 18th of May 1942; Garbovia, the 6th of May 1942; Garas, the 26th of January 1942.

Prosecution: May it please, the court, rather than take all the books at this time and present each one of these records to the court, we ask that we may reserve the right to do that at a later time.

(Hoffman-Direct)

Q Father, do you have a record of all the priests that were processed through Dachau through the years from 1942 up to the time of its liberation, in April 1945?

A Yes.

Q How many priests were there that were processed through Dachau during that time?

A Since the 1st of January 1942, twenty-four hundred.

Q Father, do you know whether or not any priests died from the phlegmon experiments?

A Yes.

Q How many?

A Again, it is hard to say, but I can name a few names.

Q Will you, at this time, tell the court the name of a priest that you recall, that died from these phlegmon experiments and the date of that death?

A Yes.

Q What is that name?

A Lease; he died on the 27th of December 1942.

Leschnievitz died on the 31st of December 1942;

Zameshnik, a Czeck, died on the 23d of November 1942;

Koropinsky died on the 1st of January 1943.

Q Now, father, can you tell us whether or not these priests that you have just named were enjoying good health prior to the time that they were subjected to these phlegmon experiments?

A Yes, they were entirely healthy, because they only wanted healthy people for these.

Q Do you recall, father, whether or not there was a typhus epidemic at the camp when you were here?

A Yes.

(Hoffman-Direct)

Q What block were you in at that time?

A The last time the typhus epidemic was here I was assistant to the male nurse in Block 25.

Q Did anyone die in that block, Father?

A Daily -- ten, fourteen, and as high as seventeen people.

Q And what dates were those on which that took place?

A I was there as assistant male nurse from the 14th of February 1945 until the 18th of Mar. 1945; then I myself became sick of typhus.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by the defense:

Q Do you know of an invalid transport that left Dachau between September 1, 1942 and November 1, 1942.

A Invalid transport or otherwise?

Q Invalid transport only?

A For instance, there was one on the 12th of October 1942, yes.

Q Was that the only one you know of during that period?

A There was possibly one on the 18th of October.

Q Are those two the only two invalid transports that you know of that left Dachau from the 1st of September 1942 to the 1st of November 1942? I withdraw the question; it is repetitious.

Q These priests that you say died as a result of phlegmon experiments -- can you give the date when they were subjected to the phlegmon experiments?

A They were admitted to the hospital on the 27th of November 1942.

(Hoffman-Cross)

Q All of those that you name?

A Lease, Leschnievitz and Koropinsky were admitted on that date; Zamesbnik was admitted on the 12th of November -- it was a friend of mine.

Q You were here during the commands of Piorkowski, Weiss and Weiter, were you not?

A Yes.

Q Would you describe to the court any change that you remember that took place at the end of Piorkowski's command and the beginning of Weiss' command?

A The first time that I saw commandant Weiss was on the 2d of September 1942. The work was like before, only much stricter. It is true that there was more peace in the blocks. We were also punished by commandant Weiss, which was the 28th of October 1942. All clergymen got it, except the Germans -- all Russians. Special rations were taken away -- the ones which were given to the laborers. The beatings took place just like before. The experiments were continued.

Q Were wrist-hangings continued under Weiss?

A No; not from the wrists.

Q Weren't prisoners, for the first time, allowed to receive packages from home?

A Yes, but that was a general rule in all camps.

Q I want to reiterate -- weren't prisoners, for the first time in Dachau, allowed to receive packages from home?

A For the first time? I got my first package, for instance, on the 19th of November 1942.

Q Weren't unofficial punishments, beatings, prohibited by commandant Weiss?

(Hoffman-Cross)

A Unofficial? Nobody ever told us that it was prohibited to beat prisoners. Nobody told us that.

Q Are you, or are you not, familiar with instances during the tour of Weiss when an official was punished for mistreating prisoners?

A No. I don't know that.

Q Father, do you remember a capo by the name of Kapp?

A Yes.

Q Was he not discharged shortly after Weiss came into office?

A He was a camp elder.

Q Was he not discharged -- relieved of that duty -- shortly after Weiss came to office?

A That was in November.

Q What was common knowledge as to why he was relieved of that position?

A We didn't know that.

Q Was there any marked improvement in the food after the advent of Weiss as commandant of the camp?

A Better? No.

Q Was there any change in the method of serving food to the prisoners after Weiss came into camp?

A May I give an example?

Q Yes. A.

A I worked in the cleanup detail with a cart, and we had to bring potatoes and beets to the kitchen. For instance, for the noon meal we had to bring ninety bushels of beets for the whole camp. It didn't make any difference if they were half spoiled, or not. Ninety bushels, that's all -- regardless of the state the stuff was in. And the soup was only water.

(Hoffman-Gross)

Q Do you recall the method of serving food to prisoners prior to the advent of Weiss?

A It was the same way.

Q Do you remember that the prisoners who had been out on work detail were required to carry large containers of food one kilometer to the blocks prior to Weiss assuming command?

A It was before that, and it continued for several months. On the 1st of January 1943 it started with the carts.

Q That was part of Weiss' -- Weiss effected that change in the handling of the food by moving the food to the blocks on carts?

A I don't know who ordered that.

Defense: No further questions.

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.

Father Franz Stvarik, a witness for the prosecution, affirmed that he would testify truthfully, and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Prosecution: May it please the court, with the consent of the defense counsel, may we withdraw Prosecution Exhibit 54, which will be used later on in further interrogation, from the presence of the court at this time?

Permission of the court was granted.

Q State your name and age.

A Franz Stvarik, born the 5th of March 1909, Czech.
(Stvarik-Direct)

Q What is your occupation?

A In charge of a district -- parish priest and district president.

Q What is your residence?

A Prague.

Q What is your nationality?

A Czech.

Q Were you ever in Dachau concentration camp?

A The first time, on the 22d or August 1940. I was transferred then to Brandenburg. I returned to Dachau on the 12th of June 1942.

Q How long did you remain in Dachau the second time?

A From the 12th of June 1942 up until the end.

Q What block were you in, in June 1942?

A Block 17.

Q What were your duties in Block 17?

A I received the old number of the year 1940, 15,430. Therefore, I was a capo in the admittance block, room 3.

Q As room capo, did you ever have contact with a man named Willie Wagner?

A Yes. Two or three times a week.

Q What were Willie Wagner's duties at Dachau at that time?

A Willie Wagner was chief of the laundry.

Q Did you see Willie Wagner at the laundry?

A Yes.

Q Did you ever see Willie Wagner mistreat prisoners at the laundry?

A Always when we were there.

(Stvarik-Direct)

Q How did he mistreat prisoners at the laundry?

A He beat the prisoners with his fists into their faces. After that, he kicked them with his foot, when they were lying on the ground. Once I saw him beat a Czech with a piece of wood.

Q What were the nationalities of the other prisoners he beat in the laundry?

A Czech, Polish and Russian. One was a Belgian clergyman.

Q Is Willie Wagner in court today?

A Yes.

Q Will you go over into the dock and identify him by placing your hand on his shoulder.

Prosecution: Let the record show that the witness identified the prisoner wearing the numeral 8, as the accused Willie Wagner.

Q What block were you living in after you were in Number 17 in Dachau?

A Block 30.

Q What other block did you live in after that?

A After that, all Czech clergymen were transferred to 28.

Q Did you ever know a man named Becher while you were in this block?

A Fritz Becher was block elder on the priest's block 28.

Q. Did you ever see Becher mistreat any priest in Dachau?

A It was a daily routine.

Q How did he mistreat the prisoners, Father?

A First, by names? The most beautiful name for all was "dirty priests"; the others I do not want to mention.

(Stvarik-Direct)

We had to drill. At that occasion, I saw how an old Polish clergyman collapsed, and Becher beat him and kicked him with his feet.

Q Do you recall when that occurred?

A The end of November or the beginning of December 1942.

Q What means did he use to beat the priests?

A He kicked them and beat them with his hands.

Q Is Fritz Becher present in court today?

A Yes.

Q Will you please go to the dock and identify him by placing your hand on his shoulder?

Prosecution: Let the record show that the witness identified the prisoner bearing the numeral 27, as the accused Fritz Becher.

Q While you were in Dachau the second time, did you ever know a man named Joseph Jarolyn?

A Yes.

Q Do you know what his duties in Dachau were?

A He was a report leader and, later on, was a camp leader.

Q Did you ever see one Joseph Jarolyn mistreat any prisoners in Dachau?

A Yes. I can give you precise dates. If someone said it was 1944 I would say "yes". It could be, because it is impossible to remember.

Q Of what instances are you speaking? Tell the court about it.

A Once I went up the camp street, and that is the block Number 9. A Russian boy was walking along there, about 17 or 18 years old, and report leader Jarolyn was coming, riding from the back. The

(Stvarik-Direct)

boy didn't have any eyes in his back, and didn't see him, that is a certain thing, and he ran before Jarolyn's way. He walked into his wheel. Jarolyn beat him in such a manner that the boy was lying on the ground. I made a mistake in that I remained standing. Jarolyn saw me and beat me, too. I was bleeding from my nose and my mouth at that time.

Q Father, how long did Ruppert remain in Dachau while you were here?

A Ruppert I saw for the last time two or three days before liberation.

Q Did you see him mistreat any prisoners during the last days prior to liberation?

A We founded our own police in the camp. In our block 26 we ordered several reserve officers to that service. At that time I was on duty at the gate. It was in the afternoon. On the formation ground a transfer of Jews was prepared. A big transport arrived at the camp in the meantime, completely dazed and hungry people. Camp leader Ruppert was at the gate, and told the people they should go to the right where the storeroom for personal effects was and remain there. These starved people saw that some of the people at the parade ground had something to eat. They wanted to walk over to the formation ground. Ruppert beat them so badlz that they fell to the ground.

Q Do you know the nationality of the people that Ruppert beat at that time?

A It was an unknown transport put together from several nations, as it usually was.

(Stvarik-Direct)

Q Do you recall the specific nationalities, Father?

A Russians, Poles, Czechs were present, too, and Frenchmen.

Q Do you recall, during the time you were at Dachau the second time, a man named Trenkle?

A Yes.

Q What were his duties at Dachau?

A At first, camp report leader, then he was the third or fourth, I don't remember exactly any more, camp leader.

Q Did you ever see him mistreat prisoners at Dachau?

A Yes.

Q In what manner did he mistreat them, Father?

A Sick-call was held on the formation ground. At this sick-call Rapportfuhrer Trenkle sometimes held, despite the fact that he wasn't a physician or a male nurse. I remember for instance, where there was a man with a very bad leg. He was standing as the first one in the road. Report leader Trenkle chased him awaz. The man hopped about on one foot and went to the rear of the line. Upon that, report leader Trenkle chased him down the camp street, which goes up to the supply room where personal belongings were kept, and kicked him all the time, and the man fell down several times.

Q Father, would you be able to identify Trenkle today, if you saw him?

A Yes.

Prosecution: The record will show that the witness identified the accused wearing the numeral four, as the defendant Trenkle.

(Stvarik=Direct)

Q Father, from the 12th of June 1942 to the time of the liberation, do you recall knowing a man named Michael Redwitz?

A Yes.

Q Where did you know him?

A He was a camp leader.

Q In Dachau?

A In Dachau.

Q Did you ever see Michael Redwitz mistreat any prisoners in Dachau?

A It was on the 3d of August 1943. It was a public payment of fourteen prisoners on the formation ground.

Q What do you mean by public payment?

A Beating over the block.

Q Continue.

A Fourteen altogether -- two were German. Camp Leader Redwitz was present. Report leader Trenkle read before everyone present why these people were punished. One Polish boy was punished because he stole a few potatoes while he was hungry. One of them was punished with twenty-five beats because he says all Germans were SS men and bandits. They had him take off his pants and report leader Trenkle himself beat him.

Q Who was the senior officer present at that beating?

A Camp commandant Weiss. He was commanding officer of the camp. He was not present. Redwitz was present.

Q Was Redwitz the senior officer present?

A Yes.

(Stvarik-Direct)

Q Would you be able to identify Michael Redwitz today?

A Yes.

Prosecution: The record will show that the witness identified the accused bearing the numeral 22 as the accused Michael Redwitz.

Q Do you recall the other nationalities of prisoners beaten on that day, Father?

A Most of them were Polish And Russians. There was another beating on the 31st of August or the 1st of September. Twenty-one people got paid then. On the 3d of September seventy-one people were beaten then. On the 10th of October, the 27th of October, the 6th of December and the 8th of December, it was in the bath-house, then.

Q Were you present when those beatings were administered?

A I had my friends there and this list I smuggled home in an illegal letter. Beatings were a public secret in the camp.

Q Now, Father, why were you sent to Dachau concentration camp?

A The first time I was arrested was the 29th of September 1939. I did not want to celebrate the fall of Warsaw by ringing the bells of my church. I was punished with a punishment of ten thousand Czech crowns, beaten, and released. I had to sign a statement that I was treated well. The second time I was arrested was on the 22d of May 1940. The reason was high treason, without court.

(Stvarik-Direct)

Q You were subsequently brought to Dachau after that?

A At first I was brought to Fortress Dresden Schatt, then to the prisons of Dresden, Kemnitz, Planen, Hoff and Munich, and then to Dachau.

Prosecution: No further questions.

Defense: No questions.

The members of the court declined to question the witness.

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

Prosecution: The prosecution calls as its next witness, Lieutenant Arthur Haulot.

Lieutenant Arthur Haulot, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q State your name, please.

A Arthur Haulot.

Q Are you a member of the Belgian army?

A Yes.

Q And for how long have you been a member of the Belgian army?

A Since the liberation of the camp.

Q What camp?

A Dachau.

Q How old are you, Lieutenant Haulot?

A Thirty-two.

Q And what was your occupation in civilian life?

A I was a journalist, and a member of the traffic ministry in Belgium.

(Haulot-Direct)

Q Was that last job a governmental position?

A My official position was I was inspector for foreign traffic.

Q Lieutenant Haulot, were you a prisoner in the Dachau concentration camp?

A Yes.

Q How long?

A I was two and one-half years in Dachau.

Q Previous to the time that you were brought to Dachau, where had you been?

A At first, I was six months in prison in Brussels, and four months in a concentration camp at Mauthausen, Austria.

Q Why were you arrested, Lieutenant Haulot?

A Because of my illegal activities in the Belgian resistance movement.

Q When were you arrested?

A The 27th of December 1941.

Q And when did you come to Dachau?

A I arrived on the 8th of November 1942.

Q Do you happen to recall who was camp commandant when you arrived, or shortly after you arrived?

A I didn't know it immediately, but I found out a few days later it was camp commandant Weiss.

Q When you arrived at Dachau, in what block were you placed?

A I was in Block 19.

Q About how long did you remain in Block 19?

A Only a few days -- four days.

(Haulot-Direct)

- Q Then where were you moved?
- A Block 25 -- the quarantine block.
- Q And how long did you remain in quarantine Block 25?
- A I remained in Block 25 until I was admitted to the hospital in the beginning of January 1943.
- Q So from about the 12th of November 1942 until January 1943 you were in quarantine Block 25?
- A Yes.
- Q And about how many other prisoners were in that Block 25?
- A At least three hundred to three hundred fifty in one room. That is, twelve hundred to twelve hundred fifty in the entire block.
- Q In the room in which you were, where there were three hundred to three hundred fifty people, how many beds were there?
- A I myself counted -- one hundred twenty.
- Q What was the physical condition of the other prisoners in this same room with you in Block 25?
- A They were only so-called invalids. My transfer was an invalid transfer from Multhausen.
- Q Did anybody die in your room in Block 25 while you were there?
- A People died regularly because, first of all, we were all very weak and had lost a lot of weight. And the food in the block wasn't sufficient for us to recuperate.
- Q What do you mean by "regularly"?
- A It means that every day at least one, three, or five died on that block itself.

(Haulot-Direct)

Q During that period of time, when that many people were dying, how often did a doctor come to the block?

A Not once.

Q Do I understand you to say that in all the time that you were in Block 25, with one thousand to twelve hundred people, that a doctor never entered the block?

A Certainly.

Q Who was camp commandant at that time?

A Camp Commandant Weiss.

Q After you left this Block 25, some time in January, then where did you go?

A I went to the hospital.

Q Why did you go to the hospital?

A I went to the hospital in an illegal way. I had lost a lot of weight. I only weighed fifty-four kilograms, and was one meter-ninety tall, and I also received phlegmon infection on the right leg. I reported several times at sick-call. I went there twice, but every time I was kicked out. Then I was admitted to the hospital in an illegal manner.

Q What do you mean by being admitted to the hospital in an illegal manner?

A A German comrade of mine, who was a male nurse in Room 1, Block 1, knew I was in bad condition. He visited me every once in a while. He advised me to go on sick-call and, since he saw I was chased away every time, he came and got me himself and brought me to the hospital, with the help of other comrades.

(Haulot-Direct)

Q About how long did you remain in the hospital as a patient?

A I stayed up until the beginning of May.

Q After you were released, what sort of work did you do?

A For several days I only worked on the kitchen transport detail; then I was sent as cook to the SS kitchen Number One.

Q For how long did you remain cook at SS kitchen Number One?

A For six months.

Q Then did you return to the hospital?

A I returned because in the meantime I had a case of typhoid and because of that I had a heart weakness and that is why I returned to the hospital.

Q Lieutenant Haulot, during this period of time that you were employed as cook in the SS kitchen, how was the food over there?

A What do you mean -- mine or the food in the camp?

Q In the camp, for the SS men?

A The food for the SS men was pretty good.

Q How was your food?

A Our food in the camp?

Q Yes.

A As bad as was normal in the camp. We ate cabbage for three months, beets for three months, and changed around again.

Q After you returned to the hospital, in November 1943 did you remain in the hospital?

(Haulot-Direct)

- A After several days of bed rest, I recuperated again, and it was possible to report as male nurse.
- Q In what block did you act as male nurse?
- A In the medical ward, block three.
- Q How many patients were there in Block 3?
- A Altogether, approximately three hundred fifty.
- Q Was that in the entire block, or room, in which you were the nurse?
- A In the entire block.
- Q And for how long did you then remain in Block 3?
- A Until March 1945.
- Q What type of patients did they have in Block 3 when you were there?
- A When I arrived, until the time of the typhus epidemic, there were only internal, that is, medical, cases.
- Q When you arrived there, in November, in the months that followed after you arrived in November, were there deaths occurring there, in that block, as a result of illness?
- A Pretty few deaths.
- Q Who was head doctor during that time?
- A Doctor Walter.
- Q How often did he come around to your block?
- A I never saw him there.
- Q Who followed Doctor Walter as head doctor?
- A Doctor Witteler.
- Q How often did he come?
- A I saw him once.

(Haulot-Direct)

- Q You saw Doctor Witteler once. Do you have any idea for about how long he was chief doctor?
- A I can say, approximately, just a couple of months.
- Q But during that period you saw him how often in your block?
- A One time.
- Q And who followed Doctor Witteler as chief doctor?
- A Doctor Hintermayer.
- Q. During that time what type of patients did you have in your block?
- A The same kind.
- Q During what period of time, if you remember, was Doctor Hintermayer the chief doctor?
- A Immediately after the departure of Doctor Witteler, up to the end.
- Q During that period of time were there any deaths occurring in your block?
- A There were death cases, but very few during the normal camp life, but many during the epidemic.
- Q During that period of time, when Doctor Hintermayer was chief, how often did he come to your block?
- A He came much more often than his predecessors -- at least once or twice a week.
- Q During that period of time, how many patients did you have?
- A In my room?
- Q Yes.
- A Approximately eighty or ninety.

(Haulot-Direct)

- Q And how many in the entire block?
- A In the whole block, the same -- approximately three hundred. But this is true only during the normal time, and not during the epidemic.
- Q What do you mean by "this is true"?
- A The number of patients.
- Q How many patients were there during the epidemic?
- A I don't know the exact number, but there were many more, because we were to put three patients in two beds and as many as two into one bed.
- Q Do you know, of your own knowledge, whether or not any patients were ever transferred into your block from the malaria experiment station?
- A Yes.
- Q When did that occur?
- A As far as I can remember, it was February 1945.
- Q Do you happen to recall who it was that was transferred from the malaria station into your block?
- A Two young Russians.
- Q How do you know they were Russians?
- A With every patient, we received a slip of the patient when they were transferred. On each slip of paper was his name, his number, and the initials of his nationality, and from what station he came, and to what station he was transferred.
- Q About how old were these Russians, who were transferred in?
- A At the most, they could have been 17 or 18 years old.
- Q Were they healthy or sick?
- A Healthy and sick at the same time. That is, they were in good physical condition, but at the same time they were poisoned.

(Haulot-Direct)

Q How long did they live after they arrived in your block?

A I cannot exactly state the number of hours, but it was a matter of hours. At the most, it was one day and one night.

Q What happened to them at the end of one day or night?

A They died.

Q Now, do you know a man by the name of Wilhelm Wagner?

A Yes.

Q How do you happen to know him?

A I got to know him in November 1942, a few days after I was admitted in Dachau.

Q What was the occasion of your meeting with Wilhelm Wagner?

A I was sent by the block elder with a few comrades to pick up clean linen at the laundry. Six or seven of us went to the laundry. We were standing in front of the laundry. During one moment the block elder went into the laundry. We were waiting for his orders to come in. At that moment an SS man, his name I found out later from the block elder, that was the man in charge of the laundry detail, Wagner, he asked us, especially me, what we were doing there. We were all Belgian, and none understood German. At that moment, I didn't understand German, either. After he asked me the question two or three times and saw that I couldn't understand, he hit me in the face, so hard that I fell to the ground.

(Haulot-Difect)

Q What was your physical condition at the time of this beating at the hands of Wagner?

A As I stated before, I had lost a lot of weight. I weighed only fifty-four kilos.

Q Would you recognize Wagner if you saw him today?

A Yes.

Q Look into the defendants' box and see if you recognize a man whom you remember as Wilhelm Wagner. If you do, go and point to him.

A This is Wagner.

Prosecution: Let the record show that the witness, Lieutenant Haulot, identified as Wilhelm Wagner the defendant wearing the numeral eight.

Q Is the man whom you just pointed out in the box the man who beat you that day? The man to whom you referred?

A Yes.

Q Now, do you know whether or not there was any occasion, shortly before liberation of this camp by the Americans, when the Jews in the camp were assembled on the parade ground?

A As far as I can remember it was the 24th of April.

Q Did you, personally with your own eyes, see those people assembled on the parade ground?

A Yes.

Q And what time during the day were they assembled on the parade ground?

A As far as I can remember, the order to call the Jews together came during the morning hours.

(Haulot-Direct)

Q. What time were they then assembled on the parade ground?

A Towards the end of the afternoon.

Q How long did they remain there on the parade ground?

A They stayed in formation until the next morning.

Q Do you mean by that that they remained there all day and all night?

A They stayed there all day and all night, despite the fact that it was very cold and windy.

Q Do you know what the physical condition of these people was, who were gathered there?

A Of course there were healthy people also, but most had lost a lot of weight and were weak.

Q Do you know, of your own knowledge, whether or not any people were dead on the parade ground the next morning?

A I myself, with a few other comrades, went to the parade place the next morning -- they were also male nurses -- and we counted sixty dead.

Q Do you have any idea how large the original group had been that was called out the day before?

A Twelve or fourteen hundred, not any more. I think it was closer to twelve hundred. No -- that wasn't correct -- there were twenty-four hundred men.

The court then, at 1500 hours, 20 November 1945, took a recess until 1515 hours, 20 November 1945, at which hour the personnel of the court, defense and prosecution, the accused and the reporter were present.

President: Court will come to order.

Prosecution: Lieutenant Haulot, you are reminded that you are still under oath.

(Haulot-Direct)

Q Lieutenant Haulot, were you what is known as a night and fog prisoner?

A I never received official knowledge about that, but it was a generally known fact in the camp that this type of prisoner had disappeared in the night and fog. That means that we were actually living but we were technically dead. We were strictly forbidden to have a single connection with anyone outside the camp. Not one of us was allowed to go outside the camp for work. We were not allowed to write home. We could not receive any letters or packages from home. No one was supposed to know anything about us. I was in Germany three years and I never heard anything from home nor wrote home.

Q Now, Lieutenant Haulot, do you know, of your own knowledge, whether or not at any time shortly before the liberation of this camp by the Americans, there were any patients with mental disorders who were disposed of?

A In Block 7, Room 3, there was a department which was called the nerve room.

Q Was that your block?

A No.

Q How do you happen to know about it?

A I had been in the hospital long enough to know the entire setup.

Q Do you recall approximately what day it was when these people with mental disorders were disposed of?

A Not about, but exactly -- it was on the same day when the order was issued to transport the Jews on the 24th of April.

(Haulot-Direct)

- Q Did you have any occasion to visit that block on that day?
- A During this time I was chief male nurse of the typhus department. Every day I used to walk through the block to visit the Belgians who were ill. At one time, in the morning, during my visit -- I can't tell you exactly what hour it was -- I saw Doctor Hintermayer, who was walking through the hospital, and he went to Block 7.
- Q Did you personally see Doctor Hintermayer at Block 7?
- A Yes.
- Q Were you, yourself, in Block 7?
- A I, myself, was not in Block 7 at that moment, but I was in the hall that runs through all the blocks.
- Q Did you, personally, see Doctor Hintermayer?
- A Yes.
- Q Were you later told what Doctor Hintermayer's mission had been there at that time?
- A I inquired later on, because at this time, when everything was disappearing, it was not usual to see the chief doctor make visits. I inquired with the nurse of this department, Block 7, Room 3.
- Q Was he a friend of yours?
- A Yes.
- Q What did he tell you?
- A He told me that the chief doctor visited the nerve department and that he ordered that all people there were to be dressed and to lead them away to the shoe house.

(Haulot-Direct)

- Q How many people were there in that group, if you know?
- A As far as I know, there were seven men, and one woman.
- Q Were they then taken out of the hospital?
- A They left the hospital.
- Q Do you know where they went?
- A We never saw any one of these people again, but later I found out, through the disinfection capo that about two or three hours after the taking away of these people, their clothes arrived in the disinfection room.
- Q What do you mean by the disinfection room, when you say that their clothes arrived in the disinfection room?
- A It was common knowledge in the camp that all people who were either shot to death or went through the gas chamber, or killed in some other way, had their clothes sent to the disinfection room.
- Q And do you know, of your own knowledge, whether or not these clothes returned to the disinfection room?
- A Yes. However, I didn't see them myself, but the capo of the disinfection room was not interested in telling me that if it wasn't true.
- Q When you were in Block 25, were there other Belgians in that block at the same time?
- A Yes. About fifty.
- Q Were there any beatings which took place during that time in Block 25?
- A Yes. Yes, because the block eldest was a young German
- (Haulot-Direct)

named Ernst Schmidt. He had been in a concentration camp twelve years. Naturally, in the twelve years in which he was in the camp and was beaten himself, he didn't learn anything good. The young man was actually hysterical time after time, and beat the patients without reason. But he himself was a victim of this damned camp.

Q Who was camp commandant at this time?

A Commandant Weiss.

Q Was there any condition which existed in Block 25 which was worse than the beating and harder on the prisoners than the beatings themselves?

A Yes.

Q Will you explain what that was?

A I think for a normal person it is much harder to live in the camp than any other place, not only because of the beatings, but from a moral standpoint. That means the following: I wish to call myself as example, but what I can say for myself will be true for thousands of others. When I was brought here from Mauthausen, I was so thin and so through, from a physical standpoint, that I had to hold, or keep together, all my strength, just to stay alive. The worst that I had to go through, while in Dachau in Block 25 for three months, is not that I was beaten, but that I had to respect people who were criminals and anti-social; That I had to live day and night with hundreds of people who were professional criminals, and who had a better position in this dirty camp, only because they were criminals and German; and the matters became so bad for me that one day I actually stole bread from another comrade. I didn't eat that bread;

(Haulot)Direct)

I sent it back into the pocket of my comrade, but that I, who have a pretty good education, should fall so low in those three years, is the worst for me. And I know of many people, and at least six of my Belgian comrades, who died in Block 25, not only because they were beaten or starved, but they had enough -- up to the neck, if you want to use that expression.

Q Who was camp commandant during this period, to which you are just referring?

A Commandant Weiss.

Prosecution: You may inquire.

CROSS EXAMINATION

Questions by the defense:

Q Lieutenant Haulot, a couple of questions, to clear up a few matters. When Doctor Witteler was camp doctor, you say that you saw him only once in the blocks. Is that correct?

A Yes.

Q He was here but a short time, wasn't he?

A He was there about two or three months. I don't know exactly.

Q At the time he was there, there was no epidemic in the camp, was there?

A No.

Q And you only had the normal run of sick cases in the hospital block. Is that right?

A In my block -- yes.

Q And the only thing you had in the camp was the normal run of sick cases -- no epidemic?

A No epidemic.

(Haulot-Cross)

Q Was there a prison doctor?

A I don't remember at that time.

Q At that time you were acting as medical aid man, yourself, weren't you?

A Yes.

Q And you don't recall whether or not a prison doctor helped you?

A Yes.

Q Were there very many deaths during that period of time during which Doctor Witteler was here?

A No.

Q And Doctor Hintermayer was here at the same time, wasn't he?

A He was here at the same time, but he was not chief doctor at that time; he was chief of the medical department.

Q He worked under Doctor Witteler, didn't he?

A Yes.

Q Doctor Witteler left, then Doctor Hintermayer became chief?

A Yes.

Q It was during Doctor Hintermayer's regime as chief that the epidemic broke out. Is that right?

A Yes.

Q And as a result of that epidemic there were a lot of deaths, weren't there?

A There were many cases of death, but not only as a result of this epidemic, but as a result of bad organization of the hospital.

(Haulot-Cross)

- Q Now, you were here all the time that camp commandant Weiss was here as camp commandant?
- A I believe that Weiss was commandant of the camp before I came to Dachau.
- Q Do you remember when he left?
- A I don't remember. I think it was in 1944.
- Q And he wasn't here when these Jews were assembled on the parade ground on the 24th of April 1945. was he?
- A I can't say. I do know that Weiss was here the very last days before the liberation, but whether or not he was here on the 24th of April, I don't know.
- Q He wasn't lager commandant?
- A No.
- Q Who was?
- A Commandant Weiter.
- Q Going back to these nervous patients, or mental cases, in Block 7 -- do you know who those people were?
- A Who they were, I didn't know. I didn't know them myself, but I know there was one Polish woman -- that I know, myself; and one Russian prisoner.
- Q They were in this mental ward?
- A Yes.
- Q Isn't it a fact that all the people who happened to be in that mental ward were German nationals?
- A Definitely not. There might have been Germans, but there were also others.
- Q How many were there altogether?
- A As far as I remember, there were eight, altogether.

(Haulot-Cross)

Q Do you know where they were evacuated to?

A I don't know personally; I can only guess.

Q Do you know, as a matter of fact, that they were actually transported to Alach?

A I never heard about it.

Q With reference to these two Russians who were brought from the malaria station: Do you know, of your own knowledge, that they were brought direct from the malaria station to your block?

A Straight from the malaria station.

Q And they died, as I understood you to say, within a matter of hours?

A That might have been one and one-half days, but certainly no more.

Q Of your own knowledge, do you know what they died from?

A They died because they had been poisoned by large doses of pyramidon.

Q How do you know that they died from overdoses of pyramidon?

A Because I immediately asked the male nurse what was the matter with the two Russians. The male nurse of the malaria station said that the two Russians were sent to us because they were already dying, and they should die in our station, so that the official death cause would be typhus. I also asked what had happened to the two Russians and I was told by this male nurse, who had handled these people, that they had received large doses of pyramidon -- up to seven grams per dose.

(Haulot-Cross)

Q Do you know, as a matter of fact, that the first experiment made in the malaria station with pyramidon started on the 3d or 4th of March 1945?

A That might be, but the defense counsel must understand that we do not know the dates exactly. I can tell you the dates because I wrote everything down in my diary.

Q I appreciate the fact that it is difficult to give exact dates, but the witness gave a date in February 1945, as the approximate date of death of these two Russians. That is correct, is it not?

A I said it was probably in February, but it might have been between the 27th of February and the 4th of March.

Defense: The defense would like to ask for an interruption, and meet counsel for the prosecution at the bench.

Permission was granted.

President: The court will take a short recess.

The court, then, at 1545 hours, 20 November 1945, took a recess until 1553 hours, 20 November 1945, at which hour the personnel of the court, defense and prosecution, and the accused and the reporter were present.

President: Court will come to order.

Defense: No further questions.

Prosecution: One question on redirect examination

REDIRECT EXAMINATION

Questions by the prosecution:

Q Lieutenant Haulot, during the intermission we have had, were you able to refresh your recollection relative to the time when the patients arrived from the malaria station?

(Haulot-Redirect)

A Yes, because I kept a diary in the camp. I didn't note down that date, but the date on which I became the male nurse. I became the chief male nurse of Block 17 on the 6th of March, and I am sure that this happened at least two weeks earlier. That is, then, in the middle of February.

Prosecution: No further questions.

Defense: No questions.

President: The court has no questions.

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

Prosecution: The prosecution calls as its next witness, Oscar Muller.

Oscar Muller, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q Please state your name, age, occupation and residence.

A Oscar Muller, forty-nine years, Wiesbaden, Labor Minister of Larger Hessen.

Q Your present job is that of Labor Minister in Greater Hessen?

A Yes.

Q What is your nationality?

A German.

Q Were you ever in Dachau concentration camp?

A Yes.

Q During what period of time were you here?

A From the end of August 1944 until liberation.

Q Why were you in a concentration camp?

A After the Reich action after July 1944, I was arrested.

(Muller-Direct)

- Q On what charge, or did you ever know?
- A That was a consequence of that action. There was no specific charge made, but I was illegally active. I was working against the Nazis.
- Q . What were your duties while you were in Dachau concentration camp?
- A First I was in the quarantine blocks, 15 and 17, then in 27, then in 29. In Block 29 I was suggested by my comrades about November 1944 for room eldest. Then at the beginning of December I was made block eldest and deputy camp eldest with the task of being in charge of disinfecting, that is, delousing. Then, about the beginning of March 1945, I became camp eldest.
- Q While you were in Dachau was there ever a typhus epidemic?
- A Yes.
- Q When did that epidemic start?
- A About November 1944.
- Q Do you know what was the reason for this epidemic starting?
- A In November 1944 a transport came into the camp, and, as far as I remember, it came from Hungary. This was sent to the bath, and already carried typhus with it. This transport was very much lousy. As far as I remember, about seven of them died in the bath.
- Q Did you play any part in the control, or attempted control, of the typhus epidemic?
- A I made it my job to at least try to prevent the typhus epidemic in the camp.

(Muller-Direct)

Q What did you do in order to try to check the epidemic?

A I tried, first of all, to get sufficient quantities of delousing powder, so that the barracks would have sufficient quantities of powder to give enough powder to each comrade for delousing purposes. But through additional transports, and also because of the fact that people were transported out of quarantine blocks into different blocks, the lousy conditions of the camp became worse. There were always new transports coming into the camp, and that was the reason the typhus epidemic became worse. I saw the camp doctor, and the camp leader, too, to prevent the spread of the epidemic. But we were not given enough delousing powder. I demanded that the camp should be restricted, and no new transports be sent into camp, but it was not done.

Q Who was camp physician -- the camp physician you contacted, relative to this condition?

A Doctor Hintermayer.

Q Would you know Doctor Hintermayer if you were to see him today?

A Yes.

Q Is he present in the courtroom?

A Yes.

Q Who was the Lager f"hrer that you contacted relative to this situation?

A Ruppert.

Q Is he present in the courtroom?

A Yes.

Q Do you recall the death rate that resulted from this typhus epidemic?

(Muller-Direct)

- A As far as I remember, the death rate before the epidemic -- the daily death rate was between forty and fifty. Then the death rate grew, with the epidemic going on, to seventy, eighty, one hundred, and there were even days when there were one hundred thirty or one hundred fifty.
- Q Do you recall the months of January and February 1945?
- A Yes.
- Q Do you know approximately how many people died in Dachau during those two months?
- A About seven thousand.
- Q This man that you referred to a moment ago -- Ruppert -- you said that he was lager leader. Is that correct?
- A Yes.
- Q Did you ever see him mistreat anybody?
- A Yes.
- Q Whom did he mistreat?
- A I often saw that at the time when working details would come back into the camp from outside they were searched, and I often saw him beat prisoners.
- Q Do you know the nationalities of the prisoners that Ruppert beat?
- A They were of all nationalities.
- Q What do you mean by all nationalities?
- A French, Italian, Poles, Russian, German.
- Q Do you recall a man named Becher?
- A Yes.
- Q Is he present in court today?
- A Yes.
- Q Did you ever see him mistreat prisoners?
- A Yes.

(Muller-Direct)

Q How did he mistreat them?

A He beat them with the fist.

Q What were the nationalities of the prisoners that
Becher beat?

A I believe, also various nationalities.

Q While you were in Camp Dachau, were you familiar with
the clothing that was issued to the prisoners?

A Yes.

Q Will you describe to the court the clothing that
was available to the prisoners during the winter of
1944 and 1945?

A Through the continuance of new transports, the popula-
tion of the camp grew. The newly arrived transports
were clothed into the well-known striped suits. They
often didn't receive any drawers, long drawers, and
the largest part had no overcoats in the winter. The
shirts were only very short, and if drawers were issued
they were, in large part, only thin short ones. They
were exposed to the cold.

Q Were the clothes that were issued sufficient to protect
these prisoners from the elements?

A No.

Q Now, are you familiar with the housing conditions in
Dachau at the time you were here?

A Yes.

Q How many prisoners were in Dachau when you first ar-
rived?

A About twenty-two thousand.

(Muller-Direct)

Q How many prisoners were in Dachau in April 1945?

A About thirty-three thousand. The camp was suitable, under normal conditions for about eight thousand.

Q Approximately how many people were housed in each block?

A Eight hundred, twelve hundred, fifteen hundred, even up to eighteen hundred.

Q When were eight hundred, and when were eighteen hundred in a block?

A That varied. It depended partly on whether they were working blocks or non-working blocks.

Q What was the capacity of a working block?

A About eight hundred to one thousand.

Q What was the capacity of a non-working block?

A Thirteen hundred, fifteen hundred, even up to eighteen hundred.

Q Going back to the clothing: Was the clothing ever washed?

A The shirts -- that is, the underwear -- in general, was partly not washed up to twelve weeks or three months. I saw comrades who were wearing a shirt which was actually falling apart because it was not changed.

Q Do you recall the conditions as to food while you were in Dachau, Mr. Muller?

A Yes.

Q Will you describe what the average daily ration of a prisoner in Dachau, during that time, was?

A In the first days when I was here, we still received one-fourth of a loaf of bread. At one time we received one liter of soup, but it was already very thin. In the evening we received a small piece of sausage or cheese, or

(Muller-Direct)

sometimes in the evening a half liter of soup. Then we received, instead of one-fourth loaf of bread, one-fifth, later, one-sixth, and in the last days we received one-eighth. That was about one hundred ninety grams.

Q Going back to the block: What was the capacity of a working block -- not the number of people in it?

A About four hundred fifty.

Q And what was the capacity of a non-working block?

A Also four hundred fifty; the normal capacity.

.. Prosecution: No further questions.

CROSS EXAMINATION

Questions by the defense:

Q You speak of the amount of clothing that was issued to the inmates coming in by transport?

A Yes.

Q Will you tell us what clothing you were issued while you were an inmate here?

A Also these striped clothing.

Q Will you name the articles that you were issued?

A I received a coat, a pair of pants, a shirt, and one under-drawer.

Q Those under-drawers -- were they winter or summer drawers?

A They were short summer drawers.

Q Were you issued an overcoat?

A When I came here, no.

Q Were you ever issued an overcoat?

A Later on, I received an overcoat, yes.

Q How do you account for the radical increase of the population in Dachau during the period you describe?

(Muller-Cross)

Q (cont'd) Why was it necessary for transports to come in to Dachau?

A In my opinion, it is that when the front approached, or came closer, that the population of the other camps was brought in; the people of other camps were sent to Dachau.

Q And that, in your opinion, was the reason for the Hungarian transport that brought the typhus?

A I presume so.

Q You don't consider that a part of a common design on the part of anyone connected with the armed forces of the German Reich, but more a part of a common design on the part of the Allied Powers, who were collapsing the German Front on all sides?

A I don't quite understand the question.

Q Do you consider the evacuation of the camps that were being overrun at the front to be premeditated and planned by the officials of the government?

Prosecution: I object to the translation of the question.

Defense: I withdraw the question.

Q Upon your request to Doctor Hintermayer and Lager fuhrer Ruppert for delousing powder, did you get any delousing powder from them?

A We received delousing powder, but not enough.

Q This epidemic of 1944 was a typhoid epidemic, was it not? The one that broke out in November 1944?

Prosecution: I object to the translation of the question — It was translated as Fleck Fever, not typhoid.

A We called it spotted fever.

(Muller-Cross)

Q Did that occur — was there an epidemic which broke out in November 1944?

A That was this spotted fever epidemic which developed through these transports into the camp.

Q Was the camp closed at the beginning of February 1945 on account of the epidemic.

A Not the entire camp.

Q What part of it was closed?

A There were several barracks on the uneven side which were closed.

Q Why were they closed?

A No one was supposed to get out of these closed barracks, but, in spite of that, working details went out from those barracks.

Q It was an effort, futile though it may have been, to control the epidemic?

A There was an attempt made, but it was not sufficient; in my opinion, the entire camp should have been closed.

Q That was a matter of bad judgment on the part of the authority in command at that time, was it not?

A In my opinion, the camp leader and the chief doctor should have stopped any new arrivals, and should have closed the camp.

Q Do you know whether or not the officials in charge of the camp had notice of the arrival of these transports which were coming in from camps being evacuated?

A I don't know whether they knew about it.

Q Mr. Muller, are you familiar with the German civilian food ration at the time of this epidemic?

(Muller-Cross)

A I was in the camp. I don't know what it was.

Q Would you say what the German civilian food ration was at the time of your incarceration?

A I never paid any attention to the shopping at home. I let my wife do that, so I can't tell you what the rations were.

Q Do you know, as a matter of fact, that the German civilian food ration was far below the ration allowed the German armed forces at that time?

A That is possible.

Q Did you, prior to your incarceration, have all that you wanted to eat?

A It was not enough, but one could get along somehow.

Q And why was there not enough for the German civilian population at that time, in the middle of the year 1944?

A To answer this question now would be very hard, because I had no knowledge of the entire situation in food.

REDIRECT EXAMINATION

Questions by the prosecution:

Q Mr. Muller, as camp eldest, did you receive treatment any different than the other prisoners in Dachau?

A I was a prisoner just like everybody else.

Q Did you receive any special dispensations because you were camp eldest?

A The reason I became camp eldest is because of the following reasons: My predecessor as camp eldest was the Armenian, Keansarian. He was an agent of the investigator, Bach, and he acted as a representative of the camp leader.

(Muller-Redirect)

By the brutality of Meansarian there was a tight situation which developed in the camp. The block eldest of Block 29 -- the then block eldest by the name of Kurt Bauer -- had long conferences in the political department. He then told me the following: He had told the investigating official, who had come here to carry out the investigation, that if Meansarian would remain camp elder any longer, that it would be possible that there would be complications between Meansarian and the camp.

Q The question I want to ask is, Did you receive any specific special privileges by virtue of being the camp eldest?

A The camp eldest had his office, but really had more work.

Q Who sent the work details out of the part of camp that was closed, the part that you spoke of a moment ago?

A Within the compound?

Q The part that you said was quarantined.

A That was done by the work service leader. He gave instructions.

Q Do you know who the work service leader was at that time?

A There were several; I know one by the name of Schmidt.

Q One further question: Did the prisoners at Camp Dachau receive the same rations as the SS troops in charge of them?

A I don't quite understand the question. Not the work details.

Prosecution: No further questions.

(Muller-Redirect)

RE-CROSS EXAMINATION

Questions by the defense:

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

A No.

Q Did you ever know him to be one of the labor service leaders that you said were in the camp at the ^{time} details left from the quarantined section of the camp?

A In the time that I was there I didn't know him.

Q You don't recall his name being connected with the labor service office during the time you were in camp?

A I don't remember exactly.

Defense: No further questions.

The members of the court declined to examine the witness.

Prosecution: With the consent of the defense we would like to have Mr. Muller excused from further attendance at this trial.

Defense: If the court please, where does he live?

Prosecution: At Wiesbaden. We have a very urgent request from Military Government for his return as soon as possible.

President: How long would it take to get him if we need him?

Prosecution: Seven or eight hours.

Defense: We agree to have him excused, but not that he will not be subject to recall.

Prosecution: That is perfectly agreeable.

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

Prosecution: The prosecution calls as its next witness, Otto Jendrian.

(Muller-Re-cross)

Otto Jendrian, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q What is your name?

A Otto Edward Jendrian.

Q Where do you live?

A In Dachau.

Q Is that the city of Dachau?

A In the city of Dachau.

Q Where were you born?

A In Langendreir, Westphalia.

Q Were you ever a prisoner in Camp Dachau, Germany?

A Yes.

Q When were you a prisoner in Dachau, Germany?

A From the 19th of September 1941, until my escape on the 26th of April 1945.

Q In what blocks were you confined in Camp Dachau, Mr. Jendrian?

A When I arrived in Dachau I was sent to Block 8; later to Block 24; then, at last, to Block 2.

Q What were your duties as a prisoner here in Camp Dachau?

A My last duty here in Dachau was a capo in the more express, that is, a rolling cart.

Q How long did you stay in that capacity?

A From June or July 1943 until my escape in the year 1945.

Q During that time did you have occasion to know a man by the name of Kick?

A Yes.

Q Who was Kick?

A Kick was the chief of the political department.

(Jendrian-Direct)

Q Do you know whether or not any prisoners ever went to Kick's office for the purpose of interrogation?

A Yes.

Q When did that take place, Mr. Jendrian?

A Mainly in the Fall, until this year 1945 when the Americans approached.

Q What nationalities do you know of that went to Kick's office for interrogation?

A Mainly Russians.

Q Did you see any of these Russians that came back from Kick's office after interrogation?

A Yes.

Q Did you see the physical condition of these Russians before they went to Kick's office for interrogation?

A In the morning I saw young, strong, Russians go to this interrogation, and in the evening they would return to the camp broken and not able to walk any more, and they would sneak through the camp.

Q Now, what did you observe about the physical appearance of these Russians that came back from Kick's office?

A Yes.

Q What, specifically, did you observe as to the condition of these Russians?

A In some cases, because the ones that worked on my cart were Russians, the ones that worked in my cart asked the prisoners that had sneaked back from the interrogation; they didn't say much -- they only showed their fingers. The Russians called out to me "Capo, look."

(Jendrian-Direct)

Q What did you see?

A I saw the fingernails being torn off their hands.

Q Now, what did you observe with respect to their feet, Mr. Jendrian?

A These same Russians pointed with their fingers, which they could hardly hold up, towards their feet, and the Russians said "just like on their hands, the toenails were torn off."

Q Do you suppose that you could recognize this man, Kick, if you were to see him in court today?

A Yes.

Q Look into that block and see if you see the man, Kick, sitting in that group of prisoners.

A Yes.

Q Go over and put your hand on his shoulder.

Prosecution: Stand up, please. Let the record show, may it please the court, that the witness Otto Jendrian identified the prisoner wearing the numeral nine, as being the man, Kick.

Q Mr Jendrian, did you ever know a man at Dachau by the name of Wetzel?

A Yes.

Q How long did you know Wetzel?

A From his arrival in the camp until the end.

Q What was his function in the camp, Mr. Jendrian?

A He was administrative leader.

Q And in that capacity, over what did he have charge?

A The kitchen, laundry, supply room, and prisoners for the entire camp fixtures.

(Jendrian-Direct)

Q What did you see?

A I saw the fingernails being torn off their hands.

Q Now, what did you observe with respect to their feet, Mr. Jendrian?

A These same Russians pointed with their fingers, which they could hardly hold up, towards their feet, and the Russians said "just like on their hands, the toenails were torn off."

Q Do you suppose that you could recognize this man, Kick, if you were to see him in court today?

A Yes.

Q Look into that block and see if you see the man, Kick, sitting in that group of prisoners.

A Yes.

Q Go over and put your hand on his shoulder.

Prosecution: Stand up, please. Let the record show, may it please the court, that the witness Otto Jendrian identified the prisoner wearing the numeral nine, as being the man, Kick.

Q Mr. Jendrian, did you ever know a man at Dachau by the name of Wetzel?

A Yes.

Q How long did you know Wetzel?

A From his arrival in the camp until the end.

Q What was his function in the camp, Mr. Jendrian?

A He was administrative leader.

Q And in that capacity, over what did he have charge?

A The kitchen, laundry, supply room, and prisoners for the entire camp fixtures.

(Jendrian-Direct)

Q What did you see?

A I saw the fingernails being torn off their hands.

Q Now, what did you observe with respect to their feet, Mr. Jendrian?

A These same Russians pointed with their fingers, which they could hardly hold up, towards their feet, and the Russians said "just like on their hands, the toenails were torn off."

Q Do you suppose that you could recognize this man, Kick, if you were to see him in court today?

A Yes.

Q Look into that block and see if you see the man, Kick, sitting in that group of prisoners.

A Yes.

Q Go over and put your hand on his shoulder.

Prosecution: The record show, may it please the court, that Jendrian identified the man, Kick, as being the man, Kick.

Q Mr. Jendrian, you saw the man by the name of Wet.

A Yes.

Q How long did you know him?

A From his arrival in the camp until the end.

Q What was his function in the camp, Mr. Jendrian?

A He was administrative leader.

Q And in that capacity, over what did he have charge?

A The kitchen, laundry, supply room, and prisoners for the entire camp fixtures.

(Jendrian-Direct)

- Q Now, in that capacity did Wetsel have anything to do with the type of food that the prisoners received?
- A Yes.
- Q What sort of food did Wetsel introduce to the prisoners during his activities as administrator of the kitchen?
- A Wetsel started, or introduced, that potatoes were not to be peeled any more, but to be given with the peelings.
- Q What else beside potatoes did he concern himself with?
- A There was a vegetable which was already in the way of spoiling. This was beet leaves, which is usually given to cattle.
- Q And was that given to the prisoners to eat?
- A Yes, as vegetable.
- Q Now, during your stay here did you happen to know a man by the name of Filleboeck?
- A Yes.
- Q What were his duties in Dachau?
- A He was responsible for the food supply room and the prisoner's kitchen.
- Q Did you ever see Filleboeck take part in any executions?
- A Once.
- Q When was that?
- A At the shooting of more than ninety Russian officers.
- Q Can you give us, at this time, the approximate date of that execution?
- A It was about the month of September 1944.
- Q Now, what did you see Filleboeck do at this execution?
- A I saw Filleboeck, with a machine-pistol under his arm, carry out the well-known motions.

(Jendrian-Direct)

Q How you say "carry out the well-known motions." In what direction was this pistol pointing?

A In the direction of the kneeling Russians, who were sentenced to death.

Q Did you hear any report come from that pistol?

A I heard the report, not only from this pistol, but from four pistols at the same time.

Q And what did you see happen to the Russians in whose direction this pistol was pointed by Filleboeck?

A The kneeling Russians fell over to the front.

Q Could you recognize Filleboeck if you saw him at this time?

A Yes.

Q Look over in that group of forty men, and see if you see Filleboeck.

A Yes.

Q Go over to the dock and place your hand on the shoulder of Filleboeck.

Prosecution: Let the record show, may it please the court that the witness Otto Jendrian identified the prisoner wearing the numeral 29 as being Filleboeck.

Q At this same execution, Mr. Jendrian, did you observe any other men that you knew in Dachau, as being present?

A Yes.

Q Who were they?

A Von Garts, the clerk of the interrogator, Bach, and Alberger. I think, and report leader Kuhn. That is all four.

(Jendrian-Direct)

Q Did you ever know a man by the name of Eichberger?

A Yes.

Q Was Eichberger present at this execution?

A Yes.

Q What did you see him do on that occasion?

A He carried out the same type of motions that Filleboeck carried out.

Q And were the results the same?

A The result was the same.

Q Do you know Eichberger well enough to recognize him at this time?

A Yes.

Q Go over to the dock and place your hand on Eichberger.

Prosecution: Let the record show, may it please the court, that the witness Otto Jendrian identified the man wearing numeral 7 as being Eichberger.

Q Did you ever see any other execution while you were here at Dachau?

A Yes.

President: The court will adjourn until 0830 hours tomorrow morning.

The court then adjourned, to meet at 0830 hours 21 November 1945.

W. D. Dewson

W. D. DEWSON
Lieutenant Colonel, JAGC
Trial Judge Advocate

(Jendrian-Direct)

Dachau, Germany

21 November, 1945

The court met, pursuant to adjournment, at 9:00 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: Mr. Jendrian, you are reminded that you are still under oath.

Q Yesterday, Mr. Jendrian, you mentioned the fact that you saw Filleboeck participating in an execution?

A Yes.

Q Where were you when you saw Filleboeck participate in this execution?

A On my way to the fox building. It was from a distance of 60 to 80 meters.

Q You were on your way to this particular place - what were you doing on that occasion?

A I saw that it was roped off and guards were standing there and it interested me what was being placed within these walls. I got up on my cart and saw the story which I have described previously.

Q Did you see any other executions while you were here at Dachau?

A Yes.

Q When was that, Mr. Jendrian?

(Jendrian-direct)

A That was in the spring of 1945.

Q And who was being executed at that time?

A I saw naked bodies and I found out that they were French officers up to the rank of General.

Q Who did you see at that execution?

A At the far most corner I saw two persons, one was the chief of the crematory, Bongartz, and Mahl.

Q What did you see Mahl do on that occasion?

A Mahl, just like Bongartz, both of them were armed with pistols.

Q What did they do with the pistols?

A Certainly, they fired.

Q Did you see Mahl fire his pistol in the direction of the Frenchmen?

A The pistol of Mahl was directed in the direction of the kneeling victims.

Q And did you hear the report coming from that pistol?

A Yes, but only very weakly.

Q And after you heard the report, what did you see happen to the Frenchmen in whose direction it was pointed?

A I saw bodies lying on the ground already and just at that time a new group of naked people arrived and had to lie down - they had to kneel down and the reports sounded and right after that these naked bodies collapsed.

(Jendrian-direct)

Q Where were you at the time you saw all this, Mr. Jendrian?

A Again it was on the way to the fox building.

Q And how were you able to see it?

A Again I jumped up on my cart.

Q Would you be able to recognize the man Mahl if you saw him at this time?

A Yes.

Q Will you go over to the dock and if you see the man you know as Mahl, please place your hand on him.

Prosecution: Let the record show that the witness Mr. Jendrian identified the man wearing number 33 as being the prisoner Mahl.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q Would you state the date of the execution of the 90 Russians?

A I cannot say that. It was in the fall or late fall of 1944.

Q What time of day was it?

A It was in the morning?

Q What time?

A I did not have any watch and I did not know what time it was.

Q What is this building that you refer to as the fox building?

(Jendrian-direct, cross)

A At the fox building I had to get my coal and coke and distributed it throughout the camp and the other installations.

Q Is that the building where the coke and coal was stored?

A Yes.

Q How far was that building from the building where you worked?

A The building where I got the coal is about 200 meters away from the crematorium.

Q Did you work at the crematorium?

A No.

Q Where did you work?

A - had to cart bodies in the beginning for the crematorium and many times I still brought the fuel to the crematorium.

Q Were you taking fuel to the crematorium on this occasion?

A No, not that day.

Q Will you explain the position of the fox building with reference to the crematorium, to where you worked.

A The things was this - if I was ordered to cart coal, I had to pass by the crematorium on the wall near the crematorium.

Q Then you refuse to tell us where the building was where you worked?

A I don't refuse it.

(Jendrian-cross)

Q Well, I've asked you to tell me three times.

Prosecution: I object to the defense arguing with the witness.

Defense: It is not an argument - I've asked him to tell me where the building was that he worked and each time he says he passed it.

Prosecution: And I suggest that you put your question to the witness differently.

President: The objection is sustained. You will be very careful in the phrasing of your questions.

Q Where did you work?

A At the Moor express and every morning before the morning formation I had to take my orders where I worked for that particular day so that it happened that I had to go to the fox building every day to get the fuel and other things that were stored there.

Q How close were you to the crematorium on this occasion?

A During the snooting of the 90 officers, between 60 and 80 meters away.

Q How long did you remain there?

A I could not stay there very long, we proceeded on slowly.

Q How long did you stay there?

A I could say between three and five minutes.

(Jendrian-cross)

Q Did you state that there was a wall around this building?

A Yes.

Q And you climbed upon the cart, is that correct?

A Yes.

Q And looked over the wall?

A Yes.

Q Were there any guards present?

A The guards were within the wall.

Q Did anyone see you peeping over that wall?

A I assume not.

Q Did you see anyone that would have noticed you there?

A I can't say that.

Q How long did it take to execute these Russians?

A I cannot state that.

Q Will you describe to us exactly what you saw from your position over that wall?

A When I passed by the wall of the crematorium on the way to the fox building I saw approximately 30 people kneeling. I saw four people armed with pistols, Bongartz, Rapportfuhrer Kuhn, Filleboeck, Eichberger. Near the separation wall at the crematorium there was a group of officers but I did not know them.

Q What kind of cart was this that you stood on?

A It was an auto that was rebuilt.

Q How high was it?

(Jendrian-cross)

- A I assume that it was at a level of about one and thirty or one and thirty five.
- Q How high was the wall?
- A I estimate it to have been two and twenty.
- Q So that when you were standing on the cart looking over the wall, how much of your body was over the top of the wall?
- A That differs, because I was pretty far away from the wall. The distance from it to where I was standing always became larger.
- Q How far were you from the wall?
- A At first, I was right next to it and then the distance became greater.
- Q What do you mean - was the car moving?
- A Yes.
- Q How was it moving?
- A We had to pull the cart.
- Q How could you pull the cart and be on top of it looking over the wall at the same time?
- A It was a detail of fifteen men.
- President: I will ask the defense to ask his questions in a normal tone of voice.
- Q How many people were pulling the cart?
- A Fourteen, I was the fifteenth.
- Q Were you the only one on top of the cart?
- A During the shooting of the Russians, I was the only one.

(Jendrian-cross)

Q A few minutes ago I asked if anyone else saw you looking over the wall, is that correct?

A I assumed you meant one of the people one of the people from the crematorium.

Q Will you give the names of the people pulling the cart?

A They were Russians and I forgot most of their names. I remember a few. There was Alec Krewitz.

Q Where is he now?

A In Russia.

Q Any others?

A Uklof, Losanko Blasenko, Katin, I forgot his first name. I forgot the other names.

Q How far was the road where the cart was being pulled from the crematorium wall?

A That wall is the separation wall between the street and the crematorium.

Q How far is it from the wall?

A The wall borders on the street.

Q In other words, the street goes immediately by the wall adjoining the crematorium?

A Yes.

Q Would you say the wall was as close to the road as this table from where you are sitting?

A No, in this case the table would be the separation wall of the street right next to it.

Q Closer then, from me to you?

A I want to explain that a little bit further.

(Jendrian-cross)

At the street comes the camp and goes towards the plantation. If you come from the camp on the right side there is a little creek flowing. About 200 meters away from the camp, there is the separation wall of the crematorium and this road goes in between the wall of the crematorium and that little creek and this street then forks off and goes over a bridge over that creek and, the so-called Wild Park and I had to go through this Wild Park to go to the fox Building and I went that way daily.

Q At what point on that route that you have described was the cart when you climbed on top of it?

A It was right behind the big doorway to the crematorium.

Q And you say that you were on top of the cart from three to five minutes, is that correct?

A Yes.

Q The cart was moving all the time?

A Yes.

Q Was it moving closer to the wall or further away from the wall?

A Away from the wall.

Q So that the longer you looked, the further away you were?

A Yes.

Q When you first looked over that wall were the Russians kneeling at that time?

(Jendrian-cross)

A Yes.

Q Had any shots been fired before you looked over the wall?

A I heard that just as the Russians were kneeling.

Q Is that what caused you to look over the wall?

A I looked over the wall because the guard at the gate of the crematorium opened it up and at that moment while he opened it up I saw that group of officers, because of that reason I jumped up on the cart first and then I saw the kneeling Russians and I heard the reports at the same time.

Q Then you saw your first view then, through the gate?

A My first view while I passed was through the gate.

Q Who was the guard on the gate?

A A guard standing with a rifle.

Q Do you know him?

A No.

Q When did you arrive at Dachau?

A On 9 September 1941.

Q Where were you before that time?

A In France before where I was in the Police prison of Dartmond.

Q What were you in a police prison for?

A I was gotten by the Gestapo in France and I was kept there for that.

Q Where were you before that?

A In different camps in France.

(Jendrian-cross)

Q Were you ever in the German army?

A No.

Q How old are you?

A Thirty four years old.

Q Why is it that you were never in the German army?

A I was a member of the International Brigade in Spain. I had to leave Germany in 1933 because my life was threatened. I immigrated to Holland and I went to Spain in January of 1937 and I served on the Spanish fronts for two years. At our retreat across the Pyrenees Mountains I was interned in France and I remained there until arrested by the Gestapo.

Q Are there trees at the crematorium?

A Yes.

Q Will you please tell us the position of these trees?

A This was an old piece of a woods which was cleared out of the undergrowth and bushes.

Q I did not ask whether it was cleared out or not, I asked whether there were trees standing there.

A There are trees standing there.

Q Which angle was the trees from the point where you were standing?

A At first it was ahead of us and then we were slowly moving obliquely.

(Jendrian-cross)

Q How big is that famous neck shot corner that you spoke of?

A About two meters long from the wall into the crematorium about one and a half meters. The wall is about one meter high, it could be a little bit higher and about a meter to one and twenty wide at the bottom.

Q Now, you state that from a distance of about 60 to 80 meters above a wall of about two twenty high that you could look over such a wall and look into it?

A In the shooting of these over 90 officers this so-called neck shot corner did not stand yet.

Q I am not talking about the case of Mahl. You said about fifteen minutes ago that on the way to the fox building about 60 to 80 meters away, now, I ask you how you can look over a wall which is two and twenty high from a distance of 60 meters away?

A If my cart is about one and thirty five high, I'm 172' tall, so I have to assume that a pretty good portion of me can look over this wall unobstructed.

Q You assume that, but not I.

Prosecution: I object to the defense arguing with the witness.

Defense: I believe that this witness is not telling the truth, and I ask permission of the court to test the witness by cross examination.

(Jendrian-cross)

Prosecution: I object to the counsel arguing with the witness now and object to the manner in which this last question was given, and I will object so long as he confines himself to that manner of questioning.

President: The objection is sustained, the court does not want to have a tendency of unfairness towards the defense, but the argument will come later. This is not meant to limit his cross examination, but we do not care to have the personal views.

Q You say that before Frenchmen were shot there and most probably a general was amongst them?

A I said French officers up to the rank of general.

Q How do you know that?

A One of the six workers told me that who had to clean up.

Do you know who it was?

A It was a Yugoslavian whose name I forgot but whose name I can find out still.

Q How many reports did you hear?

A The reports of a machine pistol cannot be counted.

Q Did you see by the mouth of the weapons whether one pistol was firing or two?

A I did not see the front of any of these pistols.

Q What happened to your cart?

A I saw my roll cart here with another prisoner about a month ago over by the southern part here in camp.

(Jendrian-cross)

Q You are a German citizen by birth are you not?
A Yes.
Q Your home is in Westphalia?
A Yes.
Q How long did you live in Westphalia?
A Up until my 22nd year.
Q Are you married?
A Yes.
Q Were you married when living in Westphalia?
A Yes, I was married.
Q You had quite a bit of difficulty with the Gestapo during your life have you not?
A That is in 1933 I immigrated to Holland and was not exposed to the persecution of the Gestapo.
Q You had been persecuted by the Gestapo prior to your move to Holland?
A There was no Gestapo in Germany before 1933.
Q In 1933 were you being persecuted by the Gestapo?
A I was arrested.
Q In Westphalia?
A Yes.
Q By whom?
A Through the regular police.
Q The regular police?
A Yes, the regular police.
Q And what for?
A Because of my activities as an anti-fascist.
(Jendrian-cross)

Q Is that the first time you had ever been arrested?

A I was arrested and punished, too, because of participating in a prohibited demonstration.

Q Is that the arrest by the police in Westphalia?

A In 1933 the police arrested everyone who was suspected.

Q I don't believe you quite understood the question. Was that the first time you had been arrested?

Prosecution: May it please the court, at this time, because this witness is a foreigner, I would like to have him instructed that he does not have to answer questions which in his opinion is degrading to him.

President: You are not required to answer any questions which might intimidate or degrade you.

Witness: Political punishment cannot degrade me.

Q Was that the first time that you had ever been arrested?

A I was arrested once because of participating in this prohibited demonstration and that was when they were not in power yet.

Q What was the date of that?

A I don't know that any more. It was in 1931 or 1932.

Q These arrests that you suffered in 1931, or 1932 and again in 1933, were they instigated by the Gestapo?

(Jendrian-cross)

- A In 1931 and 1932 there was no Gestapo.
- Q The arrest in 1933 was as a result of the Gestapo, is that correct?
- A It resulted by the regular police, certainly by orders of the National Socialists which arrested all over Germany people when they got to power.
- Q You knew what Kick's position was here in the camp, did you not?
- A I knew that he was the chief of the Political Department.
- Q You knew that he was a representative of the Gestapo in Munich, did you not?
- A I know that the chief of the Political Department but what he did otherwise, I do not know.
- Q Didn't you know that the chief of the Political Department in a concentration camp is connected with the Gestapo?
- A I have heard that he was supposed to have been with the Gestapo, but I had a friend who was in the recommendation service and he told me that Kick was the leader of the Political Department.
- Q And when was it that he was connected with the Gestapo?
- A It was a general knowledge in camp.
- Q When did you learn it?
- A I never took any interest in Kick but when the name was mentioned and the newly arrived prisoners (Jendrian-cross)

also got to know the name of Kick and knew who he was.

Q Yesterday you testified to the effect that some Russians came in who had been in Kick's office, is that correct?

A Yes, it was approximately this way what I said. I said the following: "In the morning I saw healthy young Russians go to the questioning of Kick and in the evening the same Russians came back, brocken, hardly able to walk, creeping back into camp.

Q Would you tell me about what time of the year that interrogation of these Russians took place?

A It was not only one date, but since I got through the same route daily, I saw it quite often and that is from the late summer, September, of 1944.

Q You say that was late summer of 1944. Can you give a little better date than this?

A It was in September, or August, about that time.

Q You mean at the end of August or September?

A It continued until almost the month of January.

Q In 1945?

A 1945.

Q You know as a matter of fact that Kick left in August of 1944?

A I do not know that.

Q Yesterday you testified that at this execution of the 90 Russians that the accused you identified as Eichberger was one of those present?

A Yes.

Q There is no mistake about the identity of Eichberger is there?

A No.

(Jendrian-cross)

Q Did you hear about more than one group of Russians which were shot?

A It is before this time while the Russians were still being shot at the rifle range, I heard often about it.

Q Do you know of more than one group of more than 90 Russians being shot at the crematorium?

A I don't know that.

Q And the execution that you saw, is there any possibility of your being mistaken about the identity of Filleboeck?

A According to my knowledge not.

Q You are fairly sure that from the distance you were that you could possibly identify the man doing the shooting as Filleboeck?

A As I said, it could have been. I was crying and I was very excited when I saw that these beautiful Russians were shot.

Q You understand, Mr. Jendrian, that you are the only person to date that has testified that the man Filleboeck was ever present at an execution?

A No.

Q Your testimony may either cost this man his life or save his life?

Prosecution: May it please the court, I object to the form of the question.

Defense: I'll withdraw that question.

(Jendrian-cross)

Q Mr. Jendrian, it is important to the defense that your identity of Filleboeck is positive.

A I am sure about it.

Q You are positive that the man at that execution in the fall of 1944 of 90 Russians was Filleboeck?

A As I said before, I was very much excited. I for my person, I am sure it was Filleboeck.

Q Do you know the assistant at the crematorium by the name of Henschel?

A I believe he was an unterscharfuhrer and he certified the receipts for coal and coke several times.

Q I'm interested in whether or not you knew him.

A Yes.

Q Was he present on that day?

A I can't state that.

Q Can you tell us whether you saw him on that day?

A No, I didn't.

Q Can you state positively that the time you looked into the crematorium that Henschel was not there?

A I cannot say that because Henschel was in the crematorium and I don't know whether or not he was present.

Q How many men took part in the actual execution that, did the shooting?

A There were four persons.

Q And I believe you state, you can correct me if I'm wrong, that at the time you looked over the wall and saw the shooting there were some other people standing by the wall?

A Near the separation wall.

(Jendrian-cross)

Q How many people were there?

A There was a group which I did not count.

Q Can you give us any idea of how many there were, 20 or 30, or just 2 or 3?

A I estimate it to be 15 to 20.

Q Did you recognize any of that other group that was just standing by the separation wall?

A No, because I didn't look too interestedly in their direction.

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

A No.

Q You gave us the names of four men that you recall as having pulled the wagon while you were standing on top. I didn't quite understand them, will you spell the last names, the surnames of the four men that you mentioned?

A K-R-E-W-E-T-Z, U-K-L-O-F, B-L-A-S-E-N-K-O, and K-A-T-I-N. I remember the number of Krewetz yet. It was 495922. Uklof died in the hospital shortly before the liberation, of typhoid.

Q Am I correct in my recollection that at this execution you saw the four people that you named using machine pistols?

A Yes.

Defense: No further questions.

EXAMINATION BY THE COURT

Questions by the court:

(Jendrian-cross)

Q Mr. Jendrian, will you describe Hensdel, his height, his general appearance?

A One can say about my height and a little heavier than I am.

Q Light or dark?

A I don't remember that, I believe that he was dark.

Q And how tall are you?

A 172 meters.

Q Mr. Jendrian, during the time you saw the Russians go back and forth to the Political Department Office during that period of time, did you see the accused Kick?

A No, I saw him before that when I delivered to the post barracks and the offices of Kick are in this post office barracks.

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

Prosecution: Prosecution calls as its next witness Bogdan Krajewski.

Bogdan Krajewski, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q What is your name please?

A Bogdan Krajewski.

(Jendrian-court)

(Krajewski-direct)

Q How do you spell that?

A K-R-A-J-E-W-S-K-I.

Q Where were you born, sir?

A In Montwig, District of Hohenzalza.

Q In what country?

A Poland.

Q What is your occupation?

A Telephone and telegraph chief.

Q Were you ever in Dachau, Mr. Krajewski?

A Yes.

Q When did you first come to Dachau?

A 3 September 1940.

Q While you were in Dachau did you ever know
a man by the name of Kick?

A Yes.

Q Do you know what Kick did at Dachau?

A He was in the Political Department.

Q Did you ever have occasion to go see Kick?

A In political questioning.

Q When did that take place, Mr. Krajewski?

A On 11 April 1942.

Q Now, when you went to see Kick, tell the court
what Kick did to you.

A Twenty of us appeared for questioning and then
Kick, I was in a room all by myself, and Kick
asked me whether I wanted to become one of
the German people.

(Krajewski-direct)

Q And what did you tell him?

A I said that I would not sign that, I was a Pole.

Q And what did Kick do at that time?

A And Kick told me I was born in this part of the country which belonged to Germany before the World War, and he told me that my father was in the German army during the World War. And the sister of my mother in Bromberg asked from the Gestapo to be called as a German citizen because she wanted to open up a shop.

Q And what did you tell Kick at that time?

A I told him that people that would sell themselves for easy work or more food, these people were swine.

Q And what did Kick do to you then?

A He first hit me in the face with the fist.

Q What else took place?

A Then he asked me to sign and I said I could not, I was in the Polish block, number 11 and that my comrades would point at me with their fingers and tell me I sold myself.

Q And then what did Kick do?

A And then he took a metal ash tray and hit it into my face.

Q Which side of the face was that that he hit you on?

A This side.

Prosecution: Let the record show that the witness pointed to his left side of his face.

(Krajewski-direct)

- Q What did that do, if anything, to your teeth?
- A They were loose and half of them were broken so that one could pull them out with the fingers.
- Q After being hit by the ash tray by Kick, did you just pluck the teeth out of your head?
- A After that, several minutes later.
- Q After Kick hit you with the ash tray, what then happened to you, Mr. Krajewski?
- A And he said something else, but I don't know what he said and Zill the Schutzhaftlager-fuhrer came in.
- Q What took place between Kick and Zill?
- A They left and talked about something, but I don't know what.
- Q What happened to you after they finished talking with each other?
- A Zill said I should come along with him .
- Q And where did Zill take you?
- A To the bath house.
- Q What happened to you at the bath house?
- A I received 25.
- Q When you say you received 25, do you mean you were beaten 25 times?
- A They counted that, I had to count it out loud when he beat.
- Q Was Zill present at the time you received 25?
(Krajewski-direct)

A After that I reported to him that I received 25 because I didn't want to sign to become a German citizen.

Q What else happend to you at the bath house?

A I was tied and hung up.

Q How were you tied?

A With chains from the back on a post.

Q You say you were tied up with chains from the back, were your hands tied behind your back with chains?

A Yes.

Q And then what happend to your body?

A I was hanging about that high away from the ground.

Q When you say about that high, you mean you were suspended from a post by your wrists, is that correct?

A I cannot work with my fingers now, they are a little stiff Hodges' motor or the telegraph.

Q How long did you remain hanging in the air by the wrists?

A How long was I hanging?

Q Yes.

A One hour.

Q And then what happened to you?

A They took me again and asked me again.

(Krajewski-direct)

Q And what did you tell them?

A No.

Q And then what happened to you?

A Then I was hung up again but only a short time.

Q Mr. Krajewski, would you recognize the man Kick if you were to see him today?

A Yes.

Q Will you go over to the dock and point him out to the court?

A This is him.

Prosecution: Let the record show that the witness, Mr. Krajewski, identified the prisoner wearing number 9 as Johann Kick.

Q You said that they asked you to sign again, who was they?

A I don't understand.

Q You mentioned a moment ago that "they", you said "They asked me again to sign", who were the persons or person who asked you to sign?

A Only the SS man who was on duty.

Prosecution: No further questions.

President: The court will take a fifteen minute recess.

The court then took a recess until 10:15 a.m., at which hour the personnel of the court, prosecution and defense, and all the accused, the reporter and interpreter resumed their seats. The witness Krajewski resumed the witness chair and was reminded that he was still under oath.

(Krajewski-direct)

CROSS EXAMINATION

Questions by defense:

Q Mr. Krajewski, you say that your interrogation by Kick occurred on 11 April 1942?

A Yes.

Q You cannot be mistaken as to that date, can you?

A No, there was two years exactly after I had come to Sachsenhausen as a prisoner.

Q So you are fairly certain that it was 11 April 1942?

A Yes.

Q And at the conclusion of your interrogation by Kick, Zill appeared, is that correct?

A Yes.

Q And at the conclusion of your interrogation by Kick, Zill took you away, is that correct?

A Yes.

Q And Zill took you to the shower rooms and hung you up by the wrists?

A Yes.

Q And that all occurred on the same day?

A On the same day, before noon.

Q And when you were taken down and questioned again, did Zill do that too?

A No, Zill was not there at that time. When I was hanged up the first time Zill was present.

(Krajewski-cross)

And after that I was already hanged up, Zill left and only the SS man on duty was present.

Q Did you see Zill after that?

A After I was taken down then I did not see him.

Q Did you see him on any subsequent days?

A No.

Q But you are sure that he was there talking with Kick while you were being interrogated?

A Yes.

Q Do you know as a matter of fact that Zill was transferred on the first of January 1942 and never returned?

A I know that, but at times he was in the camp.

Q He returned to the camp?

A I don't know how long he was here but I saw him in the camp often.

Q And this was one of the days that he had returned?

A Yes, I saw him on this day, but we would work at night and sleep during the day.

Q Do you know that at about that time, 11 April, they had a meeting in Berlin of all camp commanders in Germany?

A I don't know.

Defense: No further questions.

EXAMINATION BY THE COURT

Questions by court:

(Krajewski-cross)

Q What was Zill's duty at Dachau?

A He was protective camp leader.

Q Was he under Kick?

A I don't know.

Q Do you know his relation with Kick?

A I don't understand. Maybe I could have
a Polish interpreter.

Member: I will withdraw the question.

Prosecution: I request the witness be excused.

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

Prosecution: May it please the court, the
prosecution calls as its next witness Stanislaus
Wilzynski.

Stanislaus Wilzynski, a witness for the prose-
cution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q State your name, please.

A Wilzynski.

Q Spell it please.

A W-I-L-Z-Y-N-S-K-I.

Q And what is your first name, please?

A Stanislaus.

Q Your age?

A 38.

Q Occupation?

A Officer.

(Wilzynski-direct)

Q Address?

A My present address?

Q Yes.

A DP Camp Freimann

Q What is your nationality?

A Polish.

Q Were you at any time between 1 January 1942 and 29 April 1945 a prisoner in Dachau Concentration Camp?

A Yes.

Q Where did you work during that period?

A In the German Armament Works in Dachau.

Q Who was the head of the German Armament Works in Dachau?

A In the year of 1942, Schmidt was in charge then starting the second half of January 1943 it was Otto Schulz.

Q Did you ever see Schulz mistreat any prisoners?

A Yes.

Q Will you tell the court the nature of the mistreating and the dates as accurately as you can?

A Yes. Otto Schulz was a bad man for the prisoners. He was a fright, and cold, sadistic.

Q Let us have the facts of any mistreatments that you have seen, please.

A Firstly, he prolonged working hours. That was in the second half of the year 1944 and (Wilzynski-direct)

also in 1945. After each air attack, if we stayed in the slit trenches too long we had to make up the time later on. Shultz would get the people who had reported sick and had received notices of permission to stay in the barracks - he would get those people later on.

Q What do you mean by "He would get those people later on"?

A He had no confidence in those people who stayed in the barracks and had permission to stay in the blocks.

Q What did he do to those people?

A He wrote out notices with respect to their refusal to work.

Q And what subsequently happened to those people?

A Some of them were punished. In the winter of the year 1944 when he saw the people warming their hands over the stove he gave them a piece of wood, a very big piece of wood, to carry. Then he let those people go and then beat them with a piece of wood. Present were Obersturmfuhrer, Orick, he was in charge of the factory of the German Armament Works in Dachau and Obersturmfuhrer Diener, he was in charge of the carpenter shop.

(Wilzynski-direct)

- Q You mean that these people whom Schulz found warming their hands were compelled to carry a heavy piece of wood, and while they were so carrying it they were beaten?
- A Yes.
- Q Continue, please.
- A Also present was Sturmabannfuhrer Ernst.
- Q Do you know of any other cases of mistreatment by Schulz?
- A He would also pour cold water on those people in the latrine during working hours.
- Q Any other incidents that you know?
- A Those people who reported sick and wanted to be released from the DAW, he did not want to release those people.
- Q Do you know of any people that reported to the hospital as sick and were compelled by Schulz to work and later died?
- A Those people who wanted to be released from the German Armament Works and were not allowed to, one of them was the priest Jalonka Stephen.
- Q Do you know of any others?
- A And then there was the Polish representative, Sigmund Schovinski. Then there were several others.
- Q Were these people you just named sick while they were working in the German Armament works?
- (Wilzynski-direct)

A Yes.

Q Did they, to your knowledge, report to the hospital and tell Schulz that they were ill?

A Yes. We made several attempts to get those people out of the DAW. There are several Poles included, also Russians.

Q And what was Schulz's answer to those requests?

A "It is out of the question."

Q Do you know of any tuberculosis patients that worked in the German Armament Works?

A Yes.

Q Do you remember their names without looking at your notes?

A Yes.

Q What were their names please?

A Cowishnium.

Q What happened to him?

A He died in the hospital.

Q Did he formerly work in the German Armament Works?

A For more than four years.

Q And was he ill during the time he worked there?

A Yes.

Q Did he speak to Schulz with reference to his illness?

A I don't think so, because we had that in the prisoner office.

Q You mean that you reported the fact that this man was ill to Schulz?

(Wilzynski-direct)

A Yes.

Q And what was Schulz's answer?

A Mostly he would answer "It is out of the question, I need that man". There was one case, I don't remember his first name but his last name was Lescheck. He was a boy and Schulz made a punitive report that this man was simulating illness. And then one case, Stadielov Stavinski, he wrote out a punitive report because of his refusal to work.

Q What happened to these men that you just named?

A They, thank God, are still alive.

Q What were the usual hours of work at the German Armament Works?

A That depended.

Q How many hours per day did they work?

A From 6:30 to 11:30 and from and from 1:30 to 7:00 and often until 9:00 o'clock in the evening and I remember one case when we were building a garage in the wood yard, the people worked until 4:00 o'clock in the morning. Schulz always determined the duties of the prisoners regardless of any orders that were taken.

Q In connection with the length of hours that the men worked, did they ever work less than twelve hours a day?

(Wilzynski-direct)

A Yes, there were a few days. They were the National Socialist holidays.

Q Did they work shorter than twelve hours on any other days?

A Just like I just said.

Q How many days of rest per week did the prisoners receive?

A Sometimes only Sunday. That differed, in these years from 1942 to 1945. Until 1943 it was like this, we had Saturday afternoon and Sunday off. When Schulz was put in charge we received orders for weapons for higher machine works. We were building cartridge boxes and we were also building beds and furniture for those that had been damaged by bombing.

Q How long did the workers get a day off after that time?

A Only Sunday.

Q Did they ever have to work on Sunday?

A There were some people, that is the transport detail, that worked throughout the week, even Sunday, sometimes even evening work.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q Were the hours of work longer at first or longer later on?

(Wilzynski-direct, cross)

A Later.

Q Do you know anything about a work quota?

A Yes.

Q Is it true that the amount of work depended upon the quota set by Berlin?

A That is possible.

Q At the time that you say Schulz threw the cold water on the prisoners, will you state whether or not that was during the working hours?

A Yes, those were the working hours.

Q How many times were you required to work until 4:00 o'clock in the morning?

A I personally, not at all.

Q How many times were the others required to work until 4:00 o'clock in the morning?

A That was one case, the one I mentioned.

Q Did Schulz ever mistreat you?

A No.

Defense: No further questions.

REDIRECT EXAMINATION

Questions by prosecution:

Q Did any prisoners have to work until twelve midnight?

A Yes.

Q How often did that happen - about how many times that you recall did the prisoners have to work until 12:00 o'clock?

(Wilzynski-cross,redirect)

A I said that the working hours were prolonged after bombings, from 1942 to 1945.

Q Did you have those bombings often?

A The first bombing was on 13 June 1944 - that was at 10:45 in the morning. Those were the first bombings.

Q Besides the times the prisoners worked until midnight and until 4:00, were there other instances when they worked until two or three o'clock in the morning?

A One case when we were building a watch tower.

Q Do you remember, without going into the why of it, of any times when they would work later?

A There was also a night shift, but that was changed. One week, work at night and one

Q week, work during the day.

Prosecution: No further questions.

EXAMINATION BY THE COURT

Questions by court:

Q When were you brought to Dachau?

A On the 14th of December 1940.

Q How long were you here?

A Until liberation.

Q Did you have any particular job in the Armament Works?

A Yes.

(Wilzynski-redirect, court)

Q What was it please?

A In the year of 1941 I was active as a furniture designer. Later in the year of 1942, starting 25 May until the end of December 1942 I was in the community house.

President: No further questions, the witness is excused.

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

Prosecution: May it please the court, the prosecution calls as its next witness Colonel Jan Kveton.

Colonel Jan Kveton, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q What is your name please?

A Jan Kveton.

Q Where were you born, Colonel?

A Magdalena, Bohemia.

Q How old are you, Colonel?

A 52.

Q What is your occupation?

A An active officer in the Czech army.

Q How long have you been in the military service, Colonel?

A It is going on the 33rd year.

(Wilzynski-court)
(Kveton-direct)

Q Were you ever in Camp Dachau, Germany?

A Yes.

Q When did you come to Camp Dachau, Germany as a prisoner?

A The first of August 1941.

Q How long did you remain in Camp Dachau as a prisoner?

A Until 22 May 1945.

Q While you were in Dachau, where did you work?

A The detail of building the camp road, then the wood carving detail, the rabbit stool detail and then in the DAW.

Q How long did you work in the DAW, Colonel?

A Since fall of 1942.

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

A Yes.

Q When did he come to Dachau?

A He came to Dachau in the Spring of the year 1943.

Q What did he do at Camp Dachau?

A He was in charge of the DAW.

Q During the time that you worked in the DAW under Schulz, did you ever observe Schulz mistreating the prisoners?

A Yes.

Q What did you see him do?

(Keveton-direct)

A He would beat them with wood, he would beat them with his hand, he would pour cold water on the people who went to the latrine. Those people who were ill or were ordered for a rest were called by him and he had them work without mercy.

Q Did you see him do anything else to the prisoners while you worked for the DAW?

A It was cold in the winter and those people who were caught taking wood out, most of them were Russians, they had to go down into the cellar upon his order and was beaten and I often heard them cry out.

Q While you were at Dachau did you ever know a man by the name of Trenkle?

A Yes.

Q What office did Trenkle hold in Dachau?

A He was either camp leader or report leader.

Q While you were here did you ever observe Trenkle mistreating any of the prisoners?

A Yes.

Q What did you see Trenkle do to the prisoners?

A He would beat them with the hand so that they were bleeding so that they would swell up. He would kick them with his foot.

Q During what dates did you see Trenkle mistreating these prisoners?

(Kveton-direct)

A That was in the winter of 1943-1944.

Q Now during your stay here did you ever have occasion to know a man by the name of Ruppert?

A Yes.

Q What office did Ruppert hold here at Dachau?

A In the year 1942 he was in charge of the security service and toward the end was first camp leader.

Q Did you ever see Ruppert mistreat any of the prisoners while you were here?

A Yes, I was kicked in the posterior by him myself.

Q What else did you ever see Ruppert do to the prisoners?

A I saw him beat a Russian who was standing at the gate with his hand so that the blood would show until he was collapsed.

Q You mean the Russian collapsed from the beating, is that correct?

A Naturally.

Q What were the nationalities, Colonel, of the prisoners that you saw Trenkle mistreat.

A Poles, Czechs, Yugoslavians, Russians.

Q Did you know a man by the name of Boettger while you were here at Dachau?

A Yes.

Q What was his position in Camp Dachau?

A He was report leader since January or February of 1944.

Q During the time that you knew Boettger did you ever see him mistreat any of the prisoners in Dachau?

(Kveton-direct)

A Yes.

Q What did you see Boettger do?

A He would beat them with his hand kick them with his foot, that is all.

Q Would you recognize Schulz if you saw him today, Colonel?

A I think so.

Q Will you step over to the dock and place your hand on the shoulder of the man you know as Otto Schulz.

A Yes.

Prosecution: Let the record show, may it please the court, that the witness, Colonel Kveton, identified the man wearing number 39 as the man Otto Schulz.

Q Would you recognize the man Boettger if you were to see him again?

A Yes.

Q Will you step over to the dock please and place your hand on the shoulder of the man you know to be Boettger.

Prosecution: Let the record show that the witness, Colonel Kveton, identified the accused wearing number 18 as the prisoner Boettger.

Q Would you recognize the man Ruppert if you were to see him at this time?

A Yes.

Q Will you go over to the dock and place your hand on the shoulder of the man you know as Ruppert?

(Kveton-direct)

A Yes.

Prosecution: Let the record show that the witness, Colonel Eweton, identified the man wearing number 2 as being Ruppert.

Q Would you know the man Trenkle if you were to see him today?

A Yes.

Q Will you go over to the dock and place your hand on the shoulder of the man you know to be Trinkle?

A Yes.

Prosecution: Let the record show that the witness, Colonel Eweton, identified the man wearing number 4 as being the accused Trenkle.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q Did you see Schulz pour this cold water on these prisoners?

A Yes, he did it to me.

Q How many times did he do that?

A That was several times, he did it to me just once.

Q Was this during working hours or not?

A That was when I went to the latrine.

Q Was it during working hours or not?

A Yes.

Q What injury did you and these other prisoners sustain from this?

(Eweton-direct, cross)

- A They got black and blue from the beating.
- Q What injury did you sustain from the water treatment?
- A They got wet - and it was in winter and naturally it was bad.
- Q Did Schuls ever beat you?
- A No, only poured the water.
- Q Colonel, where did these beatings - the times you saw Trenkle beat and kick prisoners, where did that occur?
- A At the formation place.
- Q That was in the winter of 1943-1944, is that correct?
- A Yes.
- Q Were you here during the tour of Martin Weiss as commandant?
- A Yes.
- Q Do you know....is it true that Martin Weiss prohibited punishment by wrist hangings?
- A I don't know about it - I never heard about it - I never read about it.
- Q Is it true that for the first time, prisoners were allowed to receive packages from home?
- A Yes, that was in the year 1943 and 1944.
- Q That was during the tour of commandant of Martin Weiss, is that correct?
- A That was in each camp, not only in the camp of Dachau. I think the permission for that was granted from Berlin.
- Q Defense: No further questions.

REDIRECT EXAMINATION

Questions by prosecution:

(Kveton-cross)

Q What did Otto Schulz do with the food that these prisoners got from home and brought to the DAW where they worked?

A The people received the packages. They were peas, beans and vegetables, and so forth. He forbade their cooking them and when he saw it he destroyed it.

Q And during that time were you getting enough to eat in camp?

A No.

Prosecution: No further questions.

RECROSS EXAMINATION

Questions by defense:

Q Was this food destroyed during working hours or not?

A That was during the working time and the people brought this food and so that they could prepare it and eat it during the break. They set it up during the work hours and set it up and kept working.. They ate it during the pause.

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

Prosecution: Prosecution calls as its next witness Mieszka Tzepla.

Mieszka Tzepla, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q What is your name please?

(Kveton-redirect, recross)

A T-Z-E-P-L-A.

Q And the first name?

A M-I-E-Z-Y-L-A.

Q Mr. Tzepla, in what country were you born?

A In Poland.

Q How old are you?

A 28.

Q Were you ever a prisoner in Camp Dachau, Germany?

A Yes, I was in Auschwitz and Dachau.

Q When did you come to Dachau?

A In May 1941.

Q And how long did you remain a prisoner in Dachau?

A Four years.

Q During the time that you were in Dachau, were you ever subjected to any kind of experiments?

A Yes, in August 1942. The labor leader Welter and a prisoner by the name of Julius selected me.

Q Selected you for what?

A In the camp street.

Q For what purpose did they select you?

A At this time I did not have any work in the camp.

Q After you were selected, where were you taken?

A To block 5 in the hospital.

Q How many others were selected with you at that time?

A Twelve altogether.

Q Do you know the nationalities of these men that were selected along with you?

A I can only tell you what nationalities they were.

(Tzepla-direct)

- Q All right, what were they?
- A Belgians, Rumanians, Poles, Czechs and Germans.
- Q Mr. Tsepla, when you and these 12 men were taken to the hospital, what was done to you at that time?
- A We were thrown into ice cold water. We were so in a few minutes or a few hours and they were trying to find out how long the people could stand it.
- Q How long were you required to stay in that cold water?
- A I know how long I was there but I don't know how long the others were there.
- Q Alright, how long were you there?
- A The first time I was drugged and I don't know how long, but the second time, 90 minutes and the third time, 105 minutes.
- Q During any of these times do you know what the temperature of the water was?
- A I don't know the water temperature but my temperature was 30 degrees and what happened after that I don't know.
- Q How many days were you subjected to these experiments?
- A I was in the experimental station in 42.
- Q How many days did you remain in the experimental station?
- A I was on the experiment for 42 days.
- Q Of the 12 men that were selected with you, Mr. Tsepla, did any of those men die?
- A Nine died.

(Tsepla-direct)

Q And you say those men were selected by Welter, is that correct?

A Yes.

Q During the 42 days that you were in the hospital, Mr. Tsepla, do you know how many men were used in these cold water experiments?

A I had a colleague who was a male nurse there and he told me, "You are real lucky. They selected 300 and only 10 could stand it. You are one of those."

Q During the time that you were there in the hospital, did you ever have occasion to see the lager commandant?

A Yes, at this time it was Camp Commander Weiss.

Q Did you ever see him at the hospital while you were confined there?

A Yes, I saw him several times. One time he was there with Himmler and with a nurse by the name of Pia.

Q Can you spell the name Pia?

A No, that is a German name.

Q Would you be able to recognize this man Welter if you were to see him today?

A Yes.

Q Mr. Tsepla, will you step over to the dock and put your hand on the shoulder of Welter, if you see him?

A Yes.

Prosecution: Let the record show that the witness, Tsepla, identified the man wearing number 23as being Welter.

Prosecution: No further questions.

(Tsepla-direct)

CROSS EXAMINATION

Questions by defense:

Q Mr. Tzepla, this experiment that was conducted on you, you say was in August 1942?

A In the last days of 1942, in August 1942 they took me, it was in August or September.

Q And when you say you were selected for this experiment by Welter, just what do you mean?

A What they did to me?

Q How were you selected by Welter?

A Welter was in the street with the staff doctor of the Luftwaffe and selected people.

Q Will you tell us just what Welter did?

A He gave the order, at that time he was labor service leader of the camp and Julius would call the people of the whole camp that didn't have any work.

Q The only thing that Welter did was to get all the people that were not working into this formation place?

A It was in the camp street, not the formation place. It was all changed at that time - it was not block 20.

Q And the only connection that Welter had was to direct the prisoner Julius to call all out in the street, all men who were not working?

A Yes, those that were 30 on one side and those that were not 30 on the other. Those that were over 30 years had to march off.

(Tzepla-cross)

Defense: If it please the court, this is something that is not in answer to any question that I have asked.

President: The witness may continue.

A And they only selected for the experiment station those up to 30 years.

Q Mr. Tzepla, can you tell me what doctor was actually in charge of this cold water experiment for the German Luftwaffe?

A I can't tell you exactly but if you show me a photograph I can tell you, I think. He was a staff physician of air corps or army.

Q Did you know of your own knowledge that he was working directly under the direction of Himmler?

A I don't know that but I only saw Himmler at the experiment station.

Q Was the doctor with him at that time?

A Yes.

Q No further examination.

REDIRECT EXAMINATION

Questions by prosecution:

Q Mr. Tzepla, did you ever see Welter bring any other groups of men over to the hospital for these cold water experiments?

A Yes, each day they would bring another group of 6, 9, or 10. It was very few days that they didn't take people over there.

Q And when you say "they", do you mean Welter?

A Yes, Julius and Welter.

Prosecution: No further questions.

(Tzepla-cross, redirect)

RECROSS EXAMINATION

Questions by defense:

Q Were you in the hospital at the time you say you saw Julius and Welter bring these other prisoners over?

A I was at the experiment station at that time.

Q Was the experiment station called a hospital?

A That was a seperated half block.

Q Can you tell me whether or not you considered it a hospital or not?

A I don't understand exactly.

Q I'll rephrase the question. Mr. Tzepla, were you in bed over there at the experiment station?

A Yes. I was not always in bed. I was just like today, healthy and then when they used me for the experiments I was sick. Otherwise I was running around.

Q You stayed in the building where they had these experiments?

A Yes.

Q And it was during the 42 days that you were there that you saw Welter with some prisoners outside the hospital, is that correct?

A Yes.

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

Prosecution: May it please the court, the prosecution calls as its next witness Zigmund Wiecki.

Zigmund Wiecki, a witness for the prosecution, was sworn and testified as follows:

(Tzepla-recross)

DIRECT EXAMINATION

Questions by prosecution:

Q Will you state your name please?

A Wiecki.

Q And your first name, please?

A Zigmund.

Q And how old are you?

A 37 years.

Q And what is your residence at the present time?

A Wiesbaden DP Camp.

Q Where was your home prior to the war?

A In Poland.

Q What was your occupation or profession prior to the war?

A Catholic clergyman.

Q And when were you arrested?

A On 14 September 1939.

Q How do you happen to remember that particular day?

A That was the day of the capitulation of Gdynia.

Q Do you know any reason why you were arrested.

A No.

Q Then when did you come to Dachau?

A On 14 December 1940.

Q And from 14 September to 14 December 1940 had you spent that period in other camps?

A Yes.

Q How long did you remain here at Dachau?

A Until liberation.

(Wiecki-direct)

Q Now, Father, while you were at Dachau did you undergo any malaria experiments?

A Yes.

Q When did you go to the malaria experiment station?

A On 26 July 1942.

Q What was done to you, if anything at the malaria station on that day?

A I had to feed infected mosquitoes.

Q Did you, after having fed infected mosquitoes, acquire malaria?

A Yes.

Q About how long after your first contact with the mosquitoes?

A About 15 days.

Q Then how long did you remain in the malaria experiment station on that.

A About five weeks.

Q After you had been there for that malaria experiment and had left did you later have a relapse?

A Yes.

Q About how long after you left the malaria experiment station the first time?

A On the 21st of December of the same year.

Q Following that particular relapse did you have occasion to have other relapses that took you back to the experiment station?

A Yes.

(Wiecki-direct)

Q Did you ever have occasion to work at the malaria experimental station?

A Yes.

Q Approximately when was that that you went to work there?

A From the first half of July 1943 until the 31st of March, 1944.

Q Father, who was the commandant here at Dachau when you first went to the malaria station?

A Peorkowski.

Q Do you happen to recall who followed Peorkowski as commandant here at Dachau?

A Weiss.

Q Do you happen to know approximately when it was that Weiss came to Dachau?

A I so heard in September 1942.

Q Do you happen to recall anything about an order that came in the fall of 1942 relative to the use of priests at the malaria experimental station?

A Yes.

Q Will you tell us what you know about that please?

A I heard that an order was issued that the German clergymen were not to be used in the malaria station any longer.

Q Do you know whether or not there had been German priests used here prior to that?

A Yes.

Q Do you know whether or not after this time if there were any German priests used in the malaria station?

(Wiecki-direct)

A I don't remember anyone.

Q After the time this order supposedly came out were there any priests of other nationalities that were used in the malaria experiment?

A Yes.

Q What nationalities?

A I remember the Polish.

Q Do you have any idea of the number of the Polish priests used in the malaria experiment station?

A About 180 Poles.

Q Approximately what period of time were these Polish priests used at the malaria experimental station?

A I don't quite understand the question, whether you are thinking about the beginning of the experiments or the experiments themselves.

Q During what months of what year were the Polish priests used at the malaria experiment station?

A From July 1942 until May 1944 when I remembered the last ones who were in the station. I was in the station then.

Q Did they use Polish priests there in October, November, and December of 1942 and January and February of 1943?

A Yes.

Q Who was the camp commandant at that time?

A Weiss.

Q Father, do you know of your own knowledge of the name of any Polish priest who died at the malaria experimental station?

(Wiecki-direct)

A Yes.

Q And what is his name?

A Priest Stakowski.

Q Did you know that man yourself?

A Not personally.

Q How do you know that he died at the malaria experiment station?

A My comrades who are also clergymen told me that and also Doctor Adam Ciekowicz who was working in the malaria station, told me that.

President: The court will take a recess until 1:20 p.m.

The court then took a recess until 1:23 o'clock. p.m., at which hour the personnel of the court, prosecution and defense and the accused and the reporter resumed their seats.

The witness, Father Zigmund Weicki, resumed his seat on the witness stand and was reminded by the prosecution that he was still under affirmation. The interpreter also resumed his seat.

Q Now, Father, just before we recessed at lunch time, you had explained about the Polish priest who had died while he was a patient at the malaria station.

A Yes.

Q Now, Father, do you know whether or not there were ever any occasions on which people were transferred out of the malaria station even when they were ill?

A Yes.

Q How do you know that?

A I myself saw such cases.

Q And were those people a little bit sick or were they quite sick?

A Amongst them were very sick people.

Q And did that happen just occasionally or frequently?

A I remember a few cases.

Q Now, Father, were all of the people who underwent the malaria experiment and who became infected kept in the malaria station?

A No.

Q Where were they?

A They were on the blocks.

Q Do you know whether or not these people who had been infected and who had malaria were obliged to go out and work?

A Yes.

Q And would you say that that was a small number or a large number that had to do that?

A It differed.

(Weicki - Direct)

Q Will you explain what you mean when you say it differed?

A The people were divided into groups, there were so called immunisation groups, there people were infected, which remained on the block, and only had to report during temperature control. After sometime, they were treated with some kind of therapy which was determined by Professor Schilling.

Q Now, Father, do you know what the physical condition was of some of these people who had malaria and still had to go out on work details?

A I do not know whether these people had malaria or were actually sick, they were only infected by malaria.

Q Now these people who had just been infected with malaria, what was their condition?

A That was in the year 1942, the physical condition of all malaria patients was bad because they were all underfed.

Q Now, Father, do you know or have an estimate of about how many people underwent the malaria experiment?

A Yes.

Q And what is that number?

A Approximately 1,080.

Prosecution: You may inquire.

CROSS EXAMINATION

Questions by defense:

Q After you were first infected by these malaria mosquitoes, how long were you actually sick?

A I had about 13 to 15 fever attacks.

Q And each of those attacks was under the supervision of Doctor Schilling?

A As far as I found out later when I worked there, it was under the supervision of Doctor Schilling, I did not see

(Weicki - Cross)

him once in the ward at that time.

Q Immediately after you first received the infection, you were given medicine for treatment, were you not, Father?

A After 15 attacks I received medicine.

Q You then became an aid in the malaria control itself, is that right?

A Yes.

Q And how long did you continue working in the malaria ward as an aid?

A From the first part of July 1943 till the end of March 1944.

Q During that period of time that you were acting as an aid in malaria the station, did you have any relapses?

A Yes.

Q When was the last relapse that you had?

A The last determined relapse was during May 1944.

Q And at that time did you go back to Doctor Schilling for further treatment?

A Yes.

Q And on each occasion that you had a relapse prior to that time you went back to Doctor Schilling, didn't you father?

A Yes.

Q And you haven't had any relapses since March of 1944?

A No determined relapses.

Q And when was it that this Polish priest died in the malaria station, can you tell us that please, Father?

A It was toward the end of 1942.

Q And you say that you are familiar with the orders that came out in which you believe that the German clergy were no longer to be used, which orders came out in the fall of 1942?

A Yes, that I heard.

Q You don't know whether that order applied solely to the German (Weicki - Cross)

clergy or whether it applied to all clergy, do you?

A As far as I found out, it only concerned the German clergy.

Q Now, those people who were sent back from the malaria station to the block and later were sent out to work, as I understand your answer on direct examination, they were not sick, were they?

A When they were discharged from the ward, they did not have any parasites.

Q And they were not sick from malaria?

A That means they didn't have any parasites, that means you could not determine any parasites in their blood that day.

Defense: That is all, Father.

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

Helmut Opits, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q Will the witness state his name?

A Opits (O-P-I-T-Z), Helmut.

Q How old are you?

A 31 years old.

Q What is your occupation?

A Textile worker.

Q What is your address?

A Dachau, Germany.

Q Were you a prisoner in the concentration camp at Dachau?

A Yes.

Q When did you first come to Dachau Concentration Camp as a prisoner?

A 21 September 1938.

(Opits - Direct)

Q Until what date did you remain?

A Until the liberation of the American Armies.

Q Between the years January 1942 and April 1945, where did you work in the camp?

A In the so called store room, the administration of the personal effects of the prisoners.

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

A Yes.

Q Was he at Dachau Concentration Camp?

A Yes.

Q What was his position?

A He was Administration Leader.

Q Was he in charge of your department?

A Among other things, yes.

Q Did you ever see this man Wetzel mistreat any prisoners?

A Yes.

Q Tell the court the nature of the mishandlings.

A Newly arrived prisoners who had to hand in their personal belongings to us, he slapped in their hands.

Q Was this between the years 1942 and 1945 inclusive?

A Yes.

Q What was the nationality of these prisoners?

A Mixed, Germans, Poles, Italians and everything.

Q Did you ever see him mishandle any of the prisoners' property?

A Yes.

Q Will you describe the nature of that mishandling?

A In the basement there they built a bunker for the valuable things, and then he came downstairs with several other officers including the Untersturmfuhrer Pilleboeck and they requisitioned valuables of prisoners for themselves.

Q Was this the only department over which Wetzel was the leader?

(Opitz - Direct)

A No.

Q What other department came within his control?

A The clothing of the prisoners, the kitchen.

Q Do you know whether he was in charge of the barracks of the prisoners?

A Also the furnishings of the barracks.

Q You mentioned a man by the name of Filleboeck as having been with Wetsel at the time the property of the prisoners was taken.

A Yes.

Q Who was that man Filleboeck?

A He was the mess officer of the prisoners.

Q And this property that they took, can you tell the court to whom that property belonged?

A The names of the prisoners cannot be determined any more because everything had been destroyed which has been connected with it.

Q When you say everything had been destroyed, when was that done?

A Before the entrance of allied troops, everything had to be burned.

Q And what happened to the prisoners' property?

A Partly was left here and partly was taken along by the fleeing SS men.

Q And to what nationality of prisoners did that property belong?

A Property was German and Polish, Russian, Italian, French, Belgium, Dutch.

Q Did you ever see Filleboeck mishandling any of the prisoners' food?

A Yes.

Q Will you tell the court what you have seen?

A For instance, Report Leader Boettger and other SS men received
(Opitz - Direct)

food from him every Saturday.

Q And when you say received food from him, what food are you talking about?

A Food supplies that were supposed to be the prisoners.

Q And did you see these occurrences take place between the years 1942 and 1945 inclusive?

A Yes.

Q During your stay at Dachau, did you know a man by the name of Lausterer?

A Yes.

Q During the time you knew Lausterer, what was his position?

A He was my chief in the administration of prisoners' property.

Q For how long was that, approximately?

A Nine months.

Q When?

A From 1942 to 1943.

Q Did you ever see him mishandling any of the prisoners?

A He did not maltreat them, but he threatened them with reporting them and thus forced the prisoners to hand over food supplies to him.

Q When you say he forced them to hand over food supplies to him, what sort of food supplies were these?

A Several things, meat, bread, sausage.

Q Did you ever see him receiving property from the prisoners that they had received from home in packages?

A Yes.

Q And what were the nationalities of these prisoners that gave him food?

A German, Polish and Csech.

Q During your stay in Dachau, did you know a man by the name of Niedermeyer?

(Opitz - Direct)

A Yes.

Q Who was he?

A He was the chief of the crematory.

Q When was that?

A 1942.

Q Did you ever see anything down at the crematory pertaining to his work down there?

A Yes.

Q Will you tell the court what you saw?

A From my chief superiors, I was sent to the camp greenhouse in order to get flower plants for them. There the gate to the crematory was standing open and I saw people who were hanging.

Q Who was in charge of the crematory at that time?

A According to my knowledge, it was Niedermeyer.

Q Do you know whether any nationalities other than German were hanged at that time?

A I do not know that.

Q Do you know of any hanging that took place in the crematory at the time Niedermeyer was chief?

A Yes.

Q And in those hangings, were any prisoners' nationalities other than German hanged?

A As far as I know, I cannot determine nationality whether they were German or foreigners.

Q Do you know any of the men who worked in the crematory at that time?

A No.

Q What type of men worked in the crematory at that time?

A Jews.

Q Do you know what nationality these Jews were?

A As far as I know, they were foreign Jews and also German Jews.

(Opits - Direct)

Q And what happened to the Jews that worked in the crematory?

A The Jews were picked out to work in the crematory, and after four till six or eight weeks, they disappeared and new ones were picked out.

Q But you don't know whether they were hanged or not?

A I do not know that.

Q Do you know how they were killed?

A I do not know.

Q During the time you were at Dachau, did you know a man by the name of Martin Weiss?

A Yes.

Q Who was Martin Weiss?

A He was Camp Commandant.

Q Did you ever see Martin Weiss ever abuse any prisoners?

A I only know of one time.

Q Will you tell the court what happened at that time?

A New prisoners were brought through the gate house by the block leaders and the prisoners had to take off their head covering as they were marching through the gate by orders of the block leader, and one of them was present, whether he was a foreigner or whether he didn't hear that, I do not know that and Weiss was standing there with several officers at the so called shower house, and he hit the prisoner in the back of his neck so that the hat flew ten peters away.

Q When was this?

A It was in the summer of 1943.

Q During your stay at Dachau, did you know a man by the name of Jarolin?

A Yes.

Q Did you ever see him, Jarolin, abuse any prisoners?

A Yes.

(Opitz - Direct)

Q Tell the court what you saw please.

A I saw how the people were hung up by their wrists in the bath house, how they were swung to and fro by him and how they were hit with cowhide.

Q You mean they were beaten with cowhide while they were swinging?

A Yes.

Q Who pushed these hanging men so that they swung back and forth?

A Jarolin.

Q Did you see him beat any of these prisoners while they were swinging?

A Yes.

Q When was that?

A Throughout his tour of duty at the Camp Dachau.

Q When was that, if you know?

A It was from 1942 until 1943 then he was transferred from here.

Q What was the condition of these prisoners that were being hung and beaten at the same time?

A Jarolin beat these prisoners without any regards with a cowhide in their face and their back and in front and their shoulders. The prisoners were partly bleeding.

Q Do you know the nationalities of any of these prisoners?

A They were Germans, foreigners all nationalities.

Q During your stay at Camp Dachau, did you know a man by the name of Josef Seuss?

A Yes.

Q What was his position in Camp?

A He was Report Leader.

Q When was this?

(Opits - Direct)

A It was also from 1942 until 1943.

Q When you say from 1942 until 1943, what do you mean?

A Partly was still 1942 and partly was 1943.

Q Did you ever see Josef Seuss abuse any prisoners?

A Yes.

Q Will you tell the court what you saw him do?

A He beat the prisoners on the formation grounds so that they fell on the ground. Amongst other things, he had the same things with Jarolin did.

Q Do you know the nationalities of the prisoners who were so beaten?

A It were foreigners and Germans, you could almost call it entire nations.

Q Did you ever see him hang any prisoners?

A Yes.

Q Would you be able to recognize all these people we discussed today if you saw them again?

A Yes.

Q Will you step over to the defendant's box and point out the man you knew as Wetzel. Put your hand on his shoulder please.

A This is he.

Prosecution: Will the prisoner who was touched stand up?

Prosecution: Let the record show that the defendant bearing the number 40 was identified by the witness as the man Wetzel.

Q Will you point out the man whom you knew as Filleboeck?

Prosecution: Let the record show that the defendant wearing the number 29 was identified by the witness as Filleboeck.

Q Mr. Opitz, will you put your hand on the shoulder of the man Lausterer?

Prosecution: Let the record show that the witness put his hand on the prisoner bearing number 12.

(Opitz - Direct)

Q Will you put your hand on the shoulder of the man Niedermeyer?

Prosecution: Let the record show that the witness put his hand on the shoulder of the defendant bearing the number 35.

Q Will you put your hand on the shoulder of Weiss?

Prosecution: Let the record show that the witness put his hand on the shoulder of the defendant bearing number 1.

Q Will you put your hand on the shoulder of Jarolin?

Prosecution: Let the record show that the witness put his hand on the shoulder of the defendant bearing the number 3, and identified him as Jarolin.

Q Will you put your hand on the shoulder of Josef Seuss?

Prosecution: Let the record show that the witness put his hand on the shoulder of the defendant bearing number 7.

Q Will you take the stand again please. Now, Mr. Opitz, will you describe the man you know as Lausterer?

A Lausterer was Unterscharfuhrer without hair.

Q About how old was he?

A He must have been over 40.

Q Did you ever know Lausterer to be anything but an Unterscharfuhrer?

A He was nothing else but an Unterscharfuhrer, but according to his speeches, he was a fanatic Nazi.

Q Did you work with him?

A Yes.

Q I want you to step up to the defendant's box again, look closely at the defendants and place your hand on the man you know as Lausterer.

Defense: If the court please, I object to that as improper procedure and repetitious.

Prosecution: If the court please, the prosecution cannot
(Opitz - Direct)

but admit what the witness has done so far with the man Lausterer, at the same time I think he should be permitted further attention.

Defense: The witness had ample time to examine all 40 defendants in the box. There was no rush and that whatever has happened cannot be rectified at this time by clever manipulations on the part of the prosecution.

President: Objection is not sustained.

Prosecution: Let the record show that at this time, the witness placed his hand on the shoulder of the defendant bearing number 26 and identified him as Lausterer.

Q How long did you work with Lausterer?

A Nine months approximately.

Q Is there any doubt in your mind, now, as to the identity of the man Lausterer?

A Not any more.

Prosecution: Will the witness state whether these lights on now bother him?

A They disturbed me for a moment, but now I am used to them.

Q Now, when was the last time you saw Josef Seuss?

A Beginning of 1943.

Q That is, of course, outside of any time you might have seen him here today in court?

A No.

Q And can you describe Josef Seuss to us?

A He was pretty tall and slim.

Q Did Josef Seuss have any relatives in camp?

A There was a brother of his here in camp, his first name wasn't Josef, but it was also Seuss.

Prosecution: I'd like the witness to step up to the defendant's box again and look carefully at them again and place his hand on the
(Opitz - Direct)

man whom he knew as Josef Seuss. Will the interpreter instruct the witness to take his time and look at the face of each man if necessary.

A They all look very different, if they would have been in uniform, they would be easy to recognise.

Q Would you like to have each group stand up?

A That is not necessary.

Q Will you instruct the witness that he can step up close to each defendant?

A The last one, number 6.

Prosecution: Let the record show that the witness identified the defendant number 6 as Josef Seuss.

Q Does Josef Seuss, does the man that you identified as Josef Seuss look any different today than the man you knew as Josef Seuss in 1943?

A Yes, because of that you always mistake them.

Q Is there any question in your mind now that the defendant bearing number 6 is the man you knew as Josef Seuss?

A As far as I can remember, it must be Josef Seuss.

Q And that is the man you saw beating and hanging the prisoners?

A Yes.

Prosecution: No further questions.

CROSS EXAMINATION:

Questions by defense:

Defense: Seuss, stand up. Eichberger, stand up. All right, sit down.

Q You stated that Wetzel slapped some prisoners who had arrived from transports, is that true?

A Yes.

Q What transport was this?

(Opitz - Cross)

A There were several transports. Whenever a transport arrived, he came to the prisoners' property office.

Q Were you there on every occasion?

A Yes.

Q Were any of these prisoners seriously hurt by Wetsel?

A No.

Q What articles did he take from these prisoners?

A Especially ornamental things, and I saw also that they took a couple of leather suitcases away.

Q You stated that there was another SS man present when these articles were taken?

A Yes.

Q Who was this?

A Filleboeck.

Q You said there was another man besides Filleboeck, who was that?

A I don't know who that was.

Q Was there another SS man present?

A Yes.

Q You stated that Boettger received some prisoners food?

A He took from the food stuff which was supposed to go from the prisoners to the kitchen.

Q How do you know it was the prisoners' food?

A Because it came out of the prisoners' kitchen.

Q How long did you work in the prisoners' kitchen?

A Never.

Q What were you doing there then?

A I got the food for the people in our detail.

Q How often did you go there to get food?

A Every day.

Q Mr. Opitz, just what was Lausterer's job during the nine months (Opitz - Cross)

you say that you knew him?

A He was Administrator of Personal Effects at the prisoners' belongings administration.

Q As administrator, did he have anything to do with personal effects or was he merely a guard there?

A He always had something personal to do with it. he had to guard it so nobody would take any away.

Q His job was to stand guard so no one would take anything away, is that right?

A Yes..

Q Now, did you ever personally see Lausterer take anything off the prisoners that he was guarding there?

A Yes.

Q Did you ever see Lausterer hit or slap or otherwise beat a single prisoner?

A Lausterer did not beat any prisoners.

Q During the nine months that you knew him, you never saw him beat a prisoner?

A No.

Q Did Lausterer ever take any food away from you?

A No.

Q Now, as to the defendant Niedermeyer, Mr. Opitz, when was it that you walked by the crematorium and saw these bodies hanging there?

A I cannot remember the exact time any more when it happened

Q It becomes important for us to know whether it was after the first of January 1942 or before the first of January 1942, will you kindly state your best recollection as to that?

A I am certain that it was after January 1942.

Q After that, you are certain?

(Opitz - Direct)

A Yes.

Q Did you see Niedermeyer there at that time when you walked by the open door?

A The dead bodies were hanging there, I did not see Niedermeyer.

Q Are you also sure that during that period you walked by Niedermeyer was head of that crematory?

A Yes.

Q Did you know a man by the name on Bongartz?

A Later on I heard this name in the camp.

Q Do you know whether or not he was at the crematory at this time in 1942 when you walked by?

A I could not state that definitely whether he was at the crematory at that time.

Q Could you state definitely, of your own knowledge, at the time you walked by the crematory that Bongartz was not the head of the crematorium?

A I do not know who was the head of the crematory exactly, I only knew that Niedermeyer worked at the crematory at that time.

Q You don't know who was the head of the crematory?

A I don't know who was the head, I only know that Niedermeyer went and got the Jews for work and brought them back.

Q And at this time that you walked by, you don't know that Niedermeyer was ever present in the crematory, do you Mr. Opitz?

A I do not know whether he was present.

Q What was the nationality of the people that were hanging at the crematory at that time?

A As I mentioned before, I stated that I do not know what nationality these people were.

Q Now, with respect to the defendant Seuss, Mr. Opitz, when did you see him administer these beatings that you described?

(Opitz-Dross)

- A It was several times during his tour of duty at Dachau.
- Q And did I understand you correctly that it was extended over partly in the year 1942 and partly in the year 1943?
- A Yes.
- Q And you are sure^{of} /lnat, Mr. Opitz?
- A Yes.
- Q Mr. Opitz, with reference to these newly arrived admittances which you spoke about during which you identified Martin Weiss, can you tell me what other officers were present besides Martin Weiss?
- A No, I could not.
- Q He is the only one that you were able to recognize?
- A Yes.
- Q Now, at that time, can you tell me, about what time of the year it was, what month?
- A It was in August.
- Q In August of 1942?
- A 1943.
- Q 1943?
- A As far as I can remember, it was August 1943.
- Q All right, now, at that time, as I understand it, you were working in the supply room, is that correct?
- A Yes.
- Q Where is the supply room with relation to the place where you saw these new admittances arrive?
- A The supply room is about 100 meters away from the point where Weiss was standing.

Prosecution: I'd like to call attention to the court the fact that counsel is asking about a supply room. Actually, the witness testified about a Personal Effects Room to where the supply room (Opitz - Cross)

was as distance.

Q Where was this Personal Effects Room with relation to where you saw these newly arrive people arrive in?

A It is right next to the office building.

Q How far away in approximation in feet away was it from where you saw Martin Weiss?

A They were about 60 or 70 paces from the place where I was.

Q What time of the day was it?

A Before noon.

Q And the only one that you were able to recognize among the officers was Martin Weiss, is that right?

A Yes.

Q Did you ever have any duties with Martin Weiss?

A No.

Q You thought Martin Weiss a pretty good commandant, didn't you?

A Many things are said, but I saw him beating once.

Q What do you mean many things are said?

A Many prisoners say that he was very good, but many prisoners say just the opposite thing.

Q But many of them that you know say that he is pretty good, is that correct?

A I also knew some who said that Weiss was good.

Q Mr. Opits, when did you last see a picture of these defendants?

A Last time?

Q Yes.

A The picture of Bostiger I saw the day before yesterday.

Q Where did you see that?

A In the examination room up front.

Q What other pictures did you see in the examination room up front?

A I saw several pictures of people I did not know.

(Opits - Cross)

Q Including Josef Seuss and Lausterer, is that correct?

A I do not pay any attention to that.

Defense: No further questions.

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

Prince Frederick Leopold of Prussia, 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 Frederick Leopold, Prince of Prussia.

Q Where do you live, Prince Leopold?

A At Werfen, Austria.

Q When were you born?

A On the 27th of August 1895.

Q Where were you born?

A I was born in Kilenkcke, Germany.

Q Did you ever have occasion to come to Dachau as a prisoner?

A Yes.

Q What was the occasion for your coming to Camp Dachau as a prisoner?

A I was arrested on May 25, 1944 at Bad Gastein..

Q And why were you arrested?

A I was arrested on the grounds of listening into the underground broadcasting and spreading the news.

Q And on what date did you come to Dachau?

A October 1944.

Q Where were you placed in Dachau when you first arrived?

A First I was put to the so called "bunkrof honor."

Q How long did you remain there?

(Prince Leopold - Direct)

A I spent there the fortnight.

Q And from that bunker of honor where did you go to?

A I went to the hospital.

Q What was the occasion of your going to the hospital?

A Because I had diphtheria.

Q When you first came to the hospital, who examined you?

A The chief doctor, Doctor Hintermayer.

Q What diagnosis did he make of your condition at that time?

A That I suffered of a sore throat.

Q Did anyone else examine you while you were there at the hospital?

A Yes, I went straight from his office to the office of Doctor Schreiber.

Q Was Doctor Schreiber an SS man?

A No, he wasn't.

Q What was he?

A He was a prisoner.

Q And do you know what diagnosis he made of your condition?

A Yes, he immediately said that I was suffering of diphtheria.

Q Was that fact communicated to Doctor Hintermayer?

A Yes.

Q Were you admitted to the hospital?

A Yes, the same day.

Q How long did you remain in the hospital?

A Six weeks.

Q While you were in the hospital, Prince Leopold, did you ever have occasion to observe the nature of the food that you received and was received by other prisoners in the hospital?

A Yes, I did.

Q Will you tell the court the character of that food?

A In the morning we got some so called coffee, but it was black
(Prince Leopold - Direct)

water, and a piece of bread and sometimes a little bit of marmalade. For lunch, we got some water soup. In there was some cabbage or some pieces of carrots and some peels of potatoes.

Q Now, did the prisoners in the hospital receive a specialized form of diet?

A Yes, some of them did.

Q What sort of diet did you receive suffering from diphtheria?

A Besides water soup, I received sometimes a little bit of some stuff cooked in milk.

Q What was your normal weight, Prince Leopold?

A 75, 78 kilos.

Q After you had been in the hospital, about what did you weigh?

A 43.

Q While you were in the hospital, did you have occasion to observe the death rate that was taken place there in that hospital?

A Yes, when I was allowed to get up again and go for a walk in the open air, I saw about 30 to 40 dead people who were put in a coffin.

Q Did you observe the physical appearance of the bodies that you saw?

A Yes, some of them, I could see, they were almost starved to death.

Q What was it that you observed that made you think they were almost starved to death?

A Because they were only the bones which were covered with skin.

Q The entire time that you were in the hospital, were you ever visited by Doctor Hintermayer?

(Prince Leopold - Direct)

A No.

Q And how long did you say you were in the hospital?

A Six weeks.

Q When you were in the hospital with diphtheria, was there any segregation of the patients with respect to the contagious diseases?

A No.

Q Do you know what the man was suffering from who occupied the next bed to you?

A Yes, he suffered from hemorrhoids.

Q While you were in the hospital, did you ever have an occasion to observe prisoners coming to the hospital for treatment?

A Yes.

Q How were those formations held?

A When I was walking up and down the barracks in the morning, I saw formations come in led between the two barracks and the space between block A and B.

Q Continues.

A And there some of the people had to undress in the open air whatever the weather was, and they had to stand there for one hour to two hours and even longer and then they were led into the block A, and there they had to line up in the corridor, in front of the dispensary and almost in front of the operation room, and there they had to stand for another long time and this corridor was also unheated.

Q Now, Prince Leopold, during the time that you saw these people standing out there in this formation, did you ever observe any of these people dropping down to the ground?

A Yes, I did.

Q What was the condition of the weather at that time?

(Prince Leopold - Direct)

A It was terrible weather.

Q Now, when you say terrible weather, was it terribly hot or cold?

A No, it was terribly cold.

Q Under whose supervision were these formations held?

A I don't remember under whose supervision they were held.

Q Where were these formations held with respect to Doctor Hintermayer's office?

A Just in front of his windows.

Q Was there any obstruction between his windows and the place where the formations were held?

A No.

Q Now, after you got out of the hospital, Prince Leopold, did you ever have occasion to return to the hospital?

A Yes.

Q During what period of time was that?

A That was in the month of January, February and March, even up to April.

Q Of what year?

A Of 1945.

Q And at that time did you have occasion to observe the condition of the hospital with respect to crowding?

A Yes, I have.

Q Will you describe that condition to the court please?

A I went to visit a friend of mine who was very ill on block 3, room 2. And in that time, I think it was the end of January, the beginning of February, they put two small beds together and in these two beds were four people lying, two heads turned to the window and the other heads between the legs of the poor people towards the room.

(Prince Leopold - Direct)

Q Now, at that time, do you know whether or not any segregation was made among the patients with respect to contagious diseases?

A No, on the contrary.

Q Were all patients out together?

A Yes.

Q Without regards to the diseases they had?

A Yes.

Q Now, Prince Leopold, did they have such a thing as a night attendant in the hospital when you were there?

A Male night attendant.

Q Do you know what his occupation was?

A Yes, I only know what his occupation was by what he was telling me.

Q And what did he tell you his occupation was?

A He told me that he had to go around, look into the beds for the people who were dying and already dead.

Q Was this man a prisoner or was he an SS man?

A No, he was a prisoner.

Q Did you ever see him take any patients out of the hospital at night?

A No, I myself didn't see it.

Q Do you know what this man's occupation was prior to the time that he became a prisoner in Dachau?

A No, I don't know that, I only remember that he wore a green triangle.

Q Now, while you were in the hospital, Prince Leopold, did they have any such thing as lice control?

A Yes, ^{almost} daily.

Q What sort of control did they exercise?

A When I went into one of these barracks, I saw the people line up (Prince Leopold - Direct) .

in front of the beds completely undressed, naked, and shivering from cold because the barracks was almost unheated.

Q And how long would these formations last?

A They always lasted from half an hour to two hours.

Q And what were the conditions of these people with respect to dress during that entire time?

A They were naked.

Q Now, did you ever have occasion to observe any formations of patients going to the X-ray room for treatment.

A No, I didn't see it myself.

Q What do you know about such formations?

A I know only from my friend who was stationed at the hospital, he had to go there himself with some of his comrades.

Q And what did you hear with respect to that formation?

A He told me that the poor people were naked only had a little blanket on their shoulder and perhaps a shirt on. And there they had to line up in front of this X-ray room and waiting there for a long time.

Q Did you ever observe prisoners picking up any scraps of food?

A Yes, very often.

Q Where did you observe these prisoners picking up this food?

A I observed that when I was walking down the so called Lagerstrasse.

Q And where were they seeking to obtain this food?

A In front of the block were put up these big cans where they brought food from the kitchen, and after lunch time, these emptied cans were put there in front of these blocks at the Lagerstrasse, and so some of these poor prisoners went there and tried to scrape the rest of the food from them.

(Prince Leopold - Direct)

- Q What treatment did you see these prisoners who were picking up these scrapes receive from the SS?
- A Whenever SS men came near them, they treated the prisoners in a terrible way.
- Q Describe what you mean by terrible way.
- A They boxed their ears with fists, they hit them and they kicked them, mostly kicked them in the stomach, some of them I saw dropped down, bleeding from the noses and from the mouth.
- Q Now, Prince Leopold, can you tell us at this time what was the nationality of some of these prisoners you saw receiving the treatment that you have just described?
- A Most of them are Russians and also Italians.
- Q Now, how do you know that these men were Russians?
- A Because their hair cut was a different way from ours.
- Q And what was the difference between the hair cut that the Russians had and the hair cut the other prisoners had?
- A The Russians and also the Italians had to wear the louse-streak or the louse-rolled on their head.
- Q And what was this louse-streak that you speak of?
- A In the middle of the head, they had to wear a streak completely shaved out of their hair.
- Q Prince Leopold, I hand you a chart marked Prosecution's Exhibit number 55 for identification and ask you to state what that is.
- A They are the different triangles the prisoners had to wear in Dachau.
- Q Is that a correct representation of the different types of insignia that were worn by the prisoners in Dachau at the time you were here?
- A Yes.
- Q Now, what type of prisoner wore the red triangle?
- A The political prisoner.
- (Prince Leopold - Direct)

Q And what type of prisoner wore the green?

A Criminals.

Q And the blue triangle?

A This bright blue, the emigrants.

Q And the purple triangle?

A The so called Bible searchers.

Q Do you know whether or not they are commonly referred to as Jehovah's witnesses?

A No, I don't know that.

Q What about the brown triangle?

A That was called the homosexuals.

Q And the black?

A That was for the anti-social people, but also the Italians had to wear the black.

Q Now, what is the significance of the bar above the triangle?

A That means for the relapse cases.

Q What do you mean by relapse cases?

A I think when one of the prisoners was left free from here and after sometime he committed the same offense and he was caught and was sent back to the camp, he had to wear this.

Q Now, what was the significance of the black circle?

A That was the prisoner who belonged to the penal company, or.

Q Now, what type of prisoner wore the yellow triangle with the apex at the top?

A I don't know that.

Q What type of prisoner wore the triangle that is indicated on Prosecution's Exhibit number 55 for identification as being the fourth one from the top?

A The Jews had to wear that.

Q Now, what was or was there any type of insignia that was given (Prince Leopold-Direct)

to prisoners that indicated their nationalities?

A Yes, they had, for instance, to wear initials on their diagonal. For instance, the Poles had to have a "P", Czechs "T", and the Italians an "I", the French "F" and so on.

Prosecution: We offer at this time, may it please the court, Prosecution's Exhibit 55 in evidence.

President: No objections, it will be received in evidence.

Q Now, while you were in Camp Dachau, from October 1944, what duty did you perform?

A When I left the hospital, I had to work at the SS Canteen.

Q And what did you do at the SS Canteen?

A I worked in the beginning in the cellar, and had to work there as a packer, and washed dishes of the SS men who had their meals in this canteen.

Q During that time, did you have occasion to see the food that the SS were served with?

A Yes.

Q Will you describe that food to this court please?

A The SS people who had their meals at the canteen where I was working, they had the regular SS food sent there from the SS canteen.

Q And will you please describe that with respect to quality and to quantity?

A It was a very good quantity, for instance, they had for lunch, soup, and had a dish with potatoes, vegetables and very often with meat.

Q And what was the quality of this food?

A It was a very good quality.

Q Now, when you were down working in the cellar, what, specifically, were your duties there?

A I had to do the packing and the unpacking of boxes which arrived with wine, champagne, brandy, and I had to carry about the cases
(Prince Leopold - Direct)

from one cellar over to another one and very often had to bring up to the office bottles of champagne, brandy or wine, and hand them over to different SS men who came to the office to fetch these things.

Q Now, you speak of this as an SS canteen, now who ate there, were these men the same SS personnel who operated Camp Dachau?

A Our boss was a Hauptscharfuhrer and he also was in charge of the prisoners' canteen which was in the compound.

Q Now, I ask you again, were these SS men that ate their meals there members of the staff of Camp Dachau?

A Yes, they were.

Q Now, during January, February and March of 1945, did you have occasion to see the transports coming into Camp Dachau?

A Yes, once when I came back to go out sometimes to peel potatoes and things like that for the canteen, we walked past this place I think called the railroad station where the new bunker was built for the SS men, I saw transports which was standing there composed of several wagons. In the same time when I passed this place, it just opened one of the wagons, they opened, pushed the door aside, and out fell some of the bodies, and I saw that a terrible mess was in this wagon and there was a terrible stench arose from there and I walked away.

Q Did you observe any people alive on that transport?

A Yes, afterwards when I was in the camp, these people were put on the wagons of the so called Moore Express, and they were brought into the camp to the bath house where this card was unloaded.

Q Now, after these people came out of the bath house, did you see them?

(Prince Leopold - Direct)

A Yes, I saw some of them coming out of the bath house.

Q How were they clothed at that time?

A They were not clothed at all, they were completely naked.

Q And what was the condition of the weather at that time?

A It was very cold.

Q Now, during the period that you were in the hospital, Prince Leopold, who was the chief doctor?

A Doctor Hintermayer.

Q And during the time that you saw these transports coming into Dachau, and the scene that you just described, who was the chief doctor?

A Also Doctor Hintermayer.

Q Did you observe any of these people that you saw standing out there in front of the bath house in the cold naked drop to the ground?

A Yes, I did.

Q Do you know what happened to those people?

A They were taken away from there.

Q Do you know to where or into what direction they were taken?

A I think some of them were taken to the hospital and others were put again on this card and taken out of the camp.

Q And these people that were taken out on the cart, were those dead bodies?

A I think so.

Q Did you ever, at any time, make any efforts to carry any food into camp?

A Yes, very often.

Q Were you prohibited from carrying food into camp?

A Yes, we were.

Q Did you ever make any effort to carry any wine into the camp?

A Yes, I did.

(Prince Leopold - Direct)

Q What was the occasion for doing that?

A That was at the occasion when I visited my friend in the hospital, block 3, room 2. There was a male nurse out there alone and he came up to me one day and asked me if I can help poor people who were dying because he had not enough medicine to give these people injections, and he could help these people if he could give them some red wine and as he knew that I was working, at that time, in the SS Canteen, he asked me if I could supply him with some bottles of wine. The next day I went to my boss and asked him if I could buy 10, 12, 20 or 30 bottles of red wine of my own expenses, because I had some money in the camp and told him also the reason I wanted to buy the wine, but he flatly refused.

Q Now, Prince Leopold, when did you leave Dachau?

A I left Dachau, I think it was April 24 or 25.

Q 1945?

A 1945, when we were deported from here before the American troops arrived.

Q Now, you say we were deported, who was deported?

A We were deported, for instance, Leon Blum and his wife, the Prince Xavier of Bourbon, five Greek generals, General Garibaldi and another Italian general, two British officers. Chancellor von Schuschnigg and his brother.

Q And where did you go when you left Dachau?

A We were taken first to Innsbruck into a concentration camp down there.

Q And while you were on the way down there, did you have occasion to examine the baggage of the SS men who were in charge of that transport?

A Yes, some of the pieces we did.

Q What did you find in that baggage?

(Prince Leopold - Direct)

A Several clothes.

Q Anything else?

A And also uniforms of the regular army.

Q Anything else besides the civilian clothes and regular army uniforms?

A Later we found when we were taken away from Innsbruck over the Brenner Pass, we found in one bus they had put some loaves of bread for us. We found hidden under this bread, a lot of cases which were sent by the International Red Cross to the prisoners at Dachau Camp, and when we were liberated by the American troops up Donnass, these Red Cross packages were distributed amongst us.

President: The court will recess for fifteen minutes.

The court then took a recess until 3:20 o'clock, p.m., at which hour the personnel of the court, prosecution, and defense and the accused and the reporter resumed their seats.

The witness, Prince Leopold, resumed his seat on the witness stand and was reminded by the prosecution that he was still under oath. The interpreter also resumed his seat.

Q Now, while you were here as a prisoner in Camp Dachau, did you ever have occasion to know a French General?

A Yes.

Q What was his name?

A General Delastraint.

Q Do you know what disposition was made of General Delastraint?

A I heard that he was shot on April 14, 1945.

Q Did you have, prior to his death, occasion for making an appointment with him on that day?

A Yes, we had a secret appointment.

Q Where was that appointment to be kept?

A That appointment should have been kept at a so called cumber.

(Prince Leopold - Direct) *

- Q And when was it supposed to be kept?
- A That was supposed to be kept at 10:00 o'clock in the morning.
- Q Did you ever see General Delastrainton that day?
- A No, I never saw him again.
- Q Now, what was the source of your information that he had been shot?
- A I waited for the general until 12:00 o'clock midday, and then I went down to see some friends of mine who were here at the camp, two British officers and they told me in the evening before half past six that they received notice that the general had been shot.
- Q Were you ever a member of the Nazi party?
- A No, never.
- Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

- Q Would you mind telling us what your family name is?
- A Prince of Prussia.
- Q Is that the family name?
- A Yes.
- Q Is it not a fact that your ^{family} name was Hohenzollern?
- A No, the family name is Prince of Prussia.
- Q You were admitted into Dachau on the 13th of October 1944?
- A Yes.
- Q And shortly thereafter you went to the hospital as I understand it, is that correct?
- A Yes.
- Q How many days after you came to Dachau did you go to the hospital?

(Prince Leopold - Cross)

A Two weeks later.

Q And at that time you were first examined by Doctor Hintermayer?

A Yes.

Q And as I understand it, he diagnosed your condition as a sore throat?

A Yes.

Q And then you were also examined at the same time by Doctor Schreiber a prisoner doctor?

A Yes.

Q And he diagnosed your condition as diphtheria?

A Yes.

Q You did have a sore throat, didn't you?

A Yes, I suffered from a sore throat for five days.

Q That is you suffered with a sore throat five days prior to the time Hintermayer saw you?

A Yes.

Q And when you saw him you told him that you had a sore throat?

A I told him that I had a terrible pain that I could hardly swallow and that I had a very high fever.

Q After Doctor Schreiber examined you and he spoke with Hintermayer you were admitted to the hospital, is that correct?

A No.

Q When were you admitted to the hospital?

A Doctor Schreiber spoke first with a Polish doctor who also was a prisoner.

Q When were you admitted to the hospital?

A In the evening.

Q After the same day that Hintermayer and Schreiber examined you?

A Yes, the same day.

Q And you remained in that hospital for a period of six weeks, is (Prince Leopold - Cross)

that correct?

A Yes.

Q And you were treated for diphtheria?

A Yes.

Q By Doctor Schreiber?

A No, by a male nurse.

Q Did you see Doctor Schreiber while the male nurse was caring for you?

A Yes, he came into our room.

Q And Schreiber came into your room practically every day, didn't he?

A Doctor Schreiber did not come every day in my room.

Q How often did he come?

A Doctor Schreiber came almost once a week.

Q Did another doctor come in at all while you were in there?

A Yes, a Polish doctor who was also a prisoner.

Q How often did the Polish doctor come to treat you?

A The Polish doctor came almost every day.

Q What was the name of the Polish doctor, do you know?

A There were two Polish doctors.

Q Can you give me their names?

A I don't remember the name of one, but the name of the other I remember his name was Arley.

Q Do you recall how long the fever lasted?

A Last for about three weeks.

Q During that period of time you were on a diet, were you not?

A I was not put on a special diet.

Q Even with diphtheria you were not put on a special diet?

A No.

Q Do you know what the diet is for diphtheria?

(Prince Leopold - Cross)

A I only heard that the diet was to take liquid things.

Q The diet for diphtheria is liquids and you heard that, is that correct?

A Yes, that I heard.

Q Did you hear that after you got out of the hospital?

A No, I heard it before I got to the hospital.

Q And that was the diet that you received, was it not, while you were in the hospital suffering from diphtheria?

A No, it wasn't.

Q What did you get?

A Water soup with cabbage in it or carrots or unpeeled potatoes and something, I don't know what it was, some stuff cooked in milk.

Q Did they call that milk rice?

A No.

Q As a matter of fact, because of your condition, you received an additional diet, is that correct?

A Yes, it was about a handful.

Q But you were quite sick, weren't you?

A Rather.

Q All right. Now, you stated on direct examination that you went back to the hospital in January, February, March or April for the purpose of visiting a friend of yours?

A Yes, not only to visit a friend, but also for another treatment for myself.

Q What was the matter with you then?

A For ear trouble I was treated.

Q Who treated you for the ear trouble?

A Doctor Schreiber.

Q And Doctor Hintermayer was still the chief doctor, was he not?

A Yes, he was.

(Prince Leopold - Cross)

- Q Did you know whether he knew that you were being treated for ear trouble?
- A I think he did.
- Q When was it that you saw these people going to the X-ray room for treatment?
- A I didn't see the people myself going there as I told you before - the court.
- Q Did you see the people waiting to be X-rayed?
- A No, I didn't see it.
- Q How did you know then that these people had to stand out in the open waiting to be X-rayed?
- A Because a friend of mine who also had to go to the X-ray station to wait with them.
- Q Did he tell you that he had to stand on the outside of the hospital or did he have to wait in the inside of the hospital waiting an opportunity to go in the hospital to be X-rayed?
- A He told me he had to wait in the corridor.
- Q Are you familiar with that corridor?
- A Yes.
- Q It was heated, wasn't it?
- A No, it was not heated.
- Q Was the X-ray room itself heated?
- A I can't tell.
- Q Have you ever been in the X-ray room?
- A I have been once in the X-ray room.
- Q Well, was it heated at the time you went in there?
- A I don't remember, it was in October.
- Q Of course, when they X-ray people, they have to have them partially naked, do they not?
- A Yes.

(Prince Leopold - Cross)

Q Was this friend that you visited in the hospital during the months of January, February, March or April 1945, was he in the infected ward or not?

A He was for the time being, he was in the hospital, block 3, room 2. Excuse me, maybe also room 3.

Q Was there known an infectious ward with contagious diseases?

A Yes, I think there was.

Q Was he in that ward?

A No.

Q Was that ward overcrowded, that contagious disease ward, was that overcrowded?

A I didn't go into that ward.

Q Now, how do you know then when you testified on direct examination that the contagious diseases were not segregated from other patients?

A When I was in the hospital, I had diphtheria which was a contagious disease and the other people in the same room didn't have it.

Q To your knowledge, is diphtheria always segregated from all other illnesses?

A Yes.

Defense: That is all.

REDIRECT EXAMINATION

Questions by prosecution:

Q Did any of these 40 defendants mistreat you?

A No.

Prosecution: That is all.

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

Johann Kaltenbacher, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

(Prince Leopold - Redirect)
(Kaltenbacher - Direct)

Questions by prosecution:

Q What is your name?

A Kaltenhoecker, Johann.

Q Where do you live, Mr. Kaltenhoecker?

A Munich, Himeron Street 26, Third Floor.

Q How old are you?

A 42.

Q What is your nationality?

A German.

Q Have you ever been confined to Dachau Concentration Camp?

A Yes.

Q When were you first placed in Dachau Concentration Camp?

A April 1933.

Q Why were you put in Dachau?

A Because of my membership in the Communist Party.

Q How long did you remain a prisoner in Dachau?

A Eleven years.

Q Were you in Dachau January 1, 1942?

A Yes.

Q When did you leave Dachau?

A 1943.

Q Where did you go then?

A To Augsburg, Houndsteten, which is outside working detail of Dachau.

Q And for purposes of administration, you still belonged to Dachau while you were at Augsburg?

A Yes.

Q What designation did you wear on your chest while you were in Dachau?

A A red triangle.

(Kaltenbacher - Direct)

Q Now, while you were in Dachau, did you have occasion to know a man by the name of Jarolin?

A Yes.

Q Did you ever know a man named Trenkle?

A Yes.

Q Did you ever know a man named Niedermeyer?

A Yes.

Q Were you in Dachau during the entire year of '1942?

A Yes.

Q Were there any Russian prisoners of war in Dachau at that time?

A Yes.

Q Were they segregated from the rest of the prisoners, or were they all together?

A Separated.

Q Were they kept inside the big camp?

A Yes.

Q How was their compound separated from the larger compound?

A There were posts with barbed wire and there was a sign said "Prisoners of War."

Q How do you know that those people were Russians, Mr. Kaltenbacher?

A I talked to these people.

Q And what did they tell you?

A That they were Russian prisoners of war.

Q What happened to those prisoners of war, Mr. Kaltenbacher?

A According to my knowledge, they were shot.

Q Do you recall the occasion on which they left the camp marked "Prisoners of War"?

A Yes.

Q What happened on that occasion?

A A troop of Russian prisoners was put together and lead through the (Kaltenbacher - Direct)

small gate into the camp street across the place of formation through the shoehouse gate to a car.

Q Now, were they loaded on the car?

A Yes.

Q What SS men were present at the time the Russians came out of the prisoners of war camp and loaded on the cars?

A Jarolin, Niedermeyer, Trenkle, Wagner, Remla, Hoffmann.

Q Were the men that you just named armed when you saw them?

A Yes.

Q What were they armed with?

A With a rifle.

Q Did they have it on their person?

A On the shoulder.

Q After the Russians departed, what happened to the SS men that you just named?

A They also left.

Q And do you know where the Russians and the SS men went?

A We didn't see it, but I presume on the rifle range.

Q How far was the rifle range from the compound?

A About 20 minutes if you walk it.

Q Did you hear any shots after the people left the compound?

A Yes.

Q How many shots did you hear.

A At first you heard the salvo and then one could distinguish single shots.

Q Approximately how long after the Russians left camp did you hear the shots?

A That is hard to say.

Q Well, was it two hours, or three hours, or approximately how long?

(Kaltenbacher - Direct)

A In such situations, you lose all measure of time, it might have been a half an hour or three-quarters of an hour, the time seemed without end.

Q Now, after you heard the shots, did you see any of the people who had left return to the camp?

A No.

Q Did you see any of the SS men return?

A Yes.

Q Were they still armed when they returned?

A Yes.

Q Did you see such a detail go out on more than one occasion, Mr. Kaltenbacher?

A Yes.

Q Approximately how many times did you see such a detail go out?

A At least three times.

Q Were the SS men the same on each group?

A Just about.

Q Did the same course of events take place?

A I don't understand the question.

Q Did the same things happen on each detail as the one you just related?

A Yes.

Q Now, do you know whether or not the SS men were rewarded for participation in that detail?

A We knew from general talk that the medal was a blood medal, and so far as I know, as a reward, one was given a vacation to Italy.

Q What medal was this, Mr. Kaltenboecker, that you just mentioned?

A I only saw the band, it was a colored band.

Q Do you recall what Jarolin's duty was at that time?

A Protective Custody Camp Leader.

(Kaltenbacher - Direct)

Q You said that you knew a man named Niedermeyer, do you know what his duty in Dachau was in 1942 and thereafter?

A He was in the crematory.

Q How do you know he was in the crematory, Mr. Kaltenbacher?

A He came to the block once and then he said that he was now in charge of the detail at the crematory.

Q Did he wear any special uniform, if you recall?

A Yes.

Q What type uniform did he wear at that time?

A A dark black suit and a black cap.

Q Now, did you ever see Niedermeyer mistreat any prisoners in 1942 or thereafter?

A Yes.

Q How did he mistreat them?

A With hands and fet.

Q Do you know the nationality of any of the people that Niedermeyer mistreated?

A Almost every nation.

Q Mr. Kaltenbacher, would you be able to recognize one Jarolin, Trenkle, and Niedermeyer if you saw them today?

A Yes.

Q Will you step over into the box and identify Jarolin?

Prosecution: Let the record show that the witness identified the prisoner bearing number 3 as Jarolin.

Q Trenkle?

Prosecution: Let the record show that the witness identified the prisoner wearing number 4 as Trenkle.

Q Niedermeyer?

Prosecution: Let the record show that the witness identified the prisoner wearing number 5 as Niedermeyer.

(Kaltenbacher - Direct)

Q During 1942, Mr. Kaltenbacher, did you ever know an SS man named Josef Seuss?

A Yes.

Q Did you ever see Seuss mistreat any prisoners at Dachau?

A Seuss did that (indicating his wrist).

Q Did you ever see him mistreat any other prisoners?

A Yes.

Q How did he mistreat them?

A With hands and feet.

Q What did he do to the prisoners with his hands and feet?

A He kicked and beat, Seuss was not a human being.

Q Do you know whether Seuss remained at Dachau from 1942 to 1943?

A Yes.

Q Did he remain here?

A He was at Swiler.

Q Do you know when he left Dachau?

A Yes.

Q When?

A 1943.

Q Could you identify Seuss if you saw him today?

A I know Seuss' voice among thousands, I don't need to see him.

Q Could you please identify him among the 40 people there?

Prosecution: Let the record show that the witness identified the prisoner bearing the number 6 as Seuss.

Q Mr. Kaltenbacher, did you ever know Knoll while you were in Dachau?

A Yes.

Q Do you know whether or not he was an SS man?

A No.

Q What was he?

(Kaltenbacher - Direct)

A A prisoner.

Q Did you see Knoll Christmas of 1942?

A Yes.

Q Where did you see him?

A On the occasion of a Christmas celebration in the small court of the education barracks.

Q Was that in Dachau?

A Yes.

Q Did you hear Knoll make any remarks at that party?

A Yes.

Q Will you please tell the court what those remarks were?

A On the occasion of a Christmas party, which was given by nurse Pia. She said: "We German political prisoners were decent, all others in the camp should go to hell." At this occasion Knoll jumped up, up to Hauptsturmführer Zill and said "Mr. Hauptsturmführer, I finished 97 Jews, three more and then I shall fetch my breadtime."

Q You heard Knoll say that?

A Yes.

Q Would you be able to identify that man today?

A Yes.

Q Is he present in the court room, if so, please point him out.

Prosecution: Let the record show that the witness identified the prisoner bearing the number 16 as Knoll.

Q Now, Mr. Kaltenbacher, while you were in Dachau from 1942 on, did you ever know a man named Welter?

A Yes.

Q Do you know whether or not he was an SS man?

A Yes.

(Kaltenbacher - Direct)

Q Do you know what his duties were at Dachau?

A Labor Service Leader.

Q Did you ever see Welter mistreat any prisoners?

A Yes.

Q How did he mistreat the prisoners?

A He kicked them and beat them.

Q What did he beat them with?

A With hands and feet.

Q Do you know the nationalities of any of the prisoners that he mistreated?

A All nations.

Q By that what nations do you mean, Mr. Kaltenbacher?

A Frenchmen, Poles, Czechs, Yugoslavs, Italians, Russians, Germans, Dutch, Belgians, Greek, all nations.

Q And you saw him mistreat prisoners on more than one occasion?

A Yes.

Q Would you know Welter if you saw him today?

A Yes.

Q Will you please identify him for the court?

Prosecution: Let the record show that the witness identified prisoner bearing number 23 as Welter.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q Mr. Kaltenbacher, on the three occasions when the Russian PW's were executed, can you tell us what time in 1942 that was?

A That is hard to say.

Q Well, can you tell us whether it was spring, summer, fall or winter?

A I don't want to lie, I don't know exactly, I presume approximately
(Kaltenbacher - Cross)

that it was in spring.

Q Are you certain, Mr. Kaltenbacher, that it was in the year 1942?

A Yes.

Q And your best recollection is in the spring of that year?

A It was cold, we were always cold whether it was spring, summer or autumn, we were always freezing.

Q And at those three executions, you saw Niedermeier, Trenkle and Jarolin, is that correct?

A Yes.

Q Do you know when, in 1943, Seuss went to Swiler?

A I couldn't tell you with any certainty.

Q Now, Mr. Kaltenboecker, outside of this statement that you heard Knoll make at the Christmas party in 1942, do you know of your own knowledge, any case in which he killed any Jews?

A No.

Q Where was Knoll active at the time that you were talking about?

A He was block eldest.

Q In this time, did you know Knoll personally?

A Yes.

Q Was he quiet or did he talk a lot?

A We didn't talk much.

Q You were talking about the Christmas party about nurse Pia, the German prisoners were all decent, and all others should go to hell, did nurse Pia say that?

A Yes.

Q Is it the truth that nurse Pia was a nun with a golden party insignia?

A Yes.

Q Did you know that Knoll had instructions from Zill to get his (Kaltenbacher - Cross).

wife a fur coat?

A No.

Q Do you know that at that time the accused Knoll was in the plantation that Knoll, at that time, had moles caught for him at the plantation?

A That is not very well possible because at that time, if a Jew had been catching moles during his working hours, he would have been punished.

Q I didn't say that Jews had instructions to catch these moles, I mean that in general.

A No.

Q And did you know that Knoll had delivered 97 mole skins and that he would receive additional bread if he would live as hunters?

A No.

Q Mr. Kaltenbacher, you first came to Dachau back in 1933, wasn't it?

A Yes.

Q And you were here how long, altogether, when were you let out?

A Eleven years.

Q You served under how many camp commanders?

A It might have been eight commanders.

Q Do you know Camp Commandant Weiss?

A Yes.

Q Do you remember when he came here as commandant?

A 1942.

Q Would you tell the court please, Mr. Kaltenbacher, what the food and living conditions were prior to the time Weiss came here?

Prosecution: May it please the court, we didn't bring in the Commandant Weiss, or the conditions that have been elaborated. If he desires to make the witness his witness and proceed to examine him on (Kaltenbacher - Cross)

those matters, it is all right.

Defense: This subject matter is new subject matter and it is our material, so for this purpose, he becomes our witness.

Prosecution: Then we understand that the defense will vouch for the creditability for the witness.

Defense: Not necessarily, that is a misunderstanding, the defense does not vouch for the creditability of the witness that the prosecution has brought before the court.

Prosecution: Then you are taking him as your witness, is that correct?

Defense: Creditability is a matter for determination by the court.

President: Objection denied, proceed.

The defense then proceeded to examine the witness Mr. Kaltenbacher as their witness.

A Yes.

Q Would you please tell the court what those conditions were?

A Before Weiss came, there were a lot of beatings, there was nothing to eat, no time off, room service and work, then Weiss came.

Q Did the conditions as you have just described remain the same Mr. Kaltenbacher, after Weiss became Camp Commandant or not?

A No, it became better.

Q Would you describe in what way it became better in Dachau after Weiss became Camp Commandant?

A The sending of food parcels was allowed, the room duty was discontinued, for a while the beatings were discontinued. However, we presume that that was not done to be kind to humanity, but because the Armament Industry needed manpower.

At the same time, the hell-holes of Augsburg, Friedberg all (Kaltenbacher - Direct).

were opened up, which caused many of our comrades their life.

Q Did the conditions here in camp, did the condition of food remain here prior to Weiss coming here as Commandant?

A They became better.

Q What way was the food condition better after Weiss became Commandant?

A Every now and then one would see a little fat in the soup and there were larger portions of cheese and sausage.

Q Later on the food became worse again, did it not?

A Yes.

Q That was because of the fact that prisoners came from other camps or not?

A I can't say.

Q Prior to the time that Weiss became Commander of Dachau, were prisoners tied to a pole?

A Yes.

Q After he became Commandant, did this practice continue or not?

A A short time the hanging was continued.

Q And then?

A And then it was discontinued.

Q Prior to the time that Weiss became Commandant at Dachau, were prisoners often as punishment required to stand at the gate?

A Yes.

Q After he became Commandant, did this practice of standing at the gate for punishment continue?

A No, but instead of that, the stand bunker was introduced.

Q How long prior to the time Weiss became Commandant were people required to stand for punishment at the gate?

A From morning, 5 or 6 until the evening at 8:30 or 9:00.

Q Prior to the time that Weiss became Commandant of Dachau, did they
(Kaltenbacher - Direct)

have the punishment block for prisoners?

A Yes.

Q After he became Commandant of the camp, was the punishment block discontinued?

A Yes.

Q Prior to the time that Weiss became Commandant of the camp, were prisoners required to stand in the square when another prisoner escaped?

A Yes.

Q After he became Commandant, that is Weiss became Commandant of Camp Dachau, was the punishment of standing in a square continued or discontinued?

A It was discontinued otherwise the people couldn't have worked the next day.

Q Prior to the time that Weiss became Commandant of the camp, was the punishment haircut inflicted upon prisoners?

A Yes.

Q After Weiss became Commandant, was the practice of cutting their hair continued or discontinued?

A It was discontinued.

Q Will you describe to the court what that haircut was like?

A The width of the cutting apparatus there was a stripe from the front to the back.

Q Prior to the time that Weiss became Commandant of Dachau, had motion pictures ever been shown to any of the prisoners in camp?

A Yes, they were?

Q Motion pictures?

A No,

Q After Weiss became Commandant, did he introduce motion (Kaltenbacher - Direct)

pictures for prisoners in the camp?

A Yes.

Q Prior to the time that Weiss became Commandant, were the prisoners permitted to engage in any kind of sports?

A No.

Q After Weiss became Commandant of Camp Dachau, did he permit the prisoners to engage in sports of any kind?

A Yes.

Q What kind of sports did you have after Weiss became Commandant?

A Soccer, boxing and wrestling.

Q Did you have theater performances in Dachau while Weiss was Commandant?

A Yes.

Q Do you, of your own knowledge, know that Weiss, while he was Commandant of the camp, upon receiving a transport of sick prisoners, spent most of his time in an effort to restore these prisoners to health as best he could?

A There were so called convalescent blocks introduced, but was it a reward if some one came from a camp as an invalid and then instead of one death had to die two or three — I don't think so.

Q With relation to the beatings among the prisoners, did that continue or discontinue under Weiss?

Prosecution: Will the interpreter translate that last answer again?

A I don't know whether it is a reward if the sick people were brought back to health again and then had to go back on outside details and then in such a manner had to die two or three times.

Q Will you answer the previous question, please?

A The block leaders always allowed themselves special steps.

Q What, if anything, did Weiss do while he was Commander with (Kaltenbacher - Direct)

relation to the beating of prisoners?

A Weiss ordered the beatings discontinued.

Q Now, as a matter of fact, Weiss was the best Commandant of Camp Dachau during the entire period of time that you were prisoner here, is that right?

A That is a question, if you want to say it in such a way, for the prisoner, there was no good Commander. Okay, among the worst, he might have been the best.

Q He made great efforts at all times to improve the conditions in Camp even though some of his orders were not complied with with personnel working under him, is that correct?

A Yes.

Defense: That is all.

Prosecution: Cross examination on that testimony, sir.

CROSS EXAMINATION

Questions by prosecution:

Q Mr. Kaltenbacher you said that Martin Weiss introduced the standing bunker, will you please describe what that punishment was?

A I personally did not go through the standing bunker, but my comrades told me that it was something terrible.

Q Do you know what kind of a bunker it was?

A I didn't see it.

Q How was it described to you?

A A bunker in which one has room enough only to stand up in and not to lie down in because it is too small.

Q Could a man sit down in it?

A I don't know.

Q Now, in your opinion, Mr. Kaltenbacher, did Weiss make (Kaltenbacher - Cross).

these alleged improvements for the benefit of the prisoners because he was kind to prisoners?

A No.

Q Isn't it a fact that he made the improvements so that he could carry out what you would call a total work service?

A Yes.

Q Didn't he make an effort to use every bit of energy a living prisoner had in a German war effort?

A We had to do that.

Q Was he not the man who distributed the prisoners from Dachau to various factories over the area of Bavaria?

A Yes.

Q And wasn't he responsible for lives lost from utter exhaustion and starvation due to the over-work of those prisoners?

A We used up many people.

Q Was he not responsible for sending prisoners to work factories where they weren't adequately protected from air bombardment?

A Yes.

Q Was he not responsible for the experiments and the executions and the invalid transports that went on in Dachau while he was Commandant in Dachau?

A Yes.

Prosecution: No further questions.

EXAMINATION BY THE COURT

Questions by the Court:

Q Regarding the disappearance of the Russians, how large were the details of men that were taken out by this party with rifles?

A 50, 60, it might have been 80.

Q Was this a continuing process, did the detail go out with so (Kaltenbacher - Court)

many, return, get some more, go out again, I didn't understand that?

A The detail never returned.

Q I don't mean the detail, did the men with rifles return and get more Russians or did this happen only once?

A Yes, but not in one day, they would receive Schnapps then.

Q How many times did this happen and over how long a period?

A I could only tell you about three times, three occasions, but I know it was much more frequently, I know that the entire little camp died out.

Q How many were in the little camp?

A I was not in the camp, but I estimate a thousand Russians.

Defense: May it please the court, we request the court to instruct the witness to remain available as a witness for the defense.

Prosecution: Sir, we have no objections, he lives in Munich and is available on call.

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

Ladislav Wicharodt, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q What is your name?

A Ladislav Wicharodt (W-I-C-H-A-R-O-D-T, L-A-D-I-S-L-A-V).

Q Where were you born, Mr. Wicharodt?

A In Grotzschir, in Poland on the twenty seventh of June 1902.

Q Were you ever a prisoner in Camp Dachau, Germany?

A Yes.

(Wicharodt - Direct)

Q When did you come to Dachau as a prisoner?

A On the 9th of May 1940.

Q And how long did you remain here?

A Until the 29th of April, the liberation.

Q What was your occupation in civilian life before you were brought to Camp Dachau?

A I was an official.

Q While you were here at Dachau, did you know a man by the name of Willy Wagner?

A Yes, he was Hauptscharfuhrer and chief of the laundry.

Q Do you know what period of time he was chief of the laundry?

A I think from January 1941 until the middle of 1943.

Q Now, did you ever have occasion to go to the laundry while you were a prisoner?

A I was clerk at the laundry.

Q While you were clerk in the laundry, were you working for Willy Wagner?

A Yes.

Q During that time, did you ever see Willy Wagner mistreat any of the prisoners?

A He beat me almost daily.

Q And with what did he beat you, Mr. Wichardot?

A Just with what he happened to have in his hand.

Q How badly would he beat you?

A That I sometimes wouldn't know where I am.

Q Did you ever see Willy Wagner beat anybody else?

A Yes.

Q Who did you see Willy Wagner beat?

A Doitchalski.

Q Who was Doitchalski?

(Wichardot - Direct)

A A Pole.

Q Do you know whether or not he was an officer candidate in the Polish Navy?

A He was an officer candidate of the Polish Marines.

Q What year, and, if you know, what month did you see Willy Wagner beat Doitchalski?

A Beginning of August 1942.

Q What was the occasion for Wagner beating Doitchalski?

A Doitchalski had a small defect on his washing machine.

Q And what happened?

A Hauptscharfuhrer Wagner beat him with his hands and pushed him against the machine and kicked with the feet, rather, the man fell below the machine and after he got up, he called him to the office, wrote out a report and continued beating him.

Q Do you know how badly Willy Wagner beat Doitchalski?

A He died on the 20th of August at the hospital.

Q Now, how do you know that he died on the 20th of August in the hospital?

A As a clerk, I had to know who was in the hospital and who died there in order to cross them off the list.

Q And did you cross Doitchalski's name off the list of that detail?

A Yes, after the 20th.

Q And who instructed you to cross his name off that list?

A Hauptscharfuhrer Wagner.

Q Would you recognize Willy Wagner if you were to see him at this time?

A Yes.

Q Look over in that group of prisoners, Mr. Wichardot, and

(Wichardot - Direct)

see if you can point out Willy Wagner?

A Yes.

Q Go over there and put your hand on his shoulder, if you please?

Prosecution: Let the record show, may it please the court, that the witness identified the prisoner wearing number 8 as being the man Willy Wagner.

CROSS EXAMINATION

Questions by defense:

Q Mr. Wichardot, on that day, that you saw Mr. Doitchalski beaten, did you see Wagner beat him with any instrument at all?

A No.

Q Did you, from your own knowledge, know of what the prisoner died in the hospital?

A No.

Q Did you hear Doitchalski complain of any sickness prior to the time that Willy Wagner beat him?

A No.

Defense: No further questions.

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

Fritz Eberlein, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q Will you state your name, please?

A Eberlein, Fritz.

Q And what is your address?

A Munich, Deiser, 580.

Q And what is your civilian occupation?

A Printer.

(Wichardot - Cross)
(Eberlein - Direct)

Q Were you a prisoner at the Dachau Concentration Camp?

A In July 1938.

Q Until when?

A Until the end, 29th of April.

Q What was the time again when you first came here, the date?

A Here to Dachau?

Q Yes.

A Today?

Q No, when you first came to the Dachau Concentration Camp, what dates was that?

A On the 30th of July 1938.

Q And were you then here until the liberation of the camp?

A Yes, I remained here.

Q Were you here all the time from the first of January 1942 until the liberation of the camp?

A Yes.

Q Now, Mr. Eberlein, what was your job when you were here at Dachau?

A I worked in the Personal Belongings Room.

Q And where was that room located?

A That was the room where the civilian clothing of the prisoners were stored.

Q And in what building was that room?

A In the administration building.

Q What room was underneath the room where you worked?

A The bath was below us.

Q Were you able to see from the room from where you worked down into that bath?

A You could look into the bath house because there was an air
(Eberlein - Direct)

passage way.

Q And was there one air passage way or were there two?

A Two air passage ways.

Q Did you ever see anybody beaten down there in that bathroom when you looked through those air ducts?

A Many, very many.

Q How frequently would you see that happen?

A I can't tell you that, it was unbelievable.

Q Now, by unbelievable do you mean the number of times it happened?

A It continued for years.

Q Did you see that during the year 1942?

A Yes.

Q And during that year, 1942, how frequently would you see that?

A My God, 4, 5 times a day.

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

A Yes.

Q Did you ever see him beat anybody down there?

A Yes.

Q How frequently?

A I can't count it.

Q Was it frequently or unfrequently?

A Very frequently.

Q And how badly would he beat these people?

A Until they were unconscious.

Q Could you recognize Jarolin if you saw him today?

A Yes.

Q Will you look over to the group of defendants to your right and see whether or not you see among that group the man whom you identify as Jarolin?

A Yes.

(Eberlein - Direct)

Q Will you walk over there and place your hand on the shoulder of the man whom you identify as Jarolin?

Prosecution: Let the record show, if it please the court, that the witness Fritz Eberlein identified as defendant Jarolin, the defendant in the box wearing the number 3.

Q Now, Mr. Eberlein, is that the man whom you just pointed out in the defendant's box the man whom you saw beating the prisoners at the bath house?

A Yes.

Q Now, Mr. Eberlein, do you know what the nationalities were of these people who were being beaten down there?

A Everybody was beaten, Russians, Poles, Czechs, Yugoslavs, Germans.

Prosecution: You may inquire.

Defense: No questions.

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

President: The court will recess until 8:30 Friday morning.

William D. Denson
WILLIAM D DENSON
Lt Col, JAGD
Trial Judge Advocate

(Eberlein - Direct)

Pursuant to adjournment, the court met at 0830 hours on the 23d of November 1945.

Prosecutions: Let the record show that all the personnel of the prosecution, the defense counsel, and all of the accused are present in court.

The reporter was also present.

Fuerrer, Wolfgang, the next witness for the prosecution was sworn and testified as follows through the interpreter:

DIRECT EXAMINATION

Questions by the prosecutions:

Q. What is your name?

A. Wolfgang, Fuerrer.

Q. Where were you born?

A. In Zurich, Switzerland.

Q. How old are you?

A. 27 years.

Q. Were you ever in Dachau Concentration Camp, as a prisoner?

A. Yes.

Q. When did you first come to Dachau concentration Camp as a prisoner?

A. 4 February 1942.

Q. And how long did you remain in Dachau Concentration Camp as a prisoner?

A. Until 18 January, 1945.

Q. And during the time that you were a prisoner here in Dachau did you have occasion to know a man by the name of Jarolin?

A. Yes.

Q. Did you ever see Jarolin mistreat any of the prisoners?

A. Yes, in the bath.

Q. What did you see Jarolin do in the bath?

(Fuerrer-Direct)

- A. I was present when the 25 were handed out.
- Q. And upon whom were the 25 handed out?
- A. The prisoners; among them was a man of 68 years.
- Q. What happened to that man who was 68 years old?
- A. He was put on the block and fastened there.
- Q. And after he was put on the block and fastened there, what happened to him?
- A. Two block leaders beat him.
- Q. Where was Jarolin at that time?
- A. He was standing aside, but that was not enough for him he himself grabbed the cat-o-nine-tails.
- Q. And what did Jarolin do with these cat-o-nine-tails?
- A. He beat so long until the old man did not utter a sound.
- Q. Did you see what happened to the old man who had been beaten after they stopped striking him?
- A. Yes, he was released from the block but he could not get up himself; the capo of the bath, took him next to the block.
- Q. What was the nationality of this 68 year old man who was beaten?
- A. He was a Czech Jew.
- Q. Mr. Fuerrer, didn't you have occasion to be in the bunker since you were in Dachau?
- A. Yes, immediately after the 25 lashes.
- Q. And while you were down at the bunker, did you see Jarolin mistreat any prisoners there?
- A. Yes, when I was taken out of the bunker.
- Q. Will you tell the court what happened on that occasion when you were taken out of the bunker?
- A. After 3 days, I was taken out of the bunker, it was Jarolin's (Fuerrer-Direct)

task to take the prisoners out of the bunker; there were 4 prisoners; it was in the evening, after the evening formation, I heard several shots in the bunker, and a short time after that the bunker capo fetched me out of my cell; at the exit of the bunker there was Jarolin and received us; there were 4 prisoners; when we were leaving the bunker I saw 3 prisoners lying on the ground; on the right side the two prisoners in the back were lying on their faces; the prisoners in front was lying on his back; he had shot out an eye. There is no doubt that Jarolin shot those three prisoners.

- Q. How long from the time that you heard these pistol shots was it until you saw Jarolin?
- A. At the most one minute.
- Q. And was there anyone else in that locality there, that was armed with a weapon besides Jarolin?
- A. No, only the capo of the bunker was present, and he didn't have a weapon.
- Q. So that the only persons that you saw there at the time you saw these dead prisoners in that vicinity was whom?
- A. There was Jarolin and the capo of the bunker.

Prosecution: No further questions.

Defense: No questions.

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

Walter Cieslik, the next witness for the prosecution, was sworn and testified as follows through the interpreter:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Will you state your name please?

A. Walter Cieslik.

(Cieslik-Direct)

Q. Where were you born?

A. In Zabza, Silesia.

Q. In what country?

A. Poland.

Q. When were you born?

A. On the 15th of June, 1914.

Q. Prior to the time you were taken into custody by the Germans what was your occupation?

A. I was a Polish officer.

Q. Now were you ever a prisoner in Dachau Concentration Camp in Germany?

A. Since 26 May, 1940.

Q. And how long did you remain as a prisoner in the Dachau Concentration camp.

A. Until liberation.

Q. While you were a prisoner in Dachau Concentration Camp what jobs did you hold?

A. First I had various details, and I became clerk...block clerk on the First of November 1940, and since 1 November 1941, I became the camp runner.

Q. Now, as camp runner, what are your duties?

A. I helped the camp clerk, Domagala making out his reports.
Prosecution: Sir, we would prefer to have this witness testify in Polish, we have a Polish interpreter here we would like to have sworn.

President: The court has appointed Lieutenant Nowitz, Private First Class Michel and Lieutenant Janina Piechowicz.

The interpreters were sworn by the president.

Prosecution: In order for the interpreter to understand I will ask the question in English; Lieutenant Conn will re-
(Cieslik-Direct)

peat in German, and then you translate from the English I stated originally into Polish for the witness. When he gives his answer in Polish, you translate it into English, and then Lieutenant Corn will translate into German.

Q. Who was Domagala?

A. Domagala was a chief writer in the camp.

Q. And in what office did Domagala work?

A. Domagala worked in the so called Lager Schreibstuba.

Q. And is that otherwise known as the Camp Records Office?

A. One of the Departments was the card index of the camp.

Q. Now in that card index is it not a fact that a record was kept on a card for each prisoner in the camp?

A. Every prisoner in the camp had his own card.

Q. And what information was kept on those cards?

A. The card included the last name; the first name; the number of the prisoner; the date of birth; and the place of birth; the address of the prisoner before he was arrested; his occupation, his so called kind of the prisoner; his family standing; and the number of children; his religion and nationality; the date of arrival in the camp; the date of his leaving the camp; and the way he left the camp.

Q. Now since Domagala has left Dachau, who has been in possession of these cards?

A. The cards are in my possession, have been in my possession until this day.

Q. Now Mr. Cieslik, did you pull from the card indices that you have on these prisoners, the names of those persons whose deaths were recorded in this volume, marked prosecutions exhibit number 54?

A. Yes.

Q. Did all of those cards you pulled from you file have a death stamp upon it?

(Cieslik-Direct)

A. No.

Q. Did you make a list of all of those cards that did not have the death stamp upon them?

A. Yes.

Q. Did you segregate those cards that did not have a death stamp upon them in any fashion?

A. Yes.

Q. Into what classes did those cards fall that did not bear a death stamp?

A. One class is invalid transport, and the other is transferred.

Q. Did you make up a list of all of those names that bore the stamp invalid transport?

A. Yes.

Q. I hand you a document marked prosecution's exhibit number 56 and ask you to state whether or not that is a list that you made of those names which had stamped on the cards, invalid transport?

A. Yes.

Q. Now on that list that you made up, I will ask you to state whether or not you included the stamp date of the invalid transport that appeared on each card?

A. Yes.

Q. Did you also include on that list the number of the death stamp as it appeared on prosecution's exhibit number 54?

A. Yes.

Q. Did you also include on that list the date of the death as it appeared on prosecution's exhibit number 54?

A. Yes.

Q. We will offer at this time, may it please the court, prosecution's exhibit 56 in evidence.

(Cieslak-Direct)

Defense: May it please the court, we object to that list in evidence as being a violation of the best evidence rule. That is an extract prepared for and by the prosecution; to suit the purposes of the prosecution, and as such, should not be received in evidence when the records are available. Any information on that list be it ever so accurate must be looked at by the court in the light of the entire set. For example that purports to be a list of people who have died on invalid transport. There is no indication on that list whether they were incoming into Dachau, or marked dead transported from Dachau. There is no indication on that list that ever person who left Dachau in invalid transport did die. That apparently is the point the prosecution undertakes to prove. I respectfully submit that they must be accepted by the court in the light of the entire record and not just an extract of the record for the entire case.

Prosecution: In reply to that may it please the court, there is a noted exception to the best evidence rule, and that is where compilation may be made and where results are desired from a number of records; and where those records are bulky in nature, and large in number; anyone who is competent to do so may go to those records and ascertain the results, and the results may be requested in a certain form by either the prosecution or the defense, it makes no difference at all. We have the cards, may it please the court, from which that list was made; we could offer those cards. The court is in a position to determine just what weight shall be given to this testimony. There is no question about its admissibility. We could comb out the record by going through 276 cards in one instance and 76 in another. The only question is, if it is proper for the court to consider a compilation instead of the original cards.
(Cieslik-Direct)

This procedure has been followed thousands of instances; it is an exception to the best evidence rule.

President: Subject to objection by any member of the court the list will be received in evidence.

Questions by the prosecution:

- Q. Mr. Cieslik, with respect to the stamp that is placed on these cards, did the stamp invalid transport get marked on the card of a prisoner when he went out of the camp?
- A. The stamp and the date of the invalid transports would be placed on the card immediately after the prisoner; after the transport has left the camp.
- Q. Now Mr. Cieslik, the second class of cards that you found there, that did not bear a death stamp; what was the type of stamp that was found on those?
- A. On the second class there was a stamp "UB"Ueberstellt.
- Q. And what does ueberstellt mean?
- A. The man was taken out of the camp and cancelled from the records.
- Q. Did you make a list of the cards that were stamped UB showing the name, and the date of the transfer, and the number of the death certificates, and the date of death?
- A. Yes.
- Q. I hand you a document marked prosecution's exhibit number 57, and ask you to state whether or not you prepared that exhibit from the cards that you pulled from your card index, which did not bear a death stamp, nor an entry of invalid transport?
- A. Yes.

Prosecution: We offer at this time may it please the court, prosecution's exhibit number 57.

President: The exhibit is received in evidence.

(Cieslik-Direct)

- Q. Do you recall how many names were on the list that bore the stamp invalid transport?
- A. 246.
- Q. Now how many names were on the list that bore the stamp UB?
- A. 74.
- Q. And those were the cards that you obtained from your file whose names are found in prosecution's exhibit number 54?
- A. Yes.
- Q. And what was the date covered by prosecution's exhibit number 54.
- A. This book covers the period from the 23d of October, 1942 to the 31st of December, 1942.
- Q. Mr. Cieslik, I hand you at this time a book marked prosecution's exhibit 58 for identification and ask you what that is.
- A. It is a daily report for the schutzhaftlagerfuhrer, Ruppert.
- Q. And who made up that report for Ruppert?
- A. Since the first of November, 1944, I made alone those things.
- Q. What is the date of the report, that that book purports to represent?
- A. On the 1st page, there is a general number of prisoners of the whole camp and of the outside camps.
- Q. And on what date is this report prepared?
- A. This report has been made on the day of the 22d of April, 1945.
- Q. And what was the total number of prisoners as shown by that record?
- A. 65,613.
- Q. Now what is the next entry that appears to the right of the entry showing the number of prisoners?
- (Cieslik-Direct)

- A. The number of priests in the camp.
- Q. And how many priests were in the camp on that day that this report was prepared?
- A. 1,253.
- Q. Now on the rest of that page Mr. Cieslik, does that show the nationalities of the various prisoners that were contained in the camp?
- A. Yes.
- Q. How many Germans were confined in the camp?
- A. Germans were 5,656.
- Q. How many Poles?
- A. 14,053.
- Q. How many Czechs?
- A. 1,862.
- Q. How many Russian civilians?
- A. 12,363.
- Q. And how many Russian prisoners of war?
- A. 683.
- Q. How many Italians?
- A. 3322.
- Q. And how many of various nationalities?
- A. 27,674.
- Q. How many Jews were in the camp?
- A. 22,015.
- Q. Now on the next page of this report Mr. Cieslik, what is shown by that page?
- A. On the next page there is the division of the prisoners in different work details.
- Q. And on the next page what is shown?
- A. On the next page there is the number of prisoners who were occupied, and those who were unable to work.

(Cieslik-Direct)

- Q. And the page following that page illustrates what?
- A. There are outside camps here, camps with the number of prisoners occupied there.
- Q. And the camps that are listed on that page, and the page immediately following, are they known as the by-camps of Dachau?
- A. Yes.
- Q. And were those camps under the supervision and control of the lager commandant of Dachau Concentration Camp?
- A. Yes.
- Q. Now on the very last page of the book, what do those numbers indicate?
- A. It is the status of the blocks inhabited by the prisoners.
- Q. Do you mean by that, that there is listed on that page the number of the block and the numbers of prisoners that inhabit that block, as of that day?
- A. Yes.

Prosecutions We offer at this time may it please the court prosecution's exhibit number 58; this book in evidence.

President: The exhibit is admitted into evidence.

- Q. I hand you Mr. Cieslik, another book marked prosecution's exhibit number 59, for identification, and ask you what that is?
- A. The same report as before only from the date of 26 April, 1945.

Prosecution: We offer at this time may it please the court prosecution's exhibit number 59, in evidence.

President: The exhibit will be received in evidence.

- Q. Now Mr. Cieslik, did you see in your card files a card for General Delestraint?
- A. I have it with me.

(Cieslik-Direct)

Prosecution: Now, may it please the court, we don't want to destroy the records that are being kept in these various cards; we have had a copy made and we would like to have the defense examine the copy and the original so that we may offer the copy.

Defense: No objection to the copy, but I might have to the original.

Q. I hand you a card marked prosecution's exhibit number 60 for identification, and ask you what that is?

A. This is the card of General Dalestraint,, who died in the camp on the 19th of April, 1945.

Q. What does the initials "MN" stand for on that card?

A. This was the kind of prisoner, called Night and Fog.

Q. Now what does that cross in the lower left hand corner stand for?

A. A prisoner with such a cross has been signed out of the status of the camp by death.

Prosecution: Now may it please the court we offer at this time, prosecution's exhibit number 60 in evidence, and we will give you the original to compare the two.

Q. Mr. Cieslik, what was the nationalities of these persons that you made this list up, who went out on invalid transports?

A. They were different nationalities, Germans, Polish, Russian, Balkan States, and so on.

Prosecution: No further questions.

CROSS-EXAMINATION

Questions by the defense:

Q. Mr. Cieslik, these two lists that you made up were relating to invalid transports; will you please refer to the one marked exhibit 56, and tell me whether or not that exhibit reflects whether or not the persons indicated thereon as dead, died here in the camp or came in on transports, and

(Cieslik-Cross)

then died?

Defense: I'll withdraw that question.

- Q. Mr. Cieslik, can you tell me whether or not that list indicates whether or not the persons died on transports going out of the camp, or died on transports coming into the camp?
- A. Those people were going out of Dachau, and that is why they could not have been dead, on their way to Dachau.
- Q. Does that list in any way show persons who came in on a transport in a very bad condition and died in Dachau very shortly thereafter?
- A. I can not state that.
- Q. So that that list does not show whether or not the persons as indicated as having died, died on a transport which left Dachau or died as a result of coming into Dachau on another invalid transport.
- A. Those people went in a transport out of the camp, and in a few days later, I found their names in the book of death.
- Q. So that we understand, and the court can understand too, your first column of dates is the date on which the transport left the camp?
- A. Yes.
- Q. And the date as indicated there is October, of 1942?
- A. Yes.
- Q. Now referring to prosecution's exhibit number 57, is that also an invalid transport list?
- A. No, that is there, the so-called transferred.
- Q. Transferred from Dachau to other camps?
- A. When prisoners left Dachau for another camp they wore their striped clothes, and these prisoners were clothed in civilian suits.
- Q. Now you gave a list, or rather a figure, that the total number of prisoners was 65,613, now did that just include Dachau (Cieslik-Gross)

or was that for all the out camps too?

- A. I have stated that the number 65,000 was the number of prisoners in Dachau, and outside camps.
- Q. Does your exhibit 57 or 58 the book, indicate the number of prisoners just in Dachau on the 22d of April, 1945?
- A. In the book, there is the so-called status of the camp, it means the number of those in the camp.
- Q. What is the number actually in Dachau, as of 22 April, 1945?
- .. On the 22d of April, 1945, there were in the camp, 27,649.
- Defense: No further questions.

REDIRECT EXAMINATION

Questions by the prosecution:

- Q. Mr. Cieslik, while you were here in Dachau, did you ever have occasion to know a man by the name of Suttrop?
- A. Suttrop, was the adjutant, and his successor was Lieutenant Otto, who was the last adjutant in the camp.
- Q. Would you recognize the man Suttrop, if you were to see him today?
- A. Yes.
- Q. Would you look over in the box, and see whether or not you see the man Suttrop?
- A. Yes.
- Q. Will you place your hand on Suttrop's shoulder please?

Prosecution: Let the record show that the witness Cieslik has identified the prisoner wearing 24 as being Suttrop.

RECROSS-EXAMINATION

Questions by the Defense:

- Q. Do you know when Suttrop was succeeded by Otto?
- A. No.

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

(Cieslik-Redirect, Recross)

Marcel Rausch, the next witness for the prosecution was sworn and testified as follows through the interpreter:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Will you state your name please?

A. Rausch, Marcel.

Q. Where were you born?

A. In Luxembourg.

Q. When were you born?

A. 26 February, 1901.

Q. What was your occupation?

A. I am in charge of the transportation of the mine works of Luxembourg.

Q. Were you ever a prisoner in Dachau, Mr. Rausch?

A. Yes.

Q. When did you come to Dachau as a prisoner in the concentration camp?

A. On the 3d of September, 1944, I came to Dachau, by way of Hintzer and Metzler.

Q. How long did you remain in Dachau after you came here in September, 1944.

A. Until the liberation.

Q. And while you were in Dachau, what duty did you perform as a prisoner?

A. On the 3d day after my arrival here, I came to the labor office.

Q. And how long did you work in that office Mr. Rausch?

A. Until the end.

Q. And what were your duties in that labor office?

A. At first, I did the clerical work, I worked with Alex Swett on the outside work details; after that I took over the detail for the outside work detail, and also at the building department.

Q. From the position you had here in Dachau, did you become

(Rausch-Direct)

familiar with the administrative set-up of the camp?

A. Yes.

Q. Now Mr. Rausch, who was in charge of the concentration camp at Dachau?

A. At my time Obersturmführer ^{camp} Weiter was in charge.

Q. Now Mr. Rausch, without referring to the names of the individuals who held the position, give us the name of the position that was in charge of the camp.

A. In charge of the concentration camp was the Lager Commandant, camp commander.

Q. Now as camp commander what was he responsible for?

A. Technically speaking he was responsible for the entire camp.

Q. Were any of the by-camps, under his supervision?

A. All outside camps were under his supervision.

Q. Directly under the camp commander who....what position was there?

A. Under him, and to replace him when he was absent was the camp adjutant.

Q. Now was there any staff that assisted the camp commander in the operation of the camp?

A. The camp commander had under him a personal staff.

Q. And who, or rather what was the positions that comprised his personal staff?

A. Those were the ones in charge of the vital departments within his staff.

Q. What were those vital departments?

A. The first, there was the one in charge of the administration. Then the protective custody camp leader, the labor service leader, the one in charge of the political department, the one in charge of the food department; I don't know any more...and then the one in charge of the

(Rausch-Direct)

familiar with the administrative set-up of the camp?

A. Yes.

Q. Now Mr. Rausch, who was in charge of the concentration camp at Dachau?

A. At my time Obersturmführer ^{barr} Weiter was in charge.

Q. Now Mr. Rausch, without referring to the names of the individuals who held the position, give us the name of the position that was in charge of the camp.

A. In charge of the concentration camp was the Lager Commandant, camp commander.

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A. Technically speaking he was responsible for the entire camp.

Q. Were any of the by-camps, under his supervision?

A. All outside camps were under his supervision.

Q. Directly under the camp commander who....what position was there?

A. Under him, and to replace him when he was absent was the camp adjutant.

Q. Now was there any staff that assisted the camp commander in the operation of the camp?

A. The camp commander had under him a personal staff.

Q. And who, or rather what was the positions that comprised his personal staff?

A. Those were the ones in charge of the vital departments within his staff.

Q. What were those vital departments?

A. The first, there was the one in charge of the administration. Then the protective custody camp leader, the labor service leader, the one in charge of the political department, the one in charge of the food department; I don't know any more...and then the one in charge of the

(Rausch-Direct)

hospitals.

- Q. Now going back to the Schutzhaftlagerführer, what was the duty of the Schutzhaftlagerführer?
- A. The Schutzhaftlagerführer was responsible to the camp commander for the entire camp.
- Q. And is the translation of the Schutzhaftlagerführer, the protective custody camp leader?
- A. It is in reality the prison camp leader.
- Q. Now under the Schutzhaftlagerführer, what positions were there?
- A. The Schutzhaftlagerführer had his clerks in his office.
- Q. Now what positions were there that reported to the Schutzhaftlagerführer.
- A. First, directly under him the Rapport fuhrers.
- Q. What were the Rapport fuhrers?
- A. The Rapport fuhrers were non-commissioned officers, who in reality took care of the entire camp and had to report, and were responsible for that to the Schutzhaftlagerführer .
- Q. Who was immediately responsible to the Rapport fuhrers?
- A. Under the Rapport fuhrers there were the Block fuhrers.
- Q. And under the Block fuhrers, who were there?
- A. The Block fuhrers were the superiors of each block, so that they were the superiors of the block elder.
- Q. Were the Block fuhrers and Rapport fuhrers and the Schutzhaftlagerfuhrer all SS men?
- A. Yes, all of them, in the last days, naturally it happened that some Wehrmacht personnel was doing that type of duty.
- Q. What was the block eldest, was he a prisoner or an SS man?
- A. The block eldest was always a prisoner.
- Q. And what were his duties?
- A. He was in charge of the block and it was his responsibility to see that everything in the block was quiet and in order.

(Rausch-Direct)

- Q. Who was responsible to the block eldest?
- A. The room eldest was responsible to the block eldest.
- Q. And were there any other persons besides the room eldest that was responsible to the block eldest?
- A. There was the so-called block personnel that consisted of the barber, and the detail which was responsible for the cleanliness of the block.

The court then took a recess until 1015 hours, at which hour, the personnel of the court, the prosecution and the defense, and the accused and the reporter resumed their seats.

Questions by the prosecution:

- Q. Mr. Rausch, you mentioned that the chief of administration was a member of the personal staff?
- A. Yes.
- Q. Now, will you please tell the court what functions the chief of administration performed and what positions were under that office.
- A. The chief of administration had the following departments under him; the kitchen, the storage...food storage, the clothing department for the prisoners, the furniture department, the laundry, the personal effects room, and the accounting department, that is all.
- Q. Now when you say the furniture, what do you mean with respect to the furniture?
- A. That is not so much the furniture as for instance the messgear...everything the prisoners had.
- Q. Who was responsible for the type of bunks that the prisoners occupied?
- A. For the building of the camp, and the furnishing of the camp, the central building office is responsible.
- Q. And whose supervision was that central building office under?
- Q. It was directly under Berlin's supervision, Berlin ap-
(Rausch-Direct)

pointed the officers of the central building office.

- Q. Who at Dachau, or what position at Dachau supervised this central building office?
- A. Building department.
- Q. And was that under the chief of administration?
- A. No, it was under direct supervision of the central building department.
- Q. Now, you mentioned a moment ago, that there was a chief of labor department, what positions were under the chief of the labor department?
- A. The Arbeitsdienstfuhrer, the labor service leader, had all of the labor projects under him.
- Q. And who reported to the chief of the labor department?
- A. First of all, the accounting department leader, who was I think in the same office, reported to him, secondly the Arbeitsdienstfuhrer, labor service leader.
- Q. Anyone else?
- A. These were the only SS officers under him.
- Q. And what were the duties and responsibilities of this chief of this labor department?
- A. The labor service leader was responsible for the whole working potential of the camp.
- Q. Where did the capos, of the different work details come into this structure of responsibility?
- A. Every working detail had a prisoner who was in charge of the detail, that is a capo he was to be the liason between the details of the guards; between the detail leader, and the guard....he was to be the liason between the detail leader and the detail itself, between the prisoners on the detail.
- Prosecution: Will you please repeat that answer one more time?
- Prosecution: (To the interpreter)...and then translate it literally as he gives it."

(Rausch-Direct)

- A. The capo was the liason between the man in charge of the detail and the detail of the prisoners itself.
- Q. And when you say of the detail itself, do you mean of the men of the detail?
- A. Yes.
- Q. Now you mentioned also a moment ago, the political department?
- A. Yes.
- Q. Was that department subdivided into other sections?
- A. Yes.
- Q. What were those sections?
- A. First was the office of the chief of the political department; then the admittance department, that was the burgo-master's office of Dachau, and then the registration department; in this department there were service departments, and these are the following; first the card department, for living ones, and people who left; secondly the file department, and then there was a secret department.
- Q. Now what was kept in the political department, by this file department that you just mentioned?
- A. All of the files of all prisoners were stored there.
- Q. And what information was kept in these files?
- A. All information about the prisoner since he had been arrested.
- Q. Now with respect to the department of the Mayor, what records were kept in that department?
- A. All of the records were kept there of discharges through death; that was the office of vital statistics.
- Q. Now you mentioned also this secret department, what was the function of the secret department?
- A. The secret....the purpose of the secret department was to work on all secret cases.
- Q. Did they have access to any and all of the records kept in the camp?

(Rausch-Direct)

- A. The chief of that department was the chief of all....he was....
he had access to all records all over the camp.
- Q. Were these departments which you have just named, all under
the chief of the political department?
- A. Yes.
- Q. Now going back to the Schutzhaftlagerführer, was there an in-
vestigation department under the Schutzhaftlagerführer?
- A. There was a special investigation department present.
- Q. And what offenses did this investigation department which was
under the Schutzhaftlagerführer handle?
- A. This was a so-called disciplinary department which tried all
of the violations against camp rules.
- Q. Now with respect to offenses that originated in the camp, what
would be the procedure that would be followed in order to ob-
tain punishment for that offense?
- A. The investigator in this department had to question the prisoner
and had to make out a report which was forwarded to Berlin.
- Q. Now before that report got to Berlin, through whose hands
did it pass?
- A. The camp commandant, the Schutzhaftlagerführer was notified
of it.
- Q. Were both the camp commandant and the Schutzhaftlagerführer in
a position to modify or alter that report?
- A. They could influence the report.
- Q. Could they influence the report to the extent of altering it
in any manner that they saw fit in their judgment?
- A. They could achieve that.
- Q. Now Mr. Rausch, with respect to the experiments, would you
tell the court please sir, the procedure that was followed
with respect to obtaining persons for use in these various
experiments?
- A. The experimental station, asked through the camp physician
a certain amount of prisoners to be kept in readiness for the
(Rausch-Direct)

experimental station.

- Q. Would you please repeat that answer.
- A. The chief of the experimental department asked through the first camp physician....asked of the Lager Kommandant a certain number of prisoners which were to be kept ready for his experiments.
- Q. Did I understand you to say that this request would pass through the hands of the lager commandant?
- A. Yes.
- Q. Did he have the power to approve or disapprove these requests.
- A. According to the leader principle, he could do that.
- Q. What was this leader principle that you speak of?
- A. According to the leader principle, the leader was responsible entirely for his department, or for the outside departments or the sub-departments, and he was entirely responsible for that.
- Q. Now, would a copy....let me ask you this; what was the disposition of the copies that were made for prisoners to be used in these experiments?
- A. The Schutzhaftlagerfuhrer received knowledge of this application. The written request was passed on from the camp commandant to the labor service leader.
- Q. Now who else besides the departments you just named or the persons in those departments would receive a copy of those requests?
- A. According to my knowledge, only the offices of the Schutzhaftlagerfuhrer and the camp commandant received the requests.
- Q. Now you say the office of the camp commandant received the request, through whose hands did that request pass before reaching the camp commandant?

(Rausch-Direct)

A. It would go through the hands of the first camp physician.

Q. And from the hands of the first camp physician, where would it go?

A. Immediately to the camp commandant.

Q. And would it pass through any subordinate's hands before it got into the hands of the Lager commandant?

Defense: May it please the court, the answer to the last questions, was from the first physician of the camp to the Lager Kommandant. I submit to the court, that the counsel is leading the witness; or did it pass through anyone's hands before coming to the Lager commandant; has been answered already.

Prosecution: May it please the court, I don't feel that the question I have put to the witness has been answered properly, or I would not have asked the question I did.

President: Objection denied, the question will be answered.

A. The mail from the camp commandant usually went through the hands of the adjutant.

Q. And these requests, would that be treated as mail?

A. Everything which is distributed throughout the camp in written form is regarded as mail.

Prosecution: May it please the court, I have submitted this chart to the defense counsel prior to this time. It is a schematic diagram of the organization of the camp; but it also includes some statements on there, as I understand it which are objectionable to the defense counsel, and frankly to which I am not particularly interested in. I would like at this time to identify the portion of the diagram which is in blue ink, and then at a later time I can do one of two things, I can have a copy made of this without the portion which is objectionable to the defense counsel or recall Mr. Bausch at a later time, and have him identify the diagram without the portion which is objectionable to the defense counsel.

Q. Mr. Bausch, I hand you a chart here marked prosecution's ex-
(Bausch-Direct)

hibit 61 for identification, will you state what that is please?

A. It is a scheme which shows how some of the accused fits into the camp.

Q. Is that a true and correct schematic diagram of the organization of Dachau Concentration Camp?

A. It is a correct representation as far as it concerns the accused.

Defense: That part is the very part which we object to; so far as the organization of the camp is concerned with reference to offices and personnel, and not the individuals holding the office, we have no particular objection to this bit of testimony; as being the witness' testimony; as being his idea of the organization of the camp. On that chart there appears names of several of the defendants who were there and held offices such prior to the time the witness came, and it must be admitted that those names and the periods are in error in many instances. That is the very part the counsel for the prosecution agreed not to submit to the court.

Prosecution: We are not offering this for the purpose of showing what individuals held what offices at all. It is offered solely for the purpose of showing what the positions of authority were, in the camp, and nothing else. If I have an opportunity, I will ask him that also, so that it may be limited to why this is a true and correct representation of the set-up in Dachau.

Defense: The court will recall the last two answers given by the witness, and they said that it was a correct representation of the organization at Dachau as it involved the accused.

President: As I understand that part is not going to be submitted.

Defense: But it has been sir.

(Bausch-Direct)

Defense: If it please the court, I object to the admission of the chart.

Prosecution: Sir, I haven't offered it at this time at all.

Defense: I therefore object to the two last questions of the witness for the reasons I have stated.

Prosecution: May it please the court, I will consent to those answers being stricken.

Questions by the prosecution:

Q. Now Mr. Bausch, will you state whether or not the diagram marked prosecution's exhibit number 61, is a true and correct schematic diagram of the organisational positions of Dachau Concentration Camp?

A. It is a true schematic representation of a part of these offices.

Q. When you say part of the offices, do you mean that the positions that are listed on this chart without reference to the names of the individuals who held those positions, is a true and correct representation of the organizational set-up at Dachau Concentration Camp?

A. That is true, but only a part of it.

Q. What part is not represented here?

A. May I look at it? The disciplinary department is not mentioned.

Q. And where does the disciplinary department belong?

A. It belongs under the office of the Schutzhaftlagerführer.

Q. Is anything else besides the disciplinary department which belongs under the department of the schutshaftlagerfuhrer, missing?

A. The bunker department.

Q. And under whose supervision was the bunker department?

A. As far as prisoners, common prisoners were concerned, it be-
(Bausch-Direct)

longed to the department of the schutzhaftlagerfuhrer.

Q. Anything else besides the two which you just mentioned?

A. There was the part for honor prisoners.

Q. Now with respect to the department for honor prisoners, under whose supervision did that fall?

A. That was a special....there was a special chief for that department.

Q. Under whose supervision was that special chief?

A. Administratively this chief was under the office of the camp commandant and as far as the labor office was concerned, it was under the supervision of the political department, and the Reich Security Service in Berlin.

Q. Any other changes besides those which you have already mentioned?

A. The special schemes of the labor service, belonged to this scheme too.

Q. And what were those?

A. They were the service departments for the transports, for the division of the details, for the by-camps, for food and for registration.

Q. And were those departments which you have just mentioned under the chief of the labor department?

A. Yes.

Q. Now is there any other changes that you have reference to?

A. The Service department for the political department.

Q. And were those the same sub-divisions that you have previously mentioned in your testimony?

A. Yes.

Q. Are there any other changes?

A. There was the independent details, which were for the building office, and the armament industry.

Q. Are they not listed here under the armament works, DAW?

(Rough-Direct)

A. That is a part of it.

Prosecution: May it please the court, at this time I offer prosecution's exhibit number 61 for the sole purpose of showing the various divisions of authority in the organization of Camp Dachau, as has been testified to by this witness, Mr. Marcel Rausch, and, if it please the court, not to let the court see the matter contained in red letters, on the exhibit, to have a copy made, deleting the matter contained in red letters.

Defense: I object to the introduction of this chart as qualified by the prosecution, on these grounds. The witness himself has stated that numerous changes are in order for the diagram, as shown on this chart. I suggest to the court that the consideration of that schematic diagram would be confusing to the court as it now stands.

President: If we can get a new chart made up, is there anything else controversial?

Prosecution: We can do that, I'll withdraw my offer with respect to prosecution's exhibit number 61.

Questions by the prosecution:

Q. Under the chief of the department's Mr. Rausch, who operated as the leaders of the departments?

A. There were generally SS men... non-commissioned officers.

Prosecution: No further questions.

CROSS-EXAMINATION

Questions by the defense:

Q. Mr. Rausch, at the time of your presence in Dachau, who was the highest ranking officer?

A. That was the Obersturmbannfuhrer, Lieutenant Colonel.

Q. And what was the next highest officer?

A. The Sturmbannfuhrer, Major.

Q. And what was the third highest ranking officer present?

A. That was the Hauptsturmfuhrer, Captain.

(Rausch-Cross)

Q. What was the rank of the camp commander?

A. During my time he was a Sturmbannfuhrer.

Q. And what was the rank of his adjutant?

A. Obersturmfuhrer, that is equivalent to a First Lieutenant.

Q. Then there were present in the camp, at the time of your presence here, two grades higher than the grade held by the adjutant, three grades higher than the grade held by the adjutant?

A. The Obersturmbannfuhrer as the camp commander, the sturmbannfuhrer as the first camp physician and the hauptsturmfuhrer as the adjutant.

Q. The status of the capo is a representative of the prisoners, is it not?

A. He is a chief.. he is the prisoners chief of the detail and the representative.

Q. And I believe on direct examination you testified he acted as a liason person with the guard in charge of the detail?

A. That is true.

Q. He is not a member of the staff of the camp?

A. He is not an SS man.

Q. His status as prisoner was not effected by the office that he held?

A. No he remained a prisoner.

Q. He therefore was not a part of the staff of the Dachau Concentration Camp?

A. No he was not.

Q. Mr. Rausch, you were here about 7 months, were you not?

A. 8 months.

Q. You don't propose to have accurate technical knowledge of the entire organization of the camp do you?

A. Because I was in the Camp of Hintzer, and Matsdler, and I had their picture of the administration and when I came (Rausch-Cross)

to Dachau, I was put into the administration immediately; I had a good knowledge of the administration.

- Q. Are you familiar with the relation the administration of Dachau had with the office in Oranienberg?
- A. The leadership of the Concentration Camp, was in Oranienberg, near Berlin. There were several departments which concerned themselves with the camps. One of them was the chief office of the Reich Security Service. This one concerned itself with the status of the prisoners and it was chiefly connected with the political department. Then there was a Reich Health Department. The chief camp physician of Oranienberg was also the chief of that department.
- Q. Are you familiar with the directives that emanated from the Reich Security Office, carrying with them lists of executions to be performed at Dachau?
- A. I know of one of these such executions which was ordered by Berlin.
- Q. You mean to say you know of ~~the~~ other executions ordered to be performed at Dachau by Berlin?
- A. Officially, and in written form, I didn't see it of others.
- Q. Mr. Rausch, relating to these experiments, if an order or a directive came down to Dachau from either Berlin or Himmler himself, stating that the prisoners be made available for the experiments, would the Lager Kommander here at Dachau have the right or privilege to change or alter that order?
- A. He didn't have the right to alter these orders, but he had the right of protesting.
- Q. Do you know whether or not the lager commandant, at any time while Dachau was here in existence as a camp, did protest to the use of these prisoners under any kind of orders that was given by Berlin, or Himmler.

(Rausch-Cross)

- A. I do not know that, but it is a fact, that all of the lists were handed down by the labor service leader, during my time.
- Q. And you do or do not know, that Himmler or Berlin ordered that the prisoners be made available here at Dachau for the use of the experiments.
- A. There was an order, otherwise these experimental stations would not have been built here.
- Q. Do you know who built these experimental stations here at Dachau?
- A. I do not know that, since I was not here yet.
- Q. Now with reference to these requests for prisoners to undergo these various experiments, you say that they passed through the hands of the adjutant, of the camp, is that correct?
- A. The adjutant received all of the mail, and looked through all of the mail and transmitted to the camp commandant what belonged to him, and the departments, what belonged to them.
- Q. Did the adjutant in transferring the requests for prisoners to be experimented upon have the right to alter these requests?
- A. He didn't have that, but he could talk about these requests with the camp commandant.
- Q. He was in the rank of First Lieutenant, is that correct?
- A. Yes.
- Q. Now the political department, you know of your own knowledge, do you not, that the political department was under the Gestapo here at Munich?
- A. At least there was a connection with them and the Gestapo in Munich.
- Q. The head or chief of the political department was not an (Rausch-Cross)

SS man was he?

A. He was a member of the Security Service, of the Gestapo.

Q. He was not an SS man was he?

A. He was no so-called SS man.

Q. And he received his orders, did he not directly from the Gestapo chief in Munich?

A. That depends, he could have received them from Berlin too.

Q. He was not directly under the Lager Kommandant was he?

A. Administratively he was under the camp commandant.

Q. But for whatever acts he did himself, was he responsible for that, or were the people in Berlin or Munich?

A. As far as reports that came from him he himself was responsible for that.

Q. And the orders he received were orders from Berlin or Munich?

A. That is correct.

Defense: That's all, no further questions.

REDIRECT EXAMINATION

Questions by the prosecution:

Q. Who appointed the capos?

A. The capos were named either by the Labor Service Leader or by the labor leaders.

Q. And those were SS men?

A. These were SS men, besides that the capos were introduced to the Schutzhaftlagerführer.

Q. When the Lager Kommandant was away, who acted in his absence?

A. There was a first and a second and a third Schutzhaftlagerführer...excuse me, I wanted to say with that that the first Schutzhaftlagerführer was away he was represented by the second or the third Schutzhaftlagerführer, but when the camp commandant was away he was really represented by the adjutant who was in connection with the personal staff.

RECROSS-EXAMINATION

(Rensch-Redirect)

Questions by the defense:

Q. Of your knowledge, do you know whether or not the adjutant in the absence of the lager Kommandant exercised his own discretion in any manner?

A. No, he was also in connection with the personal staff.

Defense: That's all.

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

Michel Alphonse Pellis, the next witness for the prosecution was sworn and testified as follows through the interpreter:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Will you state your name please?

A. Michel Alphonse Pellis.

Q. What is your age?

A. I was born on the 14th of May, 1912.

Q. Occupation?

A. Railroad worker.

Q. Your address please?

A. Luxembourg, Norderf Kern Strasse 19.

Q. What is your nationality?

A. Luxembourg.

Q. Were you ever a prisoner in Dachau Concentration Camp?

A. Yes.

Q. When did you first come to Dachau as a prisoner?

A. 26 April, 1944.

Q. And when did you leave?

A. The 4th of November, 1944.

Q. What type of a prisoner were you?

A. An MI prisoner.

Q. Did you work while you were at Dachau?

A. I was working with 4 details.

(Bausch-Recross; Pellis Direct)

Q Will you state those details?

A. Athletic grounds, and Morz Express.

Q. And when did you first begin to work on the Morz Express?

A. I started to work there towards the middle of June.

Q. And when did you stop?

A. Beginning of September.

Q. What was the work that the Morz Express detail did?

A. We collected the garbage of the camp, and after transports arrived, we brought the bodies to the crematory.

Q. When did these transports usually arrive in Dachau?

A. Always during the night.

Q. Do you recall a transport of prisoners that came from Warsaw approximately July or August, 1944?

A. On the 6th of August 1944, a Jewish transport from Warsaw arrived.

Q. About what time did you come to this place where this transport was?

A. Just after the transport arrived, we came out there.

Q. Will you tell the court what you saw and heard at that time?

A. Yes, when the transport arrived, prisoners had climbed out of the cars, already, and then we received orders from the Schuttschaftlagerfuhrer Ruppert; and he gave the orders to the leader of the detail, who was also an SS man whoever is not in the camp within one hour, will be brought to the crematory.

Q. Did you bring anybody to the crematory?

A. Yes, we brought 4 carts full to the crematory.

Q. How many bodies in each cart?

A. 25 to 30.

Q. Were there any other details working at the same work?

A. Another Morz Express detail worked there.

Q. Did your detail take the bodies out of the cart?

(Pellis-Direct)

A. Yes.

Q. Did you see any doctor examining any of these bodies?

A. No.

Q. Did you see anyone examining these bodies to see whether or not they were actually dead?

A. No.

Q. While carrying these bodies to the crematory did any show signs of life?

A. Yes.

Q. Will you tell us what happened to those bodies?

A. During the first cart full, I saw one whom we lift down from the car, and when his feet hit the ground; the car is about that high from the ground; his body contracted. Then I saw when the caps pulled them out, and the head hit the ground, when they were pulled away, that there was blood, a line of blood being poured for two or three meters and it was fresh blood. Several had shot wounds.

Q. Did any of these so called bodies come to life; that is move, sit up, or make any such movement?

A. Yes, I told the leader of the detail when I felt for the second time that somebody made some movement and I said to him, he is still living; the detail leader told me to leave him

here because no one would come out of the crematory alive any way. And then the last time, that is the 4th cart, at the door of the crematory; how a Jew was sitting up and talking I reported that to the leader of the detail and he took that wooden pole with which we pulled the cart, he took it off the cart, and killed the prisoner with that. And then we told him that there were more living people in the cart, because we saw that they moved, and we took them over to the hospital, and there the man on duty, I do not know what...who he was, told us to take them back to the

(Pellis-Direct)

crematory; and then on the way back we still saw that they were alive, and we told them about it again and brought them back to the hospital again, and there for the second time they were refused and sent back; and there at the gate we told them again about it, and then the Rapport leader said that we had to load these bodies differently, and there we pulled out 4 living ones again....two of them died two days later.

Q. Would you recognize the Schutzhaftlagerfuhrer Ruppert again?

A. Yes.

Q. Is he in the court room today ?

A. Yes.

Q. Will you step over to him, wherever he is and put your hand on his shoulder?

Prosecution: Let the record show that the witness placed his hand on the prisoner bearing identification number 2, identifying him as Schutzhaftlagerfuhrer Ruppert.

Q. You mentioned that a capo pulled these bodies off so that the heads would strike the ground?

A. Yes.

Q. Who is that capo?

A. There, over there, that is where he is sitting.

Q. Will you step over to the man at whom you are now pointing and place your hand on his shoulder?

A. This is the capo.

Prosecution: Let the record show that the witness placed his hand on the defendant bearing number 33.

Q. Had you ever seen that capo at any executions?

A. Yes.

Q. When was that?

A. October 1944, two Russians took foot coverings and for that they were executed.

(Fellis-Direct)

- Q. When you say two Russians took foot coverings, what do you mean?
- A. They took foot coverings, because they didn't have any stockings, and at the gate they were frisked, and it was discovered on them, and they were hung.
- Q. Who hung them?
- A. The capo.
- Q. How do you know the reason for their hanging?
- A. Because I worked in the tailor shop after I worked on the Moor express and their the clothing disappeared.
- Q. Was there any SS man present at the hanging?
- A. Yes.
- Q. Are any of the SS men present at that hanging here in court today?
- A. Yes.
- Q. Do you know the name of the man or the men that you see here in court today?
- A. I recognize one man, the other was standing further away because there were 200 men present at that execution.
- Q. What is the name of the man you recognize?
- A. Boettger.
- Q. Will you place your hand on the shoulder of the man you call Boettger?
- A. This is Boettger.
- Q. What was his function at the execution?
- A. He gave the order to the capo to pull the chair away.
- Q. When you say the capo whom do you mean?
- A. The capo from the crematory.
- Q. Will the record show that the witness pointed at....
- Q. Can you give us the number of the prisoner at whom you just pointed....the number he is wearing now.
- A. 33.

(Pellis-Direct)

Prosecution: No more questions.

Defense: No questions.

Prosecution: I have one more question please.

- Q. Referring back to the transport, can you tell us the nationalities of the men on that transport?
- A. Yes, mostly Jews, Poles, Hungarians, and two Luxembourg present.
- Q. And were any of these dead that you speak of among the nationalities you just mentioned?
- A. Yes.

CROSS-EXAMINATION

Questions by the defense:

Defense: One question please.

- Q. In reference to the description of the bodies that were being carted to the crematorium, you don't know of your own knowledge that any live bodies were actually cremated, do you?
- A. No.

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

Captain John A. Barnett, the next witness for the prosecution was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

- Q. What is your name please sir?
- A. John A. Barnett.
- Q. What is your organization?
- A. War Crimes Investigation Team 6823.
- Q. And what is your rank please?
- A. Captain.
- Q. On or about 30th of April 1945 what were your duties?
- A. Investigating camps, concentration camps in the Landsberg, Kaufering area.
- Q. On what date did you arrive at these camps?
- A. On the 30th of April, 1945.

(Pellis-Cross) (Barnett-Direct)

- Q. Were you a part of Colonel Chavez' War Crimes Investigating Team?
- A. I was.
- Q. To what camp did you first go, on the 30th of April, 1945?
- A. To camp number 4.
- Q. And when you got to camp number 4, will you tell the court what you found there?
- A. Barbed wire enclosure about 2 miles south of the village of Kaufering, with guard towers at each corner, and one entrance in the front. There was a sign on the gate in German which read to the effect that the place was off-limits for typhus. This referred to German military personnel. The camp had been burned, that is most of the huts had been burned, 15 pathologists, Major Larsen, now Lieutenant Colonel Larsen was with me, and together we counted 268 bodies lying around in the camp area.
- Q. Now you mentioned a wire fence a moment ago, what kind of a wire fence was that?
- A. It was insulated, and it showed evidence of having been electrified.
- Q. Aside from these dead bodies that you found in the camp did you find any living prisoners there?
- A. A few came back into the camp when we got to it.
- Q. And will you describe to the court please, the condition of the bodies that you found there?
- A. They were skin and bones; many were bruised and cut, and the most repulsive looking of all were those that had been burned so that you could scarcely recognize them as human beings.
- Q. Captain Barnett, I hand you a series of pictures, marked consecutively exhibits 61 to 72, both inclusive, and I will ask you essentially, . . . to examine all of those
- (Barnett-Direct)

pictures and state whether or not they are true and correct representations of the scenes which you saw there on that day?

- A. The photograph marked 61 is a true and correct picture of the front gate of the camp at Kaufering number 4, showing the sign. The sign that I mentioned before is on the left side and everything there is the same except that by the time I got there, the smoke had gone away.

Prosecution: We offer at this time, may it please the court prosecution's exhibit number 61.

President: Received in evidence.

- A. The photograph marked prosecution's exhibit 62 shows the camp as we approached it from the main road.

Prosecution: We offer in evidence may it please the court, prosecution's exhibit number 62.

President: Received in evidence.

- A. The photograph marked prosecution's exhibit 63, shows the bodies that had been collected throughout the compound and shows them after they had been put in one row... I notice particularly the ones that were burned, mixed in there.

Prosecution: We offer at this time, may it please the court, prosecution's exhibit number 63, in evidence.

President: It will be received.

- A. The photograph marked prosecution's exhibit 64 shows all of the bodies after they had been collected, and shows the pit behind them that was dug for their internment.

Prosecution: We offer at this time may it please the court, photograph marked 64 in evidence.

President: Received in evidence.

- A. Photograph marked prosecution's exhibit number 65, shows the pile of prisoners that we found with clothes on.

Prosecution: We offer the photograph marked prosecution's exhibit number 65 in evidence.

(Barnett-Direct)

A. Prosecution's exhibit number 66, shows the burned bodies and some of the ones that were cut up, and shows the line.

Prosecution: We offer at this time, may it please the court the photograph marked prosecution's exhibit number 66 in evidence.

President: It will be received.

A. Prosecution's exhibit 67 is a photograph of two of the local citizenry bringing bodies to the pile.

Prosecution: We offer prosecution's exhibit number 67, may it please the court, a photograph in evidence.

President: I will be received.

A. Prosecution's exhibit 68, is a photograph taken from the corner tower showing a view of the camp, and is a good picture of the type of huts that the men occupied.

Prosecution: We offer at this time the photograph marked prosecution's exhibit 68, in evidence.

President: It will be received.

A. Prosecution's exhibit 69, is a photograph of burned bodies before they were taken over the main pile.

Q. Now Captain, is that the position that those bodies were found in at the time the photograph was taken?

A. They are in the same positions that we found them in. We dragged them out of the burned out hut, and they were just frozen in that posture; that is not clothing, that is flesh, burned away.

Prosecution: We offer at this time prosecution's exhibit number 69, in evidence.

President: Received in evidence.

Q. Now Captain, did you go to a burial ground at Kaufering number 4?

A. Yes, we found two burial pits or trenches, behind number 4, that is to the east of 4, on the Karl Butcher farm (Barnett-Direct)

property.

Q. Were any excavations made at these pits?

A. Yes, the two were opened.

Q. And what did you find upon the opening of these two pits?

A. Bodies, stacked 5 high, in a line 30 paces long, and the trench was 12 feet wide.

Q. Did you make any computations as to the number of bodies contained in one of those pits?

A. Yes, 2000 to 2500 in each of the two pits, and the doctor said it was at least that.

Q. Now looking at the prosecution's exhibit 70, what is that a photograph of?

A. That is a photograph of one of these pits, partly uncovered and shows the bodies tied together and legs and arms intertwined to conserve space in the hole.

Prosecution: I offer at this time may it please the court, photograph marked prosecution's exhibit 70 in evidence.

President: Received in evidence.

Q. And what are prosecution's exhibits 71 and 72?

A. Prosecution's exhibit number 71 is the same pit, I remember this one because the doctor examined some and said that the arms and legs of some had been broken when they were put in there together.

Q. What is prosecution's exhibit 72?

A. 72, 's the other pit.

Prosecution: May it please the court, we offer at this time photographs marked prosecution's exhibit 71 and 72 in evidence.

President: Received in evidence.

The court then took a recess until 1315 hours, at which hour, the personnel of the court, the prosecution and defense, and the accused and the reporter resumed their seats.

(Barnett-Direct)

President: Court will come to order.

Prosecution: May it please the court --
Captain Barnett, please resume the stand. You are reminded that you are still under oath.

Witness: Yes, sir.

Q While you were at Kaufering Number Four, did you have occasion to observe the huts in which these prisoners lived?

A Yes. The average hut -- well, they were just all about the same -- they used them for all purposes sleeping and working. The average one was just a rough booth over a hole cut in the ground -- a long channel.

Q Now, on the inside of these huts, did you have occasion to enter any of them?

A Yes.

Q And will you describe to the court what you found on the inside of these huts?

A You had to go down stairs so that you could get in one. You would walk along this channel that had been cut in the earth. There were banks, or shelves on each side of the channel, and the banks, you might say, would be the sleeping-place for the prisoners.

Q After you left Kaufering Number Four where did you proceed to?

A We made a tour to find the other camps that we knew were in the vicinity.

Q Did you find any other camps in that vicinity?

A Yes, sir. There were eleven.

(Barnett-Direct)

Q Did you visit any of these camps?

A Yes.

Q Did you visit a camp known as Camp Number One?

A Yes, sir.

Q What was camp Number One?

A Camp Number One looked much like all of these others, except that it showed traces of having been the main camp.

Q Did you visit Camp Number Two?

A Yes, but it was empty. There was nothing that I could find there.

Q What other camps did you visit?

A Number Three -- it was quite a bit like Number One, and used the same burial pits that Number Four used.

Q Did you go to Camp Number Seven?

A Yes, sir.

Q What was that camp?

A That was just a labor camp for Jewish prisoners. It was like one and three and eleven.

Q What about Number Eight and Number Nine?

A Camp Eight was an empty camp. Camp Nine was located over near the Landsberg Airfield. It was quite small and had been occupied by Russian prisoners of war. It was all blown up with the field.

Q Now, what camps were permanent organizations?

A One, Three, Four, Seven, and Eleven.

Q Now, Captain, did you have occasion to learn the names of any of the prisoners there at Kaufering Number Four?

(Barnett-Direct)

A Yes. Two or three of them came in to us and said that they had been in the woods.

Q Do you recall the names of any of those prisoners at this time?

A The one I remember especially was Doctor Fried, who identified himself as having been clerk at Camp Number Four right up to the time it was left.

Prosecution: No further questions.

Defense: 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 sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q Will you please state your name?

A Doctor Norbert Fried.

Q Where were you born, Doctor Fried?

A In Czechoslovakia.

Q How old are you, Doctor?

A Thirty-two.

Q What education have you had?

A I am Doctor of Philosophy of Charles University in Prague.

(Fried-Direct)

- Q Were you ever a prisoner in one of the by-camps of Dachau?
- A Yes.
- Q What was the name and number of that camp?
- A Kaufering Number Four.
- Q When did you come to Kaufering Number Four?
- A I came from Concentration Camp Auschwitz on the 6th of October 1944.
- Q How long did you remain at Kaufering Number Four?
- A Until the liberation by the American forces.
- Q When you came to Kaufering, how many men came with you, Doctor?
- A All in all, fifteen hundred from Auschwitz, and to Camp Number Four, six hundred.
- Q After you arrived at Kaufering Number Four, what were your duties?
- A In the beginning I was an ordinary laborer, afterwards -- the last five months -- I worked as a clerk in the office.
- Q Doctor, what type of prisoner occupied these Kaufering camps?
- A Only Jews. When I came to Camp Number Four there were three criminal German prisoners, not Jews, and they were in leading positions, but about November, or October -- I don't know exactly -- they have been called as German soldiers in the army.
- Q After you arrived at Kaufering, and worked as a laborer, will you describe to the court the conditions of Kaufering as a working camp?

(Fried-Direct)

- A There was a camp of about seventy huts, all in all; sixty of them occupied by men prisoners.
- Q And at the time that you got there, Doctor Fried, how many prisoners were confined in Kaufering Number Four?
- A About five hundred men and twenty-eight women.
- Q Did that number of prisoners increase thereafter?
- A Yes.
- Q To what number did the prisoners increase?
- A The top number I know was about three thousand men prisoners.
- Q And about how many women prisoners?
- A That number didn't increase.
- Q Now, what did you live in while the camp was known as a working camp?
- A We lived in so-called earth-huts.
- Q Will you describe these earth-huts to the court?
- A These so-called huts -- there was a trench, a central trench in the dirt, and this trench was covered with a roof. On the left and on the right in the trench, knee-high, there was a wooden floor, and this was covered with excelsior.
- Q Doctor, I hand you a photograph, marked for identification as Prosecution Exhibit 73, and ask you to state what that is.
- A This is a typical interior of one of those huts.
- Q And is that a true and correct representation of one of those huts, occupied by prisoners at Kaufering?

(Fried-Direct)

A Yes, absolutely.

Prosecution: We offer this photograph, marked for identification as Prosecution Exhibit 73, in evidence at this time.

President: The photograph is received in evidence.

Q Was this hut, that you describe, above or below the surface of the surrounding terrain?

A The floor of the trench was under the level of the ground, and we slept on the level of the ground.

Q Doctor, I hand you another photograph, marked Prosecution Exhibit 74 for identification, and ask you to state what that is?

A That is a picture that shows these huts -- the roofs of the huts above the ground, and the barbed wire you see in the foreground is the barbed wire that was between the men and women 's part of the camp.

Q Doctor, is that exhibit, marked Prosecution Exhibit 74, a true and correct representation of the huts that existed there at Kaufering?

A Yes.

Prosecution: We offer at this time, may it please the court, the photograph marked Prosecution Exhibit 74, in evidence.

President: The photograph is received in evidence

(Fried-Direct)

- Q Now, Doctor, what was on the roof of these huts?
- A The roofs were covered with dirt. It was the only place where grass would grow in the camp area.
- Q Now, how many entries were there to these huts?
- A Only one.
- Q And how many windows were in these huts?
- A A double window on the end of each hut.
- Q What were the dimensions of these huts, with respect to length and width?
- A The hut was about twelve meters long, and about -- well, the central trench was one meter, let us say, and the left and right side from the trench was one meter and seventy centimeters, about, for laying.
- Q Now, was the entire interior of thirty-six meters devoted to the sleeping accommodations of the prisoners that occupied the hut?
- A No.
- Q How much of the interior of the hut, with respect to length, was occupied by the prisoners for sleeping accommodations?
- A There were fifty prisoners in each hut. Forty-nine slept, let us say, on a space of, say, four-fifths of the space. One-fifth of the space was private to the block eldest.

(Fried-Direct)

Q Doctor, if I understand your testimony correctly, would you say that twenty-five prisoners occupied one side of the hut, and twenty-four prisoners occupied the other side?

A That is right -- I beg your pardon, in the last time when the camp was overcrowded there were sixty-two prisoners in one hut, also.

Q And over what period of time were these huts occupied by as many as sixty-two prisoners?

Q In the worst time of the camp, when there was typhus, and very many diseases in the camp.

Q What date was that, Doctor?

A That was at the end of Camp Number Four, about March and April 1945.

Q Now, what type of bedding was given to the prisoners for sleeping purposes?

A There was no bedding at all.

Q Upon what did you sleep?

A It was a very poorly covered wooden floor, with excelsior, and every prisoner had as much as one blanket. There should have been two for each, but there were never two blankets for every prisoner in the camp.

Q Were you given any pillows on which to sleep?

A No. Never.

Q What did you sleep on?

A We had to put our things under our heads: especially the shoes.

(Fried-Direct)

- Q And what was the occasion for putting the shoes under the head?
- A We were ordered to do so, because shoes, being of a priceless value in the camp, were often stolen.
- Q And was it an offense to fail to sleep on one's shoes?
- A Yes. The penalty was death, because anyone who would lose his shoes would die.
- Q Now, what sanitary facilities were there in the camp?
- A Well, there were four latrines for three thousand men, but one of these latrines, it was reserved only for capos and officials: one was for the women, so that for the rest of the sick -- in the last time only sick people were in Number Four -- had only two latrines. These latrines were always overflowing with filth, and when we had to go there, everybody -- we were all suffering from a strange disease, and we had to go up there three or five times at night to see the latrine, and all prisoners had the same disease -- had to take out the shoes from under our heads to put on our feet, walk through the filth, go back and put the shoes again under our heads.
- Q Now, what kind of clothing was furnished you as a prisoner there in the camp?
- A We got our clothing in Auschwitz. I got my shirt

(Fried-Direct)

on the 3d of October 1944, and until the day of liberation, I never got another shirt. There were no washing facilities, no hot water. Then we got one shirt, one short pants -- gaiters -- and these were made -- the gaiters in Auschwitz -- were made of the fabric of the holy prayer scarves of Polish Jews, and this was some friction to the religious among us, because they had to wear those sacred things as underwear.

Q How many pair of underwear were you given?

A One shirt and one gaiters. Then we had one pair of trousers, one jacket, and we six hundred Jews from Czechoslovakia which came with me, had so-called civilian suits. They were clothes from killed Jews from Auschwitz. We were signed as prisoners there with big letters on the back, with crosses, with numbers here, and red signs.

Q You mention that this camp was inhabited by Jews. Do you know the nationalities represented there at Kaufering Number Four?

A The majority were Polish; then there were Czechs, Hungarians, very few -- about ten only -- Germans -- Jews -- and French, Greek -- well, all nations of Jews.

Q What kind of food did you receive there at Kaufering when that was a working camp, Doctor Fried?

A In the morning, when we had to get up at four-thirty, we got a black water -- no coffee, no sugar in it. Then we got -- when we were working we got a so-called Moll soup when working in the fields. This was about three-quarters of a liter of water with dried vegetables in it.

(Fried-Direct)

- Q What was the consistency of this soup, Doctor Fried?
- A Water.
- Q What else did you get to eat?
- A Then, after returning from work at night, about eight o'clock and sometimes ten o'clock, we got the soup of the camp. That was about one liter of soup made of unpeeled potatoes, and sometimes of cabbage.
- Q What was the consistency of the soup that you received there at the camp?
- A It was somewhat better than the Moll soup, but it was very poor, indeed. There were only, sometimes, two halves of unpeeled potatoes in one liter of soup.
- Q How much bread did you receive each day when that was a work camp?
- A After the soup we got out bread. It was in the beginning one-fourth loaf. The loaf being one thousand, five hundred grams. In the beginning, one-fourth, then one-fifth, one-sixth, one-seventh, and, in the end, one-eighth. One-eighth is as much as two slices of bread.
- Q Will you describe, please, Doctor Fried, the types of utensils which you had for the purpose of eating this food?
- A At the construction field we never got any dishes or plates. If we wanted to have soup we had to find some rusty old can, or anything that we could find.

(Fried-Direct)

A (continued) At home in the camp there were four hundred dishes for three thousand-prisoners. So much as two thousand arrived almost at the same time from the construction field. So there were long rows of hungry and tired people who had sixteen hours of standing after them. They had to stand there before the kitchen and wait for their dishes.

Q Now, Doctor, were these dishes washed between prisoners, or passed from one to the other?

A Of course they were passed only from one to the other, and the prize for those who were able to be the last in this was sometimes that they could take the dishes to their huts and use them as pots at night.

Q And were these dishes thereafter washed?

A Well, they were supposed to be washed.

Q You mentioned this work day -- will you describe to the court, please, a typical work day?

A We got up at four-thirty; then we went out to the local roll-call. It took Tempel, who was Arbeitsdienstführer, at that time, about one and one-half hour to make the working detail. So we had to stand there from four-thirty until six o'clock, sometimes longer, in rain and snow, and many of us were without shoes at all, and there were weak people too, to wait. Then there was Tempel and another SS man, Milenz, and they were very angry if the Jewish prisoner doctors (Fried-Direct)

pointed out too many of us as sick. Many of these doctors have been beaten before me.

Q And whom did you see beat these doctors?

A Tempel and Milenz.

Q What did they beat them with, Doctor?

A With his hand, or what he had in his hand.

Q What did you ever see him use in his hand, to beat these doctors?

A Tempel carried, as a walking-stick, a cable, covered with rubber.

Q Did you ever see Tempel use this cable covered with rubber on any of the prisoners?

A Yes.

Q If you were to see Tempel in court today, Doctor, could you recognize him?

A Yes, certainly.

Q Will you step over to the dock, please, and point out Tempel to the court?

Prosecution: Let the record show, may it please the court, that the man wearing the numeral 25 has been identified by the witness Doctor Fried as being Temple.

Q How long did this formation last there, in which Tempel and the doctors segregated those who could work and those who could not work?

A It took very long, because sometimes Tempel ordered those who had shoes on, but were not fit for work, to take the shoes off and give them to those of us who were, as they said, able to work, and had no shoes at all.

(Fried-Direct)

Q And what did Tempel call that?

A Teaching us German Socialism.

Q After this formation was over, Doctor, what happened next?

A Then we had to walk through snow and mud about a half a mile to the railroad track. There we had to wait for the train, and then we went these eight kilometers to the construction field.

Q How did you go to the place where you did the work?

A With a train. It was very overcrowded and we had to stand almost every time.

Q After you got to the place where you performed the work, what happened?

A There was roll-call again. We were counted many times a day. We said that we were counted like gold, but handled like trash. And we were then separated into the special working details at the construction field. The most of us worked with mixing cement. That was a very dirty and a very heavy, very hard job, and especially the night shift, who were unhappy enough to work there, even for a fortnight, had almost surely to die after a fortnight.

Q You say that they were almost surely to die. Do you know of any instances where men worked on the night shift and did die?

(Fried-Direct)

A Yes. The average night shift worker died by hard work, but I know, also, an instance -- for example, one night a worker was shot on the spot because he was found asleep.

Q Now, who supervised these prisoners while they were on the job?

A OT workers that were in this organization, then men of the camp companies, Moll and Wolter, and SS guards.

Q What were you constructing then?

A We could never find out, but the OT man said they were sure that if we could finish the underground factories, Germany would win the war.

Q Was your work both underground and above-ground?

A Both.

Q And how long did you work on this job?

A Two months; October and November.

Q How long each day did you work on this job?

A From seven o'clock in the morning until six o'clock in the evening.

Q Now, during that time, did you ever have occasion to see any prisoners die on the job?

A Very often.

Q Could you tell the court at this time what the average death rate was each day on your job?

A It is difficult to say, but we brought almost every day some dead, or almost dead, men home.

(Fried-Direct)

Q Were these men many or few?

A Well, let's say on an average of one a day.

Q Now, what sort of treatment did you receive from the guards and the other officers while you were on this job?

A The workers were always beaten by the German foreman. I have seen them beat them with iron hammers. I have seen that prisoners have been kicked off of the construction building, about six stories high.

Q And what happened to those people who were kicked off the building?

A They were dead.

Q Now, Doctor, were the nationalities of the people working there the same as you have previously described to the court?

A Yes.

Q When did you return back to the camp?

A About eight o'clock in the evening.

Q And at what time did you get to bed?

A About ten o'clock.

Q Now, Doctor, ^{after} this was a working camp, did it change its status?

A Yes. It changed to the worse.

Q What was it known as, after it changed its status?

A It was known as the sick camp of the Kaufering area.

Q And what do you mean by a sick camp, Doctor?

A The few healthy people were removed at the beginning of December 1944. They went to work camp Number One, and we got them back as cripples and dying men. Only sick men were in the camp, or those supposed to be sick, and were not going
(fried - direct)

to work any more. We never left the barbed wire, and that was bad, because we had no opportunity to steal anything outside.

Q Why was it necessary for you to steal anything outside, Doctor?

A We were ordered by the SS guards to steal the fuel for our stoves, for example.

Q Were these huts equipped with stoves?

A Yes. During November we got stoves -- one small iron stove to each hut, but some of those huts didn't get any previous to December and there was plenty of snow in the beginning of November already.

Q And did the authorities in the camp furnish you with any fuel for these stoves?

A Yes. One or two brickets, sometimes.

Q How long did that have to last you?

A So long before we got something else; very often that was days.

Q Now, when Kaufering became a sick camp, what was your job in the camp?

A I was a clerk in the camp office, then.

Q As a clerk in the camp office, under whom did you work?

A Under a Jewish prisoner boss.

Q And under whom was this Jewish prisoner boss?

A He was under the SS camp commander. Regort führer.

Q And who was the camp commandant at that time?

A At the time when Kaufering was a sick camp, Hauptman: Eichelsdorfer.

(Fried-Direct)

Q And what position did Tempel occupy in the camp at that time?

A At the beginning of the sick -- when it was turned into a sick camp, he was report leader, then he went away to camp Number One.

Q While working in the office as a clerk, did you have opportunity to observe the records kept in the office?

A Yes. I was there for keeping them.

Q Do you mean to say that these records were kept by you?

A Yes. We were four men in the camp office. I was one of them.

Q I hand you a document, marked Prosecution Exhibit 75 for identification, and ask you to state what it is.

A This is a list of prisoners we had to make for the date of the 14th of January 1945.

Q Would you say that it contained all the names of all the prisoners located in Kaufering Number Four on the 14th of January 1945?

A Yes; there are two thousand, one hundred fifty-eight names in it.

Q Now, what is the significance of the red lines drawn through some of these names, Doctor?

A To have a record for ourselves about the death rate, we scratched out all the people who died and marked it on the right side -- the date of their death. But these death remarks are made only until March 1945.

(Fried-Direct)

Q Doctor, of the six hundred prisoners that came with you to Kaufering, how many were alive at the liberation of the camp?

A Out of these six hundred Czech Jews, not as many as sixty are alive.

Q Did I understand you to say that the date over on the right side, in red is the date of the death of that particular prisoner?

A Yes. There are pages where it is almost only deaths on it. In the five months when the camp was a sick camp we had almost three thousand deaths. That means the death rate is one hundred percent.

Prosecution: We offer at this time, may it please the court, the document marked Prosecution Exhibit 75, in evidence.

President: The document is received in evidence

Q Now, while you worked in the office as a clerk, did you keep a daily sick report?

A Yes.

Q I hand you a document, marked Prosecution Exhibit 76, and ask you what that is?

A These are daily figures of the sick.

Q Was that record kept by you?

A Doctor Heitner and me.

Q Now, Doctor, will you tell the court just how this record was made up?

A This is -- it shows the figures of the sick as to the different diseases. For example, the first number shows dysentery; the second, diseases of

(Fried-Direct)

the lungs the third is, especially, pneumonia; fourth is stomach and bowel diseases; then is heart diseases, circulation of the blood, edema.

Q What is edema, if you know?

A It is a sickness which causes swollen legs.

Q Continue.

A Infectious diseases; at that time you have no figures.

Q You say there are no figures -- what date was that?

A The date I have opened now is the 11th of December. But here you have on the 7th of January, for the first time, a figure noted as typhus enzooticus; that is Fleck Fever. We knew already before that that we had typhus, but from this date we were allowed to show it officially.

Q Now, do the entries that you made there, under the heading of Fleck Fever, correctly reflect the number of cases of typhus at the camp at that time?

A No; Not at all.

Q Why not?

A We were ordered to give only small numbers, and we were also told that if there would be large numbers of typhus, we might be exterminated -- all of us.

Q What is the next disease there listed, after infectious diseases?

A Tuberculosis; then phlegmons and abscesses; then erysipilas; then there are emergency cases; then surgical diseases; then different diseases; then scabies, and then general sickness of the body.

(Fried-Direct)

Q And did you have a name for that condition of general sickness of the body?

A Yes.

Q What did you call those men?

A Musselman; that is the German name for Moslem.

Q Do you mean that that is the German name for M-o-s-l-e-m ?

A Yes.

Prosecution: We offer at this time, may it please the court, the document marked Prosecution Exhibit 76, in evidenc e.

President: The document will be received in evidence.

Q You described a condition of scabies. Was that disease very prevalent in camp?

A Yes, it was. It is, in normal life, only a children's disease, but in camp it was a deadly disease.

Scabies spread terrifically among the sick prisoners, who had to lay naked under covers together, and there was no treatment whatsoever in the camp available for scabies -- nothing.

Q You said that these prisoners slept together?

After this became a sick camp, were prisoners permitted to have clothes, who were invalids?

A No. Everybody who was sick had to lay down naked under his blanket.

Q Now, who was the commanding officer of Kaufering Number Four camp during 1945?

A Captain Eichelsdorfer.

(Fried-Direct)

Q Would you recognize him if you saw him in court?

A Yes.

Q Will you step over to the dock, and indicate to the court the man you know to be Eichelsdorfer?

Prosecution: Let the record show that the witness Doctor Fried identified the man bearing the numeral 12 as being the man Eichelsdorfer.

Q What sort of medical treatment was offered in the camp after Kaufering Number Four became a sick camp?

A There were almost no medical treatment at all. We were asked, for example, when the camp was a work camp, we were asked, by our doctors, to bring in from the construction field the paper bags of the cement, and these paper bags were used to cover wounds with it.

Q You say these doctors asked you to do that. Who were these doctors?

A Prisoners. We never had -- there was never an SS doctor to give any assistance in the camp.

Q During the time that that was a sick camp, Doctor, were any operations ever performed at the camp?

A Yes, even amputations of legs had to be performed, and the place where they were performed was a normal floor of an underground hut.

Q Was any type of anesthesia furnished the prisoner undergoing the operation?

A I am sorry -- I had never the strong nerves to see -- I was never there.

(Fried-Direct)

Q Did you see any of these people who had undergone such operations after the operations were over?

A Yes, certainly. I remember especially one case: it was a Czech dentist, Doctor George Sachs. He came in from Camp Number Eleven. He had been shot in the belly by an SS guard, and he was brought to our camp by six Jewish doctors, because there were no surgical instruments at Camp Number Eleven. The operation took place at night, at midnight or one a.m., and the patient survived, but died afterwards, as every patient did, of typhus. It was a typical case, because in all these eleven camps, whenever there was anyone sick, cut off his finger, or anything like that, or had a frozen foot, they sent him to Camp Number Four, and there he died by typhus.

Q In other words, prior to the time he was sent there he was not suffering from typhus. Is that correct?

A No. I remember that Doctor Sachs, especially, because one of the physicians who brought him there was the first one to bring me news that my wife had been killed in ^{the} Auschwitz gas chamber.

Q Doctor, was the food at Kaufering Number Four better or worse after the camp became a sick camp?

A Much worse.

Q What was the condition, Doctor, with respect to the lice in Kaufering?

(Fried-Direct)

- A When we entered the camp, we found lice in the camp already, and the number of lice increased terrifically. The blankets of the sick people were white of lice.
- Q Were any efforts made to disinfect the camp at that time?
- A Not before typhus broke out.
- Q Can you tell the court, Doctor, at this time, what the rate of death was after this typhus epidemic broke out in Kaufering Number Four?
- A About twenty-five a day.
- Q And during that time, Doctor, what were your duties?
- A I had to keep a death report.
- Q I hand you a document, marked Prosecution Exhibit 77 for identification, and ask you to state what it is.
- A This is one of the copybooks we put the names of the deaths in, to have them countersigned by the SS men, or these officials to whom we had to give the death report daily.
- Q Was that book kept by you?
- A Doctor Heitner and me.
- Q What information is contained in that book?
- A There we have different items. The first shows the running number, then the name of the prisoner, then his Christian name, then his prisoner number, then the date of his birth, the cause of his death. Then there are two items which we never
- (Fried-Direct)

filled out. This says "papers and signature"; that was for the SS.

Q Doctor, over what period of time does that document, marked Prosecution Exhibit 77, cover?

A It starts with the 27th of December and goes to the 24th of January. There is four weeks.

Q And how many deaths are listed in that period of time?

A It starts with Number 594, and ends with Number 992. There is about four hundred deaths, in the beginning of the typhus epidemic.

Prosecution: We offer at this time, may it please the court, the document marked Prosecution Exhibit 77, in evidence.

President: The document will be received in evidence.

Q Doctor, I hand you a series of photographs, marked, respectively, Prosecution Exhibits 78, through 84, both inclusive, and ask you to examine them. Are those photographs, marked Prosecution Exhibits 78 through 84, both inclusive, true and correct representations of the scenes they depict at Kaufering?

A Yes, they are.

Q Now, will you tell us what Prosecution Exhibit 79 is?

A This picture shows two German civilians carrying one of the corpses found after the liberation. I was there with the War Crimes team.

(Fried-Direct)

Q Now, will you look at Prosecution Exhibit 78, for identification, and state what that is?

A These are typical bodies as we found them returning to Camp Number Four. The same scene: two Germans carrying a corpse -- that is Number 80.

Q What is Prosecution Exhibit Number 81?

A One of the still smoking huts, and, in the foreground, some dead bodies.

Q What about Prosecution Exhibit Number 82?

A This is a place where I was working -- burned down.

Q What about Prosecution Exhibit Number 83?

A This is the burned interior of one of the huts, with burned bodies.

Q And what is Prosecution Exhibit 84?

A That is a photograph of dead bodies as they were found in the main street of the camp.

Prosecution: We offer at this time, may it please the court, as exhibits, the photographs marked 78, 79, 80, 81, 82, 83, and 84, in evidence.

President: The photographs are received in evidence.

Q Now, Doctor, what sort of treatment was given the dead bodies of the prisoners there at Kaufering Number Four?

A There was a special working detail -- the only one that left the camp after it had been turned into a sick camp -- and the duties of this work detail were to bury the twenty or twenty-five, or thirty, corpses a day. Because it was the only opportunity to go out of the camp, I, on the 21st of March, on
(Fried-Direct)

the
/first day of Spring, I volunteered and went with them. The naked corpses were put on one hand-cart. The golden teeth had been removed before, already. That was a special duty of one of the prisoners -- of a dentist.

Q And what happened to these golden teeth that were removed from the bodies of these corpses?

A Under the supervision of the SS men, they were broken out of the mouths of the dead men, and every night this dentist brought a parcel into our office of golden teeth. These parcels went, together with the death reports, stating exactly the name of the prisoner whose they were. It was given to the SS. The commanding SS man countersigned the receipt of these golden teeth, and they went with a special messenger to Camp Number One, and later on, as I am informed, to Dachau.

Q You say that these teeth were delivered to the SS men. Who, specifically, were these SS men they were delivered to?

A That was a Report fuhrer.

Q What was his name?

A Tempel was one of them. Then the last we had before the liberation was Vetter.

Q And what did the report fuhrer do with the gold parcel? Whom did he deliver it to?

A I don't know. It was a special messenger with a gun on his shoulder, taking these parcels to Number One.

(Fried-Direct)

Q Who was it that signed the receipt you mentioned a moment ago?

A The report fuhrer.

Q Now, when was Kaufering Number Four evacuated?

A The evacuation started on the 25th of April.

Q And who were evacuated from the camp?

A. First, those who could walk, and, afterwards, the rest.

Q And who was left in the camp?

A As far as I know, only dead bodies.

Q Now, while you were there at Kaufering Number Four, did you ever see a man by the name of Weiss?

A Yes.

Q When did you see Weiss?

A I don't know exactly the day -- it was on the end of December or the beginning of January, I suppose.

Q And whereabouts did you see this man Weiss?

A He came to the camp to see -- he was a supervisor to the camp, so he went to see.

Q Do you know how long he remained there at the camp at that time?

A He went through only.

Q Do you know what his capacity was at that time?

A Yes. Many of the prisoners who were there with me knew him very well, because they were under him in Warsaw and Lublin, already, and

(Fried-Direct)

they pointed out and said "that's the big Shot, Weiss."

Q Do you suppose that you could recognize the man Weiss if you were to see him in court today?

A Yes.

Q Will you point him out to the court, Please?

A Number One.

Prosecution: Let the record show, may it please the court, that the witness Doctor Fried identified the prisoner wearing the number One as the man Weiss.

Q At the time that you left the camp, Doctor Fried, were there any live people in the camp?

A Yes, because I ran away before the last train left the station.

Q And how many live people were left in the camp at the time that you left?

A I can't tell exactly but I could figure it out. There had been about three thousand people in the camp before the evacuation started. Three hundred went away by foot on the 25th at noon. The first train with those who were unable to walk went away in the evening of the 25th. It was loaded with about eight hundred. The second train left on the 27th early in the morning, loaded with eight hundred, too. The third, and last, train, which I didn't wait for, left about three o'clock at night -- three a.m., on the 27th, about four hours before the Americans

(Fried-Direct)

came in. At that time I was not far away from this station, hidden in the woods, and I was hidden in those woods, and I didn't dare to go out before the 29th of April, and then I found the Americans there.

Q How many people left on that last transport, if you know?

A As far as I know there was eight hundred.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by the defense:

Q Doctor Fried, you came to Kaufering in October 1944. Is that right?

A Yes.

Q When did Kaufering become a sick camp?

A At the beginning of December 1944.

Q And that was the time that you became a camp clerk. Is that right?

A Yes.

Q Prior to the time that Kaufering Four became a sick camp, were there any of these teeth taken from the prisoners, and delivered to the SS?

A Yes.

Q During that time, did you know of a medic, a rottenfuhrer, to whom these teeth were delivered?

A There was one, so-called, and sometimes he took the teeth, too.

Q These teeth were not delivered in the office where you worked, Doctor?

A Sometimes -- yes.

(Fried-Cross)

- Q And at times you saw this medic, or the SS head man, take the teeth?
- A Sometimes, but I also saw the Rapport führer take the teeth.
- Q Now, I understand you to say that Tempel's job there, during the time it was a work camp, was work leader.
- A Yes. His official title was Arbeitsdienstführer.
- Q And as such, his job was to arrange work details going out from camp?
- A Yes.
- Q At that time there were camp doctors, who were prisoners, who examined the prisoners prior to their going on the detail?
- A Yes. They had to hear the prisoners who came to the emergency ambulance and told that they were too weak. Then they gave them a small piece of paper, saying "this man is not able to work for two, or three days," or so forth. Or, if the man was very sick, that he should be taken immediately to the hospital. But this was never a reason for Tempel or the SS men to free a man from his work duty. I told already that, for example, with this taking away of the shoes, that was a very great punishment, and many of the very sick people decided to go to work, only to save their shoes.
- Q Would it have been worse, Doctor, for the people who had to go to work, to go without shoes, or the people who remained in camp to go without?

(Fried-Cross)

- A I think you could ride in snow without shoes, but if you have to go around in snow without shoes, it is very bad, if you are at home, or going around in a construction field.
- Q But it is a fact that those who were sick and remained behind, did, at least part of the day, remain inside. Is that true?
- A Yes.
- Q And they were, at least part of the day, in bed?
- A There were no beds, but let us say that they were permitted to lay down.
- Q And at these times when they were inside, or, as you say, laying down, they had no need for shoes at those particular times of the day?
- A Oh, yes, because it was as far as one hundred yards or more to the latrine, and those sick men were especially -- they had to go very often to the latrine; especially those sick men.
- Q And those times, when they had to go to the latrine, were the only times they used the shoes during the day?
- A Yes.
- Q Do you recall when Tempel left Kaufering Number Four?
- A No -- I couldn't say the day, but it was in the beginning of 1945.
- Q Approximately the first of 1945?
- A No. No. It was -- I remember there was snow on the ground. It must have been in winter -- the

(Fried-Cross)

beginning of the year 1945. I'm not too sure if it was the end of January. Let us say -- I don't know.

Q So it could have been the end of January, the beginning of January, or the end of December any time?

A No. No. I'm sure it was already 1945, and the camp was already closed as a typhus camp, and that didn't happen before the second half of January 1945.

Q When was it closed as a typhus camp?

A As I say, about the middle of January.

Q And it was after that time that Tempel left?

A Yes.

Q Now as to the defendant Eichelsdorfer: is he a member of the SS?

A He was a member of -- we referred to him as Hauptman Eichelsdorfer, but he also signed as Hauptsturmführer. It is the same rank as SS.

Q Why did you refer to him as Hauptman?

A Because we knew that before he was SS commandant he came from the regular Wehrmacht.

Q Camp Number Four was already a sick camp when Eichelsdorfer took over, wasn't it?

A I think so.

Q Do you remember when Eichelsdorfer took over?

A I don't remember the day exactly, but I suppose it was almost at the same time, or shortly after, it became a sick camp.

Q Would you say I was wrong if I said he took over in January 1945?

(Fried-Cross)

A I'm not sure, sir.

Q At the time that Eichelsdorfer took over the camp, it was already quarantined. Is that right?

A That I don 't know, but it was a sick camp already. It was not immediately quarantined, but it was a sick camp.

Q And I understand that you do not know if it was quarantined before or after Eichelsdorfer took over?

A No. I must say that it was a very little difference to us who was in charge of the camp, so we didn't know.

Q Do you know, as a matter of fact, that it was forbidden for the SS men, during the time that Eichelsdorfer was in command, to go into the camp and administer there, because it was under quarantine?

A Yes. We had been told that it was forbidden, but nevertheless very often SS men came into the camp. One of the SS lived in the camp.

Q Who was that?

A That was the kitchen boss -- his name was Reidel.

Q Did Eichelsdorfer have an office inside the camp?

A No. His office was just outside the barbed wire.

Q And were any SS doctors made available, that you know of, to Eichelsdorfer, for the treatment of the sick in the camp?

A SS men would certainly have refused to assist sick Jews.

(Fried-Cross)

- Q So there were none of them that went into the camp?
- A Oh, yes. One came. This was the head medical officer, Doctor Blanke . He came several times to the camp, and was also present at the evacuation of the camp. At the time when the American soldiers came in, he made suicide.
- Q Do you know, as a matter of fact, that after Kaufering Number Four was made a sick camp, that the doctor was actually the one in charge of the camp as a sick camp?
- A It might have been.
- Q You never knew of any of these gold teeth being delivered to Eichelsdorfer?
- A No.
- Q They were taken by messenger, whoever that might be, to Camp Number One?
- A So we were told.
- Q With relation to the health department at the Kaufering Camp, do you know who was actually in charge of that?
- A I have been told that Doctor Blanke was in charge of all sick people in the Kaufering area.
- Q And do you know where Doctor Blanke was from?
- A No. I am sorry. I do not.
- Q Do you know, as a matter of fact, that he was directly from Berlin?
- A No. I am sorry. I never heard that.

(Fried-Cross)

Q You know of the OT, do you not?

A Yes, I do.

Q You didn't actually get to Kaufering prior to the 6th of October, did you?

A No.

Q Is the OT in the vicinity of Berlin?

A No. You must be informed wrongly. It is a big organization.

Q But the headquarters are?

A That I don't know.

Q Do you know, at the time you were at Camp Number Four, who the commandant of Dachau was?

A No. I don't know.

Q Do you know just exactly what Weiss' capacity was at the time that he visited Camp Number Four, and you saw him?

A No, I don't. I've been told that he is something in charge of all these camps. I don't know exactly.

Q Did you not hear, also, at the time he visited Number Four, that he was planning on reconstructing it, and that that was his job?

A I never heard that.

Q He only came there, according to your direct testimony, as a supervisor? Is that correct?

A Well, he came in with a suite of some officers.

I don't know how many, but I saw about three with him -- two, three or four -- and my colleague in this office was an old prisoner, who was in Warsaw and in Dachau before, told me that this is Weiss, and he is probably here to look at the camp, because

(Fried-Cross)

he is something like a supervisor or something.

Q While you were at Number Four had you ever heard tell of the commandant there by the name of Weiter?

A The name I heard, but I don't know the name.

Q You heard of that name while you were at Kaufering Number Four?

A I suppose so.

Q You weren't at any other camp before Number Four?

A Oh, yes -- in plenty.

Q In the Kaufering area?

A No.

Defense: No further questions.

REDIRECT EXAMINATION

Questions by the prosecution:

Q During the time that this camp was under a quarantine, did the SS still continue to send Jewish prisoners to Kaufering Number Four, who were not afflicted with typhus?

A Yes, certainly.

Prosecution: No further questions.

EXAMINATION BY THE COURT

Questions by members of the court:

Q Do you know what caused the camp to burn?

A Before the evacuation, and when the evacuation took place, the SS men told us that we had to follow their orders, because if we tried to hide somewhere in the huts, or cellars, we should be burned, because the camp is going to be burned at midnight, as the last train had left. It

(Fried-Court)

left at three o'clock in the night, and when the American Army came in, in the morning of the 27th, they found it burning. So, I think it has been burned by the SS. Before the evacuation took place on the 25th of April we saw a big fire and smoke on the horizon, just in the direction we knew that it was Camp Number Three. The SS said "look there -- see the fire -- this is Camp Number Three, and just the same way we will burn this camp Number Four."

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

The court then, at 1510 hours, 23 November 1945, took a recess until 1525 hours, 23 November 1945, at which hour the personnel of the court, prosecution and defense, and the accused and the reporter, were present.

President: The court will come to order.

Prosecution: May it please the court, I would like to have Doctor Fried back for just one more question. Doctor, you are reminded that you are still under oath.

Witness (Dr Fried): Yes.

Q Doctor, when was the last time that you saw Eichelsdorfer at Kaufering Number Four ?

A I saw him just before he left the camp. That was about the time between five and six o'clock in the evening of the 26th of April.

Q And what was he doing at that time?

A Well, he was running around and looking on the evacuation.

(Fried-Recall)

Prosecution: No further questions.

The defense 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.

Prosecution: May it please the court, the prosecution calls its next witness, Schmul Kuczinsky.

Schmul Kuczinsky, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q Will you state your name, please?

A Schmul Kuczinsky.

Q And how old are you?

A Eighteen years.

Q And where are you residing at the present time?

A At Saint Otilien.

Q And what is Saint Otilien?

A A hospital.

Q Where was your home before the war?

A In Lodz, Poland.

Q And what is your nationality?

A Polish.

Q And before the war what were you doing?

A In school.

Q Now, have you been a prisoner out at one of the Kaufering camps?

(Kuczinsky-Direct)

A Yes.

Q Which camp number, out there at Kaufering, were you in?

A Camp Number Four.

Q And when did you arrive out there, at Camp Number Four?

A In August.

Q Of what year?

A 1944.

Q And where did you come from?

A From Auschwitz.

Q And when you came from Auschwitz, did any other members of your family come with you?

A The whole family came to Auschwitz.

Q And when you came from Auschwitz to Camp Number Four, did anyone come with you?

A My father, and three uncles.

Q Now, when you got out to Camp Number Four, did you and your father live together?

A Yes; quite some time together.

Q And was your father, at that time, when you got out to Number Four, a strong man, or a sick man.

A He was very healthy, and was thirty-eight years old.

Q Now, what happened to your father out there at Camp Number Four?

A I was in the block -- restricted to the block to recover. In the evening four men brought my father. I saw that the right eye was blue, and

(Kuczinsky-Direct)

swollen. I almost didn't recognize him. My father started to cry, and two people that brought him said that Tempel had beat him. Friday morning, at five o'clock, I heard some commotion, that Kuczinsky had died. I felt his pulse, and found out that my father was dead.

Q How long was that when he died, after the time when he was beaten?

A Almost two days.

Q Between the time that he was beaten and the time that he died, did he ever get up and work again?

A No. He was supposed to go to the hospital; in the meantime he died.

Q Would you know Tempel. if you saw him?

A Yes. Unfortunately, I know him very well.

Q How do you happen to know him, yourself?

A Because he, himself, kicked me once, on the formation place.

Q Did you ever see him kick or beat anybody else?

A I saw it very often. He would kick them between the legs with his feet.

Q Now, would you recognize Tempel if you saw him today?

A Yes.

Q Will you look over there among the defendants, and tell us which one of those defendants you recognize as Tempel? What is his number?

A Twenty-five.

(Kuczinsky-Direct)

Prosecution: May the record show, may it please the court, that the witness pointed out the defendant wearing the number 25, as being Willie Temple.

Q Now, is that man, whom you just pointed out, the one who beat you?

A Yes.

Q And is that the man that you have seen beating other people and kicking them between the legs?

A Yes. I was in a hospital once, and I saw a man brought up that was beaten by Tempal, and he died also.

Prosecution: You may inquire.

CROSS EXAMINATION

Questions by the defense:

Q Mr. Kuczinsky, did these two men tell you whether it was at work, or where it was, that your father had been hit by Temple?

A That it was at work.

Q And do you know where he was working at this time?

A I don't remember, because every day one did work at a different place.

Q How long was it after you and your father came to Kaufering Number Four?

A We got there at the end of the eighth month, or the beginning of the ninth month, and this was at the end of the tenth month.

Defense: Nothing further.

Prosecution: No further questions.

The members of the court declined to examine the witness.

(Kuczinsky-Cross)

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

Prosecution: May it please the court, the prosecution calls, as its next witness, Abraham Rosenfeld.

Abraham Rosenfeld, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

- Q State your name.
- A Abraham Rosenfeld.
- Q What is your age?
- A Seventeen years.
- Q What nationality are you?
- A Polish.
- Q What is your address?
- A Lodz, Poland.
- Q Were you ever a prisoner in any of the Kaufering camps?
- A Number Four -- at the beginning of 1944.
- Q What month did you come to Kaufering?
- A At the beginning of the seventh month.
- Q And then where did you go?
- A To Camp Number Two.
- Q Did you, during your stay in the Kaufering camps, know an SS man by the name of Willie Tempel?
- A In Camp Number Four there was Tempel.
- Q Did you have occasion to see Willie Tempel about the 26th of April 1945?
- A At the liquidation of Number One.

(Rosenfeld-Direct)

Q Will you tell the court what you saw, and what happened at that time?

A Yes. On the 26th I arrived at Number One from Number Four. And in the evening they started to liquidate Number One. Tempel came running out with a stick and said "everybody out of the block and to the station." The people didn't want to come out. They sent all the Aryan capos and the block elders, that they should beat until all the prisoners should come out of the blocks. I and my friend came out of the block and went to the corner of the formation place, in the vicinity of the women's camp. I and my comrade went there, and we saw a piece of bread laying on the ground from a distance. My comrade bent down to pick up the bread, and he pulled out a Browning and shot and killed him. He was a Russian from the Carpathians; his name is Einhorn; eighteen years old. And he shot me twice -- here.

Q Would you know Willie Tempel if you saw him again?

A Yes.

Q Is he here in court today?

A Yes.

Q Go over to him and put your hand on his shoulder.

Prosecution: May the record show that the witness identified the defendant bearing the number 25, as Willie Tempel.

(Rosenfeld-Direct)

Q Did you ever see Willie Tempal mistreat any prisoners at any other time?

A I only saw him one day in Camp Number One -- but this was in Camp Number Four. He used to search the people when they came back from work, and if he would find anything like a potato or a cigarette he would kick them in the stomach.

Prosecution: No further questions.

Defense: No cross-examination.

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 its next witness, Moses Berger.

DIRECT EXAMINATION

Questions by the prosecution:

Q State your name, please, sir.

A Moses Berger.

Q Mr. Berger, where were you born?

A In Lodz, Poland.

Q What year?

A 1905.

Q Were you ever a prisoner in one of the by-camps of Dachau?

A In Kaufering Camp Number Four.

Q When did you go to Camp Number Four, Mr. Berger?

A The end of August 1944.

(Berger-Direct)

- Q How long did you remain at Kaufering Number Four?
- A I was there the whole time until the 25th -- that is, the 26th of April 1945.
- Q While you were there at Kaufering Number Four, Mr. Berger, did you have occasion to know a man by the name of Willie Tempel?
- A Yes.
- Q Did you ever see Willie Tempel mistreat any of the prisoners?
- A In Camp Number Four the name of Tempel was a word of horror.
- Q What did you ever see Willie Temple do to the prisoners while you were at Kaufering?
- A When we were evacuated, just before liberation, from Number Four to Number One, the 26th of April 1945, I and several other prisoners were led away to the tracks. When we arrived at Number One, Temple and some other SS men were standing there, and cursed us, that we should leave the train faster.
- Q Now, were any of these prisoners, that were there on the train at that time, injured?
- A Yes. The whole group was a group of injured that arrived in the camp. Those that were lightly injured got off as fast as possible. But those that were badly injured couldn't get off very fast, and it took them longer. So Tempel walked over and would kick them with his foot, and hit them with a cable. I helped

(Berger-Direct)

one man to get off the car, and he beat him very badly, so he changed his entire face.

Q What happened to that man that you just described as beaten so that his face changed as a result of the beating?

A This man, whom he beat so badly, had to be taken away by us into the block hospital.

Q Did you ever see that man, who was beaten by Tempel, after the time he was taken to the hospital?

A I only had the opportunity the next morning to visit this man in the sick ward.

Q And what was his condition at the time you saw him in the ward?

A The man was already dead.

Q Do you know who the man was?

A The man was my brother, Jacob Berger. His prison number: 95770.

Q Mr. Berger, would you be able to recognize Willie Tempel if you saw him at this time?

A Yes.

Q Step over to the box, and see if you can identify Willie Tempel, and, if you see him, point him out for the court.

Prosecution: Let the record show, may it please the court, that the witness Moses Berger identified the prisoner wearing Number 25, as being Willie Tempel.

Q Now, Mr. Berger, did you see Willie Temple kill anyone else there at the evacuation?

(Berger-Direct)

A That was at this occasion when we arrived at Camp Number One. Those lightly injured were left at the place of formation, and those that were in Camp One, and in the blocks, were chased out to be evacuated. I knew of four men who had hidden in the women's blocks. They were caught by Temple, and he was chasing those people with a pistol in his hand. Two of these people he shot on the place of formation, where I was lying. And those two remained dead on the place.

Q Now, while you were at Kaufering, did you know another man, by the name of Eichelsdorfer?

A Yes.

Q Did you ever see Eichelsdorfer mistreat any of the prisoners?

A Yes.

Q What did you see Eichelsdorfer do to the prisoners?

A Those prisoners who were able to work went out on these small details. Eichelsdorfer always demanded that they should march faster. And when he noticed that one of the prisoners would not march as well as he demanded, he beat them.

Q And what did he beat them with, Mr. Berger?

A One of those sticks that he had in his hand.

Q Did he use anything else, besides a stick on the prisoners?

A I don't remember exactly, but, from time to time, he had a rifle in his hand.

Q Do you recall any incidents when Eichelsdorfer beat a man with the rifle?

(Berger-Direct) .

- A I remember one time when a man was beaten by Eichelsdorfer. I don't remember whether it was with a stick or a rifle, but he beat him until he became unconscious. This man was later on taken into the sick ward.
- Q Do you know what happened to that man in the sick ward?
- A The man died the second or third day afterwards.
- Q Did you ever find out from what he died?
- A From these beatings.
- Q Do you know the name of that man that died?
- A Yes.
- Q What was his name?
- A Pledersbaum.
- Q Was he related to you, at all?
- A He was a cousin of my wife.
- Q And what nationality was he, Mr. Berger?
- A He was also from Lodz, Poland.
- Q And about what time of year did this take place, Mr. Berger?
- A That was the beginning of 1945, I think. I can't say for sure.
- Q Now, would you be able to recognize Eichelsdorfer if you saw him in court at this time?
- A Yes.
- Q Would you step over to the box, and indicate to the court the man you know to be Eichelsdorfer?

(Berger-Direct)

Prosecution: Let the record show, may it please the court, that the witness Moses Berger identified the prisoner wearing the Number 12, as being the man Eichelsdorfer.

Q Now, Mr. Berger, while you were there at Kaufering, did you ever know a man by the name of Langleist?

A Yes.

Q What did he do at Kaufering?

A I don't know what his office was, but he was present at the place where we were working.

Q And where were you working?

A We worked at a different place every day.

Q Did you ever see Langleist mistreat any of the prisoners?

A Yes.

Q What did you see Langleist do to the prisoners?

A There was one time, when we were working at road construction -- there was a gravel pit, and he demanded that the prisoners should work better. On this day an acquaintance of mine, from Lodz, was working there, and he demanded that he should work better.

Q And what did you see Langleist do to this acquaintance of yours from Lodz?

A He beat him because he didn't work well, and threw him into this gravel pit. After he threw him into the pit, the man started to groan.

Q Do you know whether or not this man, thrown into the gravel pit, was conscious or unconscious?

A Two people had to carry him out of that gravel pit.

(Berger-Direct)

Q And where did they take him to?

A They carried him into the camp -- into the sick ward.

Q After that, did you have occasion to visit the sick ward?

A Yes. I visited him several times.

Q What happened to this man that Langleist threw into the gravel pit?

A He never regained consciousness. The doctors said that he had gotten concussion of the brain.

Q Do you know whether or not he lived or died?

A No. He died immediately.

Q Do you know the name of this man?

A Yes.

Q What was his name?

A Goldberg.

Q And what was his nationality?

A He was also from Poland.

Q Now, Mr. Berger, would you be able to recognize Langleist if you saw him in court today?

A Yes.

Q Go over to the prisoner dock, Mr. Berger, and indicate to the court, the man you know to be Langleist.

Prosecution: Let the record show that witness Moses Berger identified the prisoner wearing the Number 34, as being the man Langleist.

Prosecution: No further questions.

(Berger-Direct)

CROSS EXAMINATION

Questions by the defense:

Q Mr. Berger, do you know when Eichelsdorfer came to Camp Number Four?

A Yes.

Q Will you please tell us when that was?

A About somewhat after New Years, 1945.

Q Was Camp Number Four, at that time, a sick camp?

A Yes.

Q On this day, that you state that Eichelsdorfer beat this relative of yours, were you both going out on the detail together?

A Yes.

Q And where were you going that day?

A That was one of those little details in the vicinity of the camp.

Q What type of work did you do that day?

A I think we went after wood.

Q And was it prior, or after the detail came back, that this beating took place?

The witness didn't understand the question, and it was re-formed.

Q Did this beating take place as you were going out on the detail, or as you were returning?

A When we went out.

Q Did Eichelsdorfer go along with the detail?

A No.

Q Where did the beating take place?

A That was outside -- there was a place outside the camp where we had to stand in formation and start to walk off.

(Berger-Cross)

- Q Both you and this relative of yours were sick at that time. Is that right?
- A No. Those that were sick didn't go out to work.
- Q I understand you to state, then, that there were men in that camp who were not sick?
- A There were always men in each block that were not sick, and would go out on details every day.
- Q Then the whole camp was not a sick camp?
- A Until the end of November the whole camp went out on work.
- Q But this took place, you state, in January?
- A In January only a very small part went out.
- Q But, even in January, the whole camp, then, was not a sick camp?
- A Those people that were healthy went out on work.
- Q Can you tell me, Mr. Berger, when it was that you saw Langleist mistreat a prisoner?
- A That was in 1944.
- Q When in 1944 was that?
- A That was about October or November.
- Q And just where was it that this gravel pit was located?
- A That was when we were working on the road construction.
- Q And where were you working?
- A At work.
- Q How many men were on this detail?

(Berger-Cross)

A There were many people. Twenty to thirty men.

Q Can you give me some definite idea as to where this road construction work was being done?

A It was in the vicinity of the camp.

Q And you saw that you saw Langleist there?

A Yes.

Q Had you seen him there frequently before, on this particular occasion which you just described?

A I wasn't at this work constantly -- only from time to time.

Q Did you actually see Langleist beat this person by the name of Goldberg?

Prosecution: May we have the rest of the answer?

Interpreter: I think he said something about the Moor express.

Member of the Court: He said he spent the rest of his time at work at the Moor.

Q Did you actually see Langleist hit this particular person that you describe?

A Yes.

Q Did you actually see him throw the prisoner in the gravel pit?

A Yes.

Q You say that his name was Goldberg?

A Yes.

Q Was he related to you, too?

A No.

(Berger-Cross)

Q And you say that within a few days he died.
Is that correct?

A Yes.

Defense: Nothing further.

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,
Chaim Sendowsky.

Chaim Sendowsky, a witness for the prosecu-
tion, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q State your name.

A Chaim Sendowski.

Q What is your age?

A Thirty-eight years.

Q What is your occupation?

A Tailor.

Q And your residence?

A Saint Otilien.

Prosecution: That is a hospital near
Landsberg.

Q Mr. Sendowsky, were you ever a prisoner in
Kaufering Camp Number Four?

A Yes.

Q On what date did you arrive there?

(Sendowsky-Direct)

A I was at Auschwitz and then Kaufering.

Auschwitz in the eighth month, 1944.

Q Do you mean that in August 1944 you came to Kaufering?

A Yes.

Q And when did you leave from Kaufering?

A I was in Kaufering the whole time.

Q Do you mean that you stayed there until the liberation?

A Yes; until two days before liberation.

Q What sort of work did you do while you were in the camp?

A At first I worked on the road construction.

Q And thereafter?

A I was cutting wood near the orderly-room.

Q And thereafter?

A Totendetail.

Prosecution: Translate, please.

Interpreter: The corpse detail.

Q When did you first commence to work on the corpse detail?

A At the end of 1944.

Q And until when did you stay on that detail?

A Until the end -- until liberation.

Q Mr Sendowsky, can you tell us the average number of prisoners confined in Number Four?

A Yes. Up to three thousand people.

Q And Number Four, during the time that you were on the corpse detail, was a sick camp. Is that correct?

(Sendowsky-Direct)

- A In the year 1945 it became a sick camp.
- Q And during the time that you worked on this corpse detail, can you tell the court approximately how many corpses you took out of that camp?
- A Until the liberation?
- Q Yes -- that's right.
- A Up to three thousand people, with my assistants and my comrade.
- Q Mr. Sendowsky, did you know a man by the name of Willie Tempel in Kaufering?
- A Yes. I know him.

Prosecution: May I have the assistance of the Yiddish interpreter? We have one in court.

President: Yes. Has he been sworn?

Prosecution: Yes, sir. He was sworn this morning.

- Q Did you ever see Willie Tempel mishandle any prisoner at Kaufering?
- A Yes. Many times.
- Q Did you ever see Willie Tempel kill any prisoner?
- A That was one time like this: Six people were working at the orderly-room, and we were throwing with the stones into the ditch. I and my comrades were throwing the rocks through a screen, so we would only get the small rock. He said "If you bend the wire, I am going to beat you." But we had to throw the rocks against it, so naturally we had to bend the

(Sendowsky-Direct)

wire. So he beat us and we had to work. We had no other way out -- we had to bend it. My comrade said maybe we should ask how we are supposed to do it without bending it. We always were afraid to ask, but I said I would ask. Then he said "I will ask him." He said "Mr. Rapportfuhrer, please show us how to do it." He used a cable and beat that man terribly, and, later on, when he figured he hadn't beaten him enough, he also kicked him. And he beat the man until he didn't have any strength to get up, and the blood was just pouring from his head. He said "Take this dirt away." I took him to the hospital, and he was very ill, because his arm was broken. There was no assistant doctor there. We went back to work. I took another man to take this man's place, and we worked until evening. And on the next morning, that was the second day, I went to see how he was doing. I brought him some soup. I couldn't give him the soup, because he was already dead.

Q Do you recall any instances of Tempel mistreating any sick people?

A Yes, it was like that once. There was six hundred people that were sent out on a detail to the firm by the name of Mol. There were only five hundred fifty, and he went through the block to find sick people who could still

(Sendowsky-Direct)

walk, and if they could still walk, he sent them out to work. But they were very sick people. But they knew no way out, so they were standing up in line. One of the very sick men, he was very sick, got out of line, and hid among those restricted to quarters. But when we moved off, the capos again counted. One man was missing. Then Temple gave the capos the order to search for the man. The capos searched and found him. But all those people that were sick and coming out, didn't have any shoes. They caught the man and turned him over to the hands of Temple. He beat him so much that he fell down unconscious, and he gave the order that four other people were to pick him up, but he was already unconscious. They carried him up to the grass spot in front of the station. But at the station he fell down, and remained there, dead. We told the guards that it was already one man dead and what to do. Three of us took the man and the guard accompanied us back to the hospital. And the guard led us back to the station and to work.

Q If you could see Temple again, would you recognize him, Mr. Sendowsky?

A Yes, in ten years I would know him.

Q Is he in the courtroom today?

A Yes.

(Sendowsky-Direct)

Q Go over and put your hand on his shoulder.
Is that man, who stood up, bearing Number 25,
the man you knew as Tempel?

A Yes, that's him.

Q During the time that you were in Kaufering,
did you know a man named Langleist?

A Yes.

Q Did you ever see Langleist ever mistreat any
prisoners?

A Yes.

Q Will you tell us about the incident, or
incidents, that you remember?

A Yes. I was cutting wood near the orderly-
room. That wood was supposed to go into
the orderly-room for the SS. The people
were carrying the wood in. The wood bin was
probably not quite full -- I don't know ex-
actly what happened. I saw Langleist pick
up a piece of wood and start beating. He
beat him so bad that we took him and carried
him next to the place where we were working,
and put him down on the grass. But the man
was beaten so badly that he was unconscious.
We took the man and carried him over to the
hospital. He was very ill. But two or
three days later I went over to visit with a
friend I work with, and he was already dead.

Q What was the nationality of this man?

A He was Polish.

(Sendowsky-Direct)

Q Do you remember the nationality of the men you described, who were beaten by Tempel?

A Also Polish.

Q During the time you were in Kaufering, did you know a man by the name of Eichelsdorfer?

A Yes.

Q Do you recall an incident, shortly before the camp was evacuated, when --- I withdraw that question.

Q On what date did you leave Camp Number Four?

A Two days before liberation.

Q Do you know what happened to that camp?

A I heard that the camp was burned.

Q Prior to the time that you left, did you hear, or did you know, of any circumstances to the effect that the camp would be burned?

A Yes.

Q Do you know of any circumstances involving the burning of the camp?

A Yes. I saw someone get two barrels of gasoline.

Q When was that?

A That was also two or three days before liberation -- very shortly.

Q Do you recall whether Eichelsdorfer was present at that time?

A Yes. He was the one that got it.

Q Was it the custom in the camp to receive gasoline?

A There was no gasoline in the camp.

(Sendowsky-Direct'

Q You mean other than this time?

A This was the only time.

Q Mr. Sendowsky, would you recognize Eichelsdorfer if you saw him?

A Yes. I always saw him.

Q Is he in the courtroom today?

A Yes.

Q Would you recognize Langleist if you saw him again?

A Yes.

Q Is he in court today?

A Yes.

Q Will you step up and identify the man you knew as Langleist?

A Yes.

Prosecution: The record will show that the witness identified the defendant bearing the number 34, as Langleist.

Q Now, place your hand on the shoulder of the man you knew as Eichelsdorfer?

A Yes.

Prosecution: Let the record show, may it please the court, that the witness identified the defendant bearing the number 12 as Eichelsdorfer. No further questions.

CROSS EXAMINATION

Questions by the defense:

Q Mr. Sendowsky, have you been in the courtroom all afternoon?

A The afternoon? Yes.

(Sendowsky-Cross)

Q During that time, you have seen at least one other person identify both Langleist and Eichelsdorfer, have you not?

A Yes.

Q Prior to that time, you had examined pictures of both Langleist and Eichelsdorfer, had you not?

A I saw them, but I would know them very well without pictures.

Q You did see the pictures, though, that are for the benefit of witnesses, in the room?

Prosecution: I object to the form of that question, sir.

President: Rephrase the question.

Defense: I meant no inference; it is just a matter of fact. and has come out before.

President: The objection is sustained.

Rephrase, or withdraw, your question.

Defense: I withdraw the question.

Q Prior to the time that Number Four was burned, all inmates were warned that the camp would be burned, and told to evacuate, were they not?

A I heard that the benzine was getting set, and I heard someone say it would be better if everyone evacuated camp toward the railroad.

Q As a matter of fact, transports did leave, and all prisoners were told to get on transports. Isn't that true?

A Yes. They were told to go to the station. Eichelsdorfer cut the wire that separated

(Sendowsky-Cross)

the camp from the pasture, so that they wouldn't have to go so far.

Q In other words, he cut the wire so that the prisoners could get out, and get to the stations?

A Yes, with the assistance of Doctor Alikash -- both of them did that.

Q With reference to this mistreating of this prisoner, by hitting him with a piece of wood, can you give the court some idea as to just when that was?

Interpreter: He wants to know who hit a man.

Q Who hit who with what piece of wood?

Prosecution: If the court please -----

Defense: I'll rephrase the question.

Q You testified, on direct examination, that Langleist struck a prisoner with a piece of wood?

A That is correct.

Q I ask you now: Can you give some idea as to just about when that incident took place?

A It seems to me that it was in October '1944.

Q Could you give any idea as to whether or not it was the beginning of October or the end of October?

A I don't know. It might have been the first part, or it might have been at the end.

Q Two or three days later, you went to the hospital, and learned that this man was dead. Is that correct?

(Sendowsky-Cross)

A Yes.

Q Was this man in good health, prior to the time he was hit with the wood, by Langleist, as you say?

A Yes, because he could work and cut wood, so he was very healthy.

Q Had you seen Langleist in that camp very often prior to this incident which you describe?

A Not many times, but I saw him a few times.

Q Did you see him very often after this particular incident occurred?

A No more.

Q You never saw him again, either?

A No.

Q And you are sure that it was Langleist that actually did the hitting with this piece of wood?

A Yes.

Q At that time, did you know Langleist by name?

A I didn't know the name, but I knew the face very well. I wasn't interested in the name.

Q When did you learn what his name was?

A Later on, after the beating, I found out that his name was Langleist.

Q How recently was that, that you learned what his name was?

A After the beating I asked "who is that man?"

Q Did this happen in the morning or the evening?

A That was later on, after we carried the man to the hospital; then I asked who that man was.

Q When did the incident of hitting with the piece of wood occur -- in the morning or the evening?

(Sendowsky-Cross)

A That was before noon.

Q Did you know what Langleist's job was at Kaufering?

A No.

Q And you had seen him several times before. Is that correct?

A A few times I saw him.

Q Was this the only time you saw him mistreat anybody?

A That was the only time I heard about it, but later on we were afraid.

Prosecution: I object to that translation. May I suggest that when Lieutenant Nowitz understands Yiddish, he repeat in English and not in German? And that Lieutenant Conn repeat in German? Not that he repeat in English what he understands in German.

A Yes, that was the only time.

Defense: That is all.

A Yes, I only saw it one time, but I heard that he did some beating.

Defense: That is all.

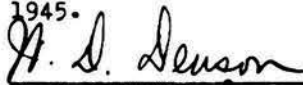
Prosecution: Nothing further.

The members of the court declined to examine the witness.

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

President: Court will recess until eighty-three.

The court then adjourned to meet at 0830 hours on 24 November 1945.



W. D. DENSON
Lieutenant Colonel, JAGD
Trial Judge Advocate

Dachau, Germany

24 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.

The accused, reporter and interpreter were also present.

Prosecution: The prosecution calls as its next witness, Riva Levy.

Riva Levy, a witness for the prosecution, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q What is your name?

A Riva Levy.

Q How old are you?

A 29.

Q What is your occupation?

A Office worker.

Q What is your address?

A Saint Otilien.

Q Were you at any time a prisoner in the Landsberg camps?

A Yes.

(Levy-direct)

Q Which camp were you in?
A Camp number 1.
Q That is near Landsberg?
A Yes, Landsberg number 1.
Q When did you first come there?
A The end of July 1944.
Q Until when did you remain there as a prisoner?
A Until the end, the 25th of April 1945.
Q Did you work while you were there?
A Yes.
Q What sort of work did you do?
A I worked on several details.
Q Will you tell us some of those details.
A For two weeks I worked at Otto Wied's.
Q Doing what?
A We had to unload iron and wood.
Q After that?
A I worked at Otto Millman's kitchen.
Q After that?
A In the prisoners' kitchen.
Q While you were there did you know a man by the name of Kirsch?
A Yes.
Q What was he?
A The camp leader.
Q During the time you were there did you ever see Kirsch mistreat any prisoners?
A Yes.
(Levy-direct)

Q Tell the nature and the time of any such mistreatments.

Q Yes.

Q Tell the court please.

A We were always supposed to walk in step and the prisoners had to take their caps off and if the prisoners did not walk in step or take their caps off he beat them.

Q When you say that he beat the prisoners, do you mean that he beat the male, the female or both?

A He beat the male and the female prisoners.

Q Do you know of any people that he beat that died as a result of the beating?

A Yes.

Q Tell the court the circumstances of those beatings.

A The older people and the invalids worked within this camp and once when we returned from work he asked every prisoner whether or not he was sick and they were afraid to say whether they were or not because we knew what would be in store for us if we were sick in camp. Then he beat the prisoners terribly. He kicked them with his feet and beat them with an iron rod. Many of the men fell down. Amongst them was also my father. Then he ordered the men to get up. One man he ordered to get up, and he couldn't get up.

(Levy-direct)

He kicked him and then brought all men to the hospital.

Q When you say all men, who do you mean?

A The men who fell down - about six.

Q What happened after that?

A I wanted to find out what happened to my father so I waited for the moment when Kirsch went up there and I went into the hospital at that time. The man was dead already.

Q What happened to your father?

A My father remained lying in the hospital.

Q Is he alive today?

A No.

Q What happened to him?

A My father was transferred to invalids and older people.

Q Who transferred your father?

A Kramer.

Q Do you know Kramer?

A Yes.

Q Do you see Kirsch in court today?

A Yes.

Q Will you step over to the dock and indicate the man you knew as Kirsch?

A Yes.

Prosecution: Let the record show that the witness indicated the accused wearing number 32 as Kirsch.

(Levy-direct)

Q At the time you knew Kirsch did he have a mustache?

A I do not believe so.

Q Do you know of any women sent on transports?

A Yes.

Q Tell us the circumstances and the man that sent them on the transport?

A Which man?

Q The man of the prison who sent them on the transport?

A Kramer and Kirsch.

Q Tell us about the incident.

A Whenever the detail came back from the night shift, Kramer selected the sick ones and they were all to undress completely, and some of them didn't want to undress. The prisoners were to have only one shirt and one pair of pants and if he found two shirts on a prisoner he beat them terribly.

Q When you say he beat them who do you mean?

A Kramer.

Q Were there ever any pregnant women in the camp?

A Three - one woman went crazy.

Q What happened to them?

A These women were sent out on invalid transports.

Q Who sent them out on this invalid transport?

A Kramer and Kirsch.

Q And they were there at the same time?

A Who?

(Levy-direct)

Q Were both Kramer and Kirsch there at that time?

A Yes.

Q What were the nationalities of the prisoners in camp number 1?

A Jews.

Q What country were they from?

A Lithuanians and Poles.

Q Were there any German Jews in that camp?

A I don't know.

Q What was the nationality of these people that you mentioned - the pregnant women that were sent out on a transport?

A All from Lithuania.

Q What was your father's nationality?

A Lithuanian.

Q And what/^{was}the nationality of these people that you saw beaten by Kirsch?

A Also from Lithuania.

Q Do you recall any hangings while you were in the camp?

A Yes.

Q Tell the court what happened at that time?

A Five prisoners made foot coverings from a blanket and they were hung.

Q Where were they hung?

A In camp number one on the formation ground.

(Levy-direct)

Q Who was the leader of the camp at that time?

A Kramer and Kirsch were camp leaders at that time.

Q Would you be able to recognize Kramer if you were to see him again?

A Yes.

Q Is he in the court room today?

A Yes.

Q Will you step over to the dock and indicate the man you knew as Kramer?

A Yes.

Prosecution: Let the record show that the witness, Miss Levy, identified the man wearing number 28 as being the man Kramer.

Q What were the nationalities of these five men who were hanged?

A I cannot state definitely but I think that they were Hungarians - one of the boys was a Lithuanian.

Q Did you see the hanging?

A Yes.

Q Did you see Kirsch or Kramer at the hanging?

A I saw how Kirsch and Kramer got these five men from the potato cellar, since I worked in the kitchen.

Q Do you know who did the actual hanging?

A Yes.

(Levy-direct)

Q Were both Kramer and Kirsch there at that time?

A Yes.

Q What were the nationalities of the prisoners in camp number 1?

A Jews.

Q What country were they from?

A Lithuanians and Poles.

Q Were there any German Jews in that camp?

A I don't know.

Q What was the nationality of these people that you mentioned - the pregnant women that were sent out on a transport?

A All from Lithuania.

Q What was your father's nationality?

A Lithuanian.

Q And what^{was} the nationality of these people that you saw beaten by Kirsch?

A Also from Lithuania.

Q Do you recall any hangings while you were in the camp?

A Yes.

Q Tell the court what happened at that time?

A Five prisoners made foot coverings from a blanket and they were hung.

Q Where were they hung?

A In camp number one on the formation ground.

(Levy-direct)

Q Who was that?

A A hangman came from Dachau.

Q Do you see that hangman in court today?

A Yes.

Q Step over to that group of forty men and indicate for the benefit of the court, the man that you saw/^{hang}these five men.

A Yes.

Prosecution: Let the record indicate that the witness identified the man wearing number 33 as the hangman.

Q During the time that you were at camp number 1, did you know a man by the name of Foerschner?

A Yes.

Q Who was Foerschner?

A I believe he was a sturmbannführer, I do not know for sure.

Q Did you ever see Foerschner mistreat anyone?

A He was mistreating women.

Q Will you tell the court how he was mistreating the women?

A During the last time, he was very bad with the food and Foerschner found out that the capo of the women did not work so all of us had to work. We did not receive any food all day, and we were supposed to standat attention from

(Levy-direct)

six to two and from two to six we worked at the carting of stone. Some of the women did not have any strength left for carrying stones and they put a little less/ⁱⁿthat contraption for carrying the stones and he beat them.

Q Would you know Foerschner if you were to see him again?

A Yes.

Q Will you step over to the dock and indicate for the court the man you know to be Foerschner. Place your hand on his shoulder, please.

Prosecution: Let the record show that the witness indicated the prisoner wearing number 13 as being the man Foerschner.

Q What was the nationality of these women that were beaten?

A One of them was from Hungary and one was from Lithuania.

Q Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q Do you remember the date that these five men were hung?

A I think it was in the month of December?

Q What year?

A 1944.

(Levy-direct, cross)

President: The court will take a short recess.

The court then took a recess until 9:15 o'clock, a.m., at which time all the members of the court, personnel of the prosecution and defense, all the accused, the reporter and the interpreter were present.

Prosecution: You are reminded that you are still under oath.

Q Who was present at the hanging of these five people?

A We women were supposed to have been on the formation ground to look at it but I couldn't go because I worked in the kitchen. I just saw how Kramer and Kirsch took the men out of the potatoe cellar.

Q Did you see the actual hanging?

A As they were hanged, I saw that through the window and when I went to the barracks I saw them still hanging there.

Q How far were you from the place of the hanging?

A When I saw it I looked out of the window, I could see it. It was not very far away, it was about fifteen meters away.

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

A Yes.

(Levy-cross)

Q What position did he hold in that camp?

A I do not know what position he held, but I saw him in the camp.

Q Did you see him at this hanging?

A No.

Q Do you know whether or not this was an official hanging ordered by Berlin or not?

A I do not have any idea about that.

Q Do you know if Kirsch was considered a normal, sane person?

A I do not understand the question.

Q Was Kirsch in your opinion a normal person?

A Yes.

Q Do you know that he suffered from shell shock in the last war?

A I have no idea about that.

Q Miss Levy, at camp number 1 did you know a man by the name of Tempel?

A I know him well.

Q Did he ever mistreat you?

A Yes, many times.

Q The extent of his mistreatments was slaps wasn't it?

A Yes...

Q Did you ever see Tempel while in the camp fire any weapons?

A I did not see that.

(Levy-exits)

Q Do you know when Tempel came to camp number 1?

A I believe the last three or four months but I cannot say that definitely.

Q You would say somewhere around the first part of the year 1945, is that right?

A I believe so, but I am not certain about the date.

Q After he came here were there many changes made in the camp?

A Yes, just as much as the other ones.

Q Prior to his coming there was there any music in the camp?

A Yes, there was music in the camp before he came.

Q When did that music start in camp?

A When Tempel arrived.

Q That is when the music started?

A Yes, but a few times there were concerts during the time of Kirsch.

Q Do you know of any cases when Tempel reported the prisoners for official punishment?

A I know that Tempel beat one man.

Q That is not what I asked you, do you know if he ever reported any men to higher headquarters for official punishment?

(Levy-cross)

A I do not know that.

Q Were you in court yesterday, Miss Levy?

A Yes.

Q Yes?

A Yes.

Q You heard the testimony that was given about Tempel did you not?

A Yes.

Q When did you come to know Foerschner?

A During the very last time.

Q Just what do you mean by that, "the very last time"?

A I got to know him at the end of March or April.

Q 1945?

A Yes.

Q Do you know how long he had been in the Landsberg area?

A I have no idea.

Q How many times did you have the opportunity to see him personally?

A I saw him personally several times.

Q And on each occasion that you saw him personally did he mistreat prisoners?

A I only saw him once and that was when we were working all day and he was acting badly towards us.

Q Just what was he doing when he was acting badly towards you?

(Levy-cross)

A He beat two women because they did not carry enough stones.

Q How did he beat them?

A He beat them with a stick.

Q Did he beat them with a stick - just what did he do, I want the court to know all about it.

A What did he do in the camp?

Q When he beat these prisoners, just what did he do?

A They were both going along with the carrying of these stones and he noticed that they were not putting out enough.

Q What did he do?

A He just beat one girl into the face with the stick.

Q How many times?

A Just once, he hit her in the face.

Q With the stick?

A Yes.

Q What did he do to the other girl?

A He pushed her.

Q How hard did he push her?

A I don't know how hard he pushed her, I just saw that he pushed her.

Q Did he push her hard enough to push her to the ground?

(Levy-cross)

A No.

Q When he hit the first girl on the face with the stick did it cause it to bleed?

A The eye became blue later on.

Q Did it bleed?

A No.

Q Besides hitting this girl in the face with the stick and the pushing of the other one to hurry her a little bit, he did not hurt the prisoners, is that correct?

A I did not work with all women.

Q Will you repeat that answer please?

A I only worked with these women. The women worked in several places. I do not know what he did to the others.

Q Did you hear anything about his treatment of these other women?

A I did not hear anything.

Q Defense: I have no further questions.

Prosecution: I think the testimony about Tempel in the cross examination should be shown as direct examination for there was no testimony in direct examination of the witness with mention of the accused Tempel.

REDIRECT EXAMINATION

Questions by prosecution:

(Levy-cross)

Q Miss Levy, when did you leave camp number 1?

A 25 April 1945. It was either the 25th or the 24th, I am not sure.

Q Did the women leave before or after the men?

A It was almost simultaneous. Some men left, then some women and then more men again.

Q During the time that you knew Foerschner, where did you work?

A I worked in the kitchen.

Prosecutbn: No further questions.

EXAMINATION BY COURT

Questions by court:

Q How old are you Miss Levy?

A 29.

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

Prosecution: May it please the court, the prosecution calls as its next witness Marcel Rausch.

Marcel Rausch, 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 You are the same Mr. Rausch that testified before this court yesterday are you not?

(Levy-redirect, court)
(Rausch-direct)

A That is correct.

Q I hand you a diagram marked prosecution's exhibit number 85 for identification and ask you to state what that is?

A That is a scheme of the organization of the concentration camp at Dachau.

Q And is that a true and correct representation of that organization of Dachau at the time you were here?

A That is correct. In order to help the defense I got in touch with an old block clerk, Doctor Hussreck who stated to me that this thing is correct.

Defense: May it please the court, did the witness say that in order to help the defense, or are my ears deceiving me. I would like to have that answer read back.

Whereupon the reporter read back the last answer of the witness, Marcel Rausch.

Q Besides from what Doctor Hussreck stated to you, is that a true and correct representation of the scheme of Dachau concentration camp, to the best of your knowledge?

A Certainly.

Prosecution: May it please the court, I offer at this time a diagram, marked as prosecution's exhibit number 85 in evidence.

(Rausch-direct)

President: Subject to objection by any member of the court, the exhibit will be received in evidence.

Prosecution: No further questions.

Defense: I want to make this statement with reference to the chart. There has been no agreement as to the clearness of the organization depicted on the chart and the chart is an exhibit backed by testimony of this witness only.

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

Prosecution: The prosecution calls as its next witness Doctor Selmond Greenberg.

Doctor Selmond Greenberg, a witness for the prosecution, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q What is your name please, sir?

A Greenberg Selmond.

Q Is that G-R-E-E-N-B-E-R-G?

A Yes.

Q Where were you born, Doctor?

A In Kovno

Q When were you born?

A 4 September 1912.

(Greenberg-direct)

Q Where were you educated, Doctor?

A In Lithuania, Germany and Switzerland.

Q Are you a practicing physician and surgeon?

A Yes, I am a physician, specializing in X-ray and ^{internal} diseases.

Q Where did you get your medical education?

A In Switzerland.

Q Do you have a degree in medicine?

A Yes.

Q Were you ever a prisoner in one of the by-camps of Dachau?

A Camp number 1.

Q Camp number 1 of Kaufering?

A Yes.

Q When did you arrive there as a prisoner?

A 16 July 1944.

Q How long did you remain there as a prisoner?

A Until the 27th of April 1945.

Q When you first came there, Doctor, who all came with you?

A Eighteen Jews from Lithuania.

Q When you first came there, will you describe the place where you lived in Kaufering number 1?

A We came into the camp which had not been finished yet. There were small tents made out of card board. The camp was not finished building.

(Greenberg-direct)

Q After the camp was completed what kind of construction did you live in?

A We lived in earth huts.

Q Will you describe those earth huts to the court, please?

A The earth huts consisted of a trench dug in the ground, covered by a roof, consisting of one window. There were no beds in it. Men slept on the surface of the ground and in the middle of the thing was a ditch three quarters of a meter deep in the ground.

Q What were the dimensions as to length and width of this hut?

A All together, it was 10 to 12 meters long and $3\frac{1}{2}$ meters wide.

Q And how many prisoners occupied one of the huts that you just described?

A That depended.

Q Depended on what Doctor?

A It depended on different times. At times there were as many as 110 or 120 here in one of these huts.

Q What accommodations were given you with respect to bedding?

(Greenberg-direct)

A There were no beds and we only had one blanket.

Q What kind of clothing did you have?

A We only had that prescribed prisoners' clothing and heavy, very uncomfortable, wooden shoes.

Q What type of under clothing did you have?

A We had nothing.

Q Now, Doctor, was Kaufering number 1 known as a work camp?

A Yes.

Q Where was the labor performed by the prisoners that lived at Kaufering number 1?

A The majority of them worked in the construction firm of Moll.

Q And what type of work did you do at the firm of Moll?

A Work like mixing cement, carrying cement, and stamping cement.

Q Will you describe to the court the average routine day as a prisoner at Kaufering number 1?

A At 4:30, the prisoners were awakened. At double time he was herded toward the formation ground. In the meantime he had to get a little bit of blackwater in the kitchen. Then, one was standing for an hour or an hour and a half on the formation ground while it was raining or snowing. One was counted innumerable times. The people had no coats, no warm clothing. Some went out in pajamas to work. Then one came to the place of work. The work was very

(Greenberg-direct)

hard. The people were not trained for this work and they were not able to perform this hard physical labor. They were very clumsy at that work; therefore, they were beaten, maltreated by the SS guards. The workers were at the place of work for 12 hours. During these 12 hours all they received was one watery soup. To get to work, it took more than one hour, so that the time for work, the walking to and from work and standing to go, there were 18 to 19 hours a day, so that we had only about five hours for sleeping.

Q Getting back to those huts, were they equipped with any heating facilities?

A Not all of them.

Q While you were there in Kaufering number 1 did you occupy any position other than that of a common laborer?

A Yes.

Q What was that position, Doctor?

A Since the first of October 1944, I was the first aid man, the physician, at the construction grounds of Moll.

Q How long did you remain in that capacity?

A Until the beginning of March.

Q Did you have any occasion to work in the hospital at Kaufering number 1?

A March and April.

Q While you were working as a doctor in the aid station, did you have an opportunity to observe how many people died each day on the job?

A At the place of work about three to four or (Greenberg-direct)

five people died on the average.

Q Based upon your experience as a physician and your knowledge of how these people died, will you tell the court what was the cause of death?

A Malnutrition and general sickness.

Q While you were at Kaufering did you know a man by the name of Kirsch?

A Yes.

Q What did he do at Kaufering number 1?

A When we arrived at Kaufering Kirsch received us. Kirsch instructed us on the duties of the inmate of a concentration camp.

Q What instructions did he give you?

A "You dirty pigs, you know that from this day on you are eating Dachau bread and that means that if you will not do your duty, you will go to hell before it is your time."

Q Did he say anything else?

A "Do not believe that Germany will loose the war, and if Germany should loose the war, you will not leave any more. Besides, Germany will not loose the war or the worlds will come to its end before that."

Q What did Kirsch do to the prisoners?

A He was beating them with whatever he had his hands on at the time. With a stick, a

(Greenberg-direct)

a piece of wood, an iron rod. With sadistic pleasure he beat the old ones, the sick ones, and the weak ones.

Q Describe any particular incidents of Kirsch beating a man severely.

A During the first two months I had the opportunity to observe Kirsch every day. I worked within the vicinity of the camp and there 80 older people were working, and these were maltreated daily by Kirsch several times, and after four weeks about 75 per cent were not alive any more as a result of these maltreatments.

Q And what were the nationalities of the persons you have just described as being mistreated?

A Lithuanian and Poles.

Q You say they died as a result of the mistreatment, what, in particular, was the type of mistreatment that you have reference to?

A Kirsch beat in such a bestial manner he caused concussion of the brain, internal hemorrhages, and fractures.

Q Would you recognize Kirsch if you were to see him in the court room today?

A Yes.

Q Look over in the prisoner dock and see if you can identify the man you know to be Kirsch.

(Greenberg-direct)

A He is number 32.

Prosecution: Let the record show that the witness, Doctor Greenberg, identified the prisoner wearing number 32 as being the man Kirsch.

Q While you were there at Kaufering, did you know a man by the name of Kramer?

A Yes.

Q What did he do with the prisoners?

A Kramer was a very similar type as Kirsch.

Q Did you ever see Kramer mistreat the prisoners?

A Yes.

Q What did you see Kramer do to the prisoners?

A He maltreated them, beat them, slapped them in the face.

Q How badly did he beat these prisoners?

Considerably, and on the sensitive body parts.

Q Will you please describe to the court an instance of mistreatment that you saw Kramer inflict upon one of the prisoners?

A I can not only describe one, but hundreds of them.

But at this time, just describe one.

A Without any reasons, Kramer beat these prisoners on the formation ground where they arrived for work. He peat them in a cynical and sarcastic manner. The prisoners fell to the ground but he did not suffice there. He kicked them with
(Greenberg-direct)

his feet and his boots into the belly.

Q Do you know what happened to any of the prisoners that were mistreated in the manner you have just described?

A For several days they were brought to the hospital and the result was the death.

Q Did you have occasion to make a diagnosis of the cause of death of these people?

A The cause of death was the maltreatments.

Q What were the nationalities of the people that you saw mistreated in the manner you have just described to the court?

A Lithuanians, Poles and Hungarians.

Q Could you identify the man Kramer if you saw him today?

A Yes.

Q Look over in the dock and see if you see the man that you know as Kramer?

A He is wearing number 28.

Prosecution: Let the record show that the witness, Doctor Greenberg, identified the prisoner wearing number 28 as being Kramer.

Q Now, while you were there at Kaufering did you have occasion to know a man by the name of Foerschner?

A Yes.

(Greenberg-direct)

Q Did you ever see Foerschner mistreat any of the prisoners?

A Yes.

Q What did you see him do to them?

A I only saw him mistreat prisoners once and that was in the vicinity of the camp.

Q What did you see him do to that man?

A I was just passing by when I saw him with a stick in his hand, I believe it was an iron rod where he beat him with great force.

Q Where did he beat this man?

A On all parts of his body.

Q Did you have occasion thereafter to see the man that was beaten by Foerschner?

A Yes.

Q Where did you see him?

A Next day he came to the hospital.

Q Did you have occasion to treat him?

A Yes.

Q What did you find him suffering from at the time you treated him?

A He had internal hemorrhages, haematosis, the right eye was badly swollen and he couldn't open it at all and it turned blue.

Q What happened to that man, Doctor?

A After a short time he died.

(Greenberg-direct)

Q Do you know the name of that man?

A Yes, he was Aleron Bernstein.

Q What country was he from?

A Lithuania.

Q What time of the year did that take place,
Doctor, if you recall?

A It was the last quarter of our stay at the
concentration camp.

Q What month?

A Towards the end of March.

Q Did you make a diagnosis of that man's con-
dition to determine the cause of death?

A The cause of death was the maltreatments and
internal hemorrhages.

Q Would you recognize Foerschner if you were
to see him today?

A Yes.

Q Will you look over in the prisoners' dock and
indicate to the court the man you know as
Foerschner?

A Number 13.

Prosecution: Let the record show that the
witness, Doctor Greenberg, identified the man
wearing number 13 as being Foerschner.

Prosecution: No further questions.

(Greenberg-direct)

CROSS EXAMINATION

Questions by defense:

Q You say that Kirsch often made speeches to the prisoners?

A Yes.

Q In his speeches, he referred to the end of the world and things of that nature?

A He talked of the doom of the world if this impossible thing happened, the end of the war.

Q Did he impress you as a common man?

A In a psychiatric sense, he was a normal man.

Q About the 80 old people that were beaten, did they come to Kaufering number 1 at first or were they in another camp before that?

A They all came through from Kovno

Q Is that a camp?

A It was a ghetto.

Q What condition were these people in when they arrived at Kaufering?

A There were older people and not very able to work, but organically, they were sound.

Q Were they healthy?

A Yes.

Q Were they suffering from malnutrition?

A From the time of their stay in Kaufering.

Q Did you examine the bodies of those that died?

A No.

(Greenberg-cross)

Q You stated a few minutes ago that some died from brain concussion, how do you know that then?

A As a doctor you can always tell from your experience.

Q Did you examine these people?

A I did not make any pathological inspection - I did not dissect them but we know that by experience if a man gets a brick on his head from two or three meters high he will ordinarily get concussion of the brain.

Q But you do not know that for a fact?

A As a doctor, we know from experience that concussion of the brain is caused from a strong impact on the head.

Q These people that you say Kramer beat, were they taken to the hospital?

A Part of them.

Q How many of them died?

A I only can estimate now in general. I assume that from the maltreatments - there were so many because the occupation of these people was the beating.

Q Did you examine these bodies?

A Not the bodies.

Q With reference to this beating which you described that Foerschner gave somebody in the latter part of March, where were you when this beating occurred?

(Greenberg-cross)

A I passed by - I walked by.

Q How long have you been practicing medicine?

A Since 1937.

Q And from that time you specialized in X-ray work?

A And internal medicine.

Q Did you specialize as a roentgenologist or internal medicine?

A Both.

Q How much experience have you had as a diagnostician?

A Through which time?

Q Through your entire experience as a doctor.

A Now, I have the experience as eight years as a physician and five and a half years as a student.

Q What period of time were you confined as a prisoner of some concentration camp?

A I was a prisoner since 41 and not in a concentration camp all the time, in a ghetto, where I worked as a doctor.

Q You have been working as a diagnostician since 1941?

A Yes.

Q Your eight years of experience as a diagnostician includes that period that you were in the concentration camp?

A Yes, and this experience counts ten fold.

(Greenberg-cross)

- Q You've got a lot more experience in a concentration camp?
- A Yes, because the time that a doctor spends in a normal life, what he sees in a concentration camp is such an exaggerated manner so that it is a greater experience for his time than in regular life.
- Q How can you diagnose an internal hemorrhage?
- A A general paleness, the drop of blood pressure and then internal bleeding, because of the weakness of the pulse, drop of blood pressure and then the death.
- Q And what else will cause the drop of blood pressure besides internal hemorrhages?
- A A collapse of the circulatory system.
- Q And would a beating cause the collapse of the circulatory system?
- A Not always.
- Q And you diagnose that the condition of this man which you say Foerschner beat as being internal hemorrhages and haematosis?
- A Yes.
- Q That haematosis is a bruise isn't it?
- A A haematosis you can see and an internal hemorrhage one has to diagnose.
- Q A haematosis is a bruise?
- A Yes.
- (Greenberg-cross)

Q And if it is obvious, if you can see it, it is a haematoma?

A Yes.

Q But you cannot see an internal hemorrhage?

A You cannot see it.

Q The only way you can diagnose an internal hemorrhage is by autopsy?

A That is no diagnosis, the pathological.

Q The only way you can determine pathologically or otherwise an internal hemorrhage is by an autopsy?

A Yes.

Prosecution: We object to that translation that was made. The reporter will repeat the last question and answer.

Whereupon the reporter read back the last question and answer.

A It is a medical matter, I can explain it.

Defense: Counsel for the prosecution said that it was a misinterpretation. The question was improperly translated, and now we believe that the answer was also misinterpreted. Will the reporter please read back the question again.

Whereupon the reporter read back the last question and answer.

A It is only a medical matter for experts and I am ready to enlighten you on this subject.
(Greenberg-cross)

Q Can you tell the court that you can determine, without an autopsy, whether or not a man has died as a result of an internal hemorrhage?

A This is a case for laymen because it would have to be rephrased in a different manner. It depends in which organ this hemorrhage is.

Q Can you, without an autopsy, determine in what organ the internal hemorrhage occurred?

A In most cases, yes.

Q What organs, without an autopsy, can you determine where the internal hemorrhage occurred?

A In the brain.

Q You can determine from plain observation, without removing the cap of the skull, whether or not an internal hemorrhage has occurred in the brain?

A Yes.

Q What is there about your examination of the brain, without removing the cap of the skull, that you can determine whether or not an internal hemorrhage has occurred there?

A Through several reactions, like paralysis of the nerves.

Q An internal hemorrhage of the brain will cause paralysis of what nerves?

A It depends on the location of the bleeding.

Q What methods do you use to determine an internal hemorrhage of the brain?

(Greenberg-cross)

- A Paralysis or by basis of anisthesia of
the skin or other things.
- Q Of what internal hemorrhages did the particular
man that you examined that Foerschner beat
die of?
- A I assume from a hemorrhage of the brain because
I rememoer the big injury of the head and of
the eyes.
- Q Did he die as a result of malnutrition or
internal hemorrhage?
- A Internal hemorrhages.
- Q He haematomis of the right eye?
- A Yes.
- Q Any other haematomis on the face or skull?
- A On the back.
- Q Can you point to your back, or to mine, where
the bruise was?
- A Near the scapulas - the shoulder blades.
- Q Was there an internal hemostage in the area
of the shoulder blades?
- A No, they were haematomis.
- Defense: No further questions.

REDIRECT EXAMINATION

Questions by prosecution:

- Q Bernstein still died, didn't he, Doctor?
- A Yes.
- (Greenberg-cross,redirect)

EXAMINATION BY COURT

Questions by court:

- Q What were the relative positions in the camp of Kirsch, Kramer and Foerschner?
- A Kirsch was a report leader, Kramer was the camp leader for awhile and Foerschner was the camp commandant during the last two or three months.
- Q As a medical man, Doctor, do you feel that you know when a man has been beaten to death?
- A The beating in a concentration camp, that is a beating to death.

President: No further questions.

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

Prosecution: May it please the court, the prosecution calls as its next witness Moses Rutzaisky.

Moses Rutzaisky, a witness for the prosecution, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by prosecution:

- Q What is your name.
- A Moses Rutzaisky.
- Q How old are you?
- A 21.

(Greenberg-court)
(Rutzaisky-direct,

Q What is your nationality?

A Lithuanian.

Q Were you ever in any of the Kaufering camps?

A Yes.

Q What was the reason for your being there?

A Because I'm Jewish.

Q When did you come to Kaufering?

A 16 July 1944.

Q Which camp did you go to in Kaufering?

A Number 1.

Q How long did you stay in Camp number 1?

A Until 25 April 1945, the 24th or the 25th.

Q Did you work while you were at Kaufering number 1.

A Yes.

Q What did you do?

A I worked on the Moll Detail.

Q While you were at Kaufering number 1 did you ever know the man Kirsch?

A Yes.

Q What were Kirsch's duties at Kaufering?

A Camp leader.

Q Did you ever see Kirsch mistreat any prisoners while you were at Camp number 1?

A Yes.

Q What did you see Kirsch do to the prisoners?

A I saw that when we came at night from work.

Then Kirsch would watch us at headquarters post
(Rutzaisky-direct)

to see if we were marching in step, and if we were not walking in step, he beat us severely.

Q Did you see him beat any particular individual?

A Yes.

Q What did he do to that particular individual?

A He beat him with his fists and legs and boots.

Q Who was this that he beat?

A A Lithuanian - a man of 60 or 65 years.

Q What happened to that man?

A The man was led away from the gate by two other men to the hospital.

Q What happened to him then?

A On the way, the man fell down near the door of the hospital.

Q What happened to him after he fell down?

A The camp physician, Doctor Elkes, came out and measured his pulse.

Q Did he make any diagnosis of the man's health?

A He said that the last breath was leaving him then.

Q Do you know when that took place?

A In the month of August.

Q Do you know whether or not Kirsch is present in this court room today?

A Yes.

Q Would you please identify him to the court?

A Yes.

Prosecution: Let the record show that the witness identified the man wearing number 32 as being Kirsch.

(Rutzaisky-direct)

Q while you were in Camp number 1 did you ever know a man by the name of Kramer?

A Yes.

Q Do you know what his duties were in camp number 1?

A I believe it was camp leader.

Q Did you ever see Kramer mistreat prisoners?

A Yes.

Q How did he mistreat them?

A he beat them severely with fist and leg.

Q Did you ever see him beat any particular individual?

A Yes.

Q What did he do to these particular individuals?

A He beat him severely on the formation place.

Q Who was it that he beat?

A That was also when we came from the working detail and he found some wood wool on a father and son.

Q Where had they gotten the excelsior?

A They found it at the working place, the place of Moll.

Q Kramer found it on these people?

A Yes.

Q Then what did he do to them?

A he asked them what they needed the excelsior for.

Q What did they say?

(Rutzalsky-direct)

A They wanted to make pillows.

Q And then what happened?

A He said that they were doing sabotage, he said that they had taken it out of the packages.

Q Did Kramer mistreat them at that time?

A Yes.

Q How badly did he mistreat them?

A He kicked them and beat them, both the father and the son.

Q How badly did he beat them?

A He beat them with his fists and legs.

Q Do you know what happened to that man and his son?

A They remained lying on the formation ground.

Q They remained lying there - did he knock them down?

A They broke down on the formation ground from the beating they received.

Q Would you be able to recognize Kramer today?

A Yes.

Q Can you point him out to the court without touching him?

A Yes, number 28.

Prosecution: Let the record show that the witness identified the man wearing number 28 as the accused Kramer.

Q While you were in Kaufering camp number 1 did you ever know a man by the name of Foerschner?

A Yes.

Q Do you know when you saw Foerschner in Kaufering?

(Rutzaisky-direct)

A I saw him in March 1945. That was still during the quarantine.

Q Did you ever see Foerschner mistreat any of the prisoners?

A Yes.

Q Please describe that to the court.

A Yes. We worked, that was still in the time of the quarantine, near the headquarters building. We were carrying stones. Five of us were loading stones on a cart. We came to the place where we were unloading the stones and Foerschner was standing there on the place where the stones were, and he gave the order that only two were to remain with the pile and the other three people, he ordered to load these stones on the cart and as the cart was filled up with the stones the people who loaded it helped us pull the cart out but we remained standing because it was too heavy - two people couldn't. When Foerschner saw that we couldn't push the cart out, he picked up a stone and hit my comrade, who was standing in the back part of the cart, he hit him in the head with the stone and he became bloody.

Q What happened to the man at that time?

A The man was led to the hospital by a capo.

(Rutzaisky-direct)

Q Were you assisting that man in pulling
the cart?

A Then when after the man had been hit in
the head with the stone, Foerschner yelled
at the capo and he got two more men.

Q Do you know the name of the man that Foerschner
hit with the rock?

A Yes.

Q What was his name?

A Musacos Moses.

Q What was his nationality?

A Lithuanian.

Q Do you know what happened to that man after
being put into the hospital?

A The man remained in the hospital, a few days
later I met him and asked him what his con-
dition was. He told me that the wound wasn't
healing very rapidly.

Q Did he remain in camp number 1?

A He left with a transport to camp Number 4.

Q Have you ever seen that man since?

A I never saw him again.

Q Would you be able to recognize Foerschner if
you saw him today?

A Yes.

Q Will you please identify him for the court?

A Yes, he is number 13.

Prosecution: Let the record show that the
witness identified the man wearing number 13 as
being the accused Foerschner.

(Rutzaisky-direct)

Q While you were in Kaufering number 1 did you at any time know a man by the name of Moll?

A Yes.

Q Where did you know Moll?

A Moll was, towards the end, leader of the Moll detail.

Q How do you spell the name of the man you just referred to?

A M-O-L-L. I can't say exactly because I never saw how his name was spelled.

Q And where did you know him?

A I knew him from camp number 1.

Q Where else did you ever see Moll?

A I only saw him in camp number 1.

Q Did you ever see him mistreat any prisoners?

A Yes.

Q Did Moll ever mistreat you?

A Yes.

Q Where were you when he mistreated you?

A I was in the work station of the firm Moll.

Q Is that at camp number 1 or is that a work detail away from camp number 1?

A It is a work detail of camp number 1.

Q And what did Moll do to you?

A I was in a hut which belonged to the storehouses of the firm of Moll which contained some oxygen flasks. Our work consisted of giving these flasks out. We were three people

(Rutzaisky-direct)

in that hut, an engineer and one man, whose family name is Richivohitz and I was also there. Moll came into that hut and saw us as we were preparing some potatoes, as we were preparing to cook them. He immediately came angry like an animal and he knocked the engineer on a box and he pulled out a stick from a broom and beat him severely and he did the same thing to the other man, a barber, and then it was my turn, I was the third. He called, "You, you young pig, you are cooking potatoes too. I'll show you." He pushed me over to the box to hold me and he beat me so severely that the stick broke on me. The other piece of the stick which remained in his hand he hit me with that over the eye brows, which resulted in a cleft between my eye brows. The door was open and the other two people ran out after being beaten and two men from the OT were passing by who saw how Moll was beating me and those people held their heads with their hands. When Moll saw that, he rushed out and started yelling to those two men. He said, "You should be glad that the Jews are punished. Why do you let them go into the hut to cook potatoes?" The two men from the OT replied that they had nothing to do with this hut and went on.

Q Were you continually on the job after that beating?

(Rutzaisky-direct)

- A I worked until it was time to go home and then I spent two weeks in the hospital.
- Q What month and year was that?
- A It was in the month of March, 1945.
- Q What were the nationalities of the engineer and the barber who was in the room with you?
- A Their nationality was Lithuanian. One was born in Poland, but he was in the ghetto in Lithuania.
- Q Did you see Moll ever mistreat any other prisoners?
- A Yes.
- Q Who did you see him mistreat?
- A It was at the working place of the firm Moll, also.
- Q Will you describe that incident to the court?
- A I was carrying boards in a place in the construction firm of Moll and I saw other people who were unloading parts of airplanes and I saw how Moll went up to a Russian who was carrying a part of an airplane and how he pushed him in the heart with that part of the airplane. When I saw that I slowed down in my walk with the boards because I was afraid of him and I saw how he at last beat the Russian in the head with that rod and Moll immediately went away.
- Q What happened to the Russian?
- A The Russian remained in the same place and slowly started falling to the ground.
- (Rutzaisky-direct)

Q Did he fall to the ground?

A Yes.

Q Then what happened to him?

A Then I saw how four or five other Russians put him on a stretcher, covered him with a blanket and carried him out in the woods.

Q Do you know whether or not the Russian died?

A I saw the Russian lying on the stretcher without moving and other people who were standing there said that he was no longer alive.

Q Would you be able to identify the man you just described if you were to see him again?

A Yes.

Q Is he present in the court room?

A Yes.

Q Please point him out to the court.

Whereupon the witness pointed to the accused wearing number 38.

Prosecution: Let the record show that the witness identified the man wearing number 38 as being the accused Moll.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by defense:

Q Were you stationed at camp number 1 or number 2?

A Camp number 1.

Q And Moll was stationed at camp number 1?

A Towards the end he led the detail which went to work in the Moll firm.

(Rutzaisky-direct)

Q What was the date of this?

A That was still in the fall time.

Q What month was it?

A I believe it was in the month of March.

Q What was the date of the time he beat you?

A I do not remember.

Q Was it in March of 1945?

A Yes.

Q What was Moll's position at that time?

A Work detail leader.

Q What was the date of the time you saw him hit the Russian?

A That was the month of April.

Q In the first part of April or the last part of April?

A I believe it was the second half.

Q What time of the day was it that you were cooking these potatoes?

A About nine o'clock in the morning.

Q Is that during working hours?

A Yes.

Q Were you permitted to cook potatoes during working hours?

A We had no permission.

Defense: No further questions.

President: No questions by the court.

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

Prosecution: May it please the court, the prosecution calls as its next witness Karl Stroh.
(Rutzaisky-cross)

Karl Stroh, a witness for the prosecution,
was sworn and testified through the interpreter
as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q What is your name?

A Karl Stroh.

Q How old are you?

A 41.

Q What is your occupation?

A Construction engineer.

Q What is your address?

A Munich, Lamont Street, number 34.

Q Were you ever a prisoner in Dachau Concentra-
tion Camp or any of the by-camps?

A No.

Q During the period between June 1944 and April
1945, were you employed as an engineer?

A Yes, as an engineer.

Q Where did you work during that time?

A With the firm of Moll.

Q And during that time were prisoners used as
workers at your project?

A Yes.

Q How many prisoners worked at that project?

A On the average of one thousand two hundred.

Q What were the nationalities of these people?

A Lithuanians, Hungarians, and partly Poles.

Q What uniform did they wear?

A The blue and white prison clothes.

(Stroh-direct)

Q When was the first time that these prisoners came to work at the firm of Moll?

A June 1944.

Q Where was this construction project located?

A In Kaufering.

Q And from what camps did the prisoners come?

A Chiefly from Camp number 1 and during the quarantine when they could not come out because of typhoid, they came from other camps.

Q During the first times that these prisoners came to work at your project what was their physical condition?

A They were quite well from a physical point of view.

Q Did you have any trouble with them?

A No.

Q And then what happened after that, insofar as the physical condition of the prisoners is concerned?

A The people became ill very soon due to their poor clothing. They had very little or no-underwear and they became weaker physically due to their food.

Q Do you know anything about the food these prisoners received?

A I determined in a writing to the higher construction office which was made on the basis of what the prisoners told us.

(Stroh-direct)

Q Can you tell us anything with reference to the shoes that the prisoners wore?

A According to their own statements these people came from Lithuania with good leather shoes, usually with two pairs, and they were taken away and replaced with wooden shoes. These shoes became worn out very soon due to the work and going and coming from work. Then the people had no shoes and had to wind paper cement bags around their feet. I also wrote that in that particular writing of September.

Q Did you ever see any of the SS guards mistreating any of the prisoners?

A Yes, one.

Q Who did you see mistreating the prisoners?

A Moll.

Q Do you see Moll in the court room today?

A Yes, number 38. He was named to me by the Jews as the hangman of Auschwitz.

Defense: I object to the line of questioning which involves the reputation, whether true or not, that Moll may have had at Auschwitz.

Prosecution: If it please the court, the question was asked and the witness answered and stated his reasons for knowing this man Moll. And, may it please the court, I add the fact that we are authorized to bring out anything about the character of any of the accused because of the nature of the cross examination that had been previously conducted on prosecution's witnesses by the defense. They attacked the character of the witnesses for the prosecution, consequently we have the right to show the character of this accused. They were apprised of the fact that we

(Stroh-direct)

could bring out anything on the character of any of the accused if they followed that line of questioning. They elected to do so and by virtue of the rules governing this court, we are authorized to show the character of each and every one of the accused if we so desire.

Defense: May it please the court, the authority that the prosecution has been referring to is the Military Government Manual Directive to legal officers and on the first page it says that this is not binding on any one. Counsel for the prosecution has no right to assume authority to establish rules in such matters. I submit to the court that this reputation was made prior to the first of January 1942 which is the beginning of the time limit prescribed in the indictment.

Prosecution: In reply to that, of course the prosecution is not seeking to set up rules for procedure. The rule that I called to the attention of the court was that all the witnesses that were produced by prosecution is contained in Military Government Manual and I say that it is persuasive insofar as this court is concerned. The court may follow it. It has been approved here in Germany and I maintain that this line of procedure, this court should follow. Evidence of bad character of the accused can be brought out since the defense

proceeded to bring out the reputation of prosecution's witnesses. That was pointed out to the defense and he was apprised of the possible results.

Defense: Prosecution makes large of the fact generally that he undertook to advise us of the outline for the line of procedure for military courts. The court will recall that we have at no time undertaken to establish the reputation, good or bad, of any of prosecution's witnesses, which constituted of merely finding out the facts. We have at no time asked whether he had a good reputation or a bad reputation. This is an effort to prove the reputation, or alleged reputation of one of these defendants prior to January 1, 1942. The court is well familiar with the rule applicable in the American jurisdiction in the States. The only argument prosecution has is that little clause that he read from the little blue book, which is certainly not binding.

President: The court will take a recess.

Whereupon the court was recessed at 11:10 a.m., o'clock, and it was later announced that court would again meet at 1:15 p.m.

At the direction of the president, the court then recessed for one hour, after which time (1:15 P.M.), the personnel of the court, the prosecution and the defense, all the accused, the witness, the interpreter and the reporter resumed their seats.

President: The court will come to order. The objection of the defense to the introduction of the testimony attacking the character of one of the accused is sustained on the grounds that no evidence of good character or any evidence of bad character has been introduced to the court. The court does not consider that up to this time that it has not had any evidence introduced against the character of any witness.

Karl Stroh, a witness for the prosecution, having been reminded that he was still under oath, continued his testimony as follows:

DIRECT EXAMINATION (continued)

Questions by the prosecution:

- Q. You were telling the court about the time that you saw Moll, the defendant, at your work. Tell the court what he did.
- A. When he was beating the woman?
- Q. That is correct.
- A. I was in the construction pit about fifteen meters down and a group of women was upstairs working and standing around and talking I guess and Moll hit them with a stick many times.
- Q. Which of the construction projects were the women working on?
- A. It was in time to be a bunker for airplane construction.
- Q. Was that the Moll Project?
- A. Yes.
- Q. Look at the defendants' dock and see if there are any other persons who were at the Moll Project at the time you were talking about.
- A. The second on the left, Kramer, there.
- Prosecution: Let the record show that the defendant bearing the number 28 was identified by the witness, Stroh, as being Kramer.
- Q. Can you identify any others who were there?

(Stroh-direct)

A. Number 1.

Q. Do you know the name of the accused bearing the number 1?

A. Yes, Weise.

Q. Are there any others?

A. Langleist.

Prosecution? Let the record show that the defendant bearing the 34 was identified by the witness, Stroh, as being Langleist.

Q. Any others?

A. Yes, Foerschner.

Prosecution: Let the record show that the defendant bearing the number 13 was identified by the witness as being Foerschner.

Q. What were your duties at this place?

A. I was construction leader with the Firm of Moll.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by the defense:

Q. Were any of these prisoners assigned to you for work?

A. Yes, they were assigned.

Q. The prisoners worked under your direction

A. They received instructions from me as to what to do.

Q. What were the hours of work?

A. At first, 12 hours and then, since November, 8 hours.

Q. Were these prisoners fed at the sight of the construction work?

A. At noon they received some warm soup.

Q. You were responsible for the feeding of the soup to the prisoners?

A. The construction leaders of the Of supplied the food and the Firm Moll was cooking it.

Q. And the soup was the only thing fed these prisoners?

(Stroh-cross)

- A. Otherwise the construction had nothing to give the prisoners. We only gave them tobacco we got for them so that they could swap it for food.
- Q. Did you have to report any of the prisoners for failure to work?
- A. No, there was always a large number of prisoners missing at work every day.
- Q. Did you ever report any prisoners for being late for work?
- A. It was already mentioned in the letter, that of November. It was mentioned that the prisoners came to work too late.
- Q. Did you send that letter?
- A. Yes, I did.
- Q. Did you ever report any prisoners for being absent from work, Mr Stroh?
- A. Yes, I reported them when they were reported to me. I reported them when they were not there all night.
- Q. Then these prisoners were punished because of the report you turned in on them?
- A. I don't know.
- Q. But you reported them and recommended the punishment?
- A. Upon instruction of the construction company I reported the prisoners when they would not be there all night. I wrote to the construction company that the people were not there for work during the night or day.
- Q. That was your duty, wasn't it?
- A. Yes.
- Q. You received those instructions from the construction company?
- A. From the construction company of the OT.
- Q. Did you ever administer any punishment yourself?

(Stroh - cross)

- A. No.
- Q. Were there any sick prisoners on this detail?
- A. Yes.
- Q. Did you refuse to work these sick prisoners?
- A. Yes.
- Q. What happened when you refused to work them?
- A. They were not sent back to the camp, but upon the wish of the construction company they were left at the construction company so that they would not be sent to another camp. The sick who came to the construction job upon their wish were left at the job, that is at the wish of the prisoners. We put a sort of first aid station which was in charge of a Jewish doctor. It was because the prisoners did not want to go back to camp. They were afraid of being sent to another camp.
- Q. How long would you keep them there?
- A. During the working hours.
- Q. Were they given medical attention?
- A. As far as the modest supply that the prison doctors had lasted.
- Q. Who set the hours for work of the prisoners--the Moll authorities or the construction company?
- A. The construction supervisors of the OT. It was a legal matter to work 12 hours for all--even the Germans.
- Q. Who was responsible for the lodging of these prisoners?
- A. I don't know.
- Q. How far were you from the defendant, Mr. Stroh, when you saw him beat these women?
- A. I was about 15 meters deep in the construction pit, about 30 meters away from Moll who was standing on the construction platform.

(Stroh - cross)

- Q. What time was this?
- A. About 3 or 4 o'clock.
- Q. Do you remember the date?
- A. No.
- Q. Do you remember the month?
- A. That was probably in February.
- Q. Did you ever see Moll take part in an execution?
- A. No.
- Q. Were the relations with the officials of the OT with the military authorities frequent or infrequent?
- A. With which military officials?
- Q. The officials of the Kaufering Camps?
- A. I never knew anything about that. I never had any opportunity to talk about that.
- Q. You were a member of the OT?
- A. No, a member of the Firm Moll.
- Q. You were a civilian?
- A. Yes.
- Q. How much money did the firm pay for the prisoners that were turned over to them.
- A. It was ordered by the OT per man to pay 60 pfennigs per hour.
- Q. How much of that did you pay to the camp leadership?
- A. Nothing.
- Q. How much money did the OT pay to the camp supervisors?
- A. I don't know. We only worked with the OT, not with the leaders of the camp.
- Q. Did I understand you correctly that you were under the OT and that the one really responsible for the supervision of the camp was the OT?
- A. I don't know.

(Stroh-cross)

- Q. Was the Firm Moll under the OT, or was it the other way around?
- A. The OT was our employer.
- Q. Did you know that the employer was responsible for the lodging of the prisoners?
- A. No.
- Q. Did you know that the employer would pay 4 marks for the helpers and 6 marks to the specialists to the camp?
- A. No.
- Q. Did you do the billing, or who did it?
- A. We sent our bill to the OT.
- Q. Do you recall when it was that you saw Weiss at this construction job?
- A. That was in the Fall of 1944.
- Q. Did you see Weiss mistreat any prisoner assigned to this construction job?
- A. No.
- Q. When did you see Langleist there?
- A. October or November, it was also in the Fall.
- Q. When you saw Langleist there, did you see him mistreat any prisoners?
- A. No.
- Q. You saw Foerschner on one occasion, did you not?
- A. Only in the office of the construction pool of the OT.

RE-DIRECT EXAMINATION

Questions by the prosecution:

- Q. Mr. Stroh, who or what was the source of the food supplied by the construction company to the prisoners?
- A. There was no food given to the prisoners by the construction company except soup.
- Q. Who supplied the food products to make the soup?
- A. ZVL Camp of the OT.

(Stroh-cross)

- Q. How many meals were supplied in this fashion?
- A. Only one bowl of soup at noon.
- Q. When the prisoners to work, did they come to work in a group or singly?
- A. In a group.
- Q. Did they come by themselves or were there guards with them?
- A. They were accompanied by guards when they came to work.
- Q. Were they SS guards or OT guards?
- A. There were SS guards and partly OT guards because the SS did not have enough to do it themselves, but these OT people worked under the SS.

Defense: In the light of the ruling of the court, we want now, for the record, that the opprobrious evidence given prior to adjournment be stricken.

President: The remarks about the defendant Moll will be stricken from the record.

(Prosecution continued)

Prosecution: I want to read a letter dated 30 September 1944 written by Stroh to the OT Bureau.

Defense: The defense requests an adjournment for a few minutes to consider the letter.

President: Request granted.

The court then took a recess until 1400 hours, at which hour the personnel of the court, prosecution and defense, and the accused and the reporter resumed their seats.

(Prosecution continued)

Q: Mr. Stroh, the letter written by you on the 30th of September was addressed to what office?

Prosecution: I offer in evidence the letter dated 30th of September 1944 by Stroh as Exhibit 86.

(Stroh - redirect)

- A. The address is on it.
- Q. Please, Mr. Stroh, will you answer the question as I just put it to you. I will let you look at the letter if you so desire. The letter that you now hold in your hand, written by you and dated 30 September 1944, was addressed to what office?
- A. OT Higher Construction Supervision, Rigentamfc, attention: Chief Construction Engineer Wirt.
- Q. State whether or not in that letter you direct attention to certain conditions you considered to interfere with the work.
- A. I wrote in the letter that the people were clothed very badly and had not enough food and grew constantly weaker.
- Q. You state in that letter, do you not, that this office was taking steps to remedy this situation?
- A. Yes.
- Q. The deplorable conditions discussed by you in that letter include the circumstances of the lodging of the prisoners, do they not?
- A. I don't know about them as I was never in the camp.
- Q. But you did include circumstances relative to the feeding of the prisoners?
- A. Yes.
- Q. And you considered at that time you were addressing the letter of complaint to that office that had the authority to correct the situation, is that correct?
- A. Yes.
- Q. You state as a matter of fact, Mr. Stroh, that the SS personnel associated with the labor camp in the Kalferring area were not connected with the OT organization?
- A. I cannot determine that.

(Stroh - redirect)

Q. So far as you know from your observations at the Firm Moll, was not the function of the SS personnel strictly guard duty and disciplinary actions?

A. Yes.

Q. Providing the prisoners with with clothing, food and housing continued to be the responsibility of the OT?

A. I don't think so.

Prosecution: No further questions.

Defense: No further questions.

President: If there are no questions from any member of the court, the witness is excused.

Dr. Nathan Katz, a witness for the prosecution, was sworn and testified as follows:

Q. State your name, please, sir.

A. Katz, Nathan (K-A-T-Z)

Q. What is your age, Dr. Katz?

A. 35 years.

Q. What is your occupation?

A. Doctor.

Q. What is your residence, doctor?

A. Now or before?

Q. Now?

A. The Hospital of St. Ottilien.

Q. What is your nationality, doctor?

A. Lithuanian.

Q. Are you a doctor of medicine?

A. Internal medicine.

Q. Were you at any time a prisoner of the Kaufering-Landsberg area or any of the by-camps?

A. Yes.

Q. When did you come to Kaufering?

(Katz-direct)

- A. On the 10th of July 1944.
- Q. To what camp did you come?
- A. To camp number 1.
- Q. How long did you remain there, doctor?
- A. Until the 27th of April 1945.
- Q. What sort of work did you do while you were at the camp, doctor?
- A. Until mid-January 1945, I was a common laborer.
- Q. During the time you were a common laborer, was there a sick ward at Camp Number 1?
- A. There was a sick tent.
- Q. How many prisoners were in the hospital in Kaufering Number 1 at that time?
- A. There were eighteen or nineteen hundred.
- Q. Were those sick prisoners?
- A. When they came there, they were all healthy.
- Q. How many people were confined in the sick tent?
- A. At the beginning, 60.
- Q. By January, 1945, how many were in the tent?
- A. Not in this tent, but in the hospital there were more than 300.
- Q. During this time, how many doctors were on duty there?
- A. Until November there was one doctor officially there.
- Q. How many doctors of medicine were there among the prisoners in Camp Number 1?
- A. About 25 I should say.
- Q. And what did the remaining doctors do that were not working in the hospital?
- A. They were working at very hard work.
- Q. Were any of them with the exception of the one working in the hospital?

Defense: I object, Mr. President, to the line of the

(Katz-direct)

Prosecution's questioning as being irrelevant.

President: Objection sustained. The last two questions will be stricken from the record. A recess is declared.

The court then took a recess until 1425 hours, at which hour the personnel of the court, prosecution and defence, and the accused and the reporter resumed their seats.

The witness was reminded that he was still under oath.

Q. You state that until November there was only one doctor in the hospital?

A. Yes.

Q. And the remainder, including yourself, were doing heavy work?

A. Yes.

Q. You mean by that they were not working as doctors?

A. Correct.

Q. Of those 25 doctors, how many died before liberation?

A. 10.

Q. You later came to the hospital as a doctor, is that not so?

A. Yes.

Q. Were there any SS doctors on duty in the hospital?

A. Not in the hospital.

Q. While you were in the hospital, were you or any other doctor permitted to place a man on light duty?

A. Not at the beginning, later on yes.

Q. When you placed a man on light duty, did he automatically go on light duty?

A. No.

Q. What was the procedure followed?

(Katz-direct)

A. He received a note requesting light work, but there was no light work.

Q. Did your request have to be approved by any of the SS personnel?

A. No.

Q. Were ^{you} in the camp at the time of the evacuation?

A. I was there until 10 o'clock in the evening.

Q. Did you hear any shooting at that time?

A. I saw it and heard it.

Q. Tell the court what you saw.

A. When we, the medical personnel, were leading the patients out of the hospital and returning to take the others. One of them stayed there who could not be brought so quickly. He was shot by Tempel.

Q. Had you seen Tempel on any other day?

A. Yes.

Q. Point him out without touching him.

A. There, second row, second from the left.

Prosecution: Number 25 stand up. Number 25 of the accused was identified by the witness as being Tempel.

Q. Were you present in the hospital when this shooting took place?

A. Yes, and I immediately ran out.

Q. Tell us what happened to the man who was shot.

A. He remained in bed where he was.

Q. Was he dead or alive?

A. I think he was dead.

Q. What was the nationality of this man?

A. He was Polish.

Q. Did you see or hear any more shootings?

A. Much.

Q. You later escaped from the camp, didn't you, doctor?

(Katz-direct)

- A. I left the camp in a car.
- Q. How long after you heard the shooting did this occur?
- A. The thing is he didn't shoot once but many times that I was an eye witness.
- Q. How long after that did you escape?
- A. About three or four hours afterwards.
- Q. During this time was Foerschner present?
- A. He was at the command post.
- Q. Did you see him at the command post?
- A. I saw him there.
- Q. Is Foerschner in court today?
- A. Yes.
- Q. Point him out, please.
- A. Number 13.

Prosecution: Let the record show that the defendant bearing the 13 was identified by the witness as Foerschner.

- Q. What was his position?
- A. Camp commander.
- Q. What was Tempel's position?
- A. Report leader.
- Q. Did you, during the course of the evacuation, see any dead bodies that had been shot?
- A. I saw two bodies.
- Q. Did these bodies show evidence of having been shot?
- A. They had gun shot wounds.
- Prosecution: No further questions.

CROSS EXAMINATION

Questions by the defense:

- Q. Do you remember when Foerschner first came to the camp?
- A. What do you mean?

(Katz-direct)

- Q. Do you remember when he came to the camp as commandant?
- A. I believe at the end of March.
- Q. On the day of the evacuation you say you saw him in the command post?
- A. Near the command post.
- Q. Was that near the hospital where you saw the shooting taking place?
- A. That is correct.
- Q. That was quite a distance from where the shooting of people took place, wasn't it?
- A. About 150 meters.
- Q. Did you see Foerschner shoot anybody?
- A. No.
- Q. Do you know who did the shooting that night besides Temple, as you testified?
- A. Only Tempel.
- Q. You say you saw two bodies. Were either of them the body of the two men in the hospital?
- A. No.
- Q. There were two others beside the patients in the hospital.
- A. Two others.
- Q. Was there a lot of shooting going on at that time?
- A. Quite a lot.
- Q. When did the shooting start?
- A. All that day.
- Q. Do you know the time it started?
- A. Yes.
- Q. When?
- A. I think at 6 o'clock.

(Katz-cross)

Q. Do you know why the shooting started?

A. Because the people didn't work fast enough.

Q. The fact of the matter is that they didn't want to leave the camp that day, is that not so?

A. No, they couldn't leave.

Q. What do you mean they couldn't?

A. They were too weak and sick.

Q. Those who were not sick and weak and able to walk didn't want to leave either, did they?

A. That is not correct.

Q. What is correct?

A. The correct thing is that Tempel did not let ^{us} / go away.

Q. They were evacuated from the camp?

A. At 6 o'clock in the evening

Defense: No further questions.

Prosecution: No further questions.

President: If there are no further questions from any member of the court, the witness is excused.

Mrs. Fania Feinberg, a witness for the prosecution, was sworn and testified as follows:

Q. State your name, please?

A. Feinberg, Fania

Q. How old are you, Mrs. Feinberg?

A. I am 31.

Q. Where were you born, Mrs. Feinberg?

A. In Vilno.

Q. And in what country is that?

A. In Poland, but my nationality is Lithuanian.

Q. Are you married?

A. Yes, but my husband was shot on the 28th of March.

Q. Where did that take place, if you know?

(Feinberg-direct)

- A. The concentration camp of Laetmeretz.
- Q. What was your husband's occupation?
- A. He was a physician.
- Q. How much schooling have you had yourself, Mrs. Feinberg?
- A. University education.
- Q. Did you sometime during the year 1944 come to the Kaufering Camps as a prisoner?
- A. Yes.
- Q. And when did you first come out there, Mrs. Feinberg?
- A. In the month of July, 1944.
- Q. When you got to Kaufering, what camp were you in at first?
- A. I was in camp number 1.
- Q. For how long a time did you remain there at camp number 1?
- A. Until the 22nd of December 1944.
- Q. When you left camp number 1 at Kaufering, where did you then go, Mrs. Feinberg?
- A. To camp 11.
- Q. Then how long did you remain at camp number 11?
- A. Until the 25th of April 1945. Until the evacuation.
- Q. Now, Mrs. Feinberg, when you were at camp 1 at Kaufering, did you know a man named Kirsch?
- A. Yes.
- Q. What was Kirsch's job there when you first arrived at the camp, Mrs. Feinberg?
- A. Camp commander.
- Q. How often did you see this man known as Kirsch, Mrs. Feinberg?
- A. I saw him every morning before going to work and every night when I returned from my work.
- Q. During this period when you did see Kirsch daily, did you ever see him beat anyone?
- A. He always constantly yelled, beat and hollered and

(Feinberg-direct)

and beat people. I never saw him quiet.

Q. Do you recall an occasion when you were returning to the camp and you saw two men who could not work? Tell the court what happened on that particular occasion, Mrs. Feinberg.

A. We came from work from the O T Moeldes. That was 8 kilometers from the camp; at the crossroads which leads to the Moll we met two men with two soldiers. These two men belonged to the night shift at Moll.

Q. Of which two men are you speaking?

A. They were two prisoners. They were ill and remained on the way. These two guards asked our guards to take these two prisoners into camp with us. The men who were in our formation to these men took to the camp with a lot of trouble.

Q. What happened at the camp?

A. Before the gate the capo reported to Kirsch that we had come back and Kirsch asked who were the two extra men. He answered that they were ill and Kirsch started to beat them with a stick and he called out to the men, "In step march!" He beat them and beat them so much until he fell to the ground. Then Kirsch gave us the order, "In step march!" and we had to go to the gate. I was in the second rank, third row, and I had to pass by that man very closely. I could not help from looking at him.

Q. What was the appearance of that man?

A. The man in my opinion was already dead. His eyes were open and his face was quite stiff.

Q. Was he making any movements of any sort?

A. No.

(Feinberg-direct)

- Q. Who replaced Kirsch as the commanding officer, Mrs. Feinberg?
- A. Kramer.
- Q. Did you ever see Kramer beat anyone while he was at the camp?
- A. Yes.
- Q. Did you know that anybody might have died from the beating administered by Kramer?
- A. Yes.
- Q. Tell us about any instances you know of anybody Kramer beat so that they died.
- A. It was a formation and something was wrong. It lasted longer than usual. It was said that a man had hidden in the block and didn't come out. After the people were through at Moll, the small details were marched out and approached the gate. We remained at in front of the gate and then I noticed a man standing in front of the barracks to the right of Kirsch and he was wearing prisoners' clothes.
- Q. Then what happened?
- A. I saw Kramer approach the prisoner, push him with his face towards the barracks into the barracks. He kicked him with his feet and the man fell to the ground and the rest of us were sent to work.
- Q. What happened to that man?
- A. The next morning at the formation place I saw the doctor, that was Dr. Elkes from Kovno, one I knew personally.
- Q. What did you say to the doctor, Mrs. Feinberg?
- A. I asked him what happened to the man who had been beaten by Kirsch. The doctor told me that the man had died.

(Feinberg-direct)

Q. Who beat this man?

A. Kramer.

Q. Mrs. Feinberg, would you recognize Kirsch if you were to see him today?

A. Yes.

Q. Tell us the number of the man you believe to be Kirsch if he is present.

A. Number 32.

Prosecution: Let the record show that the witness, Mrs. Feinberg, identified the man bearing number 32 as being Kirsch.

Q. Now, Mrs. Feinberg, would you recognize Kramer if you saw him today?

A. Yes.

Q. Is he among the defendants?

A. Yes.

Q. Tell us the number of the man, Kramer.

A. Number 28.

Prosecution: Let the record show that the defendant bearing the number 28 was identified by the witness as Kramer.

Q. What were the nationalities of the prisoners at camp number 1 when you were there?

A. Lithuanians. During the last part Russians arrived. Also Turkish Jews, Czech Jews and Albanian Jews.

Prosecution: No further questions.

CROSS EXAMINATION

Questions by the defense:

Q. All you saw Kramer do was push and kick this man, is that correct?

A. Yes.

(Feinberg-direct)

REDIRECT EXAMINATION

Questions by the prosecution:

Q. Mrs. Feinberg, when Kirsch was replaced as commanding officer by Kramer, did Kirsch leave the camp?

A. No, he did not leave the camp. He remained as report leader.

Q. As I understand you, Kramer was commanding officer and Kirsch Rapport Fuehrer?

A. Yes.

Prosecution: No further questions.

Defense: No further questions.

President: Are there any questions from any member of the court? Witness is exoused.

Chaim Zylbercweig, a witness for the prosecution, was sworn and testified as follows:

Q. State your name, please, sir.

A. Chaim Zylbercweig (C-H-A-I-M Z-Y-L-B-E-R-C-W-E-I-G)

Q. How old are you?

A. 35 years old.

Q. What is your nationality?

A. Polish.

Q. Were you ever in any of the Kaufering, Camps?

A. Yes, I was a prisoner there.

Q. Why were you confined there?

A. Probably because I am Jewish.

Q. Which camp at Kaufering were you in?

A. At first, in camp 8.

Q. When were you in camp number 8?

A. I came from Auschwitz the 2nd of August. When I arrived at Kaufering, it was the 8th.

Q. How long did you remain at camp 8?

(Zylbercweig-direct)

- A. Three weeks I was quarantined there.
- Q. Where did you go from camp number 8?
- A. To camp number 3.
- Q. How long did you remain at camp number 3?
- A. Almost three months.
- Q. Where did you go from camp number 3?
- A. We went to camp number 11.
- Q. How long did you remain there?
- A. A few days.
- Q. And then where did you go?
- A. Camp 7.
- Q. How long did you remain in camp number 7?
- A. About three months.
- Q. What were your duties at camp number 7?
- A. I was sick. That was a recuperation camp.
- Q. At the time you were in camp number 7, who was the camp commander?
- A. He was called Captain Lippman.
- Q. How often did you see him at camp number 7?
- A. I saw Lippman very seldom as I was in bed and did not go to formations.
- Q. When you did see Lippman, did you ever see him mistreat any of the prisoners?
- A. Yes.
- Q. Whom did you see him mistreat?
- A. Prisoners.
- Q. Where was he when he mistreated them?
- A. At the formation place.
- Q. What did he do?
- A. It was a general formation and all sick people had to be on the formation place. There were two categories--those who were healthy and those who were

(Zylbercwig-direct)

sick. The healthy went to the right and those who were sick to the left.. There was a father and a son. The son was picked out to be sent out. He was fifteen years old. He didn't want to be separated from his father. He wasn't allowed to remain with his father. He pulled himself loose to go to his father, and then Lippmann came with a stick and hit him until he became unconscious and the guards carried him away. The father cried and pinched his cheeks.

Q. Lippmann was the man who beat the son?

A. Yes.

Q. What was the nationality of the son?

A. He was Polish.

Q. Did you ever see Lippmann use a gun at camp number 7?

A. Yes.

Q. When was that?

A. I think that was at the end of March when the camp was being dissolved.

Q. What did he do with the gun?

A. Everybody had to get out of the barracks. No one knew when they had to march off. The people were gathered on the formation place. On the entire formation place a big crowd was standing near a large hole near the formation place. The pit was used as a place for throwing garbage. There were potato peelings and bad potatoes which were thrown out of the kitchen. The people were angry and were looking around that garbage pit to find something to eat, and Lippmann came with a pistol in his hand and

(Zylbercweig-direct)

and shot into the crowd, maybe three or four rounds. Everybody scattered. They were all terrified. I was protected by the people in front of me.

Q. Would you recognize the man you were just talking about if you saw him today?

A. Yes.

Q. Is he present in the court room? If so, point him out.

A. The first one in this row, number thirty-six.

Prosecution: Let the record show that the witness identified the accused bearing the number 36 as the defendant, Lippman.

CROSS EXAMINATION

Questions by the defense:

Q. You said that you saw Lippman fire into the garbage pit, is that correct?

A. In that direction.

Q. Was anyone hurt?

A. As I said before, I cannot say. Possibly yes, because there were many people gathered and I saw Lippman shooting in that direction, high up, but in that direction of the people.

Q. Did you see any bodies when the crowd left?

A. We marched off immediately.

Q. While you were stationed at this camp, do you know if orders came in to separate families?

A. I have no idea.

Q. Do you know of any families that were separated while you were there?

A. This was no separation of a family. The son was picked out to be sent to camp number 4 and to the

(Zylbercweig-cross)

hospital.

Defense: No further questions.

Prosecution: No further.

President: Does any member of the court have any questions? Witness is excused. The court will now take a fifteen minute recess.

The court then took a recess until 1525 hours, at which hour the personnel of the court, prosecution and defence, and the accused and the reporter resumed their seats.

Gabriel Brzustovskj, a witness for the prosecution, was sworn and testified as follows:

Q. What is your name, please?

A. Brzustovskj, Gabriel (B-R-Z-U-S-T-O-V-S-K-J)

Q. Where were you born, Mr. Brzustovskj?

A. Poland.

Q. How old are you?

A. 27 years old.

Q. Were you ever a prisoner at Camp Dachau?

A. Yes.

Q. When did you come to Dachau as a prisoner?

A. In 1945.

Q. What month?

A. March.

Q. Mr. Brzustovskj, did you ever know a man named Schoetti?

A. Yes.

Q. Did you ever see Schoetti at Dachau?

A. Yes.

Q. Did you ever see Schoetti before you came to Dachau?

A. Yes.

(Brzustovskj-direct)

- Q. Where did you see him before you came to Dachau?
- A. At Glieljwts.
- Q. How long did you know Schoettl?
- A. I saw him about four times in the camp.
- Q. When you came to Dachau did you ever see Schoettl mistreat any prisoners at Dachau?
- A. Yes.
- Q. Where did you see Schoettle mistreat any prisoners at Dachau?
- A. At the station.
- Q. What did you see Schoettl do at that time?
- A. I saw him shoot a man.
- Q. Whom did Schoettl shoot?
- A. My comrade.
- Q. What was your comrade's name?
- A. Yusef Farbisch was his name.
- Q. What was his nationality, Mr. Brzustovskj?
- A. Polish.
- Q. Whereabout was your comrade shot on his body?
- A. One time here (witness pointed to his cheek). The second one was a head shot.
- Q. What happened after he was shot?
- A. He remained lying there.
- Q. Did he die?
- A. I saw him lying there. He did not move.
- Q. How long did he remain lying there that you saw?
- A. I don't know. We had to march on.
- Q. One shot was fired into the face and one into the head, is that correct?
- A. Yes.

(Brzustovskj-direct)

- Q. Did you ever see your comrade after he had been shot by Schoettl?
- A. No.
- Q. What was the occasion of Schoettl's shooting your comrade?
- A. He went to get out of line because he wanted to get a drink of water.
- Q. Would you recognize Schoettl if you were to see him at this time?
- A. Yes.
- Q. Look in the dock and see if you see the man you believe to be Schoettl.
- A. Number 30.

Prosecution: Will number 30 stand up. Is that the man, Schoettl?

A. Yes.

Prosecution: Let the record show that the witness identified the man bearing the number 30 as being Schoettl.

President: The witnesses will not touch the prisoners upon identifying them.

CROSS EXAMINATION

Questions by the defense:

- Q. What was the date of this occurrence?
- A. It was in March.
- Q. What day in March?
- A. I don't remember exactly.
- Q. What year was it?
- A. 1945.
- Q. Was it the first part of March or was it the last part?

(Brzustovskj-direct)

A. I don't remember exactly what day it was.

Q. When did you arrive in Dachau?

A. In March.

Q. And you still don't remember which part of March it was?

A. No, I don't remember.

Q. Did anyone else see this scene you just described?

A. Yes.

Q. Give me the names of some of the other witnesses.

A. I can give them to you, but I don't know where they are.

Q. How long after you arrived at Dachau did this occur?

A. It was on the same day in the evening.

Q. Did Schoettl ever mistreat you at any time?

A. Yes.

Q. At Dachau?

A. No.

Q. You don't like Schoettl very much, do you?

A. What is he to me?

Defense: No further questions.

Prosecution: Nothing further.

President: Has any member of the court any questions?

Witness is excused.

Jacob Kaufman, a witness for the prosecution, was sworn and testified as follows:

Q. What is your name, doctor?

A. Jacob Kaufman.

Q. Where were you born?

A. Kovno, Lithuania.

(Brzustovskj-cross)

- Q. In what year were you born?
- A. 1903
- Q. What education have you received?
- A. I am a doctor of medicine.
- Q. Where did you obtain your degree of doctor of medicine?
- A. I received my degree from the University of Kovno.
- Q. When did you receive that degree?
- A. I finished in 1929.
- Q. And since that time have you been a practicing physician and surgeon?
- A. I was a practicing physician.
- Q. Doctor, were you ever a prisoner in any of the by camps of Dachau?
- A. Yes.
- Q. What was the name and number of that camp?
- A. That was a work camp, Kaufering Camp Number 1.
- Q. When did you go to camp number 1?
- A. That was on Sunday, the 16th day of July in the year 1944.
- Q. Why were you brought to the concentration camp?
- A. Because I was born a Jew.
- Q. After you got to camp number 1 in July, 1944, what duties were you performing as a prisoner?
- A. I first went to Moll as a laborer, and then in October I started working as a physician in the first aid station at Moll.
- Q. How long did you continue to work as a physician at the first aid station?
- A. Until the end of January, 1945.
- Q. When you came to Kaufering Number 1, did any of your relatives come with you?

(Kaufman-direct)

- A. Yes.
- Q. Who was that relative?
- A. Rosenbloom, Feinberg, and others.
- Q. Did you have any children?
- A. Yes, I also had my son there.
- Q. What is his name?
- A. Eleasa Kaufman.
- Q. How long did your son remain at Kaufering number 1?
- A. He remained there until the 23rd of July, 1944.
- Q. Why did your son leave Kaufering number 1?
- A. He was taken away from me during the "Children's Action".
- Q. What was the "Children's Action"?
- A. I remember it was on Friday, the 21st of July. During the day I heard a whistling by the camp captain. The children should go to the kitchen to eat. The children received good food. The camp commander, at that time it was Kirsch was present. The morning of the 22nd of July there was an order to send the children to the formation place in formation of five to a row, and this same Kirsch wrote down the number of children who were there.
- Q. How many children were there present at that time, doctor?
- A. There were more than a hundred.
- Q. Was your son among them? I mean was your son among the children sent to the formation place?
- A. Yes.
- Q. What happened at the formation place?
- A. The children were put into a hut like mice in a trap. There were not to be any prisoners in the surrounding huts. In the evening I heard a

(Kaufman-direct)

commotion and crying and weeping by the hut in which the children were. There was a guard there and no prisoners were allowed in there. As a father, I still resolved to see my son in the morning. That was Sunday, the 23rd of July. I again went over to the hut and an acquaintance among the Capos let me into the hut. I saw the following picture: some children were in the state of depression and some were excited. All wanted to see their fathers. I had a hard time to find my son because all the children were crowded towards the door. I did see him there crying. He cried, "Dear father, take me with you!" As a father I quieted him, but deep down in my heart I knew I would not see him again.

Q. Describe to the court the dimensions of the hut those children were confined in.

A. It was a round hut which was made out of a wooden type paper--no floor, just dirt.

Q. How large was that hut?

A. Normally fifteen to twenty children could be housed there.

Q. Please, Dr. Kaufman, give the court the diameter of that hut was in your judgement.

A. I think it was from five to six meters wide.

Q. By whose order were those children placed in that hut?

A. The then camp commander Kirsch gave the order that they should be placed there.

Q. Would you recognize the man, Kirsch, if you saw him today?

(Kaufman-direct)

A. Yes.

Q. Without going to the dock, indicate the man you believe to be Kirsch.

A. He is number 32.

Q. Will number 32 rise. Is that the man you mean?

A. Yes.

Prosecution: Let the record show that the witness, Dr. Kaufman, identified the man bearing the number 32 as being Kirsch.

Q. Did you ever see Kirsch mistreat any of the prisoners at Kaufering number 1?

A. Yes.

Q. What did you see him do?

A. He not only beat with his hands and feet, but with sticks and rubber hoses.

Q. Whom did you see him beat, Dr. Kaufman?

A. I saw him beat many prisoners.

Q. How badly did he beat them?

A. He beat them so badly that many of the prisoners collapsed.

Q. Did you ever see Kirsch do anything else to the prisoners except beat them?

A. Yes.

Q. What did you see him do?

A. This was on the place of formation. It was the time when all the prisoners, together with the block leaders, were called out and a box brought on the place and a prisoner named Feinberg was laid on the box and beaten across the posterior.

Q. How badly did they beat him?

(Kaufman-direct)

- A. Kirsch was standing by and the block elders were doing the beating. If they did not hit hard enough, he layed down on the box.
- Q. What do you mean by he layed down on the box?
- A. That is the block elder who did not beat the prisoner hard enough had to lie down on the box. That means that the beater now became the one who was beaten.
- Q. With what was the man Feinberg beaten with?
- A. He was beaten with a piece of wood.
- Q. How big was the piece of wood?
- A. It was about two and a half to three meters long.
- Q. How big around was it?
- A. It was very thick.
- Q. What is your best judgement as to the diameter of that stick of wood, Dr. Kaufman?
- A. I should say that the circumference was from about 8 to 10 centimeters.
- Q. While you were a prisoner, did you know a man named Dr. Elkes?
- A. Yes.
- Q. Who was Dr. Elkes?
- A. He was the High Jew in the Kovno Ghetto.
- Q. Did you ever see Kirsch mishandle Dr. Elkes?
- A. Dr. Elkes was called by Kirsch "A Bone Breaker".
- Q. Did you ever see Kirsch do anything to Dr. Elkes?
- A. He threatened to hit and beat him.
- Q. While you were there in the camp, Dr. Kaufman, did you have occasion to observe the death rate among the prisoners?
- A. Yes.

(Kaufman-direct)

- Q. What was the average death rate among the prisoners, doctor?
- A. When we arrived at the camp, the number of former prisoners was more than 1800. There were only 600 left at the end.
- Q. Now, doctor, what can you tell us with respect to the type of clothing the prisoners were in camp number 1?
- A. It was an order of Kirsch to take the great coats, underwear, and even shoes, watches, rings, valuable things, and papers. He said that in this place the Jews did not need any papers with them.
- Q. What kind of clothing were issued to you while you were a prisoner in Kaufering number 1.
- A. We only received the prisoners' clothing and instead of leather shoes we received wooden shoes.
- Q. While you worked in the first aid hospital at Moll, Did you have occasion to observe the number of deaths there?
- A. Every day there were cases of death.
- Q. How many died on the average there, doctor? That is, how many did you observe who died at Moll?
- A. Every day there were from five to six deaths.
- Q. Based on your experience as a practicing physician and surgeon and knowledge of the conditions of persons brought there and died, will you state the cause of their deaths?
- A. Most died from undernourishment and general weakness, and some from phlegmonia and also from a disease called erisipolis.

(Kaufman-direct)

Q. After your conversation with your son in this hut, did you ever see him again?

A. No.

Q. How old was your son, Dr. Kaufman?

A. He would be twelve years old now.

Prosecution: No further questions.

Defense: No further questions.

President: Any questions from any members of the court? If not, the witness is excused.

Schloma Levine, a witness for the prosecution, was sworn and testified through an interpreter as follows:

Q. What is your name, please?

A. Levine Schloma.

Q. Where were you born, Mr. Levine?

A. In Kovno, Lithuania.

Q. When were you born, Mr. Levine?

A. on the 14th of January 1929.

Q. Were you ever a prisoner in Kaufering Camp Number 1?

A. Yes.

Q. When did you come to Kaufering Number 1?

A. I came on the 6th of July, 1944.

Q. How long did you remain at Kaufering Number 1?

A. Seven days and six hours.

Q. What was the occasion for your leaving Kaufering Number 1?

A. I left during the "Children's Action".

Q. What was this "Children's Action"?

A. That was done by the camp commandant and camp leaders.

(Levine-direct

- Q. What was done?
- A. This "Action".
- Q. On or about the time you left were all the children called together?
- A. Yes.
- Q. Who called the children together?
- A. Kirsch called out, "All boys will have to form a formation."
- Q. After Kirsch called out that all children form a formation, what happened?
- A. About one hundred fell out and then he went to work to see who looked young enough and pulled them out out of line.
- Q. What did he do with those children he pulled out?
- A. We were standing on the formation place and he wrote the number and name.
- Q. Among the children who were standing on the formation place, did you know anyone beside yourself?
- A. Yes.
- Q. How many did you know there?
- A. At first I knew a few of them but later on I knew many of them.
- Q. Tell the court the names of some of the children you left with?
- A. Eleasa Kaufman, then Katz.
- Q. Now, after those children had been called there, what did they do to them?
- A. He wrote down the last name, their first name and let them go the first day.
- Q. At that time did you know where you were going to be sent?

(Levine-direct)

- A. At first nobody knew. I heard the kitchen chief say to someone else that we were going to Auschwitz.
- Q. What was that you heard? That is, what would happen to you when you got to Auschwitz?
- A. That we were going to Auschwitz.
- Q. The question was what did you hear that would happen to you at Auschwitz?
- A. That is a extermination camp.
- Q. After you hear that what did you do?
- A. On the second day he ordered that all fall out again.
- Q. When you say "he", whom do you mean?
- A. Kirsch.
- Q. After Kirsch ordered the children to fall out the second day, what happened?
- A. I saw many of the children fall out, but I knew what was going to happen and hid under some branches of some trees.
- Q. Did anyone find you there?
- A. Yes.
- Q. Who found you there?
- A. Kirsch.
- Q. What, if anything, did he do to you at that time?
- A. He hit me quite a bit.
- Q. After he found you and after he hit you, what did he do?
- A. He drove me toward that crowd of boys.
- Q. How many were in that crowd of boys at that time?
- A. All the 131 boys were not there yet. There were only 129 of them there. He ordered that all those boys who did not come that the parents would be shot.

(Levine-direct)

- Q. Then what happened?
- A. Then the four or five came out.
- Q. After they had all been called together, then what happened?
- A. And then he let us go for a few hours and then he called us out again to a large barracks where he use to control us.
- Q. Were you ever locked up or confined in a hut?
- A. Later.
- Q. After you were locked up, how long did you remain there?
- A. We remained there through the night and four or five hours in the morning.
- Q. Who took you out of the hut?
- A. That was the commandant of the camp, Foerster, , and Kirsch was also present. At 10:00 or 10:30 a machine came.
- Q. Where did you go from Kaufering Number 1?
- A. We went to Dachau.
- Q. Where did you go from Dachau?
- A. To Auschwitz.
- Q. After you were at Auschwitz, did you ever see this child, Eleasa Kaufman?
- A. The whole day. We were only 129 boys because two jumped off on the way.
- Q. You stated that you saw the Kaufman child at Auschwitz?
- A. All the time.
- Q. When was the last time you saw the Kaufman child at Auschwitz?
- A. At the "selection", that was a Jewish holiday - New Years.

(Levine-direct)

- Q. When or where was the last time you saw him?
- A. Block 10, that is the department at Auschwitz of the crematorium.
- Q. What was he doing then?
- A. One morning the Hauptman Feurerer came down on a bicycle and ordered that everybody should fall out of the block.
- Q. Will you please tell the court where this child, Kaufman, was and what he was doing?
- A. He was taken away in a party of seventy or seventy-five boys to be burned.

Prosecution: No further questions.

Defense: Nothing to ask.

President: Does any member of the court have any questions? If not, the witness is excused.

Tobias Pilz, a witness for the prosecution, was sworn and testified through an interpreter as follows:

- Q. State your name, please.
- A. Tobias Pilz (T-O-B-I-A-S P-I-L-Z)
- Q. How old are you?
- A. I am twenty-eight years old.
- Q. What is your occupation?
- A. Baker.
- Q. What is your address?
- A. At home?
- Q. No, your present address?
- A. Feldafing.
- Q. Mr. Pilz, were you ever a prisoner at the Landsburg - Kalferring Camps?
- A. Camp Number 3.

(Pilz-direct)

Q. When did you come there?
A. On the 16th of August.
Q. What year?
A. 1945.
Q. Will you repeat again the date on which you arrived in Kaufering or one of its by-camps?
A. I came to Kaufering Camp Number 3 on the 15th of August 1945.
Q. What year is this?
A. 1945.
Q. When did you come to the Kaufering Camp?
A. 1945.
Q. Didn't you come to Kaufering during the year of 1944?
A. Yes, 1944.
Q. How long did you stay there?
A. I was in Kaufering until the liberation.
Q. Where did you work there?
A. At the water installations.
Q. During the time you were a prisoner there, did you know a man named Schoetti?
A. Yes.
Q. What was Schoetti?
A. Schoetti was in charge of the details.
Q. Did you ever see Schoetti mistreat any prisoners during the time you were a prisoner at Kaufering?
A. Yes.
Q. Tell the court the nature of this mishandling by Schoetti?
A. I worked at the water installation and he was in charge of the detail. He was inspector of the

(Pillz-direct)

whole work. He inspected as to whether the people were working or not working. Those who could not work he personally called them out and asked them why they did not work. They told him that they did not have any strength. He said, "I'll show you how to work." He knocked him right down. He couldn't get up right away. He started kicking and beating him and he was sick and he stayed there until we finished the work. Then we took him back to the camp with us and then we put him in the hospital. I never saw him again. On the second day he beat another comrade. Do you want his name?

Q. Yes.

A. Jacob Weinstein and Jacob Goldstein. They stayed in the hospital until liberation. I don't know what happened to them then.

Q. What was the nationality of your friends?

A. Polish.

Q. Is this man Schoettl in court today?

A. Yes, he is.

Q. Indicate him from where you are.

A. He is number 30.

Prosecution: Let the record show that the witness, Pilz, identified the man bearing the number 30 as being the defendant Schoettl.

CROSS EXAMINATION

Questions by the defense:

Q. Do you ^{know} for certain know that Weinstein and Goldstein died from these beatings?

A. No.

Defense: No further questions.

Prosecution: Nothing further.

(Pilz-direct)

President: Does any member of the court have any questions? Witness is excused.

Ali Kuchi, a witness for the prosecution, was sworn and testified as follows:

Q. What is your name, please?

A. Ali Kuchi.

Q. Where were you born, Dr. Kuchi?

A. I was born in Albania.

Q. When were you born?

A. The 14th day of March, 1914.

Q. What education have you had?

A. I studied political and economic sciences in the London University and then I studied philosophy in the University of Florence.

Q. Are you a graduate of the University of London?

A. Yes, I have obtained my degree.

Q. Did you obtain your doctor's degree in the University of Florence?

A. Yes.

Q. Were you ever in the Concentration Camp of Dachau, Germany?

A. Yes, sir.

Q. When did you first come to Dachau as a prisoner?

A. I came on the 10th of July, 1944.

Q. How long did you remain as a prisoner in Dachau?

A. Until the 29th of April, 1945.

Q. During the time you were a prisoner here, doctor, did you observe any transports go out of the camp?

A. Yes.

Q. On what date did you observe that transport go out of the camp?

(Kuchi-direct)

- A. There were great numbers of transports from Dachau Concentration Camp.
- Q. When was the last one?
- A. The last one was on the 25th of April, 1945.
- Q. How many people were on that transport?
- A. 2400.
- Q. Of that number, how many survived?
- A. I say as I know only 600 survived from the whole group brought out of the Dachau Concentration Camp on the 26th of April.
- Q. Did that transport leave Dachau?
- A. It never left Dachau, but it left the concentration camp.
- Q. How were these people first brought together?
- A. Here in the afternoon of the 20th of April there was issued an order from the camp commandant was that all the Jews of all the blocks and even the working ones should report. The people within one hour was on the place. As far as I can remember, it was three o'clock when they had the formation to march on the square.
- Q. Now after they were called together, how long did they remain standing there together?
- A. They remained there until the next morning until they left the camp.
- Q. How were these people clothed at that time?
- A. I remember that hundreds and hundreds were clothed in rags. Many had nothing but punishment trousers and punishment coats.
- Q. What was the condition of the weather at that time, doctor?

(Kuchi-direct)

- A. In the afternoon the sky was clear. There was some sun, but a very cold wind was blowing. During the night the weather changed. There was some rain. It was pretty cold.
- Q. When, Dr. Kuchi, were these Jews marched off of this formation place?
- A. On the 21st of April at half past eight.
- Q. Where were they marched from there?
- A. From the formation square they marched before eight o'clock on the back of the Schurhaus and there they were placed.
- Q. Where is this place you have just described with respect to the gate house?
- A. Entering the main gate the first place on your right and the left is the formation square which is far greater than the former I am speaking of.
- Q. How long did the Jews remain at this place?
- A. From one to one and a half hours.
- Q. Then where did they go to, doctor?
- A. They marched out of the main gate.
- Q. From the gate, where did they go?
- A. To the railroad station.
- Q. What happened to the Jews when they got to the railroad station?
- A. They were closed in railroad wagons.
- Q. What date was it that these Jews were closed in these wagons?
- A. The 21st of April, 1945.
- Q. How long did these Jews remain in these railroad wagons, doctor?
- A. The survivors until the liberation.

(Kuchi-direct)

Q. That date was what?

A. The 29th of April, 1945.

Q. During the time they had these Jews in the wagons, did they receive any food or water?

A. Prisoners who were working with different working details outside were strictly forbidden to go near the wagons where we were enclosed. They referred to it as "The Morgue Express". Nothing was given to the people in the wagons.

Prosecution: No further questions.

Defense: No questions.

President: If there are no questions from any member of the court, the witness is excused.

Captain Wilhelm Marie Van Lanschot, a witness for the prosecution, was sworn and testified as follows:

Q. State your name, please.

A. Wilhelm Marie Van Lanschot.

Q. Where were you born, captain?

A. In Werch, Holland.

Q. How long ago?

A. 30th of June, 1914.

Q. Were you ever at Camp Dachau as a prisoner,

Capt Van Lanschot?

A. Yes.

Q. When did you first come to Dachau as a prisoner?

A. On the 4th of September, 1944.

Q. And from where did you come to Dachau on the 4th of September, 1944?

A. I came from Natzweiler. It is a concentration camp in the neighborhood of Strassbourg.

(Van Lanschot-direct)

- Q. How long did you remain as a prisoner in Dachau?
- A. Until the liberation on the 29th of April.
- Q. When you first arrived in Dachau, what first happened to you?
- A. I came with the hospital group from Natzweiler. When as soon as we were brought in the camp, we had to remain twenty-four hours on the parade ground.
- Q. How were you dressed at that time?
- A. We had prisoners' dress. We were dressed in very old civilian dress. Some of us had coats, but most of us had not any coats.
- Q. Did you receive any food while you waited on the formation ground?
- A. No.
- Q. What was the condition of the people as they stood on the formation ground?
- A. The condition was bad, for most were sick and lots of them could not stand and many lay down on the ground.
- Q. While you were standing there, did you observe any prisoners dying?
- A. Yes.
- Q. Did anyone come to their assistance?
- A. Personnel from the hospital came to take the corpses away and afterwards to take those in the worst condition to the hospital.
- Q. After you were standing on the formation ground, where did you go?
- A. At first I was put in quarantine in block 27.

(Van Lanschot-direct)

- Q. Did you ever go to the showers on that occasion?
- A. Before we left the parade ground we had all had to pass for disinfection and the showers. They took everything we had; all our clothes were taken away and when we left the showers they gave us underwear and only those in very bad condition could go to the hospital.
- Q. Did you see anyone die while taking a shower?
- A. No.
- Q. What sort of status did you have as a prisoner, Capt Van Lanschot?
- A. I was an N N prisoner.
- Q. What does N N Prisoner stand for?
- A. They had different classes of prisoners and it was the worst class - class three.
- Q. Did the treatment the N N received differ from the treatment of the other prisoners?
- A. Somewhat.
- Q. In what ways did the treatment differ?
- A. The other prisoners had a chance to have a good work detail and, therefore, in the beginning, we didn't tell that we were N N prisoners and tried to have good jobs, but afterwards, they were all concentrated in block 29 and as NN prisoners we never had permission to write a letter or get a letter or get a package. We didn't get any of the small privileges of the other prisoners.
- Q. Was there any difference between the food the N N prisoners received and the food of the other prisoners?
- A. As we did not have a working detail, we did not get "Brotzeit".

(Van Lanschot -direct)

Q. What is "Brotsett"?

A. When you were on a working detail, you got two slices of bread and a little piece of margarine for payment. We were on the wrong side of the camp for that.

Q. While confined in that block, did you ever see prisoners eat scabs off their wounds for food?

A. Yes, sir, that was when we were all closed in block 29 and had not permission to leave and before the Norwegian and Belgium Red Crosses got packages to us. The people were very hungry. They had no good clothes. They had to stand outside all the day. It was very cold then and they were very very hungry, and then they came to the condition morally to take the scabs off the wounds and eat them.

Q. What was the condition of N N blocks with respect to lice?

A. It was the only thing we had plenty of. We had only two men per bed and we had no towels, no soap and water - only lice. When somebody got a louse in his underwear, they took away his underwear, but did not give him other underwear and we had no overcoats.

Q. Do you know of any conditions there when you were required to go to the showers and the prisoners not furnished any clothing when they returned?

A. Yes.

(Van Lanschot-direct)

Q. After they had their showers, how were they made to return to the block?

A. It was with different disinfections that they used for the different blocks. They all had to go to the showers. They had to remain there all day. It was very hot in the showers. They just got a pair of summer underwear to return in and that was this last winter.

Q. What was the temperature when they had to return to the block?

A. It was very cold. It must have been January or December.

Q. At that time did any prisoners become sick?


A. Yes, sir, they did aplenty.

Q. Do you know of any cases of pneumonia resulting from this?

A. Yes, when we came back from the showers, we had to stand for about two hours outside, for there was a man missing and lots of us got pneumonia. I have their names too.

President: Court is adjourned until 8:30 tomorrow morning.

The court then, at 5:00 P.M., on 24 November 1945, adjourned to meet at 8:30 A.M., on 25 November 1945.


WILLIAM D. DENSON
Lt Col, JAGD
Trial Judge Advocate

(Van Lanschot-direct)

Roll 2

Target 5

Trial Transcripts (RG 338)
Vol. 3 (pt), Nov. 26-29, 1945

to adjournment at 0830 hours on the

leave the court, let the record show
the court, the personnel of the prosecution,
and all of the accused are

Van Lanschot, will you resume the

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April, 1945?

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idn't pay so much attention.

upation prior to being taken to Dachau

Army sir.

Q. You were a member of the regular Army of Holland, is that correct?

A. Yes sir.

Q. What is your occupation at present?

A. I am still an officer, I am in the staff of Prince Bernhard.

Defense: No questions.

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

Prosecution: The prosecution, would like to recall at this time, may it please the court, Wolfgang Fuerrer.

Witness is reminded that he is still under oath.

Questions by the prosecution:

Q. Mr. Fuerrer, what education have you had as an engineer?

A. I attended the technical school in Winter-Thun, near Zurich.

Q. Prior to going to Dachau as a prisoner, did you have an opportunity to practice your profession as an engineer?

A. Yes.

Q. How long?

A. One year.

Q. And after you got to Dachau, in what office did you work?

A. In the planning department of the building inspection Office, Reich, South.

Q. That was in Dachau?

A. That was in Dachau.

Q. How long did you work in that plans and building office?

A. 1943 to 1945.

Q. Mr. Fuerrer, I hand you a plan marked prosecution's exhibit 87, and ask you to look at it and state what it is.

(Fuerrer-Recall)

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te what it is.

- A. That is the camp plan of the entire SS camp, including the concentration camp, and the camp for protective custody.
- Q. Is that a true and correct plan showing the location of buildings and their relative sizes for the year of 1942, up to and including April, 1945?

A. Yes.

Q....

Prosecution: We offer at this time may it please the court, prosecution's exhibit 87, in evidence.

President: The plan is received in evidence.

- Q. Now Mr. Fuerrer, would you step over here please, and indicate on this plan, prosecution's exhibit 87, that portion of the camp which was occupied by the lager compound properand I will ask you to indicate that, by drawing a pencil mark around it and mark it "X".

A. This part was inhabited by the prisoners; over there was the Praeefix; that was also barracks which were inhabited by prisoners.

- Q. Now you mentioned that prisoners inhabited the area that you pointed out to be the praeeefix, how many prisoners occupied that area?

A. Approximately between 400 to 500 lived there.

- Q. And the rest of the prisoners occupied the area that you have marked "X", is that correct?

A. When I first got to camp, there were approximately 16,000 prisoners there, and later on, it became more and more, until the last were 23,000 to 24,000.

- Q. Now will you mark as "X-prime" the area that you indicated as being occupied by the praeeefix?

Prosecution: No further questions.

Defense: No questions.

(Fuerrer-Recall)

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

Franz Geiger, the next witness for the prosecution, affirmed that he would tell the truth, and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Will the witness state his name?

A. Franz Geiger.

Q. AGE?

A. 60.

Q. Occupation?

A. Community secretary.

Q. Address?

A. Wolfratshausen..

Q. How long have you been general secretary of Wolfratshausen?

A. I am in the service of the community since 1904.

Q. Where were you.....were you in service during the years 1933 to 1945?

A. 1933 because of the Nazi system, I was released and arrested.

Q. Mr. Geiger, do you recall the 27th and 28th day of April 1945?

A. I can remember it.

Q. Do you recall seeing a march of prisoners at that time?

A. I was sleeping and then I heard a tramping, a walking, coming through Wolfratshausen. The first party which must pass through, I had the feeling as if some iron was dragging on the ground. I asked somebody else, and he had the same impression, as though they were dragging

(Geiger-Direct)

on the ground, chains....that is the first party.

Q. And during the day, did you see any of these prisoners?

A. I also saw them march through on Saturday morning.

Q. What was the condition of the prisoners marching through?

A. All of them were exhausted and weak, and wanted to run into the houses.

Q. Were there any dogs on the march?

A. I myself, didn't see them.

Q. Do you know whether there were any dogs?

Defense: May it please the court.....

Prosecution: I'll withdraw the question.

Q. Did you have an opportunity to ^{go} into the forest around Wolfratshausen during that period?

A. Yes, the Americans arrived and I was asked to resume my office. I then later on told to an officer or two, because I knew that they were near Wolfratshausen, 4 kilometers south of Wolfratshausen in the forest; there were inmates of concentration camps that camped there.

Q. And did you go to that forest?

A. First, I called the attention of the first officer, but that troop had to leave very soon again; but the second had to leave too, but the third one said he would drive over there and I said that I would take him there.

Q. Will you tell the court briefly what you saw in the forest?

A. We had....arrived with the officer to the forest, and first we visited one grave. The grave diggers said we have 5 over here, we are burying them now. I went into the forest with that officer and on the ground we could see that the people had camped there for a long time. There were only dead people; there were 7 to 8, possibly 10 bodies; one of them was lying in this manner, and then two upon each

(Geiger-Direct)

other, they were in all positions; and somebody told me further up in a gravel pit there more of them. I went to that gravel pit with that officer, and there there were 28 bodies. One man, who was present at the transport walked up to one of his comrades and recognized him. We asked if they had shot wounds, he didn't see him. While we searched the bodies, the district doctor, Doctor Holzman from Wolfratshausen had arrived. One of the men he knew, and he lift off his cap and I saw a bloody streak running this way on his head. The officer expressed his dislike at these atrocities and then we returned to Wolfratshausen.

Q. How many of the prisoners who were on that march are buried now in the cemetery of Wolfratshausen?

A. I have the list here, I handed it in, it must be approximately 55. All these dead were registered.

Q. And do any of these dead represent those you saw in the forest and the gravel pit?

A. No, in the gravel pits, in the woods there were 39 corpses altogether; and one body had been buried by the concentration camp; one made up before that in a different place.

Q. Do you know the nationality of any of these prisoners buried in your village in Wolfratshausen?

A. The people who are buried in Wolfratshausen are from the hospital and the firm Girlitz-Reid.

Q. And do you know the nationalities of these persons?

A. I can't state it; well....they are different.

Q. Do you recall any Poles?

Defense: We object to the counsel leading the witness.

Prosecution: I'll withdraw the question.

(Geiger-Direct)

Prosecution: No further questions.

CROSS-EXAMINATION

Questions by the defense:

Q. What day was it that you first heard the marching through town?

A. It was a day towards the end of April, it must have been from Saturday to Sunday night, at two or three o'clock in the morning.

Q. How soon thereafter did you see the American troops in the town?

A. Two days, on Monday morning the troops arrived as far as I can remember.

Q. Did you actually see the column you heard marching?

A. From the Americans?

Q. No the alleged prisoners.

A. I saw them during the day time.

Q. In which direction were they marching?

A. From Munich Street, towards the South. From Wolfratshausen, towards the direction of Bayerberg.

Q. Are you able to identify anyone on the march that you saw?

A. No, I can not recognize anyone, I was not on office and I was a political outcast, and during this critical time I did not....I was not much on the street..

Q. Did you see any corporal mistreatment of the prisoners on the march?

A. I myself, did not, but many witnesses whom I reported here already, did see it..

Q. Are you able to say that the bodies that were found in the woods were bodies from this same march?

A. It must be the same ones, they walked up to the lefthand side of the river.

Q. The entire area in that vicinity was a battle ground, was it not?

A. You can not call it a battle ground, up there in the woods, it was taken entirely and it was full of these prisoners.

(Geiger-Cross)

Q. During that period of time, two or three days before, there was a battle raging in the entire area was there not?

A. I know a short fight was near Wolfratshausen.

Defense: That's all.

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

Moritz Sappl, the next witness for the prosecution was sworn and testified as follows through the interpreter:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Will the witness state his name?

A. Sappl, Moritzo.

Q. Age?

A. 41 years.

Q. Occupation?

A. Farmer.

Q. Address?

A. From Boltzweg District, Degendorfkreis, Wolfratshausen.

Q. Mr. Sappl do you recall a march of prisoners in the area in which you reside on the 27th or 28th of April, 1945?

A. Yes.

Q. Did you see this march?

A. I saw it daily, because twice a day, I came down with my cart and horses.

Q. What did you use your cart and horses for?

A. Upon order of the mayor, I had to bring to these prisoners, 500 or 600 liters of milk per day and bread.

Q. And were you able to give this to the prisoners?

A. I gave that to the staff of the Obersturnfuhrer, who distributed that.

Q. And was that in your town?

(Sappl-Direct)

A. Yes.

Q. And were these prisoners that you saw wearing this striped clothing?

A. They were wearing the striped clothing.

Q. Did you see any dead prisoners?

A. Yes.

Q. Did you carry any dead prisoners in your cart?

A. Altogether I carried 34 bodies.

Q. What was the physical condition of the prisoners?

A. The prisoners made a completely exhausted impression.

Q. And what was the physical condition of the dead bodies you carried?

A. We could determine that parts of them had shots in the face, and parts of them were beaten to death and parts of them were shot in the back of the neck.

Q. How many of these prisoners are buried in the cemetery in your village?

A. In our cemetery there are 28 bodies buried....

Q. Do you know the nationality of any of these prisoners?

A. We could not determine that, there were two German nationals present among these 28 and they were buried separately.

Q. And the other 26?

A. They were buried in a mass grave.

Q. And those were not Germans?

A. They were not Germans.

Q. Do you know what nationalities they were, or any of the nationalities represented in that group?

A. One can't say that, there were Poles and Russians.

Prosecution: No more questions

Defense: No questions.

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

(Sappl-Direct)

The next witness for the prosecution, George Neuner, affirmed that he would tell the truth, and testified as follows through the interpreter:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Will the witness state his name?

A. Neuner, George.

Q. Age?

A. 49 years.

Q. Occupation?

A. Wood worker.

Q. Address?

A. In Einig, 30 kilometers south of Munich.

Q. Mr. Neuner, do you recall a march of prisoners about the 28th of April, 1945?

A. Very well.

Q. What did you see at that time?

A. During...it was around noontime. around 1130, when I walked over to my house, in order to find out about the war situation because the gun-fire came closer and closer. I looked towards the north, to the north going to Munich and.....

The witness cried audibly, and was unable to continue.

The witness was excused and withdrew.

Mrs. Therese Weigl, the next witness for the prosecution was sworn and testified as follows through the interpreter:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Will you state your name please Mam?

A. Therese Weigl.

Q. Where were you born please Mam?

(Neuner-Direct)(Weigl-Direct)

A. I was born in Schlierswe.

Q. Where do you live at the present time?

A. I now live in Wolfratshausen.

Q. Where were you living in April, 1945?

A. In April, 1945, I lived in Wolfratshausen on Diekert Street.

Q. Do you recall in the latter part of April seeing a transport of prisoners coming by your home?

A. Yes.

Q. Do you recall what day in April, that was please Man?

A. I think it was Sunday, the 29th.

Q. Now what time of the day did you first notice this transport?

A. I was still in bed, in the morning; it was about 7 o'clock; outside, in front of my fence, I heard the clapping of the wooden shoes.

Q. And what did you see?

A. I got up and I went up to the gate and saw a transport of women pass by.

Q. How were the women dressed on this occasion?

A. The women were dressed in a very bad way, just covered with blankets and rags.

Q. Did you have occasion to observe their physical condition?

A. Yes, I was standing at the fence, some also came inside whom I gave some clothing.

Q. Now in your judgment Mrs. Weigl, how many women were in this transport?

A. There must have been 1,000 women in that transport.

Q. And who was guarding those women?

A. 4 guards.

Q. And what kind of guards were they?

A. SS.

(Weigl-Direct)

- Q. And after that transport passed by Mrs. Weigl, did you have occasion to see another transport that day?
- A. Yes, and I returned back to my house and towards noon, it must have been around 1 or 2 o'clock a male transport passed by.
- Q. And what was the condition of those men that you saw on that transport?
- A. There were in a very bad condition.
- Q. And what do you mean by being in a very bad condition?
- A. They were all very weak and very hungry.
- Q. How do you know they were very hungry?
- A. They asked for bread and potatoes.
- Q. Did you give them any?
- A. We started boiling potatoes immediately and gave them bread and fed not less than 50 to 60 men.
- Q. Now did you see any officers in command of that transport?
- A. There was an unterscharfuhrer and an Oberscharfuhrer and then a car arrived.
- Q. And who was in that car?
- A. A man got out, I could not determine what rank he was but he was wearing a grey coat.
- Q. Did you see that man mistreat any prisoner on that occasion?
- A. Yes, that happened the following way. I was standing at the fence and they asked us for food because it was always pushed off, the giving of food to them was always pushed off; the next stop you will get food; the next stop you will get food; and they were herded on another couple kilometers; and while the car was arriving a prisoner walked out of my house.

(Weigl-Direct)

- Q. And what happened to that prisoner who walked out of your house?
- A. The man who got out of the car was threatening him and scolded him at first: how he could dare walk into that house.
- Q. And then what happened after he was being scolded by the man who got out of the car?
- A. He picked up a bottle and hit it into the spinal cord of that prisoner who fell over forward.
- Q. And what happened to that person who was hit with the bottle?
- A. Prisoners passed by who were pulling a cart, and he was loaded on that cart.
- Q. Now did that man who hit the prisoner with the bottle, say anything to you on that occasion?
- A. He put his hand in his pocket and threatened me and asked me if I wanted to be a German?
- Q. Did you see that same man giving any orders to any other guards on that occasion?
- A. The transport marched on another 500 meters or so, and then they stopped again, and that man gave an order and got into his car and drove on.
- Q. Would you recognize that man who hit the prisoner with the bottle if you saw him in court at the present time?
- A. Possibly, I could recognize him, he looked better at that time.
- Q. Will you look over in that group and see whether or not you recognize the man you saw hit the prisoner with the bottle?
- A. It could have been number 37.
- Prosecution: Stand up please number 37.
- Q. Now you say the man that you saw hit the prisoner with the bottle on that occasion was number-37?

(Weigl-Direct)

- A. It must have been number 37, he looks very bad today.
- Q. Do you know the name of that man Mrs. Weigl?
- A. I don't know the name from that time, I know it since I have been questioned; Frits Degelow.
- Q. Now Mrs. Weigl, did you see these prisoners mistreated by any of the guards on that occasion other than the incident which you just described, in which you say a prisoner was hit with a bottle?
- A. I only saw how when the others were ordered through, the dogs were chased on them when they could not walk any more.
- Q. How far do you live from the railroad tracks Mrs. Weigl?
- A. Maybe 1,000 meters away.
- Q. On that same day, did you have occasion to see a transport of prisoners go by in wagons?
- A. Yes.
- Q. About what time of the day did that take place?
- A. All day long these transports were standing there; there were 3 to 4 freight trains.
- Q. What was the condition of the cars that contained these prisoners with respect to crowding?
- A. It must have been 200 to 250 people in one wagon.
- Q. Mrs. Weigl, did you find out where these prisoners were from that were in the transport that passed by in front of your house?
- A. The transport in the morning came from Dachau.
- Q. And do you know the nationalities of the prisoners that composed this transport?
- A. All nations; Poles, Russiens....the one who was in my house and was beaten with the bottle was a German.
- Q. Did you see any beating of prisoners on that occasion?
- (Weigl-Direct)

A. One saw all over that they were herded and the ones who could not walk on were beaten. There was an old man amongst the crowd who said that he was not a member of the SS who was crying and said that he had to put on this uniform and go along.

Q. Who was doing this beating as the prisoners were going along?

A. The guards.

Q. And who were these guards?

A. From the SS.

Prosecution: No further questions.

CROSS-EXAMINATION

Questions by the defense:

Q. How many people were in this car that you saw drive up?

A. There were 3 more people inside, whether they were men or women, I do not know.

Q. You are not certain that the man you saw on that occasion is number 37 are you?

A. No, at that time he looked entirely different.

Q. Where did you first hear the name of Degelow?

A. The first time I heard the name was in the community of Wolfratshausen.

Q. When did you next hear his name?

A. The second time was when he was over here in the bunker.

Q. Have you ever seen a picture of Degelow?

A. The first time I saw the picture in Wolfratshausen..

Q. Have you seen one here?

A. Yes.

Q. Did this man have any dogs with him?

A. No, they arrived in the car.

Q. In the car that he was in or another car?

A. Yes, in the car he was.

(Weigl-Cross)

- Q. The dogs were in the car with this man?
- A. No, they were with the guards.
- Q. What time of the day did this thing occur?
- A. Between 1 and 2 o'clock.
- Q. And was that the 29th of April?
- A. It was on a Sunday, I do not know whether it was the 29th or not.
- Q. It was on a Sunday....what time of the day again, I didn't get that?
- A. Between 1 and 2 o'clock.
- Defense: No further questions.
- There being no further questions, the witness was excused and withdrew.

Wilhelm Metzler, the next witness for the prosecution, was sworn and testified as follows through the interpreters:

DIRECT EXAMINATION

Questions by the prosecution:

- Q. What is your name please sir?
- A. Metzler, Wilhelm.
- Q. Where do you live Mr. Metzler?
- A. In Wolfratshausen.
- Q. Where were you living....withdraw that question.
- Q. Were you ever a prisoner in Kaufering number 2?
- A. In April.
- Q. Of what year?
- A. End of March, this year.
- Q. And when did you leave Kaufering number 2?
- A. After the 20th of April.
- Q. Did you leave Kaufering in a transport?
- A. Ycs.
- Q. Now while you were at Kaufering, did you have occasion to know a man by the name of Moll; M-O-L-L?

(Metzler-Direct)

A. Yes.

Q. Did you see Moll on a transport?

A. Yes.

Q. While he was on this transport, did you see Moll, mistreat any prisoners?

A. Yes.

Q. What did you see Moll do?

A. He beat the prisoners and he shot.

Q. Whome did you see Moll shoot?

A. 26 prisoners.

Q. Will you describe to the court the occasion on which you saw Moll shoot 26 prisoners?

A. Yes; the prisoners were taken over near Koenigsdorf near Buchsdorf; there were 150 prisoners; Aryans; we came out of Koenigsdorf near the Hochland Camp; and from Hochlad we went further on to Bad Tols.

Q. Now what was the condition of these prisoners at the time you saw Moll shoot them?

A. They had collapsed because of exhaustion, it was around 7 o'clock in the morning.

Q. Now Mr. Metzler, did these prisoners come from by-camps of Dachau?

A. Yes.

Q. Do you know the nationalities of these prisoners that were shot by Moll?

A. Several of them.

Q. What were some of those nationalities?

A. I recognized one German, several Russians and some Poles.

Q. Would you be able to recognize Moll, if you saw him in court today?

A. Yes.

Q. Will you look over in that dock and see whether or not

(Netzler-Direct)

you see the prisoner Moll?

A. Over there.

A. Number 38.

Prosecution: Stand up please 38.

Prosecution: Let the record show may it please the court that the witness Wilhelm Metzler recognized the man number 38 as being the accused Moll.

Prosecution: No further questions.

CROSS-EXAMINATION

Questions by the defense:

A. What was the date of this occurrence?

A. I do not know the date, I could not find it out, but I heard this morning that it was a Monday; a prisoner who was also in camp, I talked to this morning; he can tell us the date and he also knows that Moll caught us.

Q. You do not remember the date yourself?

A. I didn't take any interest in it.

Q. As a matter of fact, everything you testified to you learned this morning did you not?

A. Only about the date of the departure.

Defense: That's all.

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

Captain B. W. Glick, the next witness for the prosecution was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Will you state your name please?

A. Captain B. W. Glick.

Q. And what is your organization and station please Captain?

A. 98th General Hospital.

Q. What branch of the service are you in Captain?

(Glick-Direct)(Metzler-Cross)

- A In an in the surgical service.
- Q. Where did you receive your medical education Captain?
- A. I received my medical education at the college of physicians and surgeons of the Columbia University, New York.
- Q. Are you a graduate of that institution? .
- A. Yes sir.
- Q. And when did you receive your degree from that institution?
- A. 1934.
- Q. And since that time Captain, have you been practicing your profession of medicine?
- A. Yes, I have.
- Q. Now could you tell us Captain, what is the nature of the disease known as phlegmone?
- A. Yes sir, I can
- Q. What is it?
- A. Phlegmone is an acute vaccinous inflammatory condition of the subcutaneous tissues. If I may describe it a little further, a phlegmone would refer to one of a severe degree; quite intense as distinguished from a phlegelitus.
- Q. How is that infection brought about Captain?
- A. It would most commonly be brought about through the skin through some crack or abrasion; be brought in from without.
- Q. And how does it compare with blood poisoning?
- A. It is an entirely different condition from blood poisoning; blood poisoning refers to the presence of a infection within the blood stream; however, a blood stream infection may result from a phlegmone, it may be secondary to a phlegmone.
- Q. What is the effect of a phlegmone upon the organs of the body?
- A. Well a phlegmone being a severe infection will especially cause, may cause, destruction of other organs of the body.
- (Glick-Direct)

- Q. Captain what would be the effect of injecting a phlegmone the germ of phlegmone into the anus?
- A. Well, it is not a given organism that causes phlegmone: it can be caused by anyone of a number of things, but I suspect that if you could obtain a serum or any tissue or exudate within the tissues of the phlegmone and inject it into the anus, I believe it would give rise to a phlegmone in that area and give rise to a severe infection.
- Q. I will ask you if it is not a fact doctor, that the infection may be had in a person who is healthy by taking the puss from another person suffering from phlegmone and injecting that into the body of the healthy person?
- A. Yes sir, I believe you can infect anybody; it does not matter what their health is.
- Q. What is the usual treatment for phlegmone cases Captain?
- A. Well the treatment as we have it today, would not only include the local treatment of dressings or surgical treatment that we have, but it would also include kiniotherapy; the sulfa drugs, and penicillin.
- Q. Does the presence of phlegmone leave any permanent impairment in the limb which has been infected by it?
- A. That would depend on the degree and extent of the phlegmone, and as to whether it would result in a sluffage of the tissues; the loss of that tissue, would impair that limb.
- Q. Doctor, is rest and lack of action on the part of the person suffering from phlegmone a proper treatment.
- A. Yes sir, I believe that rest is very important in the handling of that condition.

Prosecutions: No further questions.

CROSS-EXAMINATION

Questions by the defenses:

(Glick-Direct)

- Q. Captain, there has been a great deal of experiments with phlegmons cases, as a matter of fact, even in the United States, hasn't there?
- A. Yes.
- Q. And as a matter of fact, all treatments of phlegmons cases have not yet been discovered, have they?
- A. I don't understand your questions.
- Q. By that I mean, there are still experiments going on?
- A. I don't believe that we are experimenting with the treatment of phlegmons.
- Q. Well what are they experimenting with?
- A. Phlegmons is a condition which the average doctor knows as an infection and can treat as such, I don't think he has to resort to experiments as to what to do in a given case of infection.
- Q. But they are still experimenting with the remedies and treatments?
- A. Yes, fundamental experiments as far as the handling of infections but that applies to all types of infections, whether it be phlegmons or anything else.
- Q. And even as a matter of fact the application of the treatment of the sulfa drugs is it not, as is penicillin?
- A. It is true that it is relatively new; the sulfa drug treatments have been going on for only a few years.
- Q. And prior to the development of the sulfa drugs, they never used anything of that nature in the treatment of a phlegmons, did they?
- A. That is correct, they resorted to the local treatment; wet dressings; excision and incision;
- Q. What is the effect doctor; captain, of a phlegmons on the organs of the body?

(Glick-Cross)

A. Well that varies with the general resistance of the body itself of the individual; it depends upon his general health; and it also depends upon the local phlegmone itself; how severe that is and also the type of organism that is the cause of the infection.

Q. Are you familiar with the type of experiments that were going on in Dachau for phlegmone?

A. No sir, I am not.

Q. Have you ever heard of a Doctor Rasher?

A. No.

Q. Doctor Walters?

A. No.

Q. You don't know the course of treatment that was given on the phlegmone experiments here in Dachau, do you?

A. No sir.

Defense: That's all.

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

The court then took a recess until 1015 hours, at which hour the personnel of the court, the prosecution and defense, and the accused and the reporter resumed their seats.

Gertrude Ehmann, the next witness for the prosecution, was sworn and testified as follows through the interpreters:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Will you state your name please Mam?

A. Ehmann, Gertrude.

Q. Where do you live Mrs. Ehmann?

A. Boltzman station, Degendorf community.

Q. Were you living there in the latter part of April, 1945?

A. Yes.

(Glick-Cross)(Ehmann-Direct)

Q. Mrs. Elmann, what is the occupation of your husband?

A. Until now, my husband was a conductor with the mail.

Q. In the month of April, 1945, did you operate a tavern at Achmuhl?

A. I still have it.

Q. Do you recall during the latter part of April, 1945, seeing transports of prisoners coming through Achmuhl?

A. Certainly.

Q. During that time did you have occasion to see any of the officers who were in command of that transport?

A. Yes, I had that; those officers sat in our tavern on the afternoon of Saturday the 20th of April.

Q. Now Mrs. Elmann, would you tell the court whether or not you recognize any of the prisoners who are sitting in the dock, as being one of the officers who was sitting in your tavern that afternoon?

A. Yes one.

Q. Which one is that Mrs. Elmann?

A. I believe it is number 37.

Prosecution: Let the record show may it please the court, that the witness Mrs. Gertrude Elmann identified the prisoner wearing the number 37 as being one of the officers whom she saw in her tavern the afternoon described, in April, 1945.

Q. Now what were these officers doing there in your tavern on that occasion?

A. They did nothing but drink beer and eat.

Q. At any time did you have occasion to observe the condition of the prisoners that were in this transport?

A. Yes, I saw it.

Q. What was their condition?

A. It was terrible, the condition of the prisoners was terrible.

Q. And what do you mean by terrible, Mrs. Elmann?

(Elmann-Direct)

- A. They were so run down, that some of them could hardly walk any longer.
- Q. Did any Doctor come to your tavern on that same day?
- A. Yes.
- Q. Who was that doctor?
- A. Doctor Holtzman.
- Q. Now did this doctor have any conversation with the officers that were present there in your tavern?
- A. Doctor Holtzman came into the kitchen to me and asked me where the sick people were lying; I told him that I didn't know, and he opened the door to the bar-room and told him here the officers are, please ask them.
- Q. And did Doctor Holtzman ask the officers where the sick prisoners were?
- A. Yes, He went into the bar-room and asked the officers.
- Q. What did the officers tell him?
- A. We have no ill people.
- Q. Now Mrs. Ehman, did you know the name of the man you identified as being present here, number 37, at the time you saw him in your tavern?
- A. No, I did not.
- Q. Have you since learned his name?
- A. I only know his name since Lieutenant Lawrence came to see me.
- Q. And what were you told was the name of the man you identified here as number 37?
- Defense: I object to that question, if it please the court.
- A. I don't remember exactly, Degelow.

Prosecution: May it please the court, there is nothing in the world wrong with that question. In other words, she was asked if she knew the name of the man, and she states she

(Ehman-Direct)

did not, and she stated that she subsequently learned the name; and she is now telling the court the information.

Defense: I'll withdraw my objection. I move that the court at this time....that the matter put into the record by the counsel for the prosecution as to the witness identifying the prisoner number 37, be stricken; inasmuch as the witness' statement in the record is self-explanatory, and is not so strong as the counsel for the prosecution makes it to be. She says she believes that it is the accused wearing 37. The counsel for the prosecution said she identified 37. The testimony of the witness needs no further amplification to explain what had transpired at that time.

Prosecution: May it please the court, the record speaks for itself, as to what the witness says, of course characterizes her identification. What the counsel for the prosecution said, was merely describing in words for the benefit of the court what the witness did.

President: Objection overruled, continue.

Questions by the prosecution:

- Q. Did you ascertain where these prisoners came from?
- A. Yes, some of them came into our house and they told us from Dachau.
- Q. Do you know whether or not any of these prisoners died on that transport, Mrs. Ehmann?
- A. I do not know about on the transport, but later on when they were here; they were here for three or four days.... they were here for a long time.

CROSS-EXAMINATION

Questions by the defense:

- Q. You say you learned the name of this man from a Lieutenant Lawrence, is that true?

(Ehmann-Cross)

A. Yes.

Q. Who is Lieutenant Lawrence?

A. An American Lieutenant.

Q. At the time you saw these people in your tavern will you state how many were present?

A. I do not know exactly, but it was 7 or 8.

Q. Were they all officers?

A. I do not know; he had buttons on them; and some had stars on them; I do not know the insignia very well.

Defense: No further questions.

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

Prosecution: Sir the prosecution, calls as its next witness Private Michel.

Private First Class Theodore Michel, the next witness for the prosecution was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Will you state your name please?

A. Theodore Michel.

Q. What is your rank?

A. Pfc.

Q. Organization?

A. War Crimes Branch, USFET, Wiesbaden.

Q. Private Michel, are you a sworn official interpreter
... for this court?

A. I am.

Q. I hand you a document marked prosecution's exhibit 88
for identification and ask you to state what that is?

A. That is a statement by by the accused Martin Weiss.

Q. In what language is it?

(Michel-Direct)

- A. German.
- Q. Now I hand you another document marked prosecution's exhibit 88a and ask you to state what that is.
- A. That is a translation of that statement.
- Q. In other words, prosecution's exhibit 88a is an English translation of prosecution's exhibit 88 for identification is that correct?
- A. That is correct.
- Q. You have compared the English and the German?
- A. I have sir.
- Q. And is it a true and correct translation?
- A. It is.

Prosecution: No further questions.

Defense: No questions.

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

Technician Fifth Grade, Alexander M. Koritzkes, the next witness for the prosecution was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

- Q. State your name please?
- A. Alexander M. Koritzkes, T/5.
- Q. Your organization and station?
- A. War Crimes Branch, USFET, Wiesbaden.
- Q. Corporal Koritzkes, are you an official interpreter for this court?
- A. I am.
- Q. I hand you a document marked prosecution's exhibit 89 for identification, and ask you to state what that is.
- A. This is a statement made by Frederick Wilhelm Ruppert.
- Q. In what language is it Corporal?

(Koritzkes-Direct)

A. This is in German.

Q. Now I hand you another document marked prosecution's exhibit 89a and ask you what that is.

A. This is an English translation of that statement, of Frederick Wilhelm Ruppert.

Q. Have you compared the document marked prosecution's exhibit 89 and the document marked prosecution's exhibit 89a, as to whether or not prosecution's exhibit 89a is a true and correct translation of prosecution's exhibit 89?

A. Yes sir, I have.

Prosecution: No further questions.

Defense: No questions.

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

Colonel David Chavez, was recalled to the stand by the prosecution, as its next witness, and testified as follows, after being reminded that he was still under oath:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Colonel, on or about the latter part of October, 1945, did you have occasion to have the accused Martin Gottfried Weiss appear before you?

A. I did sir.

Q. At that time did Martin Gottfried Weiss make any statement to you?

A. He did.

Q. Was that reduced to writing?

A. It was.

Q. I hand you a document marked prosecution's exhibit number 88 for identification and ask you to state what that is.

A. That is a statement that was made by Martin Weiss to me.

(Chavez-Direct)

Q. Now I call your attention to page 7 of that statement, is the signature before the first typewritten line appearing on that page the signature of Martin Gottfried Weiss?

A. It is, he signed it before me.

Q.....

Prosecution: At this time, may it please the court, the prosecution offers into evidence the document marked prosecution's exhibit 8E, being the statement of Martin Gottfried Weiss.

Defense: May it please the court, I object to the introduction of this statement on the grounds that the counsel for the prosecution has not laid sufficient grounds for the introduction of a statement, which purports to be a confession of one of the defendants. The counsel for the prosecution should be required to go into sufficient detail as to the circumstances under which the statement was given, so as to apprise the court of the admissibility of it; and the creditability to be given to the statement; that has not been done.

Prosecution: In reply to that, may it please the court; in the first place no one has said that this is a confession; in the second place, there is no rule that requires a person offering a statement to show that it was voluntarily made.

President: The objection is overruled; the paper will be received in evidence.

Prosecution: At this time we also offer in evidence prosecution's exhibit 88a, which is an English translation, which I would like to read to the court.

The prosecution read prosecution's exhibit 88a to the court.

Prosecution: Now there are other jurors may it please the court, I would like to dispense with the reading, with (Chavez-Direct)

the defense counsel's permission.

Defense: I do think at this time it is necessary to have the German version read.

Prosecution: Absolutely, may it please the court, that is to be read by the interpreter.

The interpreter reads prosecution's exhibit 88 to the court in German.

Questions by the prosecution:

Q. Now Colonel Chavez, on or about 29 October, did Wilhelm Ruppert have occasion to come before you?

A. Yes.

Q. Did he make a statement to you at that time?

A. He did sir.

Q. Was that statement reduced to writing?

A. It was.

Q. I hand you a paper marked prosecution's exhibit 89 and ask you to look at it and state what it is.

A. This is the statement that was made to me by Frederick Wilhelm Ruppert.

Q. Did he sign that statement in your presence?

A. He did, that is his signature on page 3, just above my signature.

Q. That is where your signature first appears on that page, is that correct?

A. That is right sir.

Prosecution: We offer at this time may it please the court prosecution's exhibit 89, being a statement in German of Frederick Wilhelm Ruppert.

Defense: I object to the admission of that exhibit for the same reasons heretofore stated, and the additional reason that if the statement so introduced is not a confession or admission.
(Chavez-Direct)

mission against interest on the part of the testifying defendant or deponent, then it is not admissible as being a violation of the hearsay rule. There is a further reason, being that the deponent incriminates, or tends to incriminate others of the defendants and therefore I object to the admission of the statement as being a violation of the hearsay rule, as to the others of the defendants

Prosecution: I would like to call the court's attention at this time to the rules of evidence applicable in this court. A statement made by one co-accused may be used in evidence against other co-accused. The rules we are normally accustomed to in courts-martial procedure where the one procedure is in operation have no application here. In support of that statement, I would like to read an opinion of the Deputy Theater Judge Advocate with respect to the admissibility of this type of evidence. "Admissibility before a military government court of extra-judicial statement of co-accused. The rules of procedure in Military Government Courts provide that a Military Government Court shall in general admit oral, written and physical evidence having a bearing on the issues before it, and may exclude any evidence which in its opinion is of no value as proof. (Rule 12(1) Section 305 page 37, Military Government Germany, Technical Manual for Legal and Prison Officers, 2d Edition). This rule permits the admission of any evidence which in the opinion of the court is of probative value" (Paragraph 7a Page 4, Outline of Procedure for Trial of Certain War Criminals by General and Intermediate Military Government Courts). The Guide to Procedure in Military Government Courts provides that hearsay evidence, including the statements of witnesses not produced, is admissible in Military Government Courts (Paragraph 2 Section 306 Page 43, Military Government Germany, Technical Manual for Legal and Prison Officers, 2d Edition). These (Chavez-Direct)

authorities most certainly permit the admission of hearsay evidence.

The general rule, applicable in courts-martial, that the confession or admission of one accused, made out of court, is admissible only as against such accused, is simply an application of the hearsay rule. A confession or admission, made out of court, is admissible against the maker as an exception to such rule (MCM par. 114; FM 27-255, par. 94) - and, of course, that exception is not applicable when the statement is used against another accused. The fact that the basis for the inadmissibility of an extra-judicial statement of one accused against another accused is simply the application of the hearsay rule is demonstrated by the fact that one co-accused may testify in court against his co-accused (Bull. JAG, Vol. III, p. 284, July 1944; FM 27-255, par.94).

It is clear that a statement made out of court by one accused is admissible before a Military Government Court against all accused to the same extent as any other hearsay evidence. Charles H. Taylor, Captain JAGD."

Deputy Theater Judge Advocate's Office War Crimes Branch, United States Forces, European Theater, 10 November, 1945. To the JA Section, War Crimes Branch, Headquarters Eastern Military District, APO 403, US Army. "This office concurs with the conclusions reached by Captain Taylor in the attached analysis and is of the opinion that the statement of one accused made out of court is admissible in evidence against his co-accused and may properly be so considered by a Military Government Court." C. B. Mickelwait, Colonel JAGD, Deputy Theater Judge Advocate.

Now, may it please the court aside from the authority of the Office of the Deputy Theater Judge Advocate, it adds (Chavez-Direct)

to reason and logic based on the rules applicable before this court that such a statement is admissible. In other words the limitation that the statement of one co-accused can not be used against another co-accused, where it is made out of court, is not applicable here; in furtherance of that we have the authorities cited, and Captain Taylor's opinion.

Defense: If it please the court, there remains only to be said that the counsel for the defense does not concur with the opinion of Captain Taylor.

President: Objection overruled, the statement will be received in evidence.

Prosecution: Now, may it please the court, at this time we offer the English translation of prosecution's exhibit number 89.

The prosecution read its exhibit 89a to the court.

The interpreter read prosecution's exhibit 89, a German version of prosecution's exhibit 89a to the court.

Prosecution: The prosecution has no further questions of this witness may it please the court.

CROSS-EXAMINATION

Questions by the defense:

Q. Colonel, were these statements written in the handwriting of the deponents?

A. I think one of them was.

Q. Which one was it?

A. I think it was Ruppert.

Q. Then the other one; how was it prepared?

A. The other one was typewritten.

Q. By whom?

A. As I recall, it was typewritten by Lieutenant Lawrence.

Defense: That's all.

(Chaves-Cross)

REDIRECT EXAMINATION

Questions by the prosecution:

Q. Colonel, After these statements were taken were they presented to these accused?

A. Yes sir, I told both of the accused to read the statement over very carefully, to make any corrections or delete anything they wanted; and they read it over very carefully and after they read it over, I asked them if that was the truth, and they said yes, and I asked them if they wanted to sign it, and they said yes. As I recall it, they did make some corrections.

RECROSS-EXAMINATION

Questions by the defense:

Q. Colonel, how many interrogations of these two deponents had preceded the preparation of these two statements by you?

A. I think I had talked to Weiser once before, I don't think I had talked to Ruppert at all.

Q. You mean Weiss?

A. Yes, I mean Weiss.

Q. In so far as time is concerned, how long did you spend with Ruppert at the time this statement was prepared?

A. Oh, it took a couple of hours as I recall.

Q. This statement was taken on the 29th of October was it not?

A. Yes.

Q. Those two deponents had been interned since the first of May, hadn't they?

A. I don't know, except that they were in here when we were here, I think in the statement they say where they were apprehended. Weiss said he was interned somewhere down below here, sometime in May.

(Chavez-Redirect)(Chavez-Recross)

Q. In so far as the deponent Ruppert is concerned, was he led to believe that he would receive any kind of immunity for making this statement?

A. No sir, just the opposite, I made it very plain to Ruppert and to Weiss, if they made any statement to me, that statement might be used against them when they were tried for the atrocities and cruelties at Dachau, and even when it was written, I said, you can refuse to say anything, and he said no, and proceeded to sign it.

Defense: No further questions.

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

Private Michel was recalled by the prosecution, reminded that he was still under oath, and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Private Michel, I hand you a document marked prosecution's exhibit 90 for identification and ask you to state what that is.

A. That is a statement in German made by Leonhard Eichberger.

Q. And I hand you another document marked prosecution's exhibit 90a and ask you to state what that is.

A. This is a translation into English of that statement by Leonhard Eichberger.

Q. And is the document marked prosecution's exhibit 90a a true and correct English translation of the document marked prosecution's exhibit 90?

A. It is sir.

Prosecution: No further questions.

Defense: No questions.

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

(Michel-Direct)

Corporal Kuritzkes was recalled to the stand by the prosecution, was reminded that he was still under oath, and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

Q. Corporal Kuritzkes I hand you a document marked prosecution's exhibit 91 for identification and ask you to state what that is.

A. This is a statement made by Fritz Hintermayer in German.

Q. And I ask you to state what prosecution's exhibit 91a is.

A. This is a translation of that same German statement into English, made by Fritz Hintermayer.

Q. Is that a true and correct English translation of the original German contained in prosecution's exhibit 91?

A. It is sir.

Q. Now I hand you another document marked prosecution's exhibit 92 for identification; will you state what that is?

A. This is a statement made in German by Franz Xaver Trenkle.

Q. I hand you another document marked prosecution's exhibit 92a and ask you to state what that is.

A. This is an English translation of that same statement of Trenkle.

Q. And is prosecution's exhibit 92a a true and correct translation of prosecution's exhibit 92?

A. It is sir.

Prosecution: No further questions.

Defense: No questions.

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

Lieutenant Paul C. Guth, the next witness for the prosecution (Kuritzkes-Direct)

examination was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the prosecution:

- Q. Will you state your name, your rank, your organization and your station, please?
- A. Paul C. Guth, Second Lieutenant, ADE, Headquarters 3d United States Army.
- Q. Lieutenant Guth, on or about the 29th of October, 1945, did one Leonard Eichberger appear before you?
- A. Yes sir, he did.
- Q. Did he make a statement to you?
- A. Yes sir, he did.
- Q. Was that statement reduced to writing?
- A. Yes sir, it was.
- Q. I hand you a document marked prosecution's exhibit number 90 for identification and ask you to state what that is.
- A. That is Eichberger's statement sir.
- Q. Did he sign that statement?
- A. Yes sir, it is signed on page 4, and it is signed on every page.
- Q. Was that statement read over by him before he signed it?
- A. Yes sir, it was.

Prosecution: We offer at this time may it please the court prosecution's exhibit number 90, being the statement in German of Leonard Eichberger in evidence.

Defense: May it please the court, I would like the record to show that I make the same objections to this and each succeeding statement that is introduced, that I have made to the first.

President: Will you repeat that please?

Defense: I want the record to show that I make the same
(Guth-Direct)

objections to this; to the admission of this statement in evidence and the admission of each succeeding statement in evidence that I have made to the admission of the first two statements, in order to expedite the procedure.

President: The objection is overruled, this will be received in evidence.

Questions by the prosecution:

Q. Lieutenant Guth, at that time were you an investigator of War Crimes?

A. Yes sir, I had been appointed an investigator examiner.

Prosecution: I offer at this time may it please the court prosecution's exhibit 90a, being an English translation of the statement made by Eichberger, and ask permission to read it to the court.

The prosecution read prosecution's exhibit 90a to the court.

The interpreter read prosecution's exhibit 90 to the court.

The court then took a recess until 1315 hours, at which hour the personnel of the court, the prosecution and defense and the accused and the reporter resumed their seats.

President: The court will come to order.

Prosecution: Lieutenant Guth, will you please resume the stand? You are reminded that you are still under oath.

Witness (Lt Guth): Yes, sir.

Q Lieutenant Guth: Hand you a statement, marked Prosecution Exhibit 91 for identification, and ask you to state what that is.

A That is a statement of Doctor Fritz Hintermayer, made before me on or about 31 October 1945.

Q At the time that that statement was made, were you acting as investigator for War Crimes, Third United States Army?

A Yes, sir.

Q Did you threaten Doctor Hintermayer to make a statement?

A No, sir.

Q Did you promise him any inducement or hold out any hope of reward if he made a statement?

A No, sir.

Q On page seven of the document marked Prosecution Exhibit 91, will you state whose signature appears above the typewritten line on that page?

A Doctor Hintermayer's.

Q Prosecution: We offer at this time, may it please the court, Prosecution Exhibit 91 in evidence, it being the statement of Doctor Fritz Hintermayer.

President: The document will be admitted in evidence.

Prosecution: We also offer at this time, may it please the court, Prosecution Exhibit 91A, an English translation of Prosecution Exhibit 91, and request permission to read the same to the court.

President: It will be received in evidence.

The prosecution then read Prosecution Exhibit 91A to the court.

The interpreter then read Prosecution Exhibit 91 to the court.

Q Lieutenant Outh, on or about the 29th of October 1945, did you have occasion to examine one Franz Xaver Trenkle?

A I did, sir.

Q When he came before you, did he make any statement?

A He did, sir.

Q And before he made that statement, did you threaten him in any manner?

A No, sir.

Q And did you promise him any hope of reward if he made a statement?

A No, sir.

Q I hand you a document, marked Prosecution Exhibit 92 for identification, and ask you to state what that is?

A That is Trenkle's statement, sir.

Q Did he read that statement over before signing it?

A Yes, sir, and he also made several changes.

Q Does his signature appear at the bottom of page three?

A It does, sir; on the last line.

Prosecution: We offer at this time, may it please the court, the statement of Franz Xaver Trenkle, in the original German, marked Prosecution Exhibit 92, in evidence.

President: The document is received in evidence

Prosecution: We also offer at this time the English translation of the statement of Frans Xaver Tankle, marked Prosecution Exhibit 92A, and request permission to read it to the court.

President: The document will be received in evidence.

The prosecution then read Prosecution Exhibit 92A to the court.

The interpreter then read Prosecution Exhibit 92 to the court.

Q Lieutenant Guth, will you step down, please?

A Yes, sir.

Prosecution: Corporal Kuritzkes, you are reminded that you are still under oath.

Witness: Yes, sir.

Q Corporal, I hand you a document, marked Prosecution Exhibit 93 and ask you to state what that is.

A This is a German statement, made by Erwin Emil Mahl.

Q I hand you another document, marked Prosecution Exhibit 93A for identification, and ask you to state what that is.

A This is the English translation of the same statement by Mahl.

Q Is Prosecution Exhibit 93A a true and correct translation of Prosecution Exhibit 93?

A Yes, sir.

Q And that translation was from German into English? Is that correct?

A Yes, sir.

(Kuritzkes-Direct)

Prosecution: I hand you another document, marked Prosecution Exhibit 94 for identification, and ask you what that is.

Witness: This is a German statement, made by Doctor Witteler.

Q I hand you another document, marked Prosecution Exhibit 94A for identification, and ask you to state what that is.

A This is the English translation of the same statement by Doctor Witteler.

Q And is Prosecution Exhibit 94A a true and correct English translation of Prosecution Exhibit 94?

A Yes, sir, it is.

Q I hand you another document, marked Prosecution Exhibit 95 for identification, and ask you to state what that is.

A This is a statement made in German by Michael Redwitz.

Q I hand you another document, marked Prosecution Exhibit 95A and ask you to state to the court what that is.

A This is the English translation of the same statement by Michael Redwitz.

Q And is Prosecution Exhibit 95A a true and correct English translation of the German statement, Prosecution Exhibit 95?

A Yes, sir.

Prosecution: No further questions. Lieutenant Guth, will you please resume the stand? You are reminded that you are still under oath.

(Kuritzkes-Direct)

Witness: Yes, sir.

- Q On or about the 4th day of November 1945, did Erwin Emil Mahl appear before you for questioning?
- A Yes, sir. He did.
- Q At that time were you acting as investigator for the War Crimes Branch of Headquarters, Third United States Army?
- A I was, sir.
- Q And when Mahl appeared before you, did he make any statement,
- A He did, sir.
- Q Was that statement reduced to writing?
- A It was, sir.
- Q Now, before he made that statement, did you threaten him in order to induce him to make a statement?
- A I did not, sir.
- Q Did you offer him any hope of reward, or inducement to make a statement?
- A I did not, sir.
- Q I hand you a document, marked Prosecution Exhibit 93, and ask you to state whether or not that is the statement that was made by Mahl before you?
- A It is, sir.
- Q Does his signature appear on the last page?
- A Yes, sir; the last two words on the last line.
- Q And he signed that in your presence -- correct?
- A Yes, sir.
- Q Did he read it over before he signed it, Lieutenant?
- A Yes, he did, and he made changes.

Prosecution: We offer at this time, may it please the court, as Prosecution Exhibit 93, the statement of Erwin Emil Mahl.

(Oath-Direct)

President: The document is received in evidence.

Prosecution: We also offer at this time, may it please the court, as Prosecution Exhibit 93A, the English translation of Prosecution Exhibit 93, and ask permission to read it at this time.

President: The document is received in evidence.

The prosecution then read Prosecution Exhibit 93A to the court.

The interpreter then read Prosecution Exhibit 93 to the court.

Q Now, Lieutenant Outh, did one Doctor Willie Witteler have occasion to come before you on or about the 4th of November 1945?

A He did, sir.

Q Did he make any statement to you at that time?

A Yes, sir.

Q Was it reduced to writing?

A Yes, sir.

Q Did he read the statement over in your presence?

A Yes, and he made several changes.

Q I hand you a document, marked Prosecution Exhibit 94 for identification, and ask you to state what that is.

A That is Doctor Witteler's statement, sir.

Q Did he sign that statement in your presence?

A Yes, sir. You can see his signature on the last page; on page two at the bottom.

Q Did you offer him any hope of reward if he made such a statement?

A None, sir.

Q And did you threaten him with any punishment if he did not make a statement?

A No, sir.

(Outh-Direct)

Prosecution: We offer, may it please the court, as Prosecution Exhibit 94, in evidence, the original German statement of Doctor Wilhelm Witteler.

President: The exhibit is received in evidence.

Prosecution: We also offer at this time Prosecution Exhibit 94A, it being a translation of Prosecution Exhibit 94, and ask permission to read it to the court.

President: The exhibit is received in evidence.

The prosecution then read Prosecution Exhibit 94A to the court.

The interpreter then read Prosecution Exhibit 94 to the court.

Q Lieutenant Guth, on or about the first day of November 1945, did one Michael Redwitz have occasion to come before you?

A Yes, sir, he did.

Q And, at that time, were you acting as investigator and interrogator for War Crimes Branch, Headquarters, Third United States Army?

A Yes, sir, I was.

Q At that time did Michael Redwitz make a statement to you,

A He did, sir.

Q And before he made that statement was he promised any hope of reward in the event that he made a statement?

A None, sir.

Q Was he threatened, if he didn't make a statement?

A No, sir, he was not.

Q I hand you a document, marked Prosecution Exhibit 95 for identification, and ask you to state what that is?

A That is the statement Michael Redwitz made at the occasion just referred to, sir.

(Oath-Direct)

Q Did he sign that statement in your presence?

A He did, sir. His signature appears just above the typewritten line.

Q Did he read it over, and make any corrections, before he signed it?

A Yes, sir. He did.

Prosecution: We offer at this time, may it please the court, the original German statement of Michael Redwitz, marked Prosecution Exhibit 95.

President: The document is received in evidence.

Prosecution: We also offer in evidence, may it please the court, Prosecution Exhibit 95A, it being the English translation of Prosecution Exhibit 95.

President: The document is received in evidence.

Prosecution: We also ask permission to read the exhibits to the court.

President: Granted.

The prosecution then read Prosecution Exhibit 95A to the court.

The prosecution then read Prosecution Exhibit 95 to the court.

Prosecution: May it please the court, there is this list of persons, who were supposed to have died in the various years, that was attached to the statement that was made by Michael Redwitz. As I recall, exactly the same thing is in evidence at this time, and we do not care to offer it unless the defense wants it in. We would like to withdraw it.

Defense: Withdraw it.

(Guth-Direct)

The court then, at 1500 hours, 26 November 1945, took a recess until 1515 hours, 26 November 1945, at which time the members of the court and the personnel of the prosecution and defense, and the accused and the reporter, resumed their seats.

President: The court will come to order.

Prosecution: Do you desire to examine this witness?

Defense: Yes. Are you through with him?

Prosecution: Yes, until I can identify three other statements; then I shall put him back on.

CROSS EXAMINATION

Questions by the defense:

Q Lieutenant Guth, what was your assignment prior to VE-Day, in the Army?

A I was attached to various interrogation units.

Q For what length of time, prior to VE-Day, did you do interrogation work?

A Approximately a year or more.

Q Subsequent to VE-Day, what has been your assignment?

A I was attached to various interrogation units.

Q Lieutenant, I ask you to be more specific. Where did you work subsequent to VE-Day?

A At the Third Army Interrogation Center, in Freising. Before we moved to Freising, we were in Bamberg.

Q And during that whole time your work was exclusively interrogation?

A No, sir.

Q What other work did you do?

A Evaluation work.

Q During the time you were at the Third Army Interrogation Center, your work was primarily interrogation, was it not?

(Guth-Cross)

A Yes, sir.

Q On how many different occasions did you interrogate Doctor Hintermayer?

A I believe twice.

Q What length interrogation were each of those?

A Well, sir, I couldn't recall that. It was several hours on each case.

Q Now, regarding Doctor Hintermayer's statement, I ask you whether or not you composed the thing?

A No, sir.

Q Did Doctor Hintermayer write this himself?

A I think if you look at the last few lines, you will find that it was written by some clerk, or secretary, and read by Doctor Hintermayer. He made what changes he considered necessary, and signed it afterwards. So neither Doctor Hintermayer nor myself wrote it.

Q Who composed the statement for the secretary?

A Would you explain yourself on that, please?

Q Who constructed the sentences and phrases and clauses that appear in that statement?

A Doctor Hintermayer made the original statement. I and another officer — Lieutenant.....I forget his name — an officer from the Medical Corps who was present at the interrogation, made notes. The statement was then reduced to writing on the basis of whatever statement Doctor Hintermayer had made during the interrogation. Some of the words — I think most of the words — are Doctor Hintermayer's, either in the original interrogation, or later on, when it was reduced to writing. Some of the organization, that is, the setting of the manuscript into paragraphs, for instance, is mine.

(Guth-

I would, however, like to point out that at all times Doctor Hintermayer had a chance to object to any statement that was put down. In a large number of cases, for instance, in the paragraphs Doctor Hintermayer decided that additions be made to his original statement. The thing is as follows: For instance, in that paragraph about food, he requested that additional statement, after the first sentence, be added. This was accomplished.

Q Was this statement obtained at the second, or at the first time you interrogated Doctor Hintermayer?

A It is the result of both interrogations.

Q As far as the actual time of preparation of the statement is concerned, was that at the time of the first interrogation, or the second?

A The second.

Q How many times did you interrogate Leonhard Eichberger?

A The statement you see here is the result of, I believe, one interrogation.

Q The question was, Lieutenant, how many times have you interrogated Leonhard Eichberger?

A Twice, I believe.

Q And how much time did those two times involve?

A I think, sir, the statement was obtained and reduced to writing during the first sitting, which took from about nine o'clock in the morning to noon, but I am not quite sure about that.

Q How many times have you interrogated Franz Xaver Trenkle?

A Once, sir.

Q And for what length of time did that interrogation endure?

A Sir, I am afraid that I don't know. I haven't got a watch, and never look at a watch while interrogating, if I had one. I really don't know.

(Guth-Cross)

- Q Are you able to give an approximation?
- A I should say that it took several hours.
- Q How many different times did you interrogate Evelyn Hall Wahl?
- A Once, sir.
- Q And without the use of your watch, could you give me a general idea as to how long that interrogation took?
- A I think that we spent all morning on that. I'm not quite sure.
- Q How many times did you interrogate Doctor Witteler?
- A Once.
- Q And how long did that interrogation endure?
- A Again, several hours. I don't know how many.
- Q How many times did you interrogate Michael Redwitz?
- A I believe twice; maybe three times.
- Q For how long at each time?
- A Again, several hours.
- Q Each time?
- A Yes.
- Q The preparation of each of the statements that I have named is similar to the preparation of the first statement that we discussed, isn't it?
- A Yes, sir.
- Q That is, they were dictated by you from notes taken by you during the interrogation, read by the deponent with opportunity to make such changes as he saw fit, and then signed by the deponent?
- A Sir, I think that if you look over the record of the questions you have been asking me, you will find that I made no such statement as that I dictated it. I didn't dictate it. I did influence the general organization of the statement, and I did suggest certain phrases, yes. But,

(Outh-Cross)

I did not dictate it.

Q From the notes that you took during the interrogations, the statements were read to the typists, were they not?

A Yes, sir.

Q Now, who read those statements to the typist?

A Inasmuch as they were my notes I did. At times when my notes — for instance, it happened frequently during Doctor Hintermayer's statement, when my notes gave out, I would turn and say "Now, Doctor, how should the next paragraph be?" and he would suggest.

Q Were you alone during these interrogations? Were you working singly is the question.

A I don't quite get that.

Q Did you have help from other officers during the interrogations?

A During my interrogation of Doctor Hintermayer I had the benefit of that Medical Lieutenant's advice on medical questions. During my examination of Doctor Witteler I believe that I had the benefit of Doctor Blaha's advice.

Q In the preparation of these statements was the substance beneficial to the deponent included, as well as substance detrimental to the deponent?

A I think that when you look through the statements you will find that practically everyone of the accused gives a reason for every one of his actions — a reason that appears sufficient to him to excuse that act. Whenever anyone of the accused made a statement while we composed this document, while we reduced it to writing,

(Guth-Cross)

I would let it go into the statement unchanged.

Whenever -- I should like to add that whenever it referred to a particular act in the statement --

Q You permitted it to be put in the statement, is that right?

A Well, I don't know whether your question -- whether the words are chosen very happily, but if you want to put it that way, I did permit it to be put in the statement, yes.

Q Now, the circumstances of gaining the statements, that we have discussed, are applicable more or less to all subsequent statements that you will admit as exhibits to your testimony, are they not?

A Well, during interrogations of people who were not doctors, no doctor would be present. In that case, some one of the Sergeants who spoke German, or some other person, would be present, yes, sir.

Q You do not require the use of an interpreter, do you?

A No, sir. I do not.

Q These notes that you took from the interrogations, and from which the statements were prepared, were they not the result of questions put by you, to which an answer "yes" or "no" was required?

A Sir, that was true, I believe, in only one case, and that is the case, to a certain extent, of Doctor Witteler. Doctor Witteler accused me twice of being a liar. He gave very improper answers to most of my questions. In that case I requested him to answer by "yes" or "no". Now, whenever he felt, and I told him so and told him when I started on that method, whenever

(Oath-Cross)

he felt it could not be answered "yes" or "no" he was at liberty to make any answer that he felt like.

Q Why did Doctor Witteler think you were lying?

A I don't know, sir. I'm not a psychoanalyst, so I really couldn't tell. Frankly, I don't know why any of the accused did the acts they have done. I can't answer that.

Q Will you explain to me, or to the court, rather, the conversation and the circumstances under which Doctor Witteler accused you of lying?

A Yes, sir. I think I told him that Doctor Blaha told me that he notified Doctor Witteler of the results of his autopsies. It was something like that. On that occasion Doctor Witteler gave an improper answer. Now, sir, that was the second time that such an answer was given.

Q That is when he accused you of lying?

A Yes, sir.

Q So, on the average — Is this correct? I'm not undertaking to quote you, but is this correct? Generally, several hours of interrogation has been required to secure each one of these statements, varying from a typewritten page to several typewritten pages? — naturally — y. . .

REDIRECT EXAMINATION

Questions by the prosecution:

Q After the statements were prepared, was any force used to require any one of the deponents to sign their statements?

A No, sir. Not at all. I would like to add that just as soon as a man came in, I would swear him in. I then told

(Oath-Redirect)

him that I was an investigator-examiner, and that you were the prosecutor, and would make any use that you considered fit, of any statement that he would choose to make.

Prosecution: No further questions.

REGROSS EXAMINATION

Questions by the defense:

- Q Did you have the use of an unusually bright light during your interrogation?
- A What do you call an unusually bright light? I don't think it was any brighter — as a matter of fact, I think it was a good deal less bright than the lights in this court.
- Q You mean these lights?
- A Yes — a good deal less bright.

REDIRECT EXAMINATION

Questions by the prosecution:

- Q Do you mean the lights illuminating the court at the present time?
- A Yes, I think the bulb is considerably smaller.
- Q Do you know, as a matter of fact, what the wattage of that bulb is?
- A No, but I had an opportunity to compare the bulb I have and the bulb here, when they were put in, and they were considerably smaller.

Prosecution: No further questions. Step down, Lieutenant. Private Mischel.

Private Mischel, a witness for the prosecution, was recalled to the stand, reminded that he was still under oath, and testified as follows:

(Mischel-Recalled)

Questions by the prosecution:

- Q Private Mischel, you are reminded that you are still under oath. Private Mischel, I hand you Prosecution Exhibit 96, and ask you to state what that is.
- A It is the statement, in German, of Johann George Kick.
- Q I hand you another document, marked Prosecution Exhibit 96A for identification, and ask you to state what that is.
- A This is a translation into English of that same statement of Johann George Kick.
- Q And is that English translation a true and correct translation from the German contained in Prosecution Exhibit 96?
- A Yes, sir. It is.
- Q I hand you another document, marked Prosecution Exhibit 98 for identification, and ask you to state what that is.
- A This is a statement, in German, of Fritz Degelow.
- Q I hand you another document, marked Prosecution Exhibit 98A for identification, and ask you to state what that is.
- A This is a translation into English of that same statement of Fritz Degelow.
- Q Is Prosecution Exhibit 98A a true and correct statement, a translation from the German contained in Prosecution Exhibit 98?
- A Yes, sir. It is.
- Q I hand you another document, marked Prosecution Exhibit 97 for identification, and ask you to state what that is.
- A This is another, and different, statement of the same Johann George Kick, in German.
(Mischel-Recalled)

Q I hand you a document marked Prosecution Exhibit 97A for identification, and ask you to state what that is.

A This is a translation into English of that second statement of Johann George Kick.

Q And is that translation into English a true and correct translation of the German contained in Prosecution Exhibit 97?

A Yes, sir. It is.

Prosecution: No further questions.

Defense: No questions.

Prosecution: Lieutenant Guth, will you please resume the stand?

Lieutenant Guth, a witness for the prosecution, was recalled, reminded that he was still under oath, and testified as follows:

Questions by the prosecution:

Q Lieutenant Guth, on or about the 5th of November 1945, did one Johann George Kick have occasion to come before you for interrogation?

A Yes, sir. He did.

Q At that time, did you inform Kick that he did not have to make a statement?

A I did, sir.

Q Did you hold out any inducements to him to make a statement?

A No, sir, I did not.

Q Did he make a statement to you?

A Yes, sir. He did.

Q Was that statement reduced to writing?

A Yes, it was.

(Guth-Recalled)

Q I hand you a document, marked Prosecution Exhibit 96 for identification, and ask you to state what that is.

A That is Johann Kick's statement, sir. His signature appears on the reverse of page four, just above the typewritten line.

Q Did he read that statement before he signed it?

A He did, sir.

Q Did he make any corrections in it before he signed it?

A He did, sir.

Prosecution: We offer at this time, may it please the court, Prosecution Exhibit 96, it being the statement of Johann George Kick, in German.

President: The document is received in evidence.

Q Now, Lieutenant Guth, did Kick have occasion to make a second statement to you?

A Yes, sir.

Q And at the time that he made that second statement, did you inform him that there was any inducement held out to him, for him to make such a statement?

A No. I did not, sir.

Q Did you threaten him, to make him make a statement?

A No, sir.

Q Did he make a statement on that occasion?

A He did, sir.

Q I hand you a document, marked Prosecution Exhibit 97 for identification, and ask you to state what it is.

A That is the statement // his signature appears at the bottom of page two.

Q Did he read that statement over before he signed it?

A He did, sir.

(Guth-Recalled)

Defense: We have never seen those two. The statements that I have were taken before Captain Alfred L. Gault. These two I haven't seen.

Prosecution: We have no objection to the Defense examining them at this time.

The defense counsel examined the documents.

Prosecution: We offer at this time, may it please the court, as Prosecution Exhibit 97, the statement of Johann George Kick, in German.

President: The document is received in evidence.

Prosecution: We also offer at this time, may it please the court, Prosecution Exhibits 96A and 97A, being, respectively, the English translations of Prosecution Exhibits 96 and 97.

President: The documents are received in evidence.

The prosecution then read Prosecution Exhibit 96A to the court.

The interpreter then read Prosecution Exhibit 96 to the court.

The prosecution then read Prosecution Exhibit 97A to the court.

The interpreter then read Prosecution Exhibit 97 to the court.

Q Now, Lieutenant Guth, did one Fritz Degelow appear before you on or about the 4th of November 1945?

A He did, sir.

Q Did you hold out any inducement to him to make a statement? A. No, sir.

Q Did you threaten him, if he failed to make a statement?

A No, sir.

(Guth-Recalled)

Q I hand you a document, marked Prosecution Exhibit 98 for identification, and ask you to examine it and see whether or not Firtz Degelow's signature appears on that document?

A Yes, sir, it does; six lines above my signature.

Q Did you see him sign that document?

A I did, sir.

Prosecutions: We offer at this time, may it please the court, as Prosecution Exhibit 98, the German statement of Frits Degelow, in evidence.

Presidents: The document is received in evidence.

Prosecutions: We also offer in evidence, may it please the court, Prosecution Exhibit 98A, it being the English translation of Prosecution Exhibit 98.

Presidents: The document is received in evidence.

The prosecution then read Prosecution Exhibit 98A to the court.

The interpreter then read Prosecution Exhibit 98 to the court.

Prosecutions: Do you wish to cross-examine the witness at this time?

Defense: No.

Prosecutions: Will you step down, please, Lieutenant?

The prosecution then recalled Corporal Frits Kuritzkes to the stand.

Corporal Frits Kuritzkes, a witness for the prosecution, was recalled to the stand, and testified as follows:

Questions by the prosecutions:

Q Corporal Kuritzkes, you are remind-d that you are still under oath.

A Yes, sir.

(Kuritzkes-Recalled)

- Q I hand you a document, marked Prosecution Exhibit 99 for identification, and ask you what that is.
- A That is a statement, made in German, by Wilhelm Walter.
- Q I hand you another document, marked Prosecution Exhibit 99A for identification, and ask you what that is.
- A That is a translation of the same statement by Wilhelm Walter.
- Q Is that a true and correct English translation of the German statement marked Prosecution Exhibit 99?
- A Yes, sir.
- Q I hand you another document marked Prosecution Exhibit 100 for identification, and ask you to state what that is.
- A This is a statement made by Hans Kurt Eisele, in German.
- Q I hand you another document, marked Prosecution Exhibit 100A for identification, and ask you to state what it is.
- A This is a translation of the same statement by Doctor Hans Kurt Eisele.
- Q And is that a true and correct English translation from the German contained in Prosecution Exhibit 100?
- A Yes, sir, it is.

Prosecution: No further questions.

Defense: No questions.

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

Prosecution: Lieutenant Guth, will you please resume the stand?

Lieutenant Guth, a witness for the prosecution, was recalled to the stand, and testified as follows:

(Kuritzkes-Recalled)
(Guth - Recalled)

Q I hand you a document, marked Prosecution Exhibit 98 for identification, and ask you to examine it and see whether or not Firtz Degelow's signature appears on that document?

A Yes, sir, it does; six lines above my signature.

Q Did you see him sign that document?

A I did, sir.

Prosecutions: We offer at this time, may it please the court, as Prosecution Exhibit 98, the German statement of Frits Degelow, in evidence.

President: The document is received in evidence.

Prosecutions: We also offer in evidence, may it please the court, Prosecution Exhibit 98A, it being the English translation of Prosecution Exhibit 98.

President: The document is received in evidence.

The prosecution then read Prosecution Exhibit 98A to the court..

The interpreter then read Prosecution Exhibit 98 to the court.

Prosecutions: Do you wish to cross-examine the witness at this time?

Defense: No.

Prosecutions: Will you step down, please, Lieutenant?

The prosecution then recalled Corporal Frits Kuritzkes to the stand.

Corporal Frits Kuritzkes, a witness for the prosecution, was recalled to the stand, and testified as follows:

Questions by the prosecutions:

Q Corporal Kuritzkes, you are reminded that you are still under oath.

A Yes, sir.

(Kuritzkes-Recalled)

Q You are reminded that you are still under oath.

A Yes, sir.

Q On or about the 20th day of October 1943, did one Wilhelm Weiler appear and make a statement?

A Yes, sir.

Q At that time did you interview him and take a statement?

A Yes, sir.

Q Did you take a statement from him at that time?

A Yes, sir.

Q Did you make a copy of that statement?

A Yes, sir.

Q I hand you a document, marked Prosecution Exhibit 99, for identification. Did you see it before it was brought before me?

A That is Weiler's statement, signed and dated as shown before me.

Q Is that his signature there on page 1 of the statement?

A Yes, sir, it is.

President: We direct at this time that the court, Prosecution Exhibit 99, be marked as Prosecution Exhibit 99A, and that the German statement of Wilhelm Weiler be marked as Prosecution Exhibit 99B.

President: The document is received in evidence.

Prosecution: We also object, your Honor, to the court, Prosecution Exhibit 99A, and Prosecution Exhibit 99B, being the English translation of Prosecution Exhibit 99.

President: The document is received in evidence.

The prosecution then read Prosecution Exhibit 99A to the court.

President: The court will adjourn on this date tomorrow morning.

(Both-Recalled)

The court then, at 1655 hours, 26 November 1945,
adjourned to meet at 0830 hours, 27 November 1945.

W. D. Denson

W. D. DENSON
Lieutenant Colonel, JAGD
Trial Judge Advocate

The court met pursuant to adjournment at 0830 hours on the 27th of November 1945 at Dachau, Germany.

Tec 4 Isador Cuttler was sworn as reporter.

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

Prosecution: May it please the court, I believe that yesterday we had not at that time read the German statement marked Prosecution's Exhibit No. 99 to the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 99, to the court.

Defense: May it please the court, I ask permission to resume the cross examination of Lt. Guth on a matter that is peculiar to this statement.

Prosecution: I was also going to use Lt. Guth for the purpose of identifying one other statement. Would the defense mind saving its cross examination so that you can ask your questions on both Wilhelm Welter and Hans Kurt Eisele then?

Defense: You may continue.

Prosecution: Lt. Guth, you are reminded that you are still under oath.

DIRECT EXAMINATION

Questions by Prosecution.

Q On or about 30 October 1945 did Dr. Hans Kurt Eisele have occasion to come before you?

A He did, sir.

Q Did He make a statement to you at that time?

A He did, sir.

(Guth-Direct)

Q Now prior to his making a statement did you threaten him in any manner?

A No, sir.

Q Did you hold out to any inducement to him in order for him to make a statement?

A None, sir.

Q I hand you a document marked Prosecution's Exhibit No. 100 for identification and ask you to state what that is.

A That is Dr. Eisele's statement with his signature appearing at the bottom of page 5.

Q Did he read that statement over before he signed it?

A He did and he made certain alterations.

Prosecution: We offer at this time, may it please the court, Prosecution's Exhibit No. 100, a statement in German of Dr. Eisele; we also offer at this time, may it please the court, Prosecution's Exhibit No. 100a, a true and correct English translation of Prosecution's Exhibit No. 100.

President: Received by the court.

The prosecution then read the English translation, Prosecution's Exhibit No. 100a, to the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 100, to the court.

Prosecution: No further questions.

Defense: Do you have a copy of Welter's statement?

Prosecution: Yes.

CROSS EXAMINATION

Questions by the Defense:

Q Lt. Guth, this statement from Welter is dated 30 October 1945, 1600 hours. Can you tell the court, was that the day the statement was reduced to writing?
(Guth-Direct-Cross)

A Since it says so, I must assume that it was reduced to writing then. Let me see that statement. Yes, it says the 30th of October 1945.

Q So that was the day it was reduced to writing, was it not?

A Yes, sir.

Q How long did it take you to interrogate Welter?

A I remember swearing in Welter sometime in the morning, I remember taking his signature and I remember asking him whether this was his statement and a few other things.

Q Who was present with you, Lt. Guth, when you took this statement from Welter?

A I believe that Sgt. Weiss was present when I swore him in and when his signature was made.

Q And there was nobody in the room except you, Sgt. Weiss and Welter?

A No, sir, in so far as I can recall.

Q Did you see Welter later, after the interrogation?

A Yes, sir.

Q When did you see him again?

A The next day.

Q What time of the day did you see him?

A I think the next morning.

Q And who was present with you when you saw him the next day?

A Again Sgt. Weiss and possibly another person. I seem to recall someone else.

Q Was it Father Hoffman, Lt. Guth?

A I couldn't tell you.

(Guth-Cross)

- Q At the time he saw you the next morning, he told you a portion of the statement was not correct?
- A No, sir. As a matter of fact, I wanted to make sure that it was correct and I called him in again and I wanted to be sure that it was correct; he repeated the statement and it was word for word.
- Q What portion of the statement was it that you thought was not correct?
- A I didn't say that it was not correct but I wanted to be sure that it was so.
- Q What portion of the statement was it that you wanted to be sure that it was correct?
- A The one in which he claims that he went out with someone to witness an execution.
- Q In other words, that portion of the statement was the time when they went to Augsburg to witness an execution.
- A Yes, sir.
- Q Is it not a fact that Welter told you before Sgt. Weiss and Father Hoffman that he had made an error, that it was not Martin Weiss that went with him but it was Redwitz?
- A I do not think so. It is very hard to say anything for sure after such a time. Otherwise I would have let him change it.
- Q Did he not say that he had seen Sgt. Weiss prior to the time that he saw you?
- A Sgt. Weiss presented him to me for the swearing in.
- Q The morning of the next day after the interrogation?
- A No, sir, I don't think so. I think that Sgt. Weiss was in my office at that time, but I am not sure about that.

(Guth-Cross)

Q If I understand the testimony, you are not quite sure that that it was Weiss or Redwitz that went with him to witness the execution in Augsburg?

A I'm afraid I didn't make myself clear. I said that as far as I recall Welter reiterated his statement and after so much time I couldn't say absolutely positive, but that is the way I recalled it and that is to the best of my memory.

Q Can you recall positively whether it was Weiss or Redwitz who went with him?

Prosecution: I object to that, if it please the court on the grounds of repetition.

President: Objection sustained.

Q You will recall taking the statement of Dr. Wittler?

A Yes, sir.

Q Did you know that Dr. Wittler had just come from the hospital the day you saw him?

A No, sir. I heard afterwards.

Q At what time of the day did the interrogation of Dr. Wittler begin?

A About 6:30 in the evening.

Q Did you know at what time he had arrived in camp?

A No, sir.

Q Do you recall at what time the interrogation concluded?

A Sometime in the evening.

Q Would you say it was 2 o'clock in the morning?

A No, sir, it was earlier.

Q Was he required to stand during the entire period of your interrogation?

A Only just after he accused me of being a liar the second time.

Q Then you made him stand?

A Until he requested to sit down.

(Guth-Cross)

Q For how long did you make him stand?

A It wasn't more than half an hour.

Defense: That is all.

Prosecution: No further questions.

President: The witness is excused.

REDIRECT EXAMINATION

Prosecution: Pvt. Mischel, you are reminded that you are still under oath.

Questions by Prosecution.

Q I hand you a document marked Prosecution's Exhibit No. 101 for identification and ask you to state what that is.

A This is a statement in German of Engelbert Niedermeyer.

Q I hand you another document marked Prosecution's Exhibit No. 101a for identification and ask you to state what that is.

A This is a translation into English of that statement of Engelbert Niedermeyer.

Q Is that a true and correct translation into English of Prosecution's Exhibit 101?

A Yes, sir, it is.

Prosecution: No further questions.

Defense: No questions.

President: The witness is excused.

REDIRECT EXAMINATION

Prosecution: Cpl Kuritzkes, you are reminded that you are still under oath.

Questions by Prosecution:

Q I hand you a document marked Prosecution's Exhibit No. 102 and ask you to state what it is.

(Mischel-Kuritzkes-Redirect)

A This is a statement of Alfred Kramer in German.

Q I hand you another document marked Prosecution's Exhibit No. 102a and ask you to state what that is.

A This is an English translation of the same statement of Alfred Kramer.

Q And is Prosecution's Exhibit 102a a true and correct translation from German into English of Prosecution's Exhibit No. 102?

A Yes, sir, it is.

Q I hand you another document marked Prosecution's Exhibit No. 103 and ask you what that is.

A This is a statement in German of Vincenz Schoettl.

Q Examine it thoroughly.

A Yes, sir, it is.

Q And I hand you another document marked Prosecution's Exhibit No. 103a and ask you what that is.

A This is the translation of the same statement of Vincenz Schoettl.

Q Is Prosecution's Exhibit No. 103a a true and correct translation of the information contained in Prosecution's Exhibit No. 103?

A Yes, sir, it is.

Prosecution: No further questions.

Defense: No questions.

President: The witness is excused.

Prosecution: The prosecution calls as its next witness, may it please the court, Lt. Lemelman.

Lt. Lemelman, a witness for the prosecution, was sworn in and testified as follows:

DIRECT EXAMINATION

Q State your name, rank, organization and station.
(Kuritzkes-Redirect, Lemelman-Direct)

A David Lemelman, 1st Lieutenant, Air Corps, War Crimes Branch, USFET.

Q Lt. Lemelman, on or about 30 October 1945 what were your duties?

A Investigator and examiner for War Crimes Branch in Dachau.

Q On that day, Lt. Lemelman, did one Engelbert Niedermeyer have occasion to come before you?

A Yes, sir.

Q Did he make a statement to you on that occasion, Lt. Lemelman?

A Yes, sir.

Q Was that statement reduced to writing?

A Yes, sir.

Q Before he made that statement, did you offer him any inducement to make a statement?

A No, sir.

Q Did you threaten him if he did not make a statement?

A No, sir.

Q I hand you a document marked Prosecution's Exhibit No. 101 and ask you to state what that is.

A This is a statement made to me of Engelbert Niedermeyer in his own handwriting and signed by him.

Q Did he sign it before you?

A Yes, sir.

Prosecution: We offer at this time, may it please the court, Prosecution's Exhibit No. 101 in evidence, the statement in German of Engelbert Niedermeyer. We also offer at this time Prosecution's Exhibit No. 101a, a true and correct translation in English of Prosecution's Exhibit No. 101.

President: Received by the court.

(Lemelman-Direct)

The prosecution then read the English translation, Prosecution's Exhibit No. 101a, to the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 101, to the court.

Defense: If it please the court, I move at this time for the court to strike the statement of Niedermeyer on the grounds that there is no relative information in his statement on the charges in this court. All these statements were prior to 1 January 1942 and away from Dachau.

Prosecution: The witness shows that he was there at the crematory at the time and the evidence stated is under the particulars of this case and charge.

Defense: I recognize the sentence the prosecution is referring to. I move that only that sentence be considered by the court.

President: The objection is denied, the statement will stand.

Q Lt. Lemelman, on or about the 1st of November 1945, did one Alfred Kramer have occasion to appear before you for interrogation?

A Yes, sir.

Q At that time did you make an inducement to Alfred Kramer to get him to make a statement?

A No, sir.

Q Did you threaten him in the event that he did not make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir.

(Lemelman-Direct)

Q Was that statement reduced to writing?

A Yes, sir.

Q I hand you a document marked Prosecution's Exhibit No. 102 and ask you to examine it and tell the court what it is.

A This is Alfred Kramer's statement in his own handwriting, signed by him and also signed by him on every page.

Prosecution: We offer, at this time, may it please court, Prosecution's Exhibit No. 102, a statement in German of Alfred Kramer. We also offer at this time Prosecution's Exhibit No. 102a, a true and correct English translation of Prosecution's Exhibit No. 102.

President: Received by the court.

The prosecution then read the English translation, Prosecution's Exhibit No. 102a, to the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 102, to the court.

The court then, at 1000 hours, 27 November 1945, took a recess until 1015 hours, 27 November 1945, at which time all the members of the court, personnel of the defense, personnel of the prosecution, the reporter, and all the accused were present.

President: The court will come to order.

Prosecution: Lt. Lemelman, you are reminded that you are still under oath.

Q On or about 1 November 1945, while you were acting as investigator and interrogator, did one Vinzenz Schoettl have an occasion to come before you?

A Yes, sir.

Q At the time that he came before you, did you tell him that you would give anything to induce him to make a statement?

(Lemelman-Direct)

A No, I did not.

Q Did you threaten him if he did not make a statement?

A No, I did not.

Q Did he make a statement to you on that occasion?

A Yes, he did.

Q Was that statement reduced to writing?

A Yes, sir.

Q I hand you a document marked Prosecution's Exhibit No. 103 for identification and ask you to examine it and state what it is.

A This is a statement by Vinzenz Schoettl in his own handwriting, signed by him and also signed by him on each page.

Prosecution: We offer, may it please the court, the statement in German of Vinzenz Schoettl marked Prosecution's Exhibit No. 103. We also offer a document marked Prosecution's Exhibit No. 103a, a true and correct English translation of Prosecution's Exhibit No. 103.

President: Received in evidence.

The prosecution then read the English translation, Prosecution's Exhibit No. 103a, to the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 103, to the court.

Prosecution: No further questions.

Defense: No questions.

President: Witness is exoused.

Prosecution: Pvt. Mischel, will you please take the stand. You are reminded that you are still under oath.

REDIRECT EXAMINATION

Questions by Prosecution.

Q Pvt. Mischel, I hand you two documents, one marked Prosecution's Exhibit No. 110 and the other marked (Mischel-Redirect-Lemelman-Direct

Prosecution's Exhibit No. 110a for identification, and ask you to state whether or not Prosecution's Exhibit No. 110a is a true and correct English translation of Prosecution's Exhibit No. 110.

A Yes, sir, it is.

Q I hand you a document marked Prosecution's Exhibit No. 109 and another document marked Prosecution's Exhibit No. 109a and ask you to state whether or not Prosecution's Exhibit No. 109a is a true and correct English translation of Prosecution's Exhibit No. 109.

A Yes, sir, it is.

Q I hand you another document marked Prosecution's Exhibit No. 108 and a document marked Prosecution's Exhibit No. 108a and ask you to state whether or not Prosecution's Exhibit 108a is a true and correct translation of Prosecution's Exhibit No. 108.

A Yes, sir, it is.

Q I hand you, Pvt. Mischel, eight documents marked Prosecution's Exhibits Nos. 104, 104a, 105, 105a, 106, 106a, 107, 107a and I will ask you to examine them and state whether or not Prosecution's Exhibits Nos. 104a, 105a, 106a and 107a are true and correct English translations of Prosecution's Exhibits Nos. 104, 105, 106 and 107.

A Yes, sir, they are.

Prosecution: No further questions.

Defense: No questions.

President: Witness is excused.

(Mischel-Redirect)

REDIRECT EXAMINATION

Prosecution: Cpl Kuritzkes, will you please take the stand. You are reminded that you are still under oath Questions by Prosecution.

Q Cpl Kuritzkes, I hand you eight documents marked Prosecution's Exhibits Nos. 120, 121, 122, 123 and Prosecution's Exhibits Nos. 120a, 121a, 122a, 123a and ask you to state whether or not Prosecution's Exhibits Nos. 120a, 121a, 122a, 123a are true and correct English translations of the statements contained in Prosecution's Exhibits Nos. 120, 121, 122 and 123.

A They are, sir.

Q Now, Cpl Kuritzkes, I hand you eight more documents marked respectively Prosecution's Exhibits Nos. 116, 116a, 117, 117a, 118, 118a, 119, 119a and ask you to examine them and state whether or not Prosecution's Exhibits Nos. 116a, 117a, 118a, 119a are true and correct English translations of the statements contained in Prosecution's Exhibits Nos. 116, 117, 118 and 119.

A Yes, sir, they are.

Q Now, Cpl Kuritzkes, I hand you ten documents marked respectively Prosecution's Exhibits Nos. 111, 111a, 112, 112a, 113, 113a, 114, 114a, 115, 115a and ask you to examine them and state whether or not the documents marked Prosecution's Exhibits Nos. 111a, 112a, 113a, 114a, 115a are true and correct English translations of the statements contained in Prosecution's Exhibits Nos. 111, 112, 113, 114 and 115.

A Yes, sir, they are.

(Kuritzkes-Redirect)

Prosecution: No further questions.

Defense: No questions.

President: Witness is excused.

Prosecution: The prosecution calls as its next witness, may it please the court, Lt. Conn.

Lt. Conn, a witness for the prosecution, was sworn in and testified as follows:

DIRECT EXAMINATION

Questions by Prosecution.

Q State your name, rank, organization and station.

A Werner Conn, 2d Lieutenant, Headquarters Third US Army.

Q During the latter part of October, Lt. Conn, what what were your duties?

A I was investigator-examiner for the War Crimes Branch here in Daccau.

Q At that time, did one Rudolf Suttrop have occasion to appear before you?

A Yes, sir.

Q Did you threaten Suttrop to make a statement?

A No, sir.

Q Did you promise him anything in the event that he did make a statement?

A I did not, sir.

Q Did he make a statement before you?

A Yes, sir.

Q I hand you a document marked Prosecution's Exhibit No. 106 and ask you to state what it is.

A This is a statement by Rudolf Suttrop in his own handwriting that he made before me on 30 October 1945.

(Conn-Direct)

Prosecution: We offer at this time, may it please the court, Prosecution's Exhibit No. 106, a statement of Rudolf Suttrop in German and also Prosecution's Exhibit No. 100a, which an English translation of Prosecution's Exhibit No. 106.

President: Received in evidence.

The prosecution then read the English translation, Prosecution's Exhibit No. 106a, to the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 106, to the court.

Q Now, Lt. Conn, on or about 30 October 1945, did one Dr. Klaus Schilling have occasion to come before you?

A Yes, sir.

Q Did you threaten him in order for him to make a statement?

A No, sir.

Q Did you offer him any hope of reward to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir, he did.

Q Was it reduced in writing?

A Yes, sir.

Q I hand you a document marked Prosecution's Exhibit No. 122 and ask you to tell the court what it is.

A. This is a statement given to me by Professor Dr. Klaus Schilling on the 30th day of October 1945 here in Dachau.

Q Did he sign that statement?

A he did.

(Conn-Direct)

Q That is his signature then appearing on the back of this single sheet?

A It is.

Prosecution: We offer at this time, may it please the court, the statement by Dr. Klaus Schilling in German marked Prosecution's Exhibit No. 122 in evidence. We also offer, may it please the court, the English translation of Prosecution's Exhibit No. 122 in evidence as Prosecution's Exhibit No. 122a.

President: Received in evidence.

The prosecution then read the English translation, Prosecution's Exhibit No. 122a, to the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 122, to the court.

Q Lt. Conn, on or about 29 October 1945 did one Franz Boettger come before you for interrogation?

A he did, sir.

Q Did you threaten him in order to induce him to make a statement?

A I did not.

Q Did you offer him any hope of reward in order to induce him to make a statement?

A I did not.

Q Did he make a statement before you?

A He did.

Q Was that statement reduced to writing?

A Yes, sir, it was.

Q I hand you a document marked Prosecution's Exhibit No. 105 and ask you to examine it and state what it is.

(Conn-Direct)

A This is the statement made by Franz Boettger before me on the 29th day of October 1945 and it is his signature on the end of the statement.

Prosecution: We offer at this time, may it please the court, a statement of Franz Boettger, Prosecution's Exhibit No. 105, in German. We also offer in evidence Prosecution's Exhibit No. 105a, which is an English translation of Prosecution's Exhibit No. 105.

President: Accepted in evidence.

The prosecution then read the English translation, Prosecution's Exhibit No. 105a, to the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 105, to the court.

Q Now, Lt. Conn, on or about 30 October 1945 did one Anton Endres come before you for interrogation?

A Yes, sir.

Q Did you offer him any hope of reward to induce him to make a statement?

A I did not.

Q Did you threaten him to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir.

Q Was it reduced to writing?

A Yes, sir.

Q I hand you a document marked Prosecution's Exhibit No. 123 and ask you to state what that is.

A This is the statement given to me by Anton Endres on the 30th day of October 1945 in Dachau and signed in his own handwriting.

(Conn-Direct)

Prosecution: We offer at this time, may it please the court, the statement in German of Anton Endres, Prosecution's Exhibit No. 123, in evidence.

President: Received in evidence.

Prosecution: We also offer, may it please the court, Prosecution's Exhibit No. 123a, the English translation of Prosecution's Exhibit No. 123.

The prosecution then read the English translation, Prosecution's Exhibit No. 123a, to the court, after Prosecution's Exhibit No. 123a was received by the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 123; to the court.

Q Lt. Conn, on 2 November 1945 did one Friedrich Wetzels have occasion to come before you for interrogation?

A Yes, sir.

Q At that time did you threaten him to induce him to make a statement?

A I did not.

Q Did you offer him any hope of reward to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir.

Q Was it reduced to writing?

A Yes, sir.

Q I hand you a document of Prosecution's Exhibit No. 104 and ask you to state what it is.

A This is a statement made by Friedrich Wetzels before me on 2 November 1945 in Dachau and signed by him.

(Conn-Direct)

Prosecution: We offer at this time, may it please the court, Prosecution's Exhibit No. 104, the statement in German of Friedrich Wetzell.

President: Received in evidence.

Prosecution: We also offer at this time, may it please the court, Prosecution's Exhibit No. 104a, the English translation of Prosecution's Exhibit No. 104.

President: Received in evidence.

The prosecution then read the English translation, Prosecution's Exhibit No. 104a, to the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 104, to the court.

Prosecution: No further questions.

Defense: No questions.

President: The witness is excused.

Prosecution: The prosecution calls as its next witness, may it please the court, Lt. Bowser.

Lt. Bowser, a witness for the prosecution, was sworn in and testified as follows:

DIRECT EXAMINATION

Questions by Prosecution.

Q State your name, rank, organization and station.

A John H. Bowser, 1st Lieutenant, War Crimes Investigation Team 6823.

Q Lt. Bowser, on or about 29 October 1945, what were your duties at Dachau?

A I was investigator-examiner for the War Crimes Branch here in Dachau.

(Bowser-Direct)

Q At that time did one Jonann Eichelsdorfer have occasion to come before you for interrogation?

A Yes, sir.

Q Did you threaten him in order to induce him to make a statement?

A No, sir.

Q Did you offer him any hope of reward to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir.

Q I hand you a document marked Prosecution's Exhibit No. 118 and ask you to examine and state what it is.

A This is a statement which was made to me by the accused Johann Eichelsdorfer.

Q Did he sign the statement in your presence?

A Yes, sir.

Q And where does his signature appear?

A At the end of the statement.

Q On page 3?

A Yes, sir.

Prosecution: The prosecution offers at this time, may it please the court, Prosecution's Exhibit No. 118, in evidence, the statement in German of Johann Eichelsdorfer. We also offer Prosecution's Exhibit No. 118a, the English translation of Prosecution's Exhibit No. 118.

President: Received in evidence.

The prosecution then read the English translation, Prosecution's Exhibit No. 118a, to the court.

The interpreter then read the German statement, Prosecution's Exhibit No. 118, to the court.

President: The court will recess until 1:15 this afternoon.
(Bowser-Direct)

The court then took a recess until 1:15 p.m. o'clock at which time the personnel of the court, prosecution and defense, all of the accused, the interpreter and the reporter resumed their seats. The witness, Lieutenant Bowser, resumed the stand and was reminded that he was still under oath.

Questions by prosecution:

Q In the latter part of October did you have occasion to have one Arno Lippmann come before you for interrogation?

A Yes, sir.

Q At the time he came before you did you threaten him or induce him to make a statement?

A No, sir.

Q Did you offer him any hope of reward or benefit to induce him to make a statement?

A No, sir.

Q Did he make a statement to you at that time?

A Yes, sir, he did.

Q I hand you a document marked as prosecution's exhibit number 108 and ask you to examine it and state what it is.

A This is a statement made to me by the accused Lippmann, and the statement is signed on the second page by him.

Prosecution: I offer at this time prosecution's exhibit number 108, the statement in German of Arno Lippmann in evidence.

President: Received in evidence.

Prosecution: And I offer also prosecution's exhibit number 108A, the English translation thereof.

President: Received.

Whereupon the prosecution then read the English translation to the court and the official interpreter read the German.

Q Lieutenant Bowser, on 30 October 1945 did one Peter Betz come before you for the purpose of interrogation?

A Yes, sir.

Q At the time he came before you did you threaten him in any manner to induce him to make a statement?

A No, sir.

Q Did you offer to him any hope of reward or benefit to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir, he did.

Q Was it reduced to writing?

A Yes, sir.

Q I hand you a document marked as prosecution's exhibit number 120 and ask you to examine it and state what that is.

A This is a statement made to me by the accused Betz, and this is his signature here.

Prosecution: I offer at this time as prosecution's exhibit number 120, the statement in German of Betz.

(Bowser-direct)

President: The statement is received.

Prosecution: And I also offer prosecution's exhibit number 120A, the English translation thereof.

President: It is also received.

Whereupon prosecution then read to the court the English translation of the statement of Peter Betz, and the official interpreter read the statement in German.

Q Lieutenant Bowser, on or about the last part of October did Simon Kiern have occasion to come before you?

A Yes, sir.

Q At the time he appeared, did you offer him any inducement to make a statement?

A No, sir.

Q Did you threaten him to induce him to make a statement?

A No, sir.

Q Did you offer him any hope of reward to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes.

Q I hand you a document marked as prosecution's exhibit number 119 and ask you to examine it and state what it is?

This is a statement made to me by the accused Simon Kiern, and this statement he signed.

(Bowser-direct)

Prosecution: We offer in evidence at this time prosecution's exhibit number 119, which is the statement in German of the accused Simon Kiern.

President: The exhibit is received.

Prosecution: And I also offer prosecution's exhibit number 119A, the English translation of 119, in evidence.

President: Also received.

Whereupon the prosecution then read the English translation to the court of prosecution's exhibit number 119, and the official interpreter reread the exhibit in German.

Prosecution: I have no further questions of this witness.

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

Prosecution: Prosecution calls as its next witness, Lieutenant Alfred E. Lawrence.

2nd Lieutenant Alfred E. Lawrence, a witness for the prosecution was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q State your name and rank please, Lieutenant?

A Alfred E. Lawrence, 2nd Lieutenant.

Q On or about the latter part of October 1945 what were your duties?

A I was investigating examiner in the War Crimes Branch, Dachau.

Q On that occasion did you have Albin Gretsche come before you for the purpose of interrogation?

A Yes, sir.

(Lawrence-direct)

President: The statement is received.

Prosecution: And I also offer prosecution's exhibit number 120A, the English translation thereof.

President: It is also received.

Whereupon prosecution then read to the court the English translation of the statement of Peter. Betz, and the official interpreter read the statement in German.

Q Lieutenant Bowser, on or about the last part of October did Simon Kiern have occasion to come before you?

A Yes, sir.

Q At the time he appeared, did you offer him any inducement to make a statement?

A No, sir.

Q Did you threaten him to induce him to make a statement?

A No, sir.

Q Did you offer him any hope of reward to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes.

Q I hand you a document marked as prosecution's exhibit number 119 and ask you to examine it and state what it is?

This is a statement made to me by the accused Simon Kiern, and this statement he signed.

(Bowser-direct)

Q Do you know Albin Gretsich when you see him?

A Yes, sir.

Q Will you look over in the dock and see whether or not Albin Gretsich is present?

A Yes, sir.

Q Will you indicate the prisoner you know to be Albin Gretsich.

A Yes, sir, he is number 31.

Prosecution: Let the record show that the witness, Lieutenant Lawrence, identifies the accused wearing number 31 as being Albin Gretsich.

Q At the time Albin Gretsich appeared before you did you threaten him to induce him to make a statement?

A No, sir.

Q Did you offer him any hope of reward or benefit to induce him to make a statement?

A I did not.

Q Did he make a statement?

A Yes, sir.

Q And was that statement reduced to writing?

A Yes, sir.

Q I hand you a document marked as prosecution's exhibit number 117 and ask you to examine it and state what that is.

A This is a statement of Albin Gretsich which he made before me on 31 October 1945. It is signed on every page and at the end.

(Lawrence-direct)

Q That is his signature at the end?

A Yes, sir.

Prosecution: We offer at this time, prosecution's exhibit number 117, the statement in German of Albin Gretsch, in evidence.

President: The exhibit is received in evidence.

Prosecution: And 117A, which is the English translation of 117.

President: Also received.

Whereupon the prosecution then read the English translation, 117A, and the official interpreter reread the statement in German.

Q Lieutenant Lawrence, toward the latter part of October did one Josef Seuss come before you for the purpose of interrogation?

A Yes, sir.

Q And at that time did you threaten him to induce him to make a statement?

A I did not, sir.

Q Did you offer him any hope of reward or benefit to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir.

Q Was that statement reduced to writing?

A Yes, sir.

Q I hand you a document marked prosecution's exhibit number 116 and ask you to examine it and state what that is.

(Lawrence-direct)

A This is a statement of Josef Seuss, which he made before me on 30 October 1945.

Q Did he sign that statement?

A Yes, sir, he signed it on every page and also at the end.

Prosecution: I offer at this time prosecution's exhibit number 116, the statement in German of Josef Seuss.

President: Received.

Prosecution: Also 116A, the English translation of prosecution's exhibit number 116.

President: It is received in evidence.

Whereupon the prosecution then read to the court the English translation of the statement, 116A, and the official interpreter reread the statement in German.

Prosecution: I have no further questions of this witness.

There being no further questions by the defense or the court, the witness was excused and withdrew.

Prosecution: Prosecution calls Lieutenant London.

1st Lieutenant Ephraim London, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q State your name, rank and organization, and your station please.

A Ephraim London, 1st Lieutenant, War Crimes 6824.

(Lawrence-direct)
(London-direct)

Q On or about the latter part of October 1945,
what were your duties?

A I was interrogating witnesses at Dachau.

Q On that occasion did you have one Hugo Alfred
E. Lausterer come before you for interrogation?

A Yes, sir.

Q Did you offer him any hope of reward or benefit
to induce him to make a statement?

A No, sir.

Q Did you threaten him to make him give you a
statement?

A No, sir.

Q Did he give you a statement?

A Yes, sir, he did.

Q Was that statement reduced to writing?

A Yes, sir, it was.

Q I hand you a document marked prosecution's ex-
hibit number 111 and ask you to examine it and
state what it is.

A This is the statement that Hugo Lausterer made
before me, and he signed both pages.

Prosecution: We offer at this time prosecution's
exhibit number 111, the statement in German of Hugo
Lausterer.

President: Received.

Prosecution: And also 111A, the English trans-
lation of prosecution's exhibit number 111.

President: It is received in evidence also.

Whereupon the prosecution read to the court the
English translation, 111A, of the exhibit number 111
to the court and the interpreter reread it in German.

(London-direct)

The court then took a fifteen minute recess until 2:45 p.m. o'clock, at which time the personnel of the court, the prosecution and defense, all of the accused, the interpreter and the reporter resumed their seats. The witness, Lieutenant London, was reminded that he was still under oath

Prosecution: At this time, may it please the court, we would like to have all the witnesses from Czechoslovakia excused, with the exception of Fried and Blaha, and that is with the consent of the defense. Unless the court would like to retain them, we would like to excuse them.

President: They will be excused.

Questions by prosecution:

Q Lieutenant, during the latter part of October did you have occasion to have Johann Viktor Kirsch brought before you for interrogation?

A Yes, sir.

Q At the time he appeared before you did you offer him any reward to induce him to make a statement?

A No, sir.

Q Did you threaten him in any way to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir, he made a written statement.

Q I hand you a document marked prosecution's exhibit number 109 and ask you to examine it and state what it is.

(London-direct)

A This is the statement that Kirsch made in his own hand writing and swore to to me.

Q And he signed it?

A Yes, sir, on each page and at the end.

Prosecution: I offer at this time prosecution's exhibit number 109, the statement in German of Johann Viktor Kirsch.

President: Received.

Prosecution: And also 109A, the English translation of prosecution's exhibit number 109.

President: Received.

The prosecution then read to the court the English translation, exhibit 109A, and the official interpreter reread in German exhibit number 109.

Prosecution: I have no further questions of this witness.

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

Prosecution: Prosecution calls as its next witness, Lieutenant McMahon.

Lieutenant Patrick W. McMahon, a witness for the prosecution, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q State your name, your organization and station please.

A Patrick W. McMahon, Headquarters Third Army, JA Section, Dachau.

Q On or about the latter part of October 1945 what were your duties at Dachau?

A Investigator examiner of war crimes.

(London-direct)
(McMahon-direct)

Q At that time did one Otto Foerschner have occasion to come before you for interrogation?

A Yes, sir, he did.

Q Did you offer him any hope of reward to induce him to make a statement?

A No, sir.

Q Did you threaten him in any manner to make him make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir.

Q Was it reduced to writing?

A Yes, sir.

Q I hand you a document marked prosecution's exhibit number 121 and ask you to examine it and state what it is.

A This is a statement made by Otto Foerschner on 31 October 1945, subscribed and sworn to before me and made in his own hand writing.

Prosecution. I offer at this time a statement in German of Otto Foerschner as prosecution's exhibit number 121.

President: Received.

Prosecution: And also 121A, the English translation of 121.

President: Received.

Thereupon the prosecution read to the court exhibit number 121A, the English translation and the official interpreter reread it in German, 121.

(McMahon-direct)

Q Lieutenant McMahon, on or about the latter part of October 1945, did Filleboeck have occasion to come before you for interrogation?

A Yes, sir.

Q At that time did you promise him any hope or reward to induce him to make a statement?

A No, sir.

Q Did you threaten him in anyway to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir.

Q Was it reduced to writing?

A It was, str.

Q I hand you a document marked prosecution's exhibit number 107 and ask you to examine it and state what it is.

A This is a statement made by Sylvester Filleboeck on or about 30 October 1945 before me.

Q Did he sign it?

A Yes, sir.

Prosecution: I offer at this time, may it please the court, prosecution's exhibit number 107 in evidence, a statement in German of Sylvester Filleboeck.

President: Received.

Prosecution: And also 107A, the English translation of 107.

President: Received.

Whereupon the prosecution then read to the court 107A, the English translation of 107, and the official interpreter reread it in German.

(McMahon-direct)

Prosecution: No further questions of this witness.

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

Prosecution: Prosecution calls as next witness Captain John A. Barnett.

Captain John A. Barnett, a witness recalled by the prosecution, was reminded that he was still under oath and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q On or about the latter part of October did one Doctor Fuhr have occasion to come before you for interrogation?

A Yes, sir.

Q Would you recognize Doctor Fuhr if you were to see him today?

A Yes, sir, I would.

Q Look over in the prisoners' dock and see if you see him.

A Yes, sir, number 17.

Prosecution: Let the record show that the witness, Captain Barnett, identified the accused wearing number 17 as being Doctor Fuhr.

Q When he came before you to make a statement, did you make any offer of reward to induce him to make a statement?

A No, sir.

Q Did you threaten him in any manner to induce him to make a statement?

(Barnett-direct)

A No, sir.

Q Did he make a statement?

A Yes, sir, he did.

Q Was it reduced to writing?

A It was.

Q I hand you a document marked prosecution's exhibit number 113 and ask you to examine it and state what it is.

A This is a statement Doctor Puhr made to me. He signed each page of it. He made all the corrections and initialed each one of them.

Prosecution: I offer in evidence at this time prosecution's exhibit number 113, a statement in German of the accused Doctor Puhr.

President: Received.

Prosecution: And also offer 113A, an English translation of prosecution's exhibit number 113.

President: Received in evidence.

Whereupon the prosecution then read to the court prosecution's exhibit number 113A, the English translation of 113, and the official interpreter reread the statement in German.

Prosecution: I have no further questions of this witness.

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

Prosecution: Prosecution calls Private First Class Michelle as its next witness.

(Barnett-direct)

Private First Class Michelle, a witness for the prosecution, was reminded that he was still under oath and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q I hand you two documents, marked as prosecution's exhibits number 124 and 124A for identification, and ask you whether or not you have compared these two documents?

A Yes, sir, I have.

Q Can you state whether or not 124A is a true and correct English translation of the German in 124?

A Yes, sir.

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

Prosecution: Prosecution calls as its next witness Lieutenant Szanger.

Lieutenant Szanger, a witness for the prosecution was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

Q Will you state your name, rank, organization and station please?

A Harry Szanger, Headquarters Third Army, Dachau, Germany.

Q On or about the last of October 1945 what were your duties at Dachau?

(Michelle-direct)
(Szanger-direct)

A Investigator examiner for War Crimes Branch at Dachau.

Q At that time did you have occasion to have brought before you one Wilhelm Wagner for interrogation?

A Yes, sir.

Q Did you threaten him in any manner to induce him to make a statement?

A No, sir.

Q Did you offer him any hope of reward or benefit to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir.

Q Was that statement reduced to writing?

A Yes, sir.

Q I hand you a document marked prosecution's exhibit number 112 and ask you to state what that is.

A That is a statement made by Wagner in his own hand writing.

Q Is it signed by him?

A Yes, sir.

Prosecution: I offer at this time prosecution's exhibit number 112 in evidence, a statement in German of Wilhelm Wagner.

President: Received.

Prosecution: And 112A, the English translation of 112.

President: Received.

(Szanger-direct)

Thereupon the prosecution read to the court the English translation of exhibit 112, 112A, and the official interpreter reread it in German.

Q Now, Lieutenant Szanger, on or about the latter part of October 1945 did Josef Jarolin come before you for interrogation?

A Yes, sir.

Q Did you offer him any hope of reward or benefit to induce him to make a statement?

A No, sir.

Q Did you threaten him in any manner to induce him to make a statement?

A No, sir.

Q Did he make a statement?

A Yes, sir.

Q I hand you a document marked prosecution's exhibit number 124 and ask you to state what that is.

A That is a statement made by Jarolin in his own hand writing on 30 October 1945.

Q And he signed it himself?

A Yes, sir.

Prosecution: We offer at this time prosecution's exhibit number 124, the statement in German of Josef Jarolin.

President: Received.

Prosecution: And also offer 124A, the English translation of exhibit number 124.

President: Received.

(Szanger-direct)

Prosecution: I have no further questions of this witness.

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

Prosecution: Prosecution calls as its next witness, Captain Horace R. Hansen.

Captain Horace R. Hansen, a witness for the prosecution was sworn and testified as follows:

DIRECT EXAMINATION

Questions by prosecution:

- Q What is your name, rank, organization and station?
A Horace R. Hansen, Captain, Third Army Headquarters, JA Section, War Crimes Branch, Dachau, Germany.
Q On or about the last of October 1945 what were your duties at Dachau?
A Investigator examiner, War Crimes Branch.
Q On or about the third of November 1945 did one Otto Moll come before you for interrogation?
A Yes, sir.
Q Did you threaten him in any manner to induce him to make a statement?
A No, sir.
Q Did you offer him any hope of reward or benefit to induce him to make a statement?
A No, sir.
Q I hand you a document marked prosecution's exhibit number 114 and ask you to examine it and state what that is.
A That is a statement made and signed by Otto Wilhelm Moll in the German language.

(Hansen-direct)

Q And that is his signature on the last page -
page 5?

A Yes, sir.

Prosecution: We offer at this time prosecution's exhibit number 114, the statement in German of Otto Moll.

President: Received in evidence.

Prosecution: And we also offer prosecution's exhibit number 114A, the English translation of 114.

President: Received in evidence.

Thereupon the prosecution read to the court the English translation, exhibit number 114A, and the interpreter reread it in German.

Prosecution: Prosecution has no further questions of this witness.

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

Lieutenant Guth, a witness for the prosecution, was recalled and reminded that he was still under oath.

DIRECT EXAMINATION

Questions by prosecution:

Q Do you know a man by the name of Captain

B. Selcke, Jr.?

A I do, sir.

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

A He has been redeployed to the United States.

(Hansen-direct)

(Guth-direct)

Q I hand you a document marked as prosecution's exhibit number 110 and ask you to examine the last sheet and state whether or not you recognize the signature on that page.

A Yes, sir, I do. That is Captain Selckel's signature.

Q Have you ever seen Captain Selcke sign his name before?

A Yes, very frequently.

Q And that is his signature is that correct?

A Yes, sir.

Q Have you ever seen this document, prosecution's exhibit number 110, before?

A Yes, sir, I have.

Q What was the occasion of your seeing it?

A I can't remember the date, the beginning of November or the end of October Captain Selcke told me that he had taken a statement and asked me to check over it

Defense: To save time I will gladly stipulate to all that.

Prosecution: We offer at this time prosecution's exhibit number 110, the statement in German of Johann Schoepp.

Defense: The introduction of the exhibit was irregular, but to save time I will let it pass. But at this time, I would like to object to the introduction of that exhibit.

Prosecution: I assumed that I had no objection to the introduction of this when you offered to stipulate to it.

(Guth-direct)

Defense: I stipulate to that statement, but I object to the manner in which it was made.

Prosecution: Let the record show that the stipulation between the accused, the trial judge advocate and the defense, that the prosecution's exhibit number 110 was made before competent authority and the signature is the signature of Johann Schoepp.

President: The stipulation is received.

Prosecution: I don't know whether the court received exhibit 110 or not.

President: Prosecution's exhibit number 110 is received in evidence.

Prosecution: I also introduce in evidence prosecution's exhibit number 110A, being an English translation of 110.

President: Received.

Thereupon the prosecution read to the court the English translation, exhibit 110A, and the official interpreter reread it in German.

Prosecution: I have no further questions of this witness.

Defense: At this time I want to reserve the right to cross examine this witness at a future time.

Prosecution: Why not do it now?

President: You may do so, the witness is excused.

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

(Guth-direct)

Prosecution: May it please the court, with respect to prosecution's exhibit number 115, it is stipulated between the accused and the defense, on one side and the trial judge advocate on the other that prosecution's exhibit number 115 was executed before competent authority and that the signature appearing on the last page of that exhibit is the signature of Otto Schulz.

President: Stipulation is received.

Prosecution: We offer at this time, may it please the court, prosecution's exhibit number 115, the statement in German of Otto Schulz.

President: Received.

Prosecution: And 115A, which is an English translation of 115.

President: Received in evidence.

Thereupon the prosecution read to the court the English translation, exhibit number 115A, and the official interpreter reread the statement in German.

Prosecution: May it please the court, if counsel for defense had finished the cross examination that they reserved, the prosecution would be ready to rest, but we don't want to rest with the defense still reserving the right to cross examination of a witness. Subject to only that, the prosecution is ready to close.

Defense: I'll waive my right to cross examination.

Prosecution: Prosecution rests.

President: The court will adjourn until tomorrow morning at 8:30.

WILLIAM B DENSON
Lt Col, JAGD
Trial Judge Advocate

Prosecution: May it please the court, with respect to prosecution's exhibit number 115, it is stipulated between the accused and the defense, on one side and the trial judge advocate on the other that prosecution's exhibit number 115 was executed before competent authority and that the signature appearing on the last page of that exhibit is the signature of Otto Schulz.

President: Stipulation is received.

Prosecution: We offer at this time, may it please the court, prosecution's exhibit number 115, the statement in German of Otto Schulz.

President: Received.

Prosecution: And 115A, which is an English translation of 115.

President: Received in evidence.

Thereupon the prosecution read to the court the English translation, exhibit number 115A, and the official interpreter reread the statement in German.

Prosecution: May it please the court, if counsel for defense had finished the cross examination that they reserved, the prosecution would be ready to rest, but we don't want to rest with the defense still reserving the right to cross examination of a witness. Subject to only that, the prosecution is ready to close.

Defense: I'll waive my right to cross examination.

Prosecution: Prosecution rests.

President: The court will adjourn until tomorrow morning at 8:30.

WILLIAM B DENSON
Lt Col, JAGD
Trial Judge Advocate

Dachau, Germany

28 November 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.

Defense: May it please the court, the defense has several motions it would like to put before the court for its consideration. It is considered that probably the court would like to consider all the motions at the same time.

The defense moves that this court enter a judgment of not guilty for the defendants, jointly and severally, on the grounds that the charges and particulars are predicated on a conspiracy or common design. We, at this time, would like to point out to the court that the prosecution has failed in its proof of conspiracy or common design.

The prosecution made rebuttal arguments.

The defense made arguments in support of the motion.

Defense: At this time the defense would like to move for a dismissal of the charges against the three defendants, Emil Erwin Mahl, Fritz Becher and Christof Ludwig Knoll, on the grounds that the prosecution has failed to show that these three were members of the staff at Dachau Concentration Camp and, therefore, has failed to show that they could in any manner be included within the charges and particulars as set forth,

or be included in the common design alleged by the prosecution.

The prosecution made rebuttal arguments.

The defense made arguments in support of the motion.

Defense: As a further and separate motion, the defense respectfully requests that the charges and particulars as charged against the defendants, Peter Betz and Hugo Alfred Erwin Lausterer, be dismissed at this time on the grounds that the prosecution has failed to prove a case against these defendants.

The prosecutor made rebuttal arguments.

The defense made arguments in support of the motion.

Defense: I make a motion for a directed verdict of acquittal of Rudolph Heinrich Suttrop, and Drs. Fridolin Karl Pühr, Hans Kurt Eisele, and Wilhelm Witteler.

The prosecution made rebuttal arguments.

The defense made arguments in support of the motion.

Defense: May it please the court, at this time I move for a finding of not guilty with reference to the defendants Albin Gretsche and Johann Schoepp. There was no evidence whatsoever of any participation of a common design to mistreat or do anything harmful against anyone in this court.

The prosecution made rebuttal arguments.

The defense made arguments in support of the motion.

President: The court will be closed for

consideration of these motions. The bell will be rung five minutes before the court will resume.

The court then closed until 10:30 a.m., at which time the personnel of the court, prosecution and defense, and the accused, the reporter and interpreter resumed their seats.

President: The court will come to order. The motion of the defense asking the court to dismiss the charges and particulars against the accused, jointly and severally, on the grounds that there has been no proof of that set of particulars charging common design is denied.

The motion of the defense asking the court to dismiss the charges and particulars against Emil Mahl, Fritz Becher and Christof Knoll on the grounds that there has been no proof that they were on the staff of Camp Dachau and took part in the common design is denied.

The motion of the defense to dismiss the charges against Peter Betz and Hugo Lausterer on the grounds that no case has been proven against them is denied.

The motion of the defense for a directed verdict of not guilty as to Rudolph Suttrop, and Drs. Fridolin Puhr, Hans Eisele and Wilhelm Wittler, is denied.

The motion of the defense for findings of not guilty as to the defendants Albin Gretsche and Johann Schoepp is denied.

Whereupon the motions and the rulings were interpreted to the defendants.

The defense then made an opening statement.

The accused, Martin Gottfried Weiss, took the stand and testified as follows:

DIRECT EXAMINATION

Questions by the defense:

- Q. State your full name.
- A. Martin Gottfried Weiss.
- Q. When and where were you born?
- A. On the 3rd of June 1905 at Weiden Oberpfalz
- Q. Germany?
- A. Yes, Germany.
- Q. What was your civilian occupation?
- A. Electrical engineer.
- Q. Where did you go to school?
- A. For three years of higher design in electricity and engineer school at Frankerhausen
- Q. How long have you been in the services of the German armed forces?
- A. I have been in the German army from 1933 until my arrest on the 2nd of May, 1945.
- Q. When you first came into the German armed forces, what branch of service did you join?
- A. First I had training of from eight to ten weeks then I was transferred to the administrative branch of the engineers.
- Q. When was that?
- A. 1933 to 1938.
- Q. From 1938 on what branch of the service were you in then?
- A. From 1938 on I was adjutant at the Concentration Camp at Dachau.

(Weiss-direct)

- Q. What was your rank at that time?
- A. Obersturmfeuhrer.
- Q. How long did you remain in Dachau as adjutant?
- A. From 1938 until 11 April 1940.
- Q. Who was your commanding officer at the time you were adjutant?
- A. Obersturmbannfeuhrer Loritz Grunewald Pierkowski
- Q. 11 April 1940 what happened then?
- A. In 1940 that I was transferred to Hamburg to the Neuen Gamme Concentration Camp
- Q. How long did you remain at Hamburg at the Neuen Gamme Concentration Camp?
- A. Until the 1st of September, 1942.
- Q. And on the 1st of September where did you go?
- A. On the 1st of September, 1942, on order of the Reich Leader that I was transferred to Dachau as camp commander.
- Q. Who was the Reich leader at that time?
- A. Himmler.
- Q. When you arrived in Dachau, how many prisoners were in the camp at that time?
- A. Between six and seven thousand.
- Q. When you arrived in Dachau as camp commander, whom did you find as adjutant?
- A. Obersturmfuehrer Suttrop.
- Q. Will you explain to the court what the duties of the adjutant were?
- A. The adjutant was responsible for the entire internal business doings. He was leader of the staff company. Worked on the personnel records of the staff company.

(Weiss-direct)

Worked on the personnel records of the staff company. He had to watch over the registration. He was head of the motor vehicle department. He was responsible for incoming and outgoing mail, above all for the disposition of the incoming mail; and and had nothing to do with prisoners.

Q. Did he at any time issue orders on His own behalf relating to the prisoners?

A. No.

Q. During the period of time that you were camp commander, who was in charge as camp commander if you left the camp?

A. According to orders of higher authorities, it could only be the Schutzhaftlagerführer.

Q. And during your tour of duty as the lager feuhrer, who was the Schutzhaftlagerführer of the prison command?

A. In the beginning Obersturmführer Franz Hoffman, upon my request he was transferred. SS Hauptsturmführer Michael Redwitz during all of my activities in Dachau.

Q. Why did you have Hoffman transferred?

A. Hoffman beat prisoners and didn't pay any attention to my orders. Upon my arrival in Dachau I immediately forbade the binding of prisoners to the posts and and caught Hoffman while disobeying my order. I reported Hoffman to Berlin for punishment and transfer. Whether or not Hoffman was punished I do not know; however, he was transferred.

(Weiss-direct)

- Q. And upon his transfer you appointed Redwitz as Schutzhafllagerfuhrer, is that correct?
- A. On order of the Official Group "D" in Oranienburg Redwitz was transferred to Dachau. I could not just name my co-workers. They were all transferred to Dachau on orders.
- Q. Upon whose orders were your co-workers sent to you?
- A. On orders from Oranienburg, the SS Chief Personnel Office.
- Q. How long did your tour of duty continue in Dachau?
- A. On the 1st of November, 1943, I was transferred from Dachau.
- Q. When you were transferred from Dachau, where were you transferred to?
- A. On the 4th of November, 1943, I was transferred as the commander to the Concentration Camp of Lublin.
- Q. How long did you stay as Lager Feuhrer of the Lublin camp?
- A. Until the 25th of April, 1944.
- Q. At that time, what did you do?
- A. On the 1st of May I became Chief of the Office for Special Purposes.
- Q. What were the special services that you were to perform?
- A. Originally I was supposed to have become the chief of the prisoner of war set-up.
- Q. What actually did happen?
- A. That was turned down by the reich feuhrer.
- Q. What did you actually do at Oranienburg?
- A. I was in a so-called waiting position and was supposed to take over a camp again.
- Q. While you were in this waiting position, did you

have any official duties?

A. No.

Q. How long did you remain in this waiting position?

A. Until the 1st of November, 1944.

Q. And on the 1st of November, 1944, what duties did you have to perform?

A. On the 1st of November 1944, I was sent as a special emissary of my official group to Muhlendorf.

Q. And what was the purpose of your going to Muhlendorf?

A. I had the mission of building, together with the TOTTOrganization, new camps where later to be used in the armament industries.

Q. When you came to Dachau as camp commander, will you tell the court what conditions you found here in the camp?

A. I was transferred on orders fromOranienburg in order to put aside the bad conditions there. My predecessor, Obersturmbannfuhrer/^{Pierkowski} had already been away since the 1st of August on a vacation. The camp was not given to me by my predecessor. I myself had gradually to become accustomed to the camp. I determined that people were being bound to posts here, that prisoners had to stand for days at a time in front of the Schuhs House without food. If prisoners attempted to escape, they had to stand for twenty-five or thirty hours on the formation grounds. That the order of the Reich Fuhrer that prisoners were not to be beaten was not obeyed. People were running around the camp with highway haircuts.

Q. Will you describe the highway haircut?

(Weiss-direct)

- A. The prisoner had a wide line, the size of a pair of clippers, from the back of the head to the front of their head.
- Q. What other conditions did you find here?
- A. I determined that the camp elders and the assistants had large powers. The assistant of the camp elders, Sabierski, was immediately relieved by me. The camp elder, Kopp, was transferred after some time.
- Q. Why did you transfer Kopp?
- A. Kopp, as well as several of the others, were known as beaters in the camp.
- Q. What did you find in relation to eating in the camp?
- A. The food was distributed to the prisoners according to the orders of the food office.
- Q. Where was the food office?
- A. The food office was in Berlin.
- Q. Did you have any control over the food distributed in Camp Dachau as Lager Fuehrer?
- A. No, I attempted to improve the conditions of the eating. I myself undertook some controls.
- Q. What was the control you did put through?
- A. The requisition of food for prisoners was made out for eight to ten days in advance. It was made out by the head of the administration and checked by the physician for the number of calories it contained and was signed by both of those officials as by me.
- Q. From where did you obtain your food?

(Weiss-direct

- A. The food was brought in to the officer in charge of foods, Fallsberg.
- Q. Do you know where he obtained it?
- A. He received requisition orders from the food office in Dachau. On the basis of these requisitions we made purchases in various places.
- Q. Who was your chief doctor when you were here as Lager Fuhrer?
- A. When I arrived I found Dr. Welter who remained after I was transferred.
- Q. When you arrived here, did you find any experiment stations in progress?
- A. When I arrived here and took over office I was already reminded of those two experimental stations in Berlin and had received orders from superior authorities not to concern myself with these experiments since they were under the personal supervision of the Reich Fuhrer. At that time the malaria station was under the supervision of Dr. Schilling and the experimental station under Dr. Rasher.
- Q. With relation to the experimental station under Dr. Rasher, did you have a visit from Himmler?
- A. On the 10th of November, 1942, Himmler was in the experimental station. It was known in the camp that Himmler had come.
- Q. Did he come here?
- A. Yes.
- Q. And when he arrived, did you accompany him to the experimental station?
- A. No, Himmler passed by the guard and immediately went to the experimental station.

(Weiss-direct)

- Q. When did you first learn as camp commander that he was here?
- A. The Reich Fuhrer had first sent for me from my office through his adjutant, Schnitzler.
- Q. With Himm ler's adjutant did you go to the experimental station?
- A. We drove down there with the car.
- Q. At that time was there an experiment going on?
- A. The experiment had already started when I entered the station.
- Q. During the course of the experiment, did you have any conversation relative to the control of the experimental station?
- A. You mean Himm ler?
- Q. Yes, Himm ler.
- A. Himm ler received me immediately. When I opened the door of the experimental station he was very angry and mad. Probably staff physician Dr. Rasner had complained about me because I didn't follow all of his wishes. The Reich Fuhrer received me with the following words since he had never known me before, he said, "Well, you are the man Weiss!" Then he didn't let me speak, but immediately explained to me that I was to give no orders to staff physician Dr. Rasner, that he was not under my supervision and was under the personal protection of the Reich Fuhrer. He further stated that I had to comply with every wish of Dr. Rasner, if Dr. Rasner demanded cognac or coffee, no matter what. Upon my saying that these things were

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were restricted, the Reich Fuhrer explained to me that it was my duty to get these things. If Dr. Rascher expressed a wish to me, it was as if he, the Reich Fuhrer, were to give me that order. This discussion took place in the presence of prisoners in the experimental station.

Q. Do you recall the names of any of the prisoners present in the experimental station when Himmler made this statement?

A. Dr. Punzengruber Neff and Feix .

Q. Do you know where any of these are at the present time?

A. No, they were prisoners.

Q. Did you know Dr. Grawitz?

A. Yes.

Q. What was his position?

A. Dr. Grawitz was Reich physician of SS directly under the Reich Fuhrer.

Q. Did you ever had occasion to talk to Dr. Grawitz?

A. Yes.

Q. What was the occasion of your conversation with Dr. Grawitz?

A. It was the same thing with Dr. Grawitz as with the Reich Fuhrer. He came without announcing himself. He was just on a trip through the camp on official business. A block leader came looking for me and that he was to conduct me to the malaria station. When I arrived there, Dr. Grawitz was already with Dr. Schilling.

Q. Did you have any conversation with Dr. Grawitz in the presence of Dr. Schilling?

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A. Yes.

Q. What was that conversation?

A. When I entered the office I saw how the prisoner Kronfeldner was just leaving the office. Reich physician Dr. Grawitz told me the following:
"I would like to remind you of the fact that in case of sabotage of the experiments, Dr. Schilling will report you to the Reich Fuhrer for punishment."
My opinion was that Dr. Schilling had written reichsa Dr. Grawitz a letter because I did not want to deliver any more prisoners. Dr. Grawitz told me towards the end that this experimental station was under the Reich Fuhrer only and that he was watching over these experiments under the orders of the Reich Fuhrer.

Q. Did you have any control over Dr. Schilling while he was in camp conducting these malaria experiments?

A. No.

Q. While you were here at the camp as camp commander, from the 1st of September, 1942, till November, 1943, were there any executions in this camp while you were here?

A. Yes.

Q. Tell the court the circumstances surrounding the executions, how they came about and who ordered them.

A. The order came from the Reich Fuhrer to the Reich Security Office to the headquarters. From there it was led on to the legal officer through the

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adjutant. The legal officer gave the original letter to the Schutzhaftlagerführer. On these executions, which took place, there was no dealing with prisoners of the concentration camp of Dachau, but these were people brought in by various officers of the state police.

Q. The executions were done which were executions of the police of other departments rather than Dachau itself?

A. Yes.

Q. With reference to sending this order through to the legal officer by the adjutant, what did the adjutant have to do with that?

A. It was incoming mail, and it was the duty of the adjutant to distribute incoming mail to the proper places.

Q. Did the adjutant, as such, at any time have the authority to change the order?

A. No, he was an officer and only had to execute orders.

Q. Did you, as camp commander, have authority to change the orders of the executions which came in from higher headquarters?

A. No.

Q. Did you order any executions yourself?

A. No.

Q. During your administration as commander from the 1st of September, 1942, to the 1st of November, 1943, there were hangings in the camp. Will you tell the court who ordered those hangings?

A. These were the executions I have just described.

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- Q. Was there any difference between the executions by hanging or the executions by shooting? Were they any different from what you have just described?
- A. As far as I can remember, no shootings took place - only hangings.
- Q. When these orders for executions came from the higher headquarters, did you receive notice of them yourself?
- A. Often I heard about that I was on travels only through the execution statement which was put before me. After every execution, upon orders, a report of the execution had to be made to Berlin. I had also mentioned during my time the political section had nothing to do with executions.
- Q. Who was in charge of the political section while you were here?
- A. Kick.
- Q. Was he a member of the SS?
- A. I do not know that as I never saw him in uniform.
- Q. Did you know if he was connected with the Munich Gestapo?
- A. He was an official of the state police office in Munich.
- Q. Were any prisoners ever sent to Dachau from the Gestapo at Munich for execution?
- A. There were various Gestapo offices in Munich, Augsburg, and Stuttgart.
- Q. Did these Gestapo offices send prisoners to Dachau for execution?

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- A. They only came after the order of the Reich leader.
- Q. But the people had been sent here by the Gestapo, is that correct?
- A. Yes.
- Q. While you were here, there were deaths as a result of general sickness?
- A. Yes.
- Q. What was some of the sickness that caused death in the camp?
- A. TB, inflammation of the lungs, pleurisy, heart weakness, typhoid of the stomach, inflammations of the stomach and typhus. Body weaknesses, which is to be lead back to the fact we had to receive patients in Dachau from other concentration camps.
- Q. When you received patients from other concentration camps, what was their condition when they arrived at Dachau?
- A. It was very bad. There were people amongst them who had a weight of 80, 90 or 100 pounds. After each transport arrived, I made a report to Berlin and asked that the camp physician of the other camps be notified to send only such people who could outlast a transport. With these transports a large number of dead arrived frequently. Once I had pictures taken of one such transport, and I sent these pictures together with a complete report to my superior authorities in Oranienburg.
- Q. As a result of your protests and pictures, was any action taken by your superior authorities in Oranienburg?

(Weiss-direct)

- A. No, the transports continued to come in in bad condition.
- Q. While you were here, did many invalid transports come into Dachau?
- A. I should estimate between eight or ten.
- Q. Tell the court how many people were on each of those transports.
- A. They varied. They were not the same. I would estimate from 400 to 1,000.
- Q. Did all these transports arrive with dead on them?
- A. The majority of them did.
- Q. During your administration here there has been some testimony that there was a DAW in the camp. Do you anything about that?
- A. In the German army the DAW was an enterprise which was on the main administrative offices.
- Q. Did you have any control in the direction or management of the DAW?
- A. No.
- Q. Do you recall any invalid transports leaving Dachau during your tour of administration here?
- A. When I came to Dachau, I knew nothing of these invalid transports. In the beginning of October I was on a business trip, when I returned, my physician at that time told me that an invalid transport had left.
- Q. Do you recall how many invalid transports had left?
- A. In the neighborhood of one or two.
- Q. Did you as commanding officer have anything to do with invalid transports that left Dachau?

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- A. No, as a matter of fact, my physician Dr. Walter told me these people had been selected by an assistant of Dr. Walter and a commission.
- Q. During the balance of your administration from October, 1942, to November, 1943, did any other invalid transports leave Dachau?
- A. No, in connection with a discussion in Berlin on the 20th of November I pointed out that we need not send any transports of ill people if we had to take ill people again. Invalid transportation did not take place any more.
- Q. While you were commanding officer at Dachau, there were official floggings, were there not?
- A. Yes.
- Q. Did you attend these official floggings yourself, Weiss?
- A. Yes.
- Q. Why did you attend?
- A. It was an order from Berlin that either the camp commander or the Schutzhaftlagerfuhrer had to take part in them.
- Q. What was the reason for your attending?
- A. The commandant or the Schutzhaftlagerfuhrer, as his representative, had to watch over the flogging.
- Q. Why did you have to watch over it?
- A. Because previously irregularities had occurred. For example, some prisoner was supposed to receive fifteen beats and he would receive as many as forty-five. Upon that the order was given that the commanding officer or his representative had to watch over these.

(Weiss-direct)

Q. During the introduction of the statement before the court, Welter in his statement said that you went to Augsburg for the purpose of witnessing or attending an execution. Did you or did you not go to Augsburg to attend such an execution?

A. I did not go to Augsburg.

Q. Do you know who did go to attend that execution?

A. Redwltg was present there.

Q. During your tour of administration here in Dachau, did you inaugurate the "standing bunker" as a form of punishment?

A. The name of "standing bunker" I heard for the first time during this trial. There was no "standing bunker" under me.

Q. Are you familiar with the frequent experiments performed by Dr. Wolter in 1943?

A. I never heard of them.

Q. Did you know that in the hospital there were 300 and 350 people in a room, is that correct?

A. No.

Q. Was the camp overcrowded at the time you left it?

A. No.

Q. During the course of his direct examination, Opitz stated that you knocked the head gear off newly arriving prisoners on the parade ground, is that correct? Or will you tell the court the circumstances?

(Weiss-direct)

A. That is not correct. The newly arriving prisoners when, upon arriving, were introduced to the political department and a file was made out, and the new arrivals were treated according to regulations. It was an order that all newly arrived were to march without head gear, in any case the detail was accompanied by the block leader. It was also the custom with other details, when they came in from work, fifteen paces before approaching an officer, the detail leader would give the order, "Hats off."

Q. The statement introduced by Mahl in evidence that you were commanding officer of all out camps after you left Dachau, is that correct or not?

A. No.

Q. A statement introduced in evidence by the prosecution by Seuss that you issued special orders that nobody was to talk about anything that occurred in Camp Dachau?

A. Not I. That came from the Reich Leader. We had armament works in the camp such as Messerschmidt and the DAW and other armament works and the order came down there was to be no talking about these works. Probably, it is concerning that order.

Q. Were officers and guards supposed to sign a statement that they had not talked about what went on?

A. I know nothing of that.

(Weiss-direct)

Q. During the course of the introduction of statements, Lippman's contained a statement that you ordered beatings and authorized the beating of fifteen prisoners, is that correct?

A. I took part in this punishment.

Q. Explain to the court what you mean, "I took part in that punishment"?

A. I took part in this punitive measure.

Q. What were the circumstances for your taking part in this punitive measure?

A. Beatings were a punitive measure ordered by Berlin and exercised in the limits from five hits to twenty-five hits. Beatings had to be proposed in case of attempt to escape, large thefts, and similar things. The prisoner was first interrogated and the request for permission went to Berlin. After permission had been granted, the punishment was carried out. In cases of attempted escape and after the man who had attempted to escape was recaptured, the punishment of twenty-five hits with a stick had to be carried out immediately. After recapture this application had to be followed.

Q. During the period of time that you were here as commander of the camp, you were required to send out of the camp a number of work details, is that correct?

A. Yes.

Q. Can you tell the court what was the length of time fixed as the number of working hours?

A. The orders from Berlin were that the least

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amount of time was to amount to at least eleven hours.

Q. And that order for working hours was fixed by Berlin, is that correct?

A. Yes.

Q. Could you, as commandant of Dachau, have changed the length of the working day in any way?

A. No.

Q. During the sickness which you testified about a moment ago that occurred in the camp, what was the condition of your medical supplies?

A. During my time we had sufficient medical supplies.

Q. Were you always able to get medical supplies during the period you were commander of the camp?

A. Yes, a monthly requisition went to Berlin.

Q. And how did you obtain those supplies?

A. Several times I received travel permission and trucks from Dachau went to Berlin to get these things.

Q. While you were commander of the camp here, did you have such a thing as censorship?

A. Mail, yes.

Q. Dr. Blaha testified that while he was here as a prisoner that medical officers imported into the camp medical supplies, did those supplies have to pass censorship?

A. Yes.

Q. Did you ever receive any officers exercising censorship for your medical packages that had been brought into the camp by Dr. Blaha or for

(Weiss-direct)

Dr. Blaha?

A. No.

Q. You testified upon first coming to the stand you discovered upon coming into the camp that prisoners that prisoners were tied to the pole. Explain what that procedure was.

A. The prisoners were tied with a rope by both hands. The hands were tied to the back and the prisoners did not touch the floor with the tips of his toes.

Q. After you became commander of the camp, did you continue the practice of that form of punishment or not?

A. No.

Q. When you came into the camp, you testified that there had been the form of punishment of having the prisoners stand at the entrance of the camp from morning till night without food. Did that practice continue after you became commandant or not?

A. No.

Q. What happened to that form of punishment?

A. It was not carried out any longer.

Q. Did you introduce any other form of punishment for the pole tying which you just described?

A. The removal or withholding of food - the so called taking way of bread. To that I would like to add this additional bread was not theirs legally. This was the heavy working ration which went only to very hard working people, such as blacksmiths and people working in the gravel pits. However, with some assistance

(Weiss-direct)

I managed to get this additional ration for at least 70% of the camp.

Q. When you first came to the camp, you testified that the distribution of food was or was not satisfactory?

A. No.

Q. What steps, if any, did you personally take to change it?

A. I had the food driven out later.

Q. Tell just what you mean by that, Weiss?

A. The food was carried earlier from the kitchen to the various blocks by the prisoners; then I had the food driven out.

Q. When you say, "Driven out", what do you mean by "driven out"?

A. The pots were placed on so called Moor Express and travelled to the various blocks. This also happened for reason of security and also these thermos containers were not put on the ground because of the possibility of transferring illnesses.

President: Court will adjourn until 8:30 tomorrow morning.

William D. Denson
WILLIAM D. DENSON
Lt Col JAGD
Trial Judge Advocate

The court met pursuant to adjournment at 0830 hours, on the 29th of November, 1945, at Dachau, Germany.

Prosecution: May it please the court, let the record show that all the personnel of the court, personnel of the prosecution, personnel of the defense and all of the accused are present.

The reporter was also present.

DIRECT EXAMINATION (Continued)

Questions by the defense:

Q. Weiss, after you left Camp Dachau, as the commanding officer; of Dachau, did you have any further connection of any kind with Dachau, or any of its out-camps?

A. No.

Q. During the prosecution's case, there was some testimony by one of the witnesses that you were present at a hanging at Kaufering, will you explain to the court the circumstances surrounding that?

A. I had the order in Muhlendorf to put up new camps in Kaufering, and straighten them out. For this purpose I was every week or every two weeks in Kaufering and Muhlendorf. At the time the hanging took place, I had been in Kaufering from the beginning of the week. On this day in question, I had left in the morning to the Burgomeister and Kreisleiter Kandler, who had complained in Landsberg that his work detail was taken away from him; therefore I had a conference with him; and toward evening I returned to Landsberg camp at once. At that time I went with the camp leader, who at that time was responsible for the camp and it was Sturmbannfuhrer Aumeier, I went into the camp with him, and I saw 5 Hungarian Jews, standing on a platform, with the noose around their neck, and the sentence had already been read. The execution was read by Obersturmfuhrer

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Schwartzhuber the then Camp leader of Camp number 1; the execution itself was executed by Oberscharfuhrer Bongartz; who was sent to Kaufering for this purpose alone by the commander of Dachau. After this incident, I left the camp with Aumien and inquired why these people were hanged. Sturmbannfuhrer Aumien told me that the order had come from Obersturmbannfuhrer Witer, that these people were to be hanged because they had committed sabotage. For this purpose the execution detail was sent to Kaufering from Dachau.

- Q. Now while you were in....I'll withdraw that.
- Q. You had nothing whatsoever to do, officially or unofficially with that hanging is that correct?
- A. I was neither in charge nor did I carry it out, and I didn't give any orders for it.
- Q. Would you mind telling the court Weiss, just what punishment camp commanders could mete out without an order from Berlin prior to 1944?
- A. The punishments that a camp commander could give were all laid down in the regulations of the camp. I could give out warnings or withdraw food..I could stop letters and packages, in this case the relatives were notified by the camp commandant. Those were the punishments that the camp commander could give out without specific permission from Berlin.
- Q. Were hangings by the wrists permissible?
- A. That was tolerated by the superior office.
- Q. When you became commander of Dachau, did you continue the practice of hanging by the wrists or not?
- A. No.
- Q. When you became commander of Dachau, was there a punishment (Weiss-Direct)

ment block for prisoners?

A. Yes.

Q. Did you continue as commandant of Dachau, the punishment block in the concentration camp Dachau?

A. The punishment block continued for a while until I learned the circumstances in Dachau and was able to work myself in and then it was discontinued.

Q. Prior to the time you became commandant were prisoners required to stand in the square for a long period of time when another prisoner had escaped?

A. Yes.

Q. After you became commandant of Dachau, did you continue that form of punishment for the prisoners?

A. No.

Q. Prior to the time you became commander of Dachau, are you familiar with what they call the autobahn haircut?

A. No, that was the first time I saw that, in Dachau.

Q. You saw it in Dachau, did you continue that form of punishment when you became commander of Dachau?

A. No, I stopped it.

Q. At the time you were commandant of Dachau, did the political department have any connection whatsoever with executions that were performed in Dachau?

A. At my time in Dachau, no.

Q. During your tour of duty as commandant of Dachau, did the defendant Eichberger at any time participate in any executions?

A. No, he might have been there as a recorder.

Q. You stated yesterday on direct examination that during your tour of duty here at Dachau, a typhus epidemic broke (Weiss-Direct)

out in the entire camp, will you tell the court what steps you took, if any to remedy or control that epidemic?

A. After the....after I was notified of one or more cases the entire camp was restricted immediately; the prisoners were not allowed to leave the camp, and no new transports were received. The personnel of the SS people in the camp, for instance in the kitchen, laundry, in the supply room; the disinfectant room had to supply disinfectant in the camp; the same thing with the block leader, the block eldest and the room eldest, were instructed to notify the doctor in each case where they had any suspicions; those that were suspicioned and those that had already caught the disease were put in a separate block; and there were guards put up for each block; so-called latrine guards, who were responsible that each prisoner who used the latrine would afterwards wash his hands in a solution in a disinfectant solution; besides that each stool was washed after each use, with this disinfectant material. It was forbidden to drink water and a hurried emptying of the latrine holes was carried out. This epidemic lasted approximately 6 to 8 weeks.

Q. During that period of time, will you tell the court Weiss how many people died of this typhoid epidemic?

A. It might have been 100 to 150.

Q. Can you tell the court Weiss, how many prisoners had been infected with the typhoid disease?

A. About 6 to 700.

Q. How many people did you have in the camp at that time?

A. Through the arrival of these transports, at that time it must have been about 9,000.

Q. Were you able to give any inoculation or direct any inoculations against typhoid at that time?

(Weiss-Direct)

- A. We requisitioned the inoculation serum in Berlin, but at that time, it was not to be had.
- Q. There was some testimony by the prosecution that during your course of duty as camp commander in Dachau, you failed to build air-raid bunkers; will you explain to the court what caused your failure to build air-raid bunkers?
- A. Immediately after my transfer to Dachau, I made a report to Berlin about these air-raid shelters; that was refused by Berlin, with the following reason: that there were no means available for the building of air-raid shelters for the troops as well as the prisoners; that means that there was no material for cement and wood, and secondly the superior office of Oranienberg held this standpoint that up to now, a concentration camp or an outer camp, had never been attacked by enemy planes. During my activity, there was no attack on any camp.
- Q. You say, when you came to Dachau that was the situation... did you come to Dachau voluntarily Weiss?
- A. No.
- Q. How did you happen to come to Dachau?
- A. I was in the Allgemeine SS from 1932 to 1933/in the year 1933, my then sturmfuhrer Weithaus gave me the order to go to Dachau for basic training.
- Q. Basic training in what branch of the service did you receive at that time Weiss?
- A. I received infantry basic and was trained on the light and heavy machine guns; machine pistols and hand grenades, and terrain service.
- Q. Over how long a period of time did this basic training continue?
- A. About 10 weeks.
- Q. When you finished your basic training what assignment did (Weiss-Direct)

you receive:

- A. I was ordered as engineer to the administration office in Dachau.
- Q. How long a period of time did you continue in that position?
- A. Until 1936 and the year 1936, in place of this administration office, at least of the technical departments were filled or transferred to the concentration camp of Dachau.
- Q. And from that time on you were in Concentration Camp Dachau?
- A. I was camp engineer.
- Q. Did you at any time, either prior to or during your tour of duty at Dachau, apply for duty with combat troops?
- A. Yes.
- Q. When did you first apply for active duty with combat troops?
- A. Already in March 1940, I had my transfer to a Skull Division. I already had or was in charge of the weapons in 1940.....
- Interpreter...let me start over again.
- A. Already when the division was inaugurated I was in charge of the weapons and the material of this division. The transfer was turned down by the then Obersturmbannführer Pierkowski.
- Q. Did you at any other time subsequent to your refusal by Pierkowski, to transfer make any request for combat duty.
- A. I was commandant in Hamburg, and in 1941, I went...I personally went to my superior office in Landsberg...I mean Oranienburg, on that account. The request was refused with the reasoning that everybody had to do his duty at the spot to which he was put. Furthermore I was directed to the order of the Reichsführer which was issued by him in the year 1940 which said that no leader

(Weiss-Direct)

or officer could volunteer for the front. The second time I volunteered in the year 1944, when I was in this waiting position in Berlin, the request was again turned down.

Q. Who denied your request at that time?

A. General Gluecks

Q. Now a witness by the name of Yendrian has testified that one, Filleboeck took part in an execution of 90 Russians in September, 1944; could you tell the court, whether or not such participation by Filleboeck would be possible?

A. At that time I was not here in Dachau, but it is impossible that an officer who was on duty in the administration could be ordered to take part in an execution; the request would have been...would have to be approved first by his superior officer in the administration.

Q. Do you know who his superior officer was in September, 1944?

A. Hauptsturmfuhrer Wetzel.

Q. Of your own knowledge, Weiss, do you know when Joseph Zuess left Dachau?

A. Zuess, left the camp on the 1st of December, 1942 and was transferred to Natzweiler.

Q. Now at the end...toward the end of the war, are you familiar with any plans of the German Luftwaffe with relation to the disposition of Camp Dachau?

A. Yes.

Q. Could you tell the court what you know about that situation?

A. During the middle of April, I was called by Obersturmbannfuhrer Weiter in Muhlendorf, who requested that I come over to Dachau because he wanted to give me an important message. Thereupon, I went to Dachau and learned in the office of Obersturmbannfuhrer Weiter that he had received instructions that the Reich's Defense Commissioner, Gauleiter (Weiss-Direct)

Giesler of Munich, in the case of the approach of the enemy wanted to destroy the camp by several squadrons of bombers. Witnesses of this conversation at that time was Oberfuhrer Pister and Obersturmfuhrer Jarolin. I told the Obersturmbannfuhrer Weiter in these words that is terrible and I called Obersturmbannfuhrer's attention to the consequences which would arise by that. I asked to be connected with the Gauleiter in Munich but I couldn't get to talk to the Gauleiter personally but the staff leader Gerde ; I asked for an audience in order to speak to the Gauleiter personally. I was told that I could call the next day in Munich. At the same time I asked to be connected by telephone with the then General Freiherrn Von Eberstein, who according to orders of the Reichsfuhrer had to take over the Concentration Camps, in case of an emergency. The next day I drove, I and Obersturmbannfuhrer Weiter drove to Munich and I first reported to the office of General Freiherrn VON Eberstein; he told me that the Gauleiter was not present and had flown away that evening; I called the attention of General Freiherrn Von Eberstein towards the consequences that would arrive; after a longer conversation, he shook my hands and said I promise you as an officer that I shall make sure to circumvent the destruction of the camp; and the bombardment of the camp was not carried out.

- Q. How did you happen to be in Dachau, or in this area at that time?
- A. I was in Muhlendorf, and I was called by Obersturmbannfuhrer Weiter on the telephone and requested to come to Dachau; Obersturmbannfuhrer Weiter had at that time become very disturbed.
- Q. During your tour of duty at Dachau, will you tell the court (Weiss-Direct)

whether or not you were aware of or participated in a common design or conspiracy to murder, beat, mal-treat or otherwise perform indignities upon any of the prisoners in Concentration Camp Dachau and or its subsidiaries?

A. No.

Q. Did you volunteer for service in the SS?

A. In the Allgemeine SS.

Defense: That is all.

CROSS-EXAMINATION

Questions by the prosecution:

Q. Weiss, as commandant of Camp Dachau, is it not a fact that you were in charge of all of the by-camps of Dachau?

A. Yes.

Q. And is it not also a fact, that as commandant of Camp Dachau, you had in your custody and care the prisoners of Camp Dachau, and the by-camps of Camp Dachau?

A. Yes.

Q. Now at Dachau, you had a number of departments that had representatives on your staff, did you not?

A. They were my co-workers.

Q. They were your co-workers; and I'll ask you if it is not a fact that you would have a meeting once each day in which the problems were discussed that arose in those various departments?

A. Whatever happened in the camp was reported to me by the single leaders.

Q. And these meetings that you held were held daily, were they not?

A. At the beginning daily, in the last days, two or three times a week.

Q. Now these prisoners that you had the care and custody (Weiss-Cross)

- Weiss, is it not a fact that they were sent to Dachau by the various Gestapo offices throughout Germany?
- A. The entry was carried out by an order of the Reich Security Main Office with an arrest report.
- Q. And when these prisoners arrived in Dachau, they went first to the political department, did they not?
- A. Yes.
- Q. And there a file was made on those prisoners with respect to their offenses; of where they were born; their nationality, and how long they were to be retained in Dachau, is that true?
- A. No, the length of time was not determined.
- Q. But everything else was determined that I asked you except the length of time, is that not true?
- A. In the political department the prisoner was merely handled in a manner of identification....the papers with his arrival had already come into Dachau from the Reich Security Main Office with the arrest report.
- Q. Is it not a fact that he was there classified in the political department as being a prisoner 1, 2, or 3.
- A. No, in Dachau, there was only class 1.
- Q. Then after a prisoner reached the political department he was then processed through the office of the Schutzhaftlagerfuhrer.
- A. He was sent to the camp with a block leader.
- Q. And a record was made in the work office with respect to the details at which he would be assigned, is that not true?
- A. Yes.
- Q. Now how many prisoners were here at Dachau at the time you left Weiss, or the time that you left in November 1943?

(Weiss-Cross)

- A. Including the outer camps, I turned over to Obersturmbannführer Weiter on the 25th of October, 15 to 16,000.
- Q. Now during the time that you were here at Dachau, Weiss, from September 1, 1942, until November 1, 1943 how many prisoners did you ship out of Dachau?
- A. I can't tell you the number, but it must have been several thousands who were transferred into other camps and armament industries by order of the work distribution, by the office of the Reich Main Security Office in Oranienburg.
- Q. All I want Weiss, is an approximation; was it as many as 3,000 prisoners that you sent out during your term?
- A. It must have been more, if you consider the outer camps, which were under me because the outside camps, upon orders of Oranienburg had to be supplied with man-power as far as was requested.
- Q. Would you say it was as many as 5,000?
- A. Yes, something like 5,000.
- Q. Would the rest of these prisoners that came into Dachau; would it increase the number from 5 to 6 thousand or increase the number from 15 to 16 thousand, that came in by transport?
- A. Yes, they were invalid transports who were raised to health again here in Dachau.
- Q. And the prisoners that they had on these transports Weiss, their deaths were not recorded here in Dachau, were they?
- A. Yes.
- Q. And where were they recorded?
- A. The dead were identified by the Doctor and were then led to the political department; to the concerned work details....
Prosecution: May it please the court, I object to that translation, it sounds off-key.

(Weiss-Cross)

A. The people who arrived dead on these transports, at the moment they arrived in the Concentration Camp, they were taken into the status of the concentration camp; presumed that a transport of 4 to 500 prisoners or more arrived here; then it did not matter how many dead were among them, the status that was represented for 4 or 500 prisoners who arrived were taken into the status of the concentration camp, regardless of the number of dead, and the dead were then again used to reduce the strength. These death notices went to the political department, and from the political department to the registration office to the Oberscharfuhrer Mursch.

Defense: Just a minute please; the dead were used to reduce the strength....wasn't that the dead were subtracted from the strength?

Interpreter: It means the same thing.

Defense: Well it sounds better the other way.

Prosecution: Will you ask him to repeat the last portion of the answer that he made to you?

A. The transport in the strength of let us say 4 or 500 invalids was taken into account immediately when it arrived and it did not matter whether there were dead people among them, these people were then subtracted from the strength and in that manner did not appear any more within the strength of the prisoners. The death certificates of these newly arrived dead was sent from the doctor to the political department who on the other side notified the registration official Mursch, and on the other side would report the dead to the interested detail or work detail officers.

Defense: Just a minute to the point of origin.

Prosecution: Just ask him to repeat the last portion

(Weiss-Cross)

of his answer.

- A. That is the official officers who led the people into Dachau. This statistic of dead was also notified in the monthly report which was also noted in the monthly report that went to Berlin.
- Q. Now Weiss, you stated yesterday that you had a conversation with a Doctor Grawitz; on what date did that conversation take place?
- A. I was called into the office of Professor Schilling by Doctor Grawitz.
- Q. Just answer the question please Weiss; on what date did that conversation take place?
- A. This conversation took place in the middle of April, 1943.
- Q. And at that time I believe Doctor Grawitz, you testified did you not that you were told not to sabotage Doctor Schilling's experiment, is that correct?
- A. Yes.
- Q. Is it not a fact Weiss, that these requisitions for prisoners had to be approved by you before they were made available to Doctor Schilling?
- A. It was an order from Berlin that the prisoners were to be given by Doctor Schilling.
- Q. Just answer my question Weiss, as to whether or not you had to approve the requisition for prisoners that were to be used by Doctor Schilling?
- A. Yes.
- Q. Now, it is also a fact, is it not Weiss that you had to approve the requisition for prisoners that had to be used by Doctor Rascher in his experiments?
- A. Yes.
- Q. And you continued to approve those requisitions for prisoners (Weiss-Cross)

oners to be used by Doctor Schilling from the time you came here in September 1942, until November 1943, the time you left, is that correct?

A. Yes.

Q. And the same thing is true with respect to the requisition for prisoners for Doctor Rascher's experiments, is that not true?

A. Yes.

Q. Weiss, I hand you document marked prosecution's exhibit 125 for identification and ask you to state what that is?

A. That is a requisition of prisoners for the experimental station Rascher.

Q. Now, I ask you to state what is the word that appears immediately beneath the typewritten line that appears on that page?

A. Ja, and my initial.

Q. In other words you put ja and your initial on this requisition for prisoners when you approved it, is that correct?

A. Yes.

Q. Weiss, you knew how these experiments were being conducted by Doctor Schilling, did you not?

A. No.

Q. You mean you had no idea...no knowledge at all that these prisoners were being inoculated with Malaria by Doctor Schilling?

A. I only meant to say with that that I never saw an experiment.

Q. But you knew that prisoners were being inoculated with Malaria did you not?

(Weiss-Cross)

- A. I don't know that.
- Q. As a matter of fact you knew that there were at least 50 men who were killed or who died as a result of these experiments by Doctor Rascher?
- A. No.
- Q. Is it not a fact that you witnessed one of these experiments going on when Himmler was present?
- A. Yes.
- Q. And is it not also a fact that a man was taken out of that vat unconscious at the time you and Himmler were present?
- Interpreter: I am sorry, it was my mistake, he used the words "in my time there were no experiments of ball like containers carried out".
- A. At this cold water experiment, yes.
- Q. Now how many men died Weiss, during the time you were commandant here at Dachau?
- A. I estimate 8 to 900.
- Q. As a matter of fact Weiss, don't you know that there were 2794 prisoners who died here in Dachau from September 1st 1942, to November 1st, 1943?
- A. No.
- Q. You don't know that?
- A. No.
- Q. Now Weiss, during your time, how many men died from hanging?
- A. I judge between 20 and 30.
- Q. And how many who were prisoners died during your time as a result of shooting?
- A. None were shot during my time. there were only hangings.
- Q. And you tell this court that during the time you were commandant, from September 1, 1942 until November 1, 1943, that no prisoners were shot during that period?

(Weiss-Cross)

A. There were some attempts of escape.

Q. And how many of those were shot Weiss?

A. I estimate 4 or 5.

Q. So that, if there were any others that died other than those you have just named, as a result of shooting they were killed as a result of escapes, is that not true?

A. I don't remember.

Q. So far as you know then, only 20 or 30 died by hanging and about 5 died by shooting, who were trying to escape, is that true?

A. Yes.

Q. Now Weiss, how many died as a result of general body weakness?

A. I can't say.

Q. In your judgment was it as many as 8 or 900?

A. No.

Q. How many would you say?

Defense: If it please the court, the witness has answered the question; he said, he could not say; I submit to the court that if the witness and the defense had had available the records of Camp Dachau in time, as the prosecution had available, we would be able, and the witness would be able to answer these questions accurately. I submit to the court that the counsel for the prosecution should not continue to harangue the witness after he has answered the questions to the best of his ability.

Prosecution: All I am asking him to do is state to the best of his ability. If I can refresh his recollection a bit, and thereby refresh his memory, I think it is proper to do so.

(Weiss-Cross)

President: The court is of the opinion that an approximation can be gotten from the witness; objection denied.

Questions by the prosecution:

Q. How many would you say Weiss, in your best judgment, died of general body weakness?

A. I Can't say, but I only know that those who died of general body weakness died because you can trace it back to the transport in which they arrived in very bad condition.

Q. Now during that time that these prisoners came in on these transports, I believe you stated that you had sufficient medical supplies, was that not true?

A. Yes.

Q. And I believe you testified yesterday that you had available all the medical supplies that you needed is that not true?

A. Yes.

Q. Well, is it not a fact that during your administration here at Dachau, 858 prisoners died from intestinal catarrh?

A. I do not know.

Q. Isn't it a further fact that during your period of administration here 685 prisoners died of pneumonia?

A. I can't say.

Q. And is it not a fact that during your administration here 374 prisoners died from tuberculosis?

A: I do not know.

Q. And isn't it a further fact that only 195 prisoners died from typhus while you were here?

A. I gave you my estimate a while ago, between 100 and 150.

Q. Now isn't it a further fact that 35 people died as a result of hanging while you were here?

A. I only testified as to 20 or 30, I don't remember any more.

Q. And isn't it a further fact that 18 people were killed by (Weiss-Cross)

shooting while you were here?

- A. I don't remember that, I don't remember the shootings.
- Q. Weiss, I hand you a document marked prosecution's exhibit number 38, and ask you to examine it, and state what that is.
- A. That is a requisition for the experimental station of Professor Schilling.
- Q. And over on the right hand side next to the stamp, on that document does there not appear a ja and your initial "W"?
- A. Yes.
- Q. And while....I will ask you if it is not a further fact that in the first corner of that stamp there appears the initials of Suttrop?
- A. Yes.
- Q. ~~And~~ I will ask you further whose initial appears in the bracket marked 3?
- A. Labor distribution department "A".
- Q. And whose initial appears in the first column of the stamp on the top of the page Weiss?
- A. That looks like a laborer of the work distribution department.
- Q. Now, while you were the commanding officer here Weiss is it not a fact that for breakfast the average prisoner received a half liter of coffee?
- A. No.
- Q. He didn't receive as much as a half a liter of coffee?
- A. He received more.
- Q. How much more did he receive?
- A. It must have been $3/4$ of a liter and besides that, they didn't get coffee every day, two or three times, soup
(Weiss-Cross)

in the morning.

- Q. And for the noon meal is it not a fact they received $3/4$ of a liter of soup?
- A. No, he received at least one liter.
- Q. And for supper, I ask you if it is not a fact that he received some more soup and 500 grams of bread?
- A. Yes, he received soup in the evening and 500 grams of bread.
- Q. And during that same period of time is it not a fact that those prisoners were working a minimum of 11 hours a day?
- A. That was only in the middle and towards the end of 1943.
- Q. And isn't it a further fact that they worked actually longer than 11 hours per day?
- A. The minimum working hours, that is the working time itself was set at 11 hours.
- Q. And as a matter of practice they worked more than 11 hours a day, is that not true?
- A. No.
- Q. At no time then, while you were camp commandant did the prisoners work in excess of 11 hours per day, is that correct?
- A. No.
- Q. Now you stated in your testimony yesterday that the condition of the prisoners that came in on some of these transports was pretty bad, is that not true?
- A. Yes.
- Q. And is it not a fact that you were present here in Dachau on or about the middle of October in 1943?
- A. Yes.
- Q. And is it not a fact that at that time you took some photographs of a transport that came into camp Dachau, at that time?
- (Weiss-Cross)

- A. There were photographs taken by me, but I don't remember whether it was October or not.
- Q. And at that time isn't it a fact that Obergruppenfuhrer Pohl was present?
- A. He was present at one of the transports once.
- Q. And that transport contained about 750 men did it not, when it came into Dachau?
- A. About, yes.
- Q. And is it not a fact that on that transport you took the prisoners that were arriving and lined them up in front of the bath house?
- A. Yes.
- Q. And is it not a further fact Weiss, that you laid outthat you had laid out in front of those prisoners in front of that bath house, bodies of prisoners that had been eaten on that transport?
- A. No.
- Q. You never at any time recall taking pictures of bodies that had been....that showed signs of cannibalism, that had been taken off a transport, is that correct?
- A. Yes, I was told that when I came back; I was not present in Dachau at this transport, that was told me by my Adjutant former/Suttrop and Hauptscharfuhrer Redwitz.
- Q. And what was that date Weiss?
- A. I don't remember.
- Q. As a matter of fact don't you know that that took place with Obergruppenfuhrer Pohl present?
- A. No, Obergruppenfuhrer Pohl was present at another transport.
- Q. Now yesterday, you testified that beatings were requisitioned; or am I correct in this that you testified yesterday that all beatings had to be requested by you from Berlin?
- A. Yes.

(Weiss-Cross)

- Q. So that the request would originate here at Dachau for a beating and then it would go to Berlin for approval and when it came back, you would administer the beating, is that correct?
- A. Yes.
- Q. Now with respect to executions, isn't it a fact that every execution that took place here at Dachau passed through your desk?
- A. No.
- Q. What executions took place at Dachau that didn't come... the orders for which didn't come across your desk?
- A. When I was absent.
- Q. And when you were absent they then went across the desk of whoever was in charge in your absence, is that not true?
- A. Yes.
- Q. And who was that man?
- A. Hauptsturmführer Redwitz.
- Q. Is it not a fact Weiss, that it was your duty to designate the time and the place of the execution?
- A. No.
- Q. What was it that you did designate at the executions that were performed here at Dachau?
- A. After the execution, I merely signed the papers, the recording papers.
- Q. As a matter of fact, is it not true Weiss that the execution order was composed of two parts?
- A. No.
- Q. Isn't it a fact Weiss, that one part was the order that came to you from the Gestapo offices or from Berlin and the second part was the part that was made out and signed (Weiss-Cross)

by you as camp commandant of Dachau?

A. No.

Q. Then there never was at any time any document of execution which bears your signature except the one which you say constitutes a record, that the execution had taken place, is that true?

A. Yes.

Q. Now with respect to these beatings Weiss, is it not a fact that the prisoner was required to count the number of strokes he received?

A. That didn't happen under me.

Q. Who counted the strokes Weiss?

A. The one who did the inspecting.

Q. And isn't it a fact that you had to do the inspecting?

A. Yes.

Q. And isn't it a fact that during your time that men were beaten with the oxtail?

A. They were beaten with sticks.

Q. Now you stated a moment ago General Glucks refused your request to go to the front lines, is that correct?

A. Yes.

Q. And isn't it also a fact that General Glucks is your father-in-law?

A. No.

Q. He is not related to you in any way?

A. No.

Q. Now Weiss, during your time, you attended the executions that took place here in Dachau, did you not?

A. No.

Q. You never attended a single execution, is that correct?

A. As long as I was commandant at Dachau, no.

(Weiss-Cross) "

Q. Well when you stated that Eichberger was at executions....
attended executions as recorder, you don't know whether
Eichberger was there or not do you?

A. He was present yes, if he was the recorder.

Q. You didn't see him there did you Weiss?

A. No.

Q. And you don't know whether or not Filleboeck was present
at executions do you?

A. No.

Q. As a matter of fact, these executions were restricted to
certain people who had functions to perform there, is that
not true?

A. Yes.

Q. And only those people who had to participate in that execu-
tion could be present there, is that not true?

A. Yes.

Prosecution: No further questions.

The court then took a recess until 1015 hours, at which hour
the personnel of the court, the prosecution and the-defense,
and the accused and the reporter resumed their seats.

Prosecution: May it please the court, I would like to
ask the witness one further question.

Questions by the prosecution:

Q. Weiss, how many transports that came into the camp, did
you and Obergruppenfuhrer Pohl observe the transaction
in which the prisoners were lined up in front of the bath
house?

A. Yes, once.

Prosecution: No further questions; at this time may it
please the court, the prosecution would like to offer pros-
ecution's exhibit 125.

(Weiss-Cross)

Defense: If the court please, in connection with that, not that we personally have any objection to the exhibit itself, but I do think that it is a novel procedure that the prosecution introduces, through the defense, exhibits for the prosecution.

Prosecution: I don't see anything out of order, it can be done either now or in rebuttal, it is just a matter of procedure, there is nothing unusual about it at all.

Defense: Rather than set a precedent, I will be happy to stipulate with the prosecution as to the contents of that exhibit. In other words, to keep the records as straight as possible from a legal point of view.

President: On the grounds that it has probative value for the court it will be received in evidence.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by the defense:

- Q. Weiss on cross-examination it was brought out that you took photographs of a transport that arrived in the Fall of 1943, with Obergruppenführer Pohl present.
- A. No Obergruppenführer Pohl was not present.
- Q. You did take photographs of a transport that arrived in Dachau, is that correct?
- A. Yes.
- Q. What did you do with those photographs?
- A. These photographs were sent to the next higher office in Oranienberg with a complete report.

Defense: No further questions.

RECROSS-EXAMINATION

Questions by the prosecution:

- Q. And is that the report that you had reference to when (Weiss-Redirect)(Weiss-Recross)

you testified on direct examination that you complained about the condition of the prisoners that came to Dachau on transports?

- A. With every transport which arrived in camp, I handed in a report to Oranienburg.
- Q. Will you please answer my question; was that the transport which you described as the one that you made a report to Oranienberg, with respect to the condition of the prisoners when they came to Dachau?
- A. I made a report about every transport.
- Q. Was the transport about which you testified that you took pictures of the transport that you testified yesterday that you made a report to Oranienberg to the effect that the prisoners were in a bad condition when they arrived at camp?
- A. No.

Prosecution: No further questions.

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

Father Otto Piese, the next witness for the defense, affirmed that he would tell the truth, and testified as follows through the interpreter:

DIRECT EXAMINATION

Questions by the defense:

- Q. Father, will you state your full name please?
- A. Otto Piese.
- Q. And where do you live Father?
- A. Near Steinberg, Rottmannshöhe.
- Q. You are an ordained catholic priest?
- A. Yes.
- Q. And were you a prisoner in Dachau?
- (Piese-Direct)

- A. Yes.
- Q. How long a period of time were you a prisoner in Dachau?
- A. From the 2nd of August, 1941, until the 27th of March, 1945.
- Q. When you were here or while you were here, the Lager Kommandant was Obersturmführer Pierkowski?
- A. Yes.
- Q. And after Pierkowski, was relieved who became Lager fuhrer?
- A. Camp commandant Weiss, became camp commandant.
- Q. Prior to the time that Weiss became commandant or the Lager fuhrer, what kind of work were you compelled to do?
- A. Since May, 1942, I had to work in the plantation, and since the middle of August 1942, I was assigned to the detail of darning socks.
- Q. After Weiss became commandant what job did you have to do?
- A. Then the detail was changed several times from the sock darning detail. I was put on a detail of filling the sacks full of straw, and then to the pay office of the Waffen SS.
- Q. When were you transferred to the pay office of the Waffen pay office SS.
- A. Beginning November, 1942.
- Q. And at that time Weiss was commandant of the camp, was he not?
- A. Yes.
- Q. What block were you confined in as a prisoner father?
- A. I was in block 26.
- Q. And about how many priests were in the camp at that time do you recall?
- A. Winter of 1942, there were approximately 13 to 1400,
(Please-Direct)

but I do not remember the number correctly.

Q. Now prior to the time that Weiss became commandant of the camp, were tree hangings and beatings a matter of course among the prisoners and priests?

A. Yes.

Q. After Weiss became commandant at Dachau, did the beatings and punishments by tree hanging continue or stop?

A. At first both of them were stopped, but later on the beatings were introduced in some cases I don't know how many.

Q. Were the beatings continued insofar as the priests were concerned?

A. I do not know any case of that time.

Q. All right, prior to the time Weiss became commandant what was the attitude of the block personnel with reference to the priests?

A. The block personnel was in a position of superiors.

Q. And what kind of work did they require the priests to do?

A. On the block itself, the cleaning details, in the working details the work which was prescribed, as to the specific detail.

Q. With reference to the rooms in the block what was the block personnel's attitude with the priests?

A. In the very much exaggerated manner, a cleanliness of the rooms there, a keeping in order of the rooms was demanded.

Q. And in the event the room was not up to the judgment of the block personnel, was punishment meted out according to the judgment of these block leaders?

A. You mean the block eldest, not the block fuhrer?

Q. Whoever did it.

(Please-Direct)

- A. At first we are under the block personnel, the block personnel reported to the block leader; upon bad cleaning reports could have been handed in, upon which every punishment would have been ordered.
- Q. For small neglects Father, or what kind of neglects, will you tell the court please Father?
- A. It could have been very small negligent matters. For example, if the margins of the cover over the blankets was not exactly in the same position it was required as to centimeters, then a punishment report could have been handed in, whereupon barbaric punishment was meted out.
- Q. After Weiss became commandant of Dachau, did that punishment continue for such minor neglects or not?
- A. I do not remember of punishments, during that time, that is extreme demands, that is exaggerated demands such as cleaning the floor and making the beds were discontinued.
- Q. With reference to invalids Father, can you tell the court whether or not under Weiss's administration they received more food, particularly those men who were unfit for labor?
- A. Members of the invalid block told me that they now received more food.
- Q. Did you ever see Weiss check the SS guards with reference to the distribution of food rations?
- A. Regarding the distribution, no, I saw how Weiss inspected the kitchen in the morning, before the morning formation.
- Q. What time in the morning did you see Weiss inspecting the kitchen, before the food was given out?
- A. When we came from the morning formations.
- (Piese-Direct)

Q. What time of the morning was that?

A. I don't remember during which part of the year this took place, and the time of the morning formation depended upon the part of the year.

Q. You know of Weiss's reputation among the prisoners in Dachau did you not?

A. Yes.

Q. Would you tell the court what in your opinion his reputation was in Camp Dachau?

Prosecution: I object to that question on the grounds it is not what his opinion is.....he may ask him what Weiss's general reputation is, if he knows what it is; or if it is good or bad; but not in his opinion what it is.

Defense: I'll withdraw the question.

Q. Did you see him very often in the kitchen Father?

A. No.

Q. What was your most recent job in Dachau under Weiss's administration?

A. From June, 1943 I was an aid man in the hospital.

Q. And were you that when you were released from the camp?

A. No.

Q. You were released from the camp on the 27th of March?

A. 1945.

Q. And at the time you were released from the camp there were 168 other prisoners released at the same time is that correct?

A. Yes, 169.

Q. Father, during the time you were in prison here in Dachau did you know a man by the name of Arno Lippman?

A. Yes.

Q. What can you tell us about Lippman?

(Please-Direct)

- A. I want to be asked.
- Q. Do you know how Lippman behaved towards the prisoners?
- A. On the average he held back and did not commit any actions.
- Q. Did you ever see or hear of him mistreating any of the prisoners?
- A. No.
- Defense: That is all.

CROSS-EXAMINATION

Questions by the prosecution:

- Q. Father, while you were in Dachau, you stated you were confined in block 26; is it not a fact that block 26 was inhabited by the German priests?
- A. Yes.
- Q. And block 28 and 30 were inhabited by the priests of other nationalities, is that not so?
- A. Yes.
- Q. Isn't it true Father, that the whole time you were here at Dachau, Dachau was a terrible place?
- A. Without a doubt.

Prosecution: No further questions.

Defense: Just one question.

REDIRECT EXAMINATION

Questions by the defense:

- Q. Here in block 26, were there only German priests?
- A. On the 17th or 19th of September, 1941 the Polish priests were separated from the German priests, only German priests remained in block 26. Later on priests of other countries arrived there, more and more.
- Q. When was it that other priests arrived in block 26?
- A. I don't remember that exactly.

(Piese -Cross)(Piese-Redirect)

Q. Was it after 1943?

A. Before that.

Defense: That's all.

Prosecution: No further questions.

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

Raymond Schnabel, the next witness for the defense, was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by the defense:

Q. Will you please state your full name?

A. Raymond Schnabel.

Q. And where do you live Mr. Schnabel?

A. In Munich.

Q. Will you give the more exact address?

A. Munich, Agnes, Bernauer Street, 42.

Q. Will you tell the court please, how old you are Mr. Schnabel?

A. 30 years old.

Q. Are you married?

A. I am divorced.

Q. What is your civilian occupation?

A. Business man.

Q. Were you a prisoner here in Dachau at any time?

A. Yes.

Q. When did you first become a prisoner in Dachau?

A. I was admitted to Dachau on the 2nd of September, 1942.

Q. And for how long a period of time did you remain a prisoner?

A. Until the liberation by the American troops on the 29th of April, 1945.

Q. What was your job here in Dachau?

(Schnabel-Direct)

- A. At first, I worked at the pay office in the Waffen SS and later on I worked at the Labor Service Office.
- Q. Why were you a prisoner in Dachau?
- A. Abusing a Kreisleiter of the NSDAP; besides that because of the sabotage to the service; besides that I wrote to a leading national socialist woman who lived at the Bodensee. there are still upright and honest men in Germany, who will not participate in this position.
- Q. Did you happen to know the commandant of Dachau known as Pierkowski?
- A. As far as I remember, he was the commanding officer when I was admitted.
- Q. And did you come to know Martin Weiss?
- A. Yes.
- Q. Would you tell the court, Mr. Schnabel, just what you know of commandant Weiss?
- A. Until commandant Weiss arrived the conditions in the camp were terrible; as a new admittance and like all other prisoners I was put in block 15 at first; these new admittances were beaten almost daily by the SS men, in order to get to know the atmosphere of the camp in the correct way; this fact changed with the arrival of the commandant Weiss.
- Q. And do you know of your own knowledge any specific instances in which it changed?
- A. Yes.
- Q. Would you tell the court the specific instances that you know of of your own knowledge in which it changed?
- A. May I give an example?
- Q. If you please.
- A. One day in September, an American national was admitted
(Schnabel-Direct)

as it was the custom at that time he was beaten, immediately; the man protested against that, upon that he was beaten some more; since it was something extraordinary that someone should be protested against, it got to be known in the camp immediately; at that time we thought that that man would be liquidated immediately; next morning block number 15 fell out for drill, that was the block in which the man arrived; that morning commandant Weiss made his first inspection of the camp; we were in formation and we were reported to commandant Weiss; Weiss asked for the American who protested; according to our experience we thought he would beat to death that man; he said the following thing to him; I do not know why you are in arrest, and it does not interest me; I only have the task of guarding you; you complained yesterday; if your conduct here is decent, you will be treated decently by me; if you behave yourself like a pig, you will be treated like a pig; commandant Weiss prohibited the prisoners and especially the SS the beatings; by that I mean these unofficial beatings, not the official beatings; standing behind barracks 15 I heard commandant Weiss say the following thing to the block leader; how could it be that you could beat a man that could be your father; I am arresting you; I didn't observe the beating itself.

- Q. This American you speak of, is he a German American, or dressed in American clothes, or will you explain to the court more about him in detail?
- A. The American told me that he was a German American, he spoke German fluently, he spoke several languages, according to his statement he was an American citizen, and he was arrested in Germany as a civilian when he tried to
- (Schnabel-Direct)

cross the border into Switzerland; these facts I only know by the statements of the man.

- Q. Mr. Schnabel, it has been testified to in this court that Weiss was only interested in the health of the camp for the purpose of extracting work from all the people he could in the camp; do you know anything in connection with that?
- A. It is true that he discontinued these unofficial beatings and all other indignities because he said that the working capacity of the prisoners had to be increased; but I remember a case where he was acting humanly without any consideration for this doctrine.
- Q. Will you tell the court about that situation?
- A. At that time Weiss was not commandant any more but an inspector of the Jewish camps; at that time as far as I can recall I worked in the labor service in the camp.
- Q. Here in Dachau?
- A. Here in Dachau.
- Q. Continue please.
- A. At that time a big transport of Jews arrived; it could have been 2 to 3,000 men; some of these people a part of them were to be picked as laborers for the Jewish camps; inspector Weiss wanted to make that selection himself; therefore he ordered this morning at 8 o'clock that this transport should fall out at the formation grounds; as it was usually the leaders came 1 to 2 hours late at these inspections, for that reason no SS man was there who could report to the inspecting officer; since I was there in order to make notes for the labor service, I reported to the inspector Weiss, so that the prisoners would not be punished for not reporting; Amongst
(Schnabel-Direct)

the Jewish prisoners there were a great number of children from 8 years up; these children were very much afraid that they would not be picked out, and that they would be liquidated because they were not laborers; the children were crying and we prisoners tried to calm them down; after I was standing in front of commandant Weiss, I asked him whether I could make a request to him; the same time the then Schutzhaftlagerfuhrer Ruppert was present; Weiss permitted me to make that request; I asked him to leave the children with the parents; Weiss agreed to that immediately; Ruppert said that this is impossible the children can not work; upon that Weiss replied, said that this does not matter, we can employ them in some matter at any time; upon that he said that I should take care of it, that the children should pick out their fathers; some of the children did not have a father any more, but wanted to stay together; in order to make that possible I told the children just to pick anyone and remain with them so that they could stay together; inspector Weiss was standing about three meters from me and must have heard that; the children did not understand it immediately at first, I had to explain it so that they could go up to the Jewish prisoners so that they could remain with him; Weiss did not protest that; the Jewish prisoners in camp had an especially strong family feeling; they wanted to stay together with their brothers and relatives; Weiss asked them in a quiet and decent manner as to their profession and the people he could use he put together in a special group; it happened thus that the families were separated; and the prisoners then asked the inspector that they should send their brothers and uncles together with them even though they were not

(Schnabel-Direct)

able to perform that kind of work; every case which I observed Weiss agreed to that request; despite of the fact that Ruppert said that that is impossible that is wrong sentimentality.

Q. You say that you were working in the labor office when you were here at Camp Dachau?

A. Yes, since Summer, 1944.

Q. Have you any knowledge of your own with respect to the manner in which the persons were picked for the malaria experiments and Luftwaffe experiments?

A. Yes.

Q. Would you tell the court the procedure that was followed with relation to both of these experiments?

A. Mainly I can only talk about the Malaria experiments because I know less about the other ones.

Q. Tell the court if you please Mr. Schnabel, about the Malaria experiments.

A. 30 prisoners a month were furnished to Professor Schilling for these malaria experiments; the order came by wire from Berlin; I know that because Professor Schilling asked every month whether a telegram had not arrived from Berlin yet; I myself saw this telegram; that it was ordered upon an order of the Reich leader of the SS that 30 people should be furnished for these experiments; the prisoners for the experiment were picked out by the doctor; this list was given to the labor service by Professor Schilling; we workers in the labor service had to enter upon that list the profession and the kind of detail that they worked, on that list; this list was then handed on to the commandant's office for approval;

(Schnabel-Direct)

as far as I can remember it was approved by the labor service leader and the commandant; an objection was possible, if a special worker or a specialist was picked out for these experiments; a man had to be exchanged, but the number 30 remained.

Q. So regardless of whether or not the commandant of the camp or the labor leader wanted to take one man off the list, another one would have to be supplanted to take his place is that correct?

A. Yes.

Defense: No further questions.

CROSS-EXAMINATION

Questions by the prosecution:

Q. Mr. Schnabel, during what period of time was Weiss inspector of the Jewish camps?

A. As far as I can remember, 1944 and 1945, I can not give you the exact dates.

Q. And those Jewish camps that you referred to here, were known as the Kaufering Camps, were they not?

A. Yes, Kaufering, and Muhlendorf, and Landsberg am Lech.

Q. When these Jews were selected by Weiss, they went to the Kaufering or Landsberg camps, did they not?

A. Yes.

Q. And what happened to those Jews that were not selected by Weiss to go out on this detail?

A. They remained in camp.

Q. And whereabouts in camp were they put?

A. They were brought in one group to one block, as far as I can remember.

Q. And what was that block known as?

(Schnabel-Cross)

- A. The block of the remaining Jewish transports, there was no special name for it.
- Q. Now you came to Dachau on the 2d of September 1942?
- A. Yes.
- Q. And you state that at that time Pierkowski was still the commandant of Camp Dachau. is that correct?
- A. I am not certain, because I didn't see the camp commander who was in charge at that time.
- Q. So for all you know it could have been commandant Weiss is that correct?
- A. My co-prisoners told me that the name of the camp commandant was Pierkowski.
- Q. Now when you testified with respect to this selection of Jewish prisoners, is it not a fact that Weiss came in to Dachau to select these persons that were subsequently sent to Kaufering and Landsberg?
- A. Yes.

Prosecution: No further questions.

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

Father Heinrich Rupieper the next witness for the defense was sworn and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by the defense:

- Q. Will you state your full name?
- A. Heinrich Rupieper.
- Q. And where do you live?
- A. In Dortmund in the time I lived in Dachau, Freisinger Strasse, 64.
- Q. What was your profession?
- A. Parson.

(Rupieper-Direct)

Q. Parson of what religion?

A. Roman catholic.

Q. How long have you been a catholic priest?

A. Since 1926.

Q. And were you ever a prisoner Father, in Dachau?

A. Yes, I arrived in Dachau on the 19th of June from the concentration camp Neungamme.

Q. Who was the camp commander?

A. Pierkowski.

Q. When you arrived in Dachau, and Pierkowski, was the camp commander, will you tell us what conditions existed in the camp?

A. Conditions in the camp were frightful in the camp itself; the block personnel could do with us what they wanted to.

Q. In what block were you confined?

A. Block 26.

Q. Do you recall camp commandant Weiss?

A. Yes.

Q. Do you recall when Weiss came to Dachau as commandant of this concentration camp?

A. He came to Dachau in the Autumn of 1942.

Q. Do you recall how long a period of time he remained in Dachau as commandant of the camp?

A. 10 to 11 months.

Q. Can you tell the court, if you will please Father, how many priests were confined in your block 26?

A. In the Summer 1942, until Christmas 1942, we were approximately 320 to 350.

Q. And after Christmas of 1942?

A. And at that time all Polish, Russians, Luxembourg, Belgian, Czechs, Greek, and Greek Orthodox; Russian priests, Denmark.

(Rupieper-Direct)

Norwegian, Swiss priests, Hungarian priests, all of these were transferred; at that time the block 30 and 28 were cleared out and all foreign priests came to block 26.

- Q. After Weiss became commandant of Camp Dachau, did conditions change in any respect?
- A. On our block markedly; our block eldest, at that time Robert Gerka, was relieved because of beatings; he also embezzled 1,800 marks from the block canteen together with the man of the block canteen, Reichard Barton; at that time any report to the commandant's offices was impossible; the camp eldest Kapp and Seversky they threatened us at that time that we would be punished in a very bad manner if we would follow through the report.
- Q. Father, before you go any further, would you tell me what the top paper is, which you have in your hand?
- A. They are names which I noted in case I would use them.
- Q. What is the top paper, the pink one?
- A. They are names of the priests about which I was questioned yesterday in the camp before that year, the names of the priests later on, if I am asked about them.
- Q. The question was before you Father, did conditions change in camp at Dachau and in what respects after Weiss became commandant?
- A. The block eldest Robert Gerka was taken away by Weiss and we received a block eldest Joseph Seibert; he himself came to our block and in my presence told the block eldest Seibert, that all indignities should not be carried on as was the custom before; he requested a weekly report from the block eldest about all happenings on the block; for example at a later time when in the year 1943, Untersturmführer Jung...the block 26 was overcrowded and was taken into custody by Untersturmführer Jung and the block eldest Bertl...the block was cleared of the non-
(Rupieper-Direct)

priests immediately and commandant Weiss returned the room to us.

Q. Prior to the time Weiss became commandant were any priests permitted the privilege of services?

A. The services were permitted to us due to an order from Berlin since 1940, only the Dean of the camp, the camp priest was permitted to celebrate, nobody else; after Weiss became camp commandant, every clergyman could celebrate one after the other; before Weiss no dying person was permitted to receive the last rites in the hospital; when Weiss became camp commandant, every dying priest was permitted to receive the last rites from the deacon or his assistant or any of us who worked in the hospital as aid man.

Q. Prior to the time Weiss became commandant, what kind of work were you required to do?

A. Before Weiss became camp commandant, I worked as a Mason and bricklayer in the department of new building.

Q. After Weiss became commandant, was your position changed?

A. Yes, I came as a stenographer to the pay office of the Waffen SS.

Q. Prior to the time Weiss became commandant of Dachau, were all priests beaten?

A. Not all of them it depended; the ones where the block eldest or the capos made a report of.

Q. After Weiss became commandant, did that practice continue or not?

A. After that time I do not know of any case where a clergyman was beaten, because a report from the block eldest; Joseph Seibert, and all of these other room eldests were afraid of commandant Weiss.

(Rupieper-Direct)

- Q. Are you familiar with the hangings by the wrists in the shower house?
- A. Yes, before that the prisoners were hung up at the tree in the bath house for an hour or more.
- Q. After Weiss became commandant, did that practice continue or was it discontinued?
- A. No.
- Q. The hanging did not continue?
- A. As far as I know the tree was removed from the bath house in November 1942.
- Q. Are you familiar with the type of punishment that had been imposed upon all prisoners in the camp upon an escape of a prisoner in this camp?
- A. Yes, if they were caught at first they had to stand at the gate, and then they were brought into the bunker and questioned; and then it was determined whether he was not present; I just heard about that; whether they committed any offenses, during a blackout or air raid alarm went on.....
- Q. I believe there is a misunderstanding; I am talking Father about the other prisoners in the camp; was any punishment imposed upon the other prisoners in the camp when a prisoner escaped?
- A. During the first times, and I remember from other camps I am in camps since 1934...we had to stand 24 or 48 hours or longer until the prisoner was found or the work became important again.
- Q. Was that form of punishment of the prisoners continued after Weiss became commandant of Dachau, or was it discontinued?
- A. It happened every now and then that because of faults (Rupieper-Direct)

of the prisoners themselves prisoners had to stand in formation until some prisoners owned to supplies disappearing or somethings were found; until the morning count checked; if somebody escaped from the details which worked outside, the entire camp was not punished any more.

Q. Were the German priests subjected to the Malaria experiments Father?

A. Yes, but only a few before the time of Weiss was picked for these experiments; some of them were Peter Pauer of Trier, Gustave Spitzick; one Ames Burwart from Augsberg, Fritz Keller from Stahlberg near Aachen, Kasimir Rokovsky...

Q. And how about yourself Father?

A. I was also treated in August, 1942.

Q. And you say that after Weiss came here no further priests were used from block 26 as far as you know, for the Malaria experiment?

A. None were taken any more.

Q. Did you have anybody else in block 26, as far as you can remember besides German Catholic priests?

A. Besides us catholic priests there were all Protestant clergymen on the block; that is before the Christmas of 1942; the Russians, the Dutch and the Russians, the Greek Orthodox, and so on arrived; there were 5 Czechs, special prisoners on our block, prisoners with special consideration....special privileged prisoners, there was a certain Bleuhau, and a Dobrodintsky; there were certain German nationals amongst us who came from Polish occupied territory, and who were declared as German nationals; there was a certain Dubinsky, Maltheusiak, and others; and there was an only Pole amongst us German priests a Reglevitch.

Q. Father did you ever see Weiss go through the camp during
(Rupieper-Direct)

the early hours of the morning?

- A. Very frequently.
- Q. What time of the morning did you see him...would you say he would be going through the camp?
- A. It was around 3 o'clock in the morning sometimes before reveille that he was in the camp, sometimes 4 o'clock, before the food was carted out, I myself went from room 4 in order to get the coffee or the soup as room eldest or capo.
- Q. And was it at that time you saw Weiss going through the camp?
- A. At that time I saw Weiss frequently and also in the kitchen, differently than Pierkowski or other camp commandants, he went through camp all by himself, without having a Schutzhaftlagerfuhrer with him.

CROSS-EXAMINATION

Questions by the prosecutions:

- Q. Father, to what order of priesthood do you now belong?
- A. I am a world clergyman, I am not a member of any Sect.
- Q. Do you have a Parish, Father?
- A. Yes.
- Q. Where is it located?
- A. Kirchindem in Sausland.
- Q. Now Father, you mention Father Keller as being one of those who underwent the Malaria experiments, is that correct?
- A. Yes, Father Keller from Stahlberg.
- Q. When did he leave the Camp Father?
- A. Father Keller was handed over to the Gestapo in Aachen in March, 1943. it was a special trial, in front of a special court, which resulted in an acquittal.

(Rupieper-Cross)

- Q. When did Father Keller leave the camp?
- A. Approximately March, 1943, I can not remember exactly.
- Q. Now you mentioned Weiss coming into the camp and inspecting the food department, did you receive a half a liter of coffee or soup for breakfast?
- A. It depended, at times during the typhus epidemic we received coffee from the kitchen more frequently and several times during the day, in order that we should not drink any water.
- Q. Now Father, will you tell me what you received for lunch?
- A. It depended, on the season, during the Winter we either received cabbage, white cabbage and potatoes, and every now and then some meat, or red cabbage; and during that time until the dried vegetables came to an end we received peas or bean soup; that is dried vegetables came to an end in April 1943.
- Q. And for soup Father, you received 3/4 of a liter of soup is that correct?
- A. According to regulations we received 3/4 of a liter of soup for supper.
- Q. Now you lived in block 26 did you not, the whole time you were here in Dachau as a prisoner?
- A. Yes.
- Q. That was the block of the German priests is that not true?
- A. Until Christmas, 1942 with the exception of these 5 Czechs and these German people.
- Q. In other words, during that time only German priests and those persons considered as German priests were kept in block 26, is that correct?
- A. No these others were not considered Germans, these Czechs had their insignia with a "T" as Czechs.

(Rupleper-Cross)

Q. Father, after Weiss came, is it not a fact that the Polish priests were not permitted to hold services?

A. There was an order from Berlin....

Prosecution: May it please the court, I asked a question as to whether or not it was not a fact that the Polish priests were not permitted to have services during Weiss's time; now that calls for an answer of yes or no; whether it is a fact or it is not a fact, now if he wants to elaborate on some other field about which he has not been questioned, there is a proper time for that.

Defense: May it please the court, I think that the witness is entitled to make any qualification of any answer to any question that the counsel for prosecution makes. Now if the counsel for prosecution is afraid of the answers that this witness may give to the court.....

Prosecution: It is not a question of being afraid....the court has observed this witness the way he answers questions, the way he goes all around the barn, which in 9 cases out of 10 is not responsive and I am trying to shorten this which is proper...to stick to the question which has been propounded, and I say that the question I asked can be answered very briefly yes or no, and if counsel wishes further questions, he can do so on his direct examination.

President: The question will be answered and we would like to have the defense counsel caution the witness to confine himself to the grounds of being responsive.

Defense: Father, you will make your answers responsive to the questions....I assume that the court does not mean that the witness can not qualify any question any answer he sees fit.

A. Yes.

(Rupieper-Cross)

Defense: You may make such qualification of your answers as you deem appropriate.

Prosecution: Now, may it please the court, I object to that statement.

Defense: If it please the court, I am sorry if I have exceeded the instructions of the court.

President: The court will not have any witness answer and qualify it to what he deems appropriate. but to what we deem appropriate.

Prosecution: Will you please read the last question? (To the reporter).

A. That was prohibited that was a prohibition before that already block 26.

Prosecution: Just a minute may it please the court....

Defense: I will try to straighten him out. In answering the question put to you by the counsel for the prosecution be as brief and responsive as possible.

Questions by the prosecution:

Q. During Weiss's time Father, is it not a fact that the Polish priests were not permitted to hold religious services?

A. That prohibition existed before Weiss's time.

Q. Now during Weiss's time was that prohibition removed?

A. The prohibition was not lifted entirely because it came from Berlin, but there were certain matters in which it was made easier.

Prosecution: No further questions.

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

Prosecution: May it please the court, just one further questions.

(Rupfleper-Cross)

The witness was recalled to the stand.

Questions by the prosecution:

Q. Father, is it not a fact that while you were here in Dachau, you were a prison Capo?

A. I was not a capo. I was an assistant Capo at the building sites, and I had Polish priests under me.

There being further questions the witness was excused and withdrew.

Mr. Paul Schliebs, the next witness for the defense, was sworn and testified as follows:

DIRECT EXAMINATION

Questions by the defense:

Q. Mr. Schliebs, will you state for the court your full name please?

A. Paul Schliebs.

Q. Where do you live Mr. Schliebs?

A. Munich Forstenrieder Street, 240.

Q. And how old are you?

A. 45.

Q. And what is your civilian occupation?

A. Tradesman.

Q. And were you ever a prisoner in Dachau?

A. Yes.

Q. And when were you a prisoner in Dachau?

A. Until the 5th of March 1940, until the end.

Q. And when you came to Dachau as a prisoner, why were you so imprisoned?

A. I was examined by the cell leader in Hamberg about my political conditions in June, 1940.

Q. Were you in Dachau as a political prisoner?

A. No.

Q. What were you imprisoned in Dachau for?

(Schliebs-Direct)

- A. I don't know, I arrived from Saxon Hausen.
- Q. Why were you imprisoned in Saxon Hausen?
- A. I was arrested for three weeks and then I arrived in Saxon Hausen.
- Q. Why were you arrested?
- A. Because of the three weeks prison.
- Q. Is it not a fact that you were arrested because you had stolen property in your possession?
- A. That was in 1933.
- Q. Now why were you arrested in 1939, Please Mr. Schliebs please tell me why you were arrested?
- A. Because of the 3 weeks arrest.
- Q. While you were in Dachau, did you know the camp commandat Pierkowski?
- A. Yes.
- Q. And for how long a period of time were you a prisoner under Pierkowski?
- A. Approximately 2 years.
- Q. And during the period of time that you were a prisoner under Pierkowski, will you describe to the court the conditions of the camp that existed under his regime?
- A. They were very bad.
- Q. And in what respects were they bad Mr. Schliebs?
- A. Because the block personnel under these SS were permitted to do with us what they wanted.
- Q. What kind of work did you do?
- A. At first I worked at building graves then in the plantation.
- Q. What other kind of work did you do?
- A. 1942, I came to the kitchen at washing dishes.
- Q. When in 1942 did you come into the kitchen as a dish washer?
- A. February or March.
- (Schliebs-Direct)

- Q. And how long did you continue in that position?
- A. Until June, 1944.
- Q. Now you were in camp as a prisoner when Weiss became Lager commandant?
- A. Yes.
- Q. And did conditions in camp Dachau in any way change after Weiss became commandant at Dachau?
- A. Yes.
- Q. Will you describe to the court what conditions changed in Dachau after he became commandant.
- A. When Weiss became Lager commandant he at first stopped the irregularities of the individual blocks.
- Q. What irregularities did he stop?
- A. The certain blocks were preferred, whereas others got all the dirt.
- Q. Will you explain that to the court, I don't quite follow your meaning.
- A. It happened before that the blocks with uneven numbers, these are the blocks where the new admittances came to get less food and other things.
- Q. After Weiss became commandant did that continue...continue to exist or not?
- A. No.
- Q. Was the equalization of the food for all blocks better under Weiss than it had been prior to the time he became commandant?
- A. Yes.
- Q. Had you as a prisoner here in Dachau heard of Weiss prior to the time that he became commandant in Dachau?
- A. No

The court then took a recess until 1315 hours, at which hour the personnel of the court, the prosecution and the defense, and the accused and the reporter resumed their seats.

(Schlie s-Direct)

President: The court will come to order.

Prosecution: Mr. Schliebs, you are reminded that you are still under oath.

DIRECT EXAMINATION (cont'd)

Questions by the Defense:

Q Mr. Schliebs, prior to the time that Commandant Weiss became the commandant of Dachau, were the prisoners beaten?

A Yes.

Q After Weiss became commandant, did these beatings continue, or were they stopped?

A They were partly stopped.

Q When you say they were partly stopped, will you tell the court what you mean by saying that they were partly stopped?

A Only heavy offenses were punished.

Q Prior to the time that Weiss became commandant at Dachau, were prisoners required to stand in the square when another prisoner had escaped?

A Yes.

Q After Weiss became commandant was that form of punishment still inflicted upon the prisoners?

A No.

Q Are you familiar with the punishment block?

A Yes.

Q Prior to the time that Weiss became commandant, was the punishment block used?

A Yes.

Q After Weiss became commandant was the punishment block continued, or discontinued?

A I don't know.

(Schliebs-Direct)

Q Prior to the time that Weiss became commandant at Dachau, was there any form on entertainment whatsoever for the prisoners at Dachau?

A No.

Q After Weiss became commandant was there any form of entertainment for the prisoners furnished?

A Yes.

Q What was the form of entertainment that commandant Weiss furnished for the prisoners after he became commandant?

A He introduced sports.

Q Did he introduce anything else besides sports?

A Yes — movie lectures.

Q Prior to the time that Weiss became commandant had you, as prisoner, ever seen any movies?

A No.

Defense: That is all. You may cross-examine.

CROSS EXAMINATION

Questions by the prosecution:

Q How many movies did you see, while you were here in Dachau, under Weiss' time?

A I cannot name the number.

Q Well, were they many or few?

A Four or five.

Q And you were here under Weiss from September 1942 until November 1943. Is that correct?

A Yes.

Q Now, while you were here under Weiss, you worked a minimum of eleven hours a day. Is that right?

A Yes. More.

(Schliebs-Cress)

Q And you were required to participate in sports, after you had worked eleven hours a day? Is that correct?

A No.

Q Well, you mentioned that Weiss introduced sports. What sort of sports did Weiss introduce?

A Football (Interpreter: Really, our soccer).

Q Who played this soccer?

A Those prisoners who wished to play.

Q Now, during Weiss' time, is it not a fact that you got as much to eat as you wanted?

A No.

Q And, during Weiss' time, isn't it a fact that Dachau was a terrible place to live in?

A It was better under the time of Weiss than the others.

Q I didn't ask that question, Mr Schliebs. My question is: During the time that you were under Weiss, is it not a fact that Dachau was a terrible place to live?

A It was not a place to live in -- the camp -- regardless of whether it was Weiss or someone else.

Q You had a good time here, then, while in Dachau?

A No.

Prosecution: No further questions.

Defense: No further questions.

EXAMINATION BY THE COURT

Question by Court Member:

Q Mr Schliebs, what was the color of your triangle when you were here?

A Green.

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

(Schliebs-Ex by Ct)

Defense: The defense calls Father Lenz as its next witness.

Father Johann M. Lenz, a witness for the defense, affirmed that he would testify truthfully, and testified through the interpreter as follows:

DIRECT EXAMINATION

Questions by the Defense:

Q Father, will you state your full name?

A Johann Maria Lenz.

Q Where do you live?

A The prints' house, in Dachau.

Q And where is your home?

A Linz Dom Street, Number Three; Linz Upper, Austria.

Q What is your profession, Father?

A Ordained priest.

Q How long have you been an ordained priest, Father?

A I've been ordained since 1923. I'm a priest for ten years.

Q And were you ever a prisoner in Dachau?

A Yes. For five years.

Q When did you first come to Dachau as a prisoner?

A On the 9th of August 1940.

Q When were you released?

A Towards the end, when the Americans liberated us.

Q While you were here as prisoner in Dachau, do you know commandant Pierkowski?

A Yes.

Q Would you tell the court, please, Father, what the conditions were in Dachau under Commandant Pierkowski?

A Commandant Pierkowski had a very bad reputation. He had the reputation of making the life of the prisoners

(Lenz-Direct)

as hard as possible, and of enriching himself. Besides that, it may be in order to make the life of the prisoners more difficult, he didn't concern himself in any way with the camp. We hardly ever saw him.

Q During Pierkowski's tour of duty as commandant, were the prisoners mistreated?

A I myself was severely mistreated.

Q Did you ever see prisoners beaten while Pierkowski was commandant of the camp?

A Yes. Especially in the punishment block.

Q Were you here when Weiss became commandant of Dachau?

A Yes.

Q Do you recall how long a period of time he remained here as commandant?

A About one year.

Q After Weiss came here to Dachau as commandant of this camp, did conditions change any, as far as prisoners are concerned?

A Yes. The conditions changed generally, but especially for the German priests. In general, as far as various mistreatments and annoying things were disbanded, and especially for the German priests, because he had some feeling for the German priests, whereas the other priests — I didn't see it myself, but I heard of it — suffered severely under him.

Q With regard to other prisoners, regardless of whether they were priests or not, were the beatings continued in the camp on these other prisoners?

A No. He stopped the beatings of the capos and block elders.

(Lenz-Direct)

Q And that happened throughout the camp, did it not, Father?

A In the entire camp he saw to it that there was no beating.

Q A little while ago, you spoke of the punishment camp. What did you mean by that?

A In August 1940 I was in the punishment company.

Q After Weiss became commandant of Dachau, did the punishment company continue?

A It was soon disbanded.

Q Now, are you familiar with the punishment that went on in the various shower-rooms, such as hanging by the wrists?

A I know it only from hearsay. I never experienced it myself.

Q Do you know whether or not the punishment of hanging by the wrists was continued, or discontinued, after Weiss became commandant of Dachau?

A It was discontinued. Also, the instruments for binding by the post were taken away from the bath-house.

Q What job did you have in the camp under Weiss?

A I was in the plantation for three years.

Q All the time under Weiss?

A Yes.

Q Prior to that time, Father, what kind of work had you been doing?

A We priests were concentrated here in Dachau in December 1940, from various camps. Then we were given the carrying of food as our work. Officially, we had no work, but actually we were doing the heaviest work in the camp. That was the carrying

(Lens-Direct)

of food -- the carrying of pails -- which was feared and hated in the entire camp.

Q Did that work continue after Weiss became commandant?

A No, that was one of the reliefs wrought by Weiss.

Q And was that applicable to all priests, regardless of whether or not they were German?

A Yes. This relief was for all, not only for priests, but also for those who were not. Previously, those who were not priests also had to carry.

Q Was Weiss in any way responsible for saving any lives while here as commandant in this camp, in your opinion?

A Yes. One can say that by abolishing these troubles he saved the lives of some.

Q How many would you estimate that he saved during his tour of duty here at Dachau, because of the abolishment of these punishments, which were in vogue before his advent?

A That is very hard to say. I gave a certain number yesterday, at my previous interrogation, and I would not like to repeat it, because I can't say that.

Q You have been more or less commissioned by the Vatican to prepare a book on Dachau, have you not, Father?

A I'm not quite sure whether or not the order came from the Vatican, but anyhow it came from Munich, indirectly from the Vatican.

Q While you were here as prisoner, you got to know Kick, did you not, Father?

A Only by name.

(Lenz-Direct)

Q Did you have any relations whatsoever with Kick?

A No.

Q Are you familiar, Father, with the common knowledge in the camp as to what Kick's attitude was with reference to the prisoners?

A The general judgment about him was that he was, as much as I heard, a one hundred percent Nazi, but in formal things he was not brutal to the prisoners. He maintained a certain form.

Q Did you know Schutzhaftlagerfuhrer Redwitz?

A Yes, too.

Q What do you know about Redwitz, Father?

A In general, Redwitz was regarded by us as a man who was not dangerous. At any rate, he was not a sadist like his predecessors, Hoffman, Lill, and so on. He liked to yell, he was frequently drunk, but he was not a sadist, and he didn't make life harder for the prisoners.

Q Are you familiar with the manner in which Redwitz addressed priests, regardless of their nationality, Father?

A Once he was in the block with us, in December 1942, with the famous Sister Pia, and addressed us German priests as comrades. That was at the beginning of his activities as camp leader.

Q Did you know a man by the name of Lippmann, Father?

A Yes.

Q What do you know about Lippmann?

A Lippmann was feared the least. In the camp he was generally called grandfather. That was the general judgement of the prisoners.

(Lens-Direct)

Defense: That is all. You may cross-examine.

CROSS EXAMINATION

Questions by the prosecution:

Q Father, did you say that Redwitz came into camp with the notorious Sister Pia, or the famous Sister Pia?

A With the infamous Sister Pia.

Q With the infamous Sister Pia. Now, you said that, in your opinion, Weiss saved many lives. Now I will ask you: Is it not a fact that Weiss would have saved more lives if he fed the prisoners more and worked them less?

A That can be said without question. The work increased under Weiss. His only goal was a large work output, but, on the contrary to previous times when that was also demanded, he did away with sadism. Before, the general attitude was this: To make the life of the prisoners as hard as possible and at the same time to get as much work as possible out of them. Weiss let one thing go while he increased the other.

Q Now, Father, is it not a fact that, during Weiss' time, many prisoners died as a result of malnutrition?

A That is probably true. However, I cannot produce statistics to say this and this and that. But the food did not improve greatly.

Prosecution: Nothing further.

Defense: Nothing further.

The members of the court declined to examine the witness.

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

(Lenz-Cross)

Defense: Mr. Gemola.

Mr. Theofield Gemola, a witness for the defense, was sworn and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q Will you state your full name, please?

A Theofield Gemola.

Q How old are you?

A Thirty-six.

Q Where do you live?

A In Dachau — Johann Ziegler Street, Number One.

Q What is your nationality?

A Polish.

Q Were you a prisoner here in Dachau?

A Yes.

Q For how long a period of time were you here as a prisoner in Dachau?

A Five years.

Q And when did you first come to Dachau as a prisoner?

A The 26th of April 1940.

Q And when were you released as a prisoner here in Dachau?

A I escaped five days before the the Americans came.

Q Were you here in Dachau as prisoner when Pierkowski was commandant?

A Yes.

Q Were you here as prisoner while Weiss was commandant?

A Yes.

Q You are married, are you not?

A Yes.

(Lens-Direct)

Q Were you married while a prisoner, or immediately after you were released?

A After I was released.

Q While you were here as prisoner under commandant Pierkowski, what were your duties?

A I worked in the construction of the garages for three months. Then I worked for two months in the construction of the disinfection buildings, and then, at last, in the weaving works.

Q What kind of work were you doing when Weiss became commandant?

A The weaving works.

Q Will you describe to the court the conditions that existed in this camp when Pierkowski was commandant?

A The conditions were the same after Pierkowski as to the end. It was always concentration camp Dachau, and the conditions only changed partly, but not entirely.

Q Were you here when Weiter was commandant?

A Yes.

Q Was Weiter the commandant who succeeded Weiss?

A He was after Weiss.

Q Were the conditions the same under Weiter as under Weiss?

A No.

Q In what way did they differ?

A They differed in that at the beginning we had more bread. Toward the end, with Weiss we had one-fifth of a loaf, and with Weiter, we had one-sixth.

(Gomols-Direct).

Q What other conditions changed when Weiter became commandant?

A I can't say. I want to have the question. What is it dealing with?

Q Under Pierkowski, were the prisoners beaten?

A Yes.

Q Who was first Schutzhaftlagerfuhrer under Pierkowski?

A Hauptsturmfuhrer Lill.

Q And did Lill beat the prisoners in Dachau when he was Schutzhaftlagerfuhrer?

A Yes.

Q Who was first Schutzhaftlagerfuhrer under Weiss?

A Hoffman — I can't say for how long Hoffman was. Then Redwitz.

Q When Redwitz became first Schutzhaftlagerfuhrer under Weiss, did the beatings continue in this camp?

A Weiss and Redwitz I didn't see, but other men were beating.

Q Were the beatings as often under Weiss and Redwitz as they had been previously, under Pierkowski and Lill?

A No.

Q Isn't it a fact that the beatings that did occur under Weiss and Redwitz were official beatings?

A Official, like under Pierkowski, they weren't; but beatings they were.

Q What was your rank in the Polish Army, Gomola?

A Sergeant.

Q And were you a prisoner of war?

A Yes.

• (Gomola-Direct)

Q And after that were you arrested?

A Yes. In for three weeks in the prison Schierwats in December 1939.

Q Were you here in Dachau as a prisoner of war?

A No. Not in Dachau. In Sckernevitz, Poland, after the capitulation of Warsaw.

Q While Weiss was here, and Redwitz was first Schutzhaftlagerfuhrer, were not the Czechs, Poles, and others, permitted to put on theatrical performances of their own?

A Yes. They could.

Q And did that not continue for a two-year period of time, while Redwitz was here?

A While Redwitz was here, yes.

Q As a matter of act, what part in that sort of entertainment did you personally take?

A I was a singer.

Q How often did these performances take place?

A I was on three times. Otherwise, there was several times.

Q And these performances were for the benefit of all the prisoners in the camp, were they not?

A Yes.

Q Now, under Redwitz as first Schutzhaftlagerfuhrer, and Weiss as commandant, the prisoners were allowed to cook food on stoves in the textile shop, were they not?

A Yes.

Q That was not permitted under Lill or Pierkowski, was it?

(Camola-Direct)

Prosecution: I am going to object to counsel leading the witness. It has been going on all morning, and I think there is a limit to the extent to which counsel may be allowed to lead the witness. It is a leading and suggestive question.

President: The objection is sustained.

During the tour of duty of Pierkowski, would you tell the court whether or not the prisoners were permitted to cook food in the textile shop?

A Yes. We cooked, and we even got double portions, because will said that it was hard work, and we had to get more to eat.

Q And that continued under Weiss and Redwitz?

A We didn't need that, because we got enough food from home.

Q Had you been able to get food from home under Pierkowski?

A Not from home.

Defense: You may cross-examine.

Prosecution: No questions.

The members of the court declined to question the witness.

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

Defense: Edgar Stiller.

Mr. Edgar R. Stiller, 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.

(Stiller-Direct)

A Edgar Rowgard Stiller.

Q You are a prisoner in the camp at the moment, are you not?

A Yes.

Q Were you a member of the SS?

A Yes.

Q What was your rank?

A First Lieutenant.

Q Did you ever serve in the SS here in Dachau?

A Yes.

Q What was your job in the SS here in Dachau?

A I was welfare officer.

Q And where was your office located?

A Next to the headquarters.

Q As welfare officer, did you have constant contact with Weiss and Suttrop?

A Yes.

Q How long had you served here in Dachau?

A From January 1941 until the middle of April 1945.

Q And did you serve under commandant Pierkowski?

A Yes.

Q And did you serve under Weiss?

A Yes.

Q Did you serve under commandant Weiter?

A Yes.

Q As welfare officer, can you tell the court whether conditions changed in Dachau when Weiss became commandant, or not?

A As far as I could see it, yes.

(Stiller-Direct)

Q Will you tell the court in what manner conditions in Dachau changed under Weiss?

A I could determine that every prisoner could talk to Weiss, in his office as well as on the street.

Q What else?

A He was very correct towards the prisoners. He was against beatings — he emphasized that often in the leaders' home, as well as in his office.

Q Do you know whether or not he issued an order that beatings would be discontinued?

A As far as I know, Weiss was opposed to beatings. Whether there was a concrete order, I don't know.

Q Do you know whether or not the hanging, in the shower-rooms, by the wrists, was continued after Weiss became commandant?

A I don't think so, because Weiss was opposed to such things. I never was in the bath-house.

Q Do you know anything about the extra rations for hospitalized personnel that occurred under Weiss' administration?

A A prisoner once told me that the food situation had greatly improved since Weiss was there.

Q In your work there, as welfare officer, did you have anything actually to do with the prisoners?

A I was only concerned with special prisoners. However, these prisoners had great confidence in me, because I had been in the camp a long time, and never made reports, and so I came into contact with them.

Defense: You may cross-examine.

(Stiller-Direct)

CROSS EXAMINATION

Questions by the prosecution:

Q You were a member of the SS?

A Yes.

Q And Weiss was also a member of the SS, was he not?

A Yes.

Q And Rudolf Suttrop was also a member of the SS?

A Yes.

Prosecution: No further questions.

REDIRECT EXAMINATION

Questions by the defense:

Q What was Suttrop's job?

A Suttrop was adjutant.

Q And, as adjutant, do you know just what his work consisted of?

A He had to order the mail and bring it before the chief, and take care of small matters himself. He received visitors and announced them to the chief.

Q Did he have anything to do with the prisoners personally?

A No.

Defense: That is all

RECROSS EXAMINATION

Questions by the prosecution:

Q Did you ever attend executions?

Defense: I object. That is beyond the scope of the direct examination.

Prosecution: I'm laying the foundation to find out what his statement was with respect to his knowledge

(Stiller-Recross)

of Suttrop, to find out whether he ever came in contact with the prisoners. He said that he didn't, and I want to test that.

President: The objection is not sustained. The witness will answer.

Witness: No.

Q You don't know whether or not Suttrop attended executions, do you?

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: Karl Kirschner.

Mr. Karl Kirschner, 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.

A Karl Kirschner.

Q And are you at present a prisoner in Dachau concentration camp?

A I was until October 1944.

Q What is your present status?

A I am now a civilian at home.

Q Are you under arrest now, in Dachau?

A Yes.

Q When were you arrested last?

A The 7th of August.

(Kirschner-Direct)

Q 1945?

A Yes.

Q Prior to that time had you been a prisoner in Dachau?

A Until October 1944 I was in Dachau; until the 5th of May, I was in Oranienburg.

Q When did you first come to Dachau as a prisoner?

A In August 1933.

Q And you served as a prisoner in Dachau from August 1933 until what day?

A From August 1933 until October 1944 I was in Dachau.

Q And why were you in Dachau as prisoner during that period of time?

A Because I was confidence man of the peace organization.

Q What color triangle did you wear?

A Red.

Q During that period of eleven years, you served under a number of camp commandants, did you not?

A Yes.

Q Will you tell the court why you have been arrested the last time?

A The last time I was arrested because I was denounced by a Pole, that I had mistreated prisoners.

Q And would you tell the court, in your own words, what you know about Weiss as a commandant of Dachau while you were here as political prisoner from September 1, 1942 to November 1, 1943?

A From September 1942 until ----- ?

(Kirschner-Direct)

Q I November 1943.

A From the 1st of November 1943 to the 1st of October 1944
I was in Dachau.

Q You didn't understand the question. Interpreter, will
you repeat the question?

The interpreter repeated the question.

A Yes.

Q Well, will you do it?

A Weiss was known to me from previous times. He was
my chief while I was a capo in the security work
shop. Later on he became the commandant of Dachau
and then he was an old acquaintance of mine. I
worked very closely with Weiss as Lager Kommandant,
as capo in the security work. The working with him
was much better than the previous working with
other commandants had been. Weiss interested him-
self largely in everything that concerned the
prisoners in the camp -- their work, their place
of living, and their food. He was in the camp
a lot. Before that he spent a lot of time in the
camp and concerned himself with everything that
concerned the prisoners in the camp -- what they
had to do, with regard to work, with regard to
sick ones, and so on. In especial, he carried out
the punitive measures himself, concerned himself
with what prisoners did in their spare time, and
with the number of sick. So that we, the people
who had official positions, had many connections
with Weiss that we didn't have with the other com-
mandants. One could talk to Weiss about all sorts

(Kirschner-Direct)

of things, even private matters, and if it was within his powers, or if he wished, he would help. Thus Weiss was much closer to us, generally speaking. He also brought wide improvements into the camp. I can remember that his first action when he came into the camp. The camp_elder came with a bunch of reports which he wanted to give to the commandant. Weiss told him 'that will stop, now. I will concern myself with the doings in the camp and these reports will no longer be necessary, so from tomorrow on, you will get different kind of job'. The influence of Weiss, which we had already known previously, showed itself very much. Weiss was in the kitchen a lot, and concerned himself with what was being cooked and with the distribution of food, and he stopped the SS people and others from going into the kitchen and having breakfast there. These provisions would have been taken away from the prisoners and Weiss saw to it strictly that what belonged to the prisoners was kept for them. Weiss also tried to bring back up those people who came as invalids from other camps. He let those sick people have the additional ration which would go only to hard-working men, in order that they may recuperate.

Defense: You may cross-examine.

Witness (continuing) He also saw to it that the milk which was for general distribution in the camp was given to the sick people.

CROSS EXAMINATION

Questions by the prosecution:

Q Through your official position, you got to know Weiss pretty well, did you not?

A Yes. Already in previous years.

(Kirschner-Cross)

Q And you and Weiss were mighty good friends. Isn't that true?

A I can't say that, exactly — in fact, I can say that Weiss once gave me camp punishment.

Q And you were a capo in charge of other prisoners while you were here at Dachau under Weiss; isn't that true?

A Yes.

Prosecution: No further questions.

Defense: That is all.

The members of the court declined to examine the witness.

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

Defense: Doctor Lindmayer.

Doctor Joseph Lindmayer, a witness for the defense, was sworn and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q Doctor, will you state your name, please?

A Joseph Lindmayer.

Q Where do you live?

A Brungarten Street, Number Three, Dachau.

Q What position do you now hold in Dachau?

A Trustee with the Military Government in Dachau.

Q How were you appointed to that position?

A By Captain Van Dyke, on proposition from the land council office.

(Lindmayer-Direct)

Q What other positions have you held in Dachau, Doctor?

A After the entrance of the Americans I was nominated the first mayor of Dachau.

Q After the Americans entered, Doctor?

A Yes.

Q Doctor, in your present position, and in your positions that you have held in the past, do you know anything about ration regulations?

A Yes.

Q What have you had to do with ration allotments?

A I was leader of the food office, Section B, from the middle of December 1939 until 1940. Then, after my release from the luftwaffe I was again chief of the food office, Section B, until the arrival of the Americans.

Q Doctor, I hand you a paper, marked Defense Exhibit Number One, and I ask you to look at that, and to tell the court what it is.

A That is the order of the Reich Ministry for Nutrition and Agriculture, directed to all county food offices; and from the county food offices it went to the food offices. The food offices consisted of two sections. Section A -- that was farmer community of the district -- they had the raising of the food. Section B was the office of the county council -- they had the distribution of the food stamps and food cards. Until 1943 -- the end of 1943, I don't remember the exact date -- the concentration camp was supplied through Section A,

(Lintmayer-Direct)

and we had nothing to do with it. Only from that time on, the concentration camp received their provisions through Section B by means of requisitions in the following manner: The administration reported to us how many prisoners there were, and then by us from these principles of food distribution, the amounts of food were determined for the requisitions. Here a differentiation was made by the general rules of food, and additions were granted for prisoners who were in labor service. The same applied for prisoners who were in agriculture service.

Q Doctor, that is the office that set the amount of food allowed for concentration camps. is it not?

A Yes. The Reich food distribution office.

Defense: May it please the court, we offer this in evidence as Defense Exhibit Number One.

Prosecution: No objection.

President: It is received in evidence.

Q I hand you a paper marked Defense Exhibit Number Two, and ask you to look at that and tell what it is?

A That is ^{not} known to me. That is a bulletin released within the SS, apparently from the SS economic administration chief office.

Q Doctor, can you tell us whether or not that is a paper, or regulation, from the SS office relative to food allotments?

A Yes. Insofar as I can judge it. The rules here should be compared with the rules in the bulletin

(Lintaayar-Direct)

of the Reich ministry, but I assume they are the same rules.

Q It deals, however, with the allotment of food, Doctor?

A Yes.

Defense: May it please the court, I offer this document in evidence, as Defense Exhibit Number Two.

Prosecution: I object to the introduction of that document, on the ground that proper foundation was not made for its admissibility. It has not been properly identified.

Defense: The witness identified it as an SS document dealing with foods.

Prosecution: We submit that it is a document, but what connection it has with this case is unknown. I don't believe that testimony has brought that out.

Defense: I assume that the question of food is in this case. If counsel will withdraw the charge of malnutrition, the defense will agree to that.

Prosecution: The witness stated that he did not know what the document was. That is the predicate for the objection.

Defense: He identified the document.

President: The objection is sustained. There is not sufficient background to receive this document in evidence.

Q Doctor, do you know a man by the name of Wetzel?

A I have seen his signature several times. I don't know him personally.

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

A Yes, he came to my office frequently.

(Lintmayer-Direct)

Q Will you state for what purpose he came to your office?

A Those were business discussions. I cannot say what the details of them were.

Q Do you know whether or not it had anything to do with obtaining food for Dachau concentration camp.

A Yes. We generally dealt with the writing of requisitions and food. It was always a matter of large quantities, not easily obtainable in Germany at that time. He came to me and asked me if they couldn't be changed from, say, dry vegetables to fruits, or something, in the same amounts.

Q This man tried to get more food, then, is that true?

A Yes. He came to me after the last Reich order, which had brought a considerable cut in the rations. He asked me to what authority he could turn in order to possibly obtain a larger amount. I referred him to the county food office, which at that time was in Munich. It was bombed out. Its official place was Bad Schwaben.

Q Do you know Filleboeck? Is he in court?

A Yes. He is the second one in the first row -- Number Twenty-Nine.

Q Is that the man who came to your office and made an effort to get more food for the prisoners here at Dachau?

A Yes, that was Filleboeck. It must have been in February or March.

Q Let the record show that the witness Doctor Lintmayer identified the man wearing Number Twenty-nine as the man Filleboeck, who came to his office in an effort

(Lintmayer-Direct)

to get more food for the prisoners at Dachau. No further questions.

CROSS EXAMINATION

Questions by the prosecution:

Q Doctor, with respect to the document marked Defense Exhibit Number One, were those regulations in existence in 1942?

A I do not know that, because I had nothing to do with them at that time. The regulations in my section only came in 1943.

Q I'll ask you this: Were those regulations, contained in Defense Exhibit Number One, in effect during the year 1943?

A I can't say that. I would have to see the Reich order. I haven't got the details in my mind.

Q I show you Defense Exhibit Number One, and ask you to state -- I ask you to state whether or not those regulations were in force in the year 1943?

A No. There was another one. This is only an order from the 6th of April.

REDIRECT EXAMINATION

Questions by the defense:

Q After that, do you know whether or not the allotment was raised or reduced?

A I assume that it was smaller, because in the beginning it was better; the amounts were larger.

RECROSS EXAMINATION

Questions by the prosecution:

Q During February and March 1945 was the first time that Filleboeck ever came to your office to get

(Lintmayer-Recross)

more food? Is that correct?

A Yes. He spoke because of that great cut. He knew that it was useless to talk to me about an increase. I couldn't do that. It was an order from the Reich.

REDIRECT EXAMINATION

Questions by the defense:

Q And he came to your office after the rations were cut. Is that true?

A That was a very large cut, which happened in 1945.

Defense: No further questions.

Prosecution: Nothing further.

The members of the court declined to question the witness.

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

Defense: Friedrich Wetzel.

Friedrich Wetzel, one of the accused, then took the stand and testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q What is your name?

A Friedrich Julius Wetzel.

Q How old are you?

A Thirty-six years.

Q Where were you born?

A Ernst Clurstelle, Wittenberg.

Q What is your occupation?

A Business employee.

(Wetzel-Direct)

Q What education have you had, Wetsel?

A Public school.

Q Did you ever serve in Dachau camp?

A Yes.

Q When did you come to Dachau?

A I was transferred on the first of August 1944 upon orders of the personnel section of the economic administration chief office.

Q What were your duties at Dachau?

A I was leader of administration.

Q As leader of administration, did you have anything to do with the supplying of food for the camp?

A Yes.

Q How was the food allotted to the concentration camp here at Dachau?

A The food for the concentration camp prisoners was determined by the Reich food office. These rules were made known to the concentration camp through regulations of the economic administration chief office.

Q You got your orders from the E A O. Is that true?

A Yes.

Q Did you have to follow those orders?

A I had to follow those rules, and I could not get any food other than that determined, because I didn't have requisitions to get any more food.

Q Now, when those rations were cut, did you make any effort to try to supplement those rations?

A Aside from the food determined by these Reich food office rules, I tried to get food without requis-

(Wetsel-Direct)

tions, and got five to seven thousand kilograms of pre-cooked soups per month. Besides that we got additional bones. Besides that I tried to lease new land for the concentration camp, and I leased thirty-five days' work, which is a measure of area, which would be for the growing of vegetables for the concentration camp inmates.

Q You leased this land for the purpose of supplementing the food supply for the camp. Is that true?

A Yes. Besides that, the additional portions for heavy-working laborers were not kept within the regulations. These prisoners were to receive the additional food ration only if they performed the hard labor prescribed by the law. But we proposed, and received, this additional ration for about seventy percent of the camp. While according to the law, at most, fifteen to twenty percent should have received this additional hard-workers ration.

Q In other words, the prisoners who did hard work received more rations than the others. Is that true?

A Yes.

Q What about the prisoners in the hospital? Did they receive more than the others?

A The prisoners in the hospital received special additional rations, upon request by the physician.

Q Now, Wetzsel, I hand you a set of papers, marked Defense Exhibit Number Three, through and including Defense Exhibit Number Fifteen. I ask you to look at those papers and tell me what those are?

A These are medical certificates about additional food

(Wetzsel-Direct)

given out in concentration camp Dachau, signed by the respective camp physician.

Q And those certificates show the extra amount of food that was issued at the hospital. Is that true?

A Yes.

Q What period of time do those certificates cover?

A They are all over a period of twenty^{eight} days, which is one period of rations.

Q Does each one cover a period of twenty-eight days?

A Yes.

Q What is the date of the first one?

A The 12th of April 1944.

Q What is the date of the last one?

A The 15th of March 1945.

Q I hand you a paper marked Defense Exhibit Number Two, and ask you to look at that and tell what it is.

A That is an order for the ration element Number 409, from the food main office, dated the 28th of April 1944; food rules for the concentration camp inmates. However, these rules were shortened, or cut, twice in the meantime. In this bulletin, all rations and additions are described and made known. Here it says: Additions for heavy workers.

Q Read what it says about heavy workers.

A For prisoners who are employed as heavy, or heaviest, workers in the sense as described by the law, additional weekly rations can be given per head or per week. It says, especially: employed on the basis of the law. The typing, or grading, of employment is done by the workers supervision office. And the workers supervision office has the right to watch over these additional rations.

(Wetzel-Direct)

Q Did you follow those regulations?

A Yes. I not only followed them, but I exceeded them. That is, in favor of the prisoners, because the prisoners employed in the camp were not supposed to have the heavy-workers additions. As I said, it was, at the most, twenty percent.

Q You mean that there were some prisoners in camp not entitled to the heavy rations, but you included them in that allotment also?

A Yes. In my opinion, fifty percent of the prisoners received that addition, in spite of the fact that they were not covered by the law.

Defense: We offer in evidence, may it please the court, the document marked Defense Exhibit Number Two.

Prosecution: No objection.

President: The document is received in evidence.

Defense: We offer into evidence the documents marked Defense Exhibit Number Three through Defense Exhibit Number Fifteen.

Prosecution: No objection to any of them.

President: The documents are received in evidence.

Q Wetzal, did you have anything to do with the quarters where these prisoners lived?

A I had nothing to do with the barracks in which these prisoners lived. I only had to take care of the instruments employed in habitation.

The court then, at 1500 hours, 29 November 1945, took a recess until 1515 hours, 29 November 1945, at which time the members of the court, personnel of the prosecution and defense, and the accused and the reporter and the interpreter were present.

(Wetzal*Direct)

President: The court will come to order.

Defense: Will the reporter read the last question?

Reporter: Wetzel, did you have anything to do with the quarters where these prisoners lived?

Witness(Wetzel): I had nothing to do with the barracks in which the prisoners lived. I only issued the instruments and furniture for the barracks in which the prisoners lived, and I was responsible for the repairs which had to be done.

Q What did you have to do with clothing?

A It was my job to request the clothing at the administration main office in Berlin.

Q Did they say how much you could have?

A The clothing was requested by me, by reason of what was actually needed, at the main administration office in Berlin.

Q Did you always get all that you requested?

A From these clothes, which I requested in Berlin, I only received a very small percentage.

Q Did you try to make any improvements in this system?

A Because I had made these requisitions in Berlin, and they were not filled completely, I tried, through general letters, in which I described the circumstances that I really needed the requisitioned amount, I often sent teletypes, saying that I needed the clothing very badly. But, in spite of all these requisitions and letters and extra doings, I did not get what I needed.

(Wetzel-Direct)

Q Were you in charge of issuing the rations for these marches, or transports?

A Yes.

Q What did you do about that?

A I issued the rations which were laid down in the rules of the administration main office. By order of the camp commandant, I issued the marching rations, which they were supposed to have.

Q Were these also limited by Berlin?

A The marching rations were set, just like the other rations, from the administration main office. I could only give that certain amount.

Q Did you have anything to do with the food supply to the out-camps, or by-camps, of Dachau?

A For the outside camps, I only was charged with the requisitions, with the exceptions of the OT camps.

Q What about the work camps? When you say OT camps do you mean work camps?

A I mean by that, the work camps of Kaufering.

Q Who had charge of supplying food for the OT, or work camps?

A There was the following setup for the OT camps:
The administration main office set up the conditions for the organization of OT, that the food for the prisoners and for the guard was to be furnished through the organization OT, and the organization OT had the entire billing of these rations. I had nothing to do with the food in these OT camps.

(Wetzel-Direct)

Q What about the quarters for the prisoners in these camps?

A The same conditions were set up by the administrative main office in regard to living conditions. The OT had to issue the the shelter, or barracks, for the guards and the prisoners, and had to furnish the entire implements of the barracks, and also the furniture. Because this was a matter of camps owned by the OT, I had nothing to do with the barracks.

Q What about the clothing?

A The clothing of the prisoners in these OT camps had to be furnished by the concentration camp of Dachau. I furnished for the OT camp of Kaufering the following clothing; I am sure of this: The camp received eight to ten thousand — sort of a body belt for the protection of the body; and they received eight to ten thousand caps with ear protection; and they received at least five thousand garments, partly striped, but mostly civilian. There were overcoats, pants, coats and drawers, and five thousand pairs of shoes, and that was the best kind — the best kind at my disposal: the so-called two, or double, laces. Beside that, there was coming from Oranienberg direct, in a truck with a trailer, at least three thousand garments. Those were shoes, shirts, drawers, foot covers, and overcoats and pants. Thus, I only had to furnish the clothing for the camp Kaufering,

(Wetzlar-Direct)

and they were furnished with whatever I had available.

Q Were you a member of the personal staff of the camp commandant?

A I don't know the expression 'personal staff of the camp commandant', because partly I was under the administrative main office at Oranienberg. I cannot belong to the personal staff of the camp commandant.

Q A few minutes ago you spoke about extra food allotments for those engaged in hard work. Is that correct?

A Yes.

Q Where did you get this extra food?

A I requisitioned this heavy labor supplement at the food office.

Q Did you ever take any away from the other prisoners in order to give it to others?

A No. The prisoners received their normal food, and this was a supplement for the working prisoners. As I already said, only about twenty percent of the prisoners were, under the law, supposed to get this supplement, but I requested, and distributed, this supplement for seventy percent of the prisoners.

Q Do you remember that when Doctor Lintmayer testified, he stated that Filleboeck came to his office when the ration allotments had been cut, and asked for more allotments?

A Yes. I instructed Filleboeck to go to the food office in Dachau to find out which office could arrange it so that the ration would remain as it was, and not be cut. Filleboeck then told me that he was told to go to the county food office in Munich.

(Wetsel-Direct)

Q Did you make a trip to Munich as a result of that?

A I and Untersturmführer Pilleboeck went to the county office in Munich, which was then in MarktSchwabben.

I went to the county food office, Department B, in MarktSchwabben, and went to the man in charge of the Department B, and asked him ^{not} to cut the rations for the prisoners in the concentration camp, because otherwise the food for the prisoners would not be sufficient, and that the prisoners were engaged in the armament works. The official in charge told me that he was sorry, but that he could not change these rations, since it was an ordinance of the Reich food ministry, from Berlin, and that the cut was not to be handled only for the prisoners of the concentration camp, but also for the civilians. Because of this conversation, I turned, by teletype, to the main administrative office in Berlin, and asked that, by means of, or through, the Ernährungsamt

that they should take the necessary steps at the Reich ministry for food, so that the rations for the prisoners would not be cut. I received no answer to this teletype, in spite of the fact that I had traced it.

Q This man in Munich told you that the civilian rations were being cut as well as the rations for the concentration camp?

Prosecution: I object to that question as leading.

Defense: The witness just said that, previously.

Prosecution: I object to it as leading and suggestive. There is a proper way to conduct the examination, and a question may be asked without suggesting the answer.

(Wetzels-Direct)

Defense: Ever since the prosecution began the case, they have asked one leading question after another. We objected to it, because leading questions should not be allowed, but the prosecution has done it repeatedly. We submit that if they have the right to ask leading questions, that we should be given the same privilege.

Prosecution: I submit that we asked questions that were proper in form. Otherwise, I am satisfied that this court would never have permitted these to be asked.

President: The objection is sustained. Re-word your question.

Q What did this man in Munich tell you about the civilian ration cut?

A He told me that the civilian population didn't receive much more than the prisoners in the concentration camp, and that the rations were generally cut by order of the Reich ministry of food. In the last period, the prisoners received the same food rations as the civilians, with the exception that not-working prisoners were only supposed to get eighty percent, but I did not follow that instruction, and gave them one hundred percent of what they were supposed to get.

Q There was a witness by the name of Jendrian, who testified here a few days ago, who said that you permitted unpeeled potatoes to be served. What have you got to say about the unpeeled potatoes?

A I ordered that the potatoes should not be peeled. That is an order from the main administrative office, for all kitchens. These potatoes were washed, and brushed, and I carried this out until the middle of December. I started, in December, that the
(Wetzol-Direct)

potatoes were peeled again, as the peeling of the potatoes was getting too hard. And in the potato peeling, as told to me by doctors, there is the richest food in vitamins contained therein.

Q In the peelings, or in the potatoes?

A In the potato peelings.

Q This man, Jendrian, also testified that rotten vegetables were served. What have you to say about that?

A Jendrian, perhaps, took the vegetables into the kitchen from the various supply and store-rooms, but these vegetables were never used in that condition. There was an extra detail for them -- the so-called potato peeling detail. In the first place, these vegetables were cleaned and cleared of all bad spots, cut and washed and only then put into the soup to be cooked. These details were done by prisoners, and it is impossible that prisoners would throw bad, or rotten, vegetables in their own pot. There was never a rotten vegetable used.

Q There was a witness, by the name of Opitz, who testified that he saw you beat some prisoners one time. What have you to say about that?

A I can only answer to that, that I never beat prisoners.

Q This man Opitz also testified that you and Filleboeck took some jewelry, or personal effects, that were the property of the prisoners.

A I can give you my oath as an officer that I have never stolen anything in my life. Furthermore,

Opitz was never in this valuable bunker with me, and he couldn't even look into this bunker. He didn't even know how many valuables were there, so he couldn't even say what was there, and what was supposed to be missing later on. And, otherwise, it would never have occurred to me to take witnesses along in order to make a theft. So naturally I wouldn't take Untersturmfuhrer Filleboeck, and other SS men, if I wanted to get a theft, who could later on accuse me. If I had ever taken any valuables out of this bunker, where they were kept, the SS man on duty in this room would have reported me immediately to the camp commandant. I might only repeat that I have never stolen in my life, and have never stolen valuables from these prisoners.

Q Is there anything else that you can think of that you would like to tell this court?

A Yes. I would like to add to this testimony of Jendrian's. He stated that I was present at each time new arrivals were in the supply room. That was never the case. Firstly, I was sick eight days, and then I was on business trips for various days, when I wasn't even in the Schutzhaftlager at Dachau. I was present at maybe six or eight new arrivals that got into Dachau, but I never beat prisoners. Then, I would like to add the following, in respect to the clothing: At the end of October, or the beginning of November, the following order came from the main administrative office -- the

(Wetzel-Direct)

order read as follows: It is no use that the administrative leaders, or the camp leaders, make large requests for clothing, because they have to think that by the colossal loss of territory in the east and, particularly, in the west, where the largest supplies of textiles are, that those have been lost, and that you could not figure on any larger distribution of clothes. The camp leader and the administrative leaders were supposed to improvise themselves, with respect to clothing. I did everything possible. Whatever was in my power, I did, in order to keep the clothing in good shape. There was a shoe repair shop and a tailor shop in the camp, who repaired these old things. Furthermore, I received wooden soles from a wood factory in Dachau, and I had shoes made from old leather parts. I stole this leather from a shoe community, so to speak, because these old leather parts were laying outside the camp, and belonged to the shoe community GMBH Berlin. Because they were stored here, I used them for this purpose, because I needed them badly. Furthermore, the other clothing was always repaired in the tailor shop. I would like to add that the prisoners who were here in Dachau, and in the outer camps, who went to work, all had overcoats and sweaters. I did not see a detail here that left camp that did not have overcoats. And all the details within the camp, that is, camp police and camp personnel -- the gardeners, shoemakers, and kitchen personnel -- all had overcoats, in

(Wetzels-Direct)

spite of the fact that an order came from Berlin at the end of October which said that prisoners who worked in closed rooms were not supposed to be issued overcoats. At that time, based on this order, I had the overcoats turned in for a short period of eight or ten days, but then again issued to them, because several people in charge of details asked me, and I also saw that it wasn't right. Furthermore, you have to consider the difficulties of departments in respect to the clothing. I had a load certificate from Berlin, about two cars of clothing, but these cars never arrived in Dachau.

Q All right, now, Wetsel, what position did Filleboeck occupy?

A He was my food expert worker.

Q Was he under your orders?

A Yes.

Q Did he go anywhere without permission from you?

A No. Filleboeck had to sign out with me when he wanted to go anywhere.

Q Did he ever attend an execution?

A No.

Q Did you ever order him to attend an execution?

A No.

Defense: That is all.

Prosecution: If the witness hasn't finished, I have no objection to his going ahead and finishing.

Q Witness (continuing): I would like to add something about the transport of Degelow. The transport where

(Wetsel-Direct)

Degelow — the one he mentioned, in which the staff of the commandant did not do as they were supposed to — I would like to add the following: On the 29th of April, Sunday, the 29th of April, toward five o'clock, I went to see Degelow with Untersturmführer Filleboeck, and Sturmführer Degelow greeted us with the following words: "You are the first ones who are paying any attention to this transport and to myself." "The camp commandant, and the adjutant and the ordnance officers drove by this morning and didn't even show their faces." I talked with Degelow about the food situation of the prisoners that were there. Degelow explained to me that on Sunday, at noon, the Brigade Leader, Plesch was with him, that the prisoners would be turned over to the Americans. He was only waiting for the final say-so, which would arrive any hour. Sturmführer Degelow had sufficient rations for these prisoners, because in Kirchdorf there were portions stored there for twenty thousand people for two days. I promised Degelow that I would try to get more supplies, in case prisoners would camp there for more days. I drove on, on the 30th of April, in order to get more supplies, in case they should camp here any longer. But through the conditions of war, I did not get to do it, because I lost connection with Degelow. And, furthermore, I supplied each transport that left here with sufficient rations for the march. The prisoners that went on foot received the prescribed marching rations for two days, and, furthermore, a box or can of one kilogram of

(WetzelsDirect)

meat preserve. The train transport — the only one that left Dachau — had rations for four or five days and, furthermore, full rations for two weeks, with cooking utensils and so on. In respect to the food and to the accompanying rations, I always tried to get the best for the prisoners, but because of the conditions of war, it was not possible to get any supplemental food.

Defense: No further questions.

CROSS EXAMINATION:

Questions by the prosecution:

- Q Wetzal, what was the destination of this transport that Degelow had?
- A The destination, the end of the march, was supposed to be the Oetz Valley.
- Q And where is the Oetz Valley located?
- A That Oetz Valley is forty kilometers — in the vicinity of Innzbruck.
- Q Do you mean that that is what is known as a hidden valley?
- A I don't know the valley, myself.
- Q Well, at what point was this transport of Degelow's supposed to be reprovisioned?
- A At Kirchs Dorf.
- Q And how many kilometers is that from Dachau?
- A I don't know. I can't give you the number of kilometers, but it is a two day march.
- Q A two day march. Now, you left on the 30th of April. Is that correct?
- A No.
- Q When did you leave Dachau?
- A I left Dachau from the 28th — to the 28th — it was a Saturday.

(Wetzal-Gross)

- Q Didn't I understand you to say, on direct testimony, that you went to look for Degelow's transport?
- A After I left Dachau on Sunday -- the 29th of April -- I came to Degelow.
- Q Where did you find Degelow at that time?
- A Degelow was in Kirchdorf.
- Q Now, prior to the time of your leaving Dachau, how many warehouses were used to store the provisions for the prisoners at Dachau?
- A I don't understand.
- Q How many warehouses were there in Dachau that were used to store the food for the prisoners?
- A There were two rooms.
- Q And how large were those rooms?
- A The food magazine was in the prisoner's kitchen, and there was a magazine here in the SS camp.
- Q And how large was the magazine in the SS camp?
- A It was four meters broad, or wide, and eight meters, to ten meters, long.
- Q And what were the dimensions of the food magazine in the prison compound?
- A That was considerably larger. I can't give you the exact number of meters, but it was at least two or three times as large. Furthermore, I always received the bread straight from the bakery.
- Q Now, Wetzels, was this food magazine, in the SS camp, used by the prisoners?
- A Yes.
- Q And how many food magazines were there that were used solely by the SS troops?
- A One.

(Wetzels-Cross)

- Q And, Wetzels, how many warehouses that contained clothing and shoes were here at Dachau, that serviced the SS troops?
- A The clothing for the troops and the prisoners was separated just like the food was.
- Q And how many warehouses were there that housed the stock for the SS troops?
- A The store-rooms for the clothing -- it was in the store-rooms which were next to the canal, which still exists.
- Q And those were the store-rooms for the clothing for the SS troops?
- A Yes.
- Q And at the time you left here, is it not a fact that those store-rooms were filled with shoes and uniforms?
- A No.
- Q How many pairs of shoes, and how much clothing, were stored in that store-room?
- A Practically nothing.
- Q When you say practically nothing, do you mean not more than two or three pair of shoes?
- A In the store-room for the SS troops there may have been just a few things that were still there.
- Q Would you say that that was only for the guard troops, or for the SS troops that were stationed at Dachau?
- A There is here the clothing for the camp, which is used for the entire Waffen SS, which, however, is not under the concentration camp, but under the main administrative office. These rooms are here in front of the concentration camp.

(Wetzels-Cross)

- Q And these rooms were filled with clothes at the time that you left in April 1945. Is that so?
- A I don't know. I am not in charge there, and have no rights there.
- Q As a matter of fact, you have been in there, and have seen it, though. Haven't you, Wetzell?
- A No.
- Q And when you were looking for all this leather, you never went to the SS store-room to inquire as to the number of shoes that they had there at that time. Is that correct?
- A I could not enter these clothing rooms.
- Q Now, when the food came into the camp, you separated part for the SS and part for the prisoners. Is that correct?
- A No. The food for the guards was just considered separate. I received the food for the Waffen SS from the army food office.
- Q And during the months of January, February, March, and April 1945, the SS troops had better food than the prisoners. Is that not correct?
- A The food for the guards was regularly just like the food for the prisoners.
- Q Just answer my question, please: Is it not a fact that during the months of January, February, March, and April 1945 the food that the SS troops received was much better than the food that the prisoners received?
- A The food was better, but not that much better.
- Q And it was better, both as to quantity and as to quality. Is that not true?

(Wetzell-Cross)

A Partly. However, for the SS men who were doing office work, they received per day three hundred grams of bread, while the prisoners who worked, and received the supplemental hard-labor rations, received three hundred eighty to four hundred grams.

Q You stated that all the prisoners in this camp had overcoats and sweaters who had outside work. Is that correct?

A Yes. Who went to work.

Q And you saw all the commandos who worked outside. Is that correct?

A These details, which I saw going and coming, out of the Schutzhaftlager, all had overcoats.

Q And that was during the whole time that you were here as food administrator. Is that correct?

A No. Not in the summer.

Q But during the winter time?

A In the winter time.

Q Now, when you say that you fed these prisoners with the potatoes with peelings on them, I ask you if it is not a fact that these potatoes were used with the peelings on them in a soup?

A The potatoes were cooked in the soup with the peelings.

Prosecution: No further questions.

Defense: No further questions.

The members of the court declined to question the witness.

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

(Wetzel-Cross)

Defense: Doctor Kilian.

Doctor Kilian, a witness for the defense, was then sworn.

Defense: May it please the court, this witness held an office under the former German Government, and intends to testify as to matters that he considers confidential under the former German Government, and we have assured him that we will ask the court to assure him that it will be all right for him to testify as to administrative matters that occurred within the German Reich. I am sincere in that.

Prosecution: Sir, he says that he is sincere in the request, but as I see it the witness comes before the court as a witness, and know of no special privileges accorded to servants of the former German Reich with respect to testifying before this court. I don't know the nature of the request being made, except so far as he has asked the court to assure the witness that what he says is all right. He has taken an oath, and unless he can conform with that oath, I don't think that he should be permitted to testify.

Defense: It's rather a small matter. The point is that this man was an official under the former Reich, and, as such, took an oath that he wouldn't divulge matters. Of course he is going to testify truthfully, but, in order to satisfy his conscience, I request that the court assure him that he is within his rights to testify -- just to satisfy his conscience.

President: He is not only assured that it is all right to testify, but he is directed to so testify, and will suffer the consequences of contempt of court if he does not.

(Kilian-Direct)

Doctor Kilian, witness for the defense, having been sworn, then testified, through the interpreter, as follows:

DIRECT EXAMINATION

Questions by the defense:

Q State your name, please?

A Friedrich Kilian.

Q Where do you live?

A I live in Munich Schulein Place, Number Four.

Q What position did you occupy in Munich before the end of the war?

A I was higher governmental counsellor, in the food office, Department B.

Q You were an official in the food rationing office. Is that correct?

A Yes.

Q On or about January, February, or March, 1945, will you state whether or not two SS officials came to your office?

A I do not remember the time exactly, but I know it was at the time when the rations were again cut, and these two people appeared at my office.

Q What did they come to your office for?

A They asked about getting higher rations.

Q What did you tell them?

A I could not give them any information, because I wasn't an expert in this matter. I merely directed them to the ordinance of the Reich Ministry of Food, already brought up here today, and I told them that the food office there didn't have the power to change any orders which were given by the Reich Food Ministry.

(Kilian-Direct)

Q What were the names of these two men?

A Unfortunately, I don't know. I can't remember.

Q If you were to see them, would you recognize them?

A Yes, I can.

Q Look around the court, and see if you see them in here.

A Number twenty-nine and Number forty.

Q Are these the two men that came to your office that day?

A Yes.

Defense: May it please the court, let the record show that the witness Doctor Kilian identified the accused wearing the numbers twenty-nine and forty as the two men who came to his office requesting an increase in the food allotment for Dachau. No further questions.

CROSS EXAMINATION

Questions by the prosecution:

Q Was that the only time you ever saw those two men?

A Yes.

Q And you haven't seen them before, until you looked at them in the courtroom today?

A Yes. I saw them yesterday.

Q Where did you see them yesterday?

A I saw them yesterday with the gentlemen of the defense.

Q Now, Doctor, when were you appointed to this higher government council that you just mentioned?

(Kilian-Cross)

A I was made high government official on the
- 1st of May 1943.

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: Mrs. Elizabeth Wolff.

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

DIRECT EXAMINATION

Questions by the defense:

Q State your name, please.

A Elizabeth Wolff.

Q Where do you live, Mrs. Wolff?

A In Dachau. Schleis^{is}heimer Street, Number 91.

Q Were you ever employed at Dachau concentration
camp?

A Yes.

Q What position did you hold there?

A I was in the administration of the concentra-
tion camp.

Q What were your duties?

A I was working on matters of clothing.

Q Do you know a man named Friedrich Wetzel?

A Yes.

Q Were you working in the same office with him?

A Yes. I was in the front room.

Q What was the position that you held under him?

A Secretary.

(Wolff-Direct)

Q Do you know whether or not Wetzels dictated any letters to you, relative to food and clothing while you were serving there?

A No. I had nothing to do with food — only matters of clothing.

Q Did he dictate any letters regarding clothing?

A Yes.

Q To whom were they addressed? E

A To Oranienburg — to the SS main administration office.

Q And what were these letters about?

A We requisitioned clothing, socks, shoes, and so on.

Q Were your requests complied with?

A No. A large percentage of that was scratched out, and not sent.

Q You mean that they were scratched out here, or by Berlin?

A No. In Berlin.

Defense: No further questions.

Prosecution: No cross-examination.

The members of the court declined to question the witness.

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

Defense: Mr. Anton Weber.

Anton Weber, 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?

A Anton Weber.

(Weber-Direct)

Q Where do you live?

A In Dachau.

Q Were you ever in Dachau concentration camp?

A Yes.

Q What were your duties here?

A I was here in charge of the supply-room -- of the clothing supply-room for prisoners. I was an attendant -- I was not in charge.

Q Did you know a man named Wetzels?

A Yes.

Q Did you ever work for him?

A Yes.

Q How long did you work for him?

A About eight months.

Q Do you know anything about Wetzels attempting to get clothes for the prisoners?

A Yes.

Q What do you know about that?

A I know that a teletype was sent to Berlin, to the SS main office.

Q Do you know what was in the telegram, or teletype?

A Yes.

Q What was that?

A In that teletype they required larger quantities of clothing. Then they received the answer, from Obergruppenfuhrer Pohl that, as a consequence of large losses of terrain, that we could not receive these quantities at any rate -- that those quantities could not be had because those countries where the raw material was stored, were lost.

Q Who was this man, Pohl?

A He was a superior officer.

(Weber-Direct)

Defense: No further questions.

CROSS EXAMINATION

Questions by the prosecution:

- Q Was this report you got from Pohl the answer to the teletype previously sent?
- A Yes.
- Q And do you recall the date that that teletype was sent?
- A No. But I believe it was in 1944 or the beginning of 1945.
- Q How long have you been in the SS?
- A Since 1933.

Prosecution: No further questions.

Defense: No further questions.

The member of the court declined to examine the witness.

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

Defense: Mr. Richard Turber.

Mr. Richard Turber, 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?
- A Richard Turber.
- Q Where do you live, Mr. Turber?
- A In Dachau. Freisinger Street, Number 51.
- Q What position do you hold in Dachau, Mr. Turber?
- A I am an employee of the Bavarian Material and Agricultural Department.
- Q Do you know men named Friedrich Wetzel. or Sylvester Filleboeck?
- A Yes.

(Turber-Direct)

- Q Did these men ever come to see you, in Dachau?
- A Yes. He was in the food administration of the concentration camp, and sent us requests for potatoes or vegetables, or straw.
- Q Now, who was this? Wetzel or Filleboeck?
- A Filleboeck.
- Q When he came to see you, what was the purpose of his visit?
- A To receive material for the concentration camp.
- Q Did he ever request you to let him have extra food?
- A He asked me, because the food proposition was bad, to give him food without requisition.
- Q Could you do this?
- A I gave him beans and peas, without requisitions, for the prisoners of the concentration camp.
- Q What kind of beans and peas were these?
- A They were really seeds of beans and peas, or seed beans and peas.
- Q You mean for sowing purposes. Is that true?
- A Yes. For sowing purposes.
- Q Do you know whether he used them for sowing purposes, or for food?
- A They were supposed to be used for sowing, but the time had passed for that, and they were used, then, for food purposes.
- Q Do you know anything about the Munich Office cutting the food supply, or taking away the food supply?
- A I only know about vegetables. Filleboeck asked me that we should give him all the vegetables that we could get in the county district of Dachau. Thereupon we furnished him with that and at the end of

(Turber-Direct)

this a gentleman from the gardening administration came, who told us that we had given them too much, and that the concentration camp had to return the vegetables, which they had gotten, because it was too much.

Defense: Nothing further.

CROSS EXAMINATION

Questions by the prosecution:

- Q What quantity of beans and peas did you give to Filleboeck and Wetsel on that occasion?
- A In the last three years when I received the requisitions, that was, per year, about twenty thousand kilograms.
- Q Twenty thousand?
- A Yes. Per year, in the last three years.
- Q Now, you say that during that whole time, that was delivered to Filleboeck and Wetsel? Is that correct?
- A There was always a car that came and took these things. I furnished these things for the concentration camp especially, or specifically for the concentration camp for the prisoners.

Prosecution: Nothing further.

REDIRECT EXAMINATION

Questions by the defense:

- Q Would these have been issued if they had not been requested by Filleboeck?
- A They would have been sent in any case, because they were determined for the concentration camp. But I would like to say that, because he had care of it, Filleboeck received the peas.

(Turber-Redirect)

The members of the court declined to examine the witness.

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

Defense: Mr. Kiermaier.

Mr. Kiermaier, 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, please?

A Ludwig Kiermaier.

Q Where do you live?

A In Dachau; Hermann Stockmann Street, Number 64.

Q What is your occupation?

A I work on the railroad.

Q Mr. Kiermaier, do you know Friedrich Wetsel, or Sylvester Filleboeck?

A I don't know them any more, but I know of the name.

Q Do you know anything about the renting of some land in Dachau by these two men?

A Yes. With the agreement of the burgerm^{er}ster of Dachau.

Q Tell us about that?

A At the beginning of April. I received a message, or notice, from the burgerm^{er}ster that I should keep myself free for the next day for a conversation. Then the burgerm^{er}ster came, and two others — a sturmbannfuhrer and an oberscharfuhrer, and we went over to the acre.

Then I measured the terrain by steps, and the burgerm^{er}ster said that the entire terrain that we had rented for the settlement was taken over by the SS, that is, for the concentration camp. It was about
(Kiermaier-Direct)

forty-five day-works (Interpreter: Apparently that is a measure -- that much that could be worked in one day -- I don't know exactly how much). I protested that all of our terrain was taken, that we couldn't keep our animals and that the terrain had been rented by us, for the past ten years. The burgermeister refused that without any further ado, and said the people should reduce the number of animals and that the terrain is confiscated. The burgermeister left, and I was then alone with these gentlemen. There was an untersturmfuhrer, and I bargained with him to leave me a good ten (days-work). He had consideration and gave us that terrain voluntarily. Then we looked over the terrain -- that part that belonged to him, and what was left to us. About forty-five days this terrain was worked on by the prisoners. The other part, which we received, I separated, or divided into small portions and then I had nothing more to do with it.

Q What did these men want to do with this land?

A They wanted to have vegetables on there for the concentration camp. I found out that it would only be an early type of vegetables at first.

Defense: Nothing further.

CROSS EXAMINATION

Questions by the prosecution:

Q That was in April of what year?

A 1945.

Q And you say that you bargained with this untersturmfuhrer. Is that correct?

A Yes.

Q So that, actually, he got less land than what was already permitted by the burgermeister?

(Kiermaier-Cross)

Is that correct?

A Yes. The sturmfuhrer was very well satisfied by the land given him by the burgermeister.

Prosecution: That is all.

The members of the court declined to examine the witness.

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

Defense: Mr. Ritzler.

Mr. Ulian Ritzler, 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, please?

A Ulian Ritzler.

Q Where do you live?

A In Dachau; Freising Street, Number Two.

Q What position do you hold in the town of Dachau?

A I have a food business, of food, groceries, and so on.

Q What type of business is that, Mr. Ritzler?

A Food of all kinds.

Q Do you know a man by the name of Friedrich Wetzel?

A Yes.

Q Do you know a man by the name of Sylvester Filleboeck?

A Yes.

Q Did you ever have any business dealings with either of these two men?

A Yes.

(Ritzler-Direct)

Q And, as a result of that, the camp received cheese with a higher fat content than it would otherwise have received. Is that true?

A Yes.

Defense: No further questions.

CROSS EXAMINATION

Questions by the prosecution:

Q I understand you to say that in 1939, in case of war, that you were directed to furnish food to the concentration camp. Is that correct?

A Yes.

Q On what date did you receive that order?

A The 13th of September 1939. The kind of food was then categorised.

Prosecution: No further questions.

President: Court will adjourn until eight-thirty in the morning.

The court then, at 1655 hours, 29 November 1945, adjourned to meet at 0830 hours, 30 November 1945.

W. D. Denson

W. D. DENSON
Lieutenant Colonel, JAGD
Trial Judge Advocate

Q Will you tell us the nature of that business?

A In 1939 I was instructed by the food office to give the camp -- in case of war to furnish food to Camp Dachau. This was done by the food office of the County Farmer's Union of Bavaria.

Q Did you do that?

A I did that as far as I received requests from the duty office.

Q Did you sell cheese in your business?

A Yes.

Q Did you ever have conversation with Filleboeck, relative to cheese?

A Yes.

Q Will you tell us about that?

A It was an order issued at one time that for institutions and concentration camps there was no fat cheese to be furnished. The exact words were "white cheese". In the white type of cheese you have the minimum content of twenty percent fat. By pooling various requests, one was able to receive a requisition which was only concerned with cheese. Therefore, I was able to circumvent this rule of ten percent, and to extract out of my merchandise with about at least three-quarters of it, to furnish cheese with the full fat content.

Q Did Filleboeck ask you to do this for him?

A Yes.

Q Will you state whether or not you and Filleboeck took a chance in violating this regulation?

A Well, we knew that, if no one would find out that, nothing would happen.

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 shooting.

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 And, as a result of that, the camp received cheese with a higher fat content than it would otherwise have received. Is that true?

A Yes.

Defense: No further questions.

CROSS EXAMINATION

Questions by the prosecution:

Q I understand you to say that in 1939, in case of war, that you were directed to furnish food to the concentration camp. Is that correct?

A Yes.

Q On what date did you receive that order?

A The 13th of September 1939. The kind of food was then categorized.

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